



***NANHRI statement on the Global Compact on Safe, orderly Regular Migration at the African Regional Civil Society Consultation in Bamako, Mali, from August 28-29, 2017.***

The Network of African National Human Rights Institutions (NANHRI) is pleased to be part of this consultation forum that is seeking to contribute to the Global Compact on Refugees and the Global Compact on Safe, Orderly Regular Migration.

It is an opportune time when the member states of the United Nations (UN) are looking forward to adopting the commitments in 2018 to guide the protection and promotion of the rights of the migrants and refugees while in transit and in host countries.

Although the two global compacts are not legally binding, the 193 UN members agreed in the New York summit of 2016 to support the implementation of the consensus that will ensure that boundaries and other barriers do not deny any individual their principle human rights as outlined in the Universal Declaration of Human Rights despite their state or stateless status.

Africa has been the playground of human rights abuse for migrants and refugees while in transit, and in host states. The violation of human rights, including trafficking, social, economic and cultural exploitations, xenophobic attacks, racial and gender discrimination among others, are compounded when the migrants are in diaspora.

Working with at least 44 National Human Rights Institutions (NHRIs) in the continent gives NANHRI an overall grasp of the challenges and opportunities in which various actors such as governments, the civil societies organisations (CSOs) can contribute towards an all-inclusive compact commitment applicable in the local and global contexts.

The Network of African National Human Rights Institutions (NANHRI) jointly with the National Human Rights Council of Morocco organized in Niamey on 7 May 2017 a special event of NHRIs on “The role of African NHRIs in the negotiations process leading to the adoption of the Global Compact on Safe, Orderly and Regular Migration”, which underlined the importance of sensitizing and mobilizing African NHRIs and civil society for an active contribution to the negotiations process leading to the adoption of this Global Compact.

The event was attended by eleven African NHRIs, as well as African civil society organizations, representatives of the African Union and migration experts.

On this occasion, the participants shared their experiences and good practices as well as the challenges encountered in the promotion and protection of the rights of migrants. They



highlighted the mandates that they undertake and the role that they can play in this regard, mainly reporting, data collection, harmonization of national legislation with international human rights instruments, complaint handling, mediation, awareness-raising and advocacy for the adoption of institutional and judicial frameworks, as well as policies and national action plans on migration.

Among the recommendations addressed, three focused on NGO :

- inform and sensitize local NGOs about the consultation processes so that they can participate and contribute to the elaboration of the Global Compact on Migration;
- organize national and/or sub-regional workshops on the Global Compact process on migration, involving civil society, parliamentarians, universities, the media and migrant and diaspora communities, in order to develop a national common position on the content and status of the Compact;
- strengthen the capacities of the civil society to be a real force of proposal in the management of the migratory question.

Engaging CSOs not only gives the side of activism in protection and promotion of these rights, but also injects the voice of the migrants in the drafting of the frameworks that will directly impacting them. The multi-sectoral nature of the CSOs gives them an old hand in giving invaluable input of what can work where and what cannot.

In the wake of the realignment of the national and regional development plans to the Sustainable Development Goals - which have more than 80 per cent human rights components – NANHRI submits to this CSOs forum that:

- i) The universal commitments should have a way of transferring the protection of the rights of these people from the human rights defenders in the country of origin to the host state. A consensus linking the human rights defenders will ensure seamless protection and promotion of the rights of the people in respect to the existing international legal frameworks.
- ii) The compact should establish pillars fostering trust among the government agencies, the CSOs, the migrants, justice systems, employers, the business community and other actors. In some cases, government agents are perceived to be perpetrators of the atrocities, while the justice systems are deemed as extensions of the suppressions of the rights through subversion of the local legal frameworks that do not abide by the international obligations of the state. CSOs have a role of contributing migrant-



government bridging inputs that secure the rights of individuals whether they are legal residents in the host country or not.

- iii) There should be establishing fast conflict resolution mechanisms in case the states, CSOs and other actors disagree on the implementation of the compacts. This can be a mechanism allowing for establishment of a temporal body to resolve any disagreements that may arise during implementation and for interests of the migrant to be first.
- iv) In curbing the labour exploitation of the migrant workers, the CSOs in the host country must be allowed to push for the immigrants to have equal rights of joining labour organisations that defend their rights irrespective of their citizenship or legal stay status. Employees in the black job market may threaten migrants with reporting to authorities for deportation. This pushes the migrant workers to contend with poor working conditions and remuneration.  
There must be a mechanism of pushing countries to ratify and implement the International Labour Organisation Convention for protection of everyone without discrimination.
- v) Besides labour rights, access to quality education for the workers and their children should be protected.
- vi) Member states should commit to take punitive actions against xenophobia and racial discrimination related offenders, and work towards gradual promotion of sustainable coexistence and peace-building in the host communities.
- vii) Given that the compacts are not legal binding instruments that require the signatory states to implement without discrimination, CSOs and other alternative voices should be given a leeway to start discourses towards domestic pieces of legislation in their respective areas of jurisdiction. Providing legal frameworks that protect migrants in host states makes legal interventions easy.
- viii) Tightening of borders to curb emerging challenges like terrorism should not be done at the detriment of the migrants and refugees. The two compacts must provide windows that allow for multi-faceted monitoring of these emerging challenges, to avoid suffering of migrants while in transit or while seeking settlement documents upon arrival. Vulnerable people should not suffer because they do not have requisite documents at the expense of security scrutiny.



- ix) There should be established ways of providing job placements while awaiting the situation to improve at home. This would contribute to the economy of the host country while reducing the burden of provision of the basic needs and wants to the migrants and their families. This also cuts predisposing the women, the children, the old, the people living with disability among other vulnerable groups to social, economic, cultural and other forms of exploitation in line with the *New York Declaration*.  
Skilled refugees will not only increase the productivity of the host nation, but also contribute to their countries of origin after going back home.
- x) Harmonization and toning down the penalties in the existing laws in the various countries is key to protecting and promoting the rights of these vulnerable groups. The resulting compact should be allowed to reign supreme in handling refugee and migrants' matters especially along transit points.
- xi) There should be designate state agencies tasked with settlement and streamlining the issuance of settlement documents.

**NANHRI also recommends that:**

- a) Governments engage CSOs in non-combatant dialogues through NHRIs and other formal channels. Through such discussions, the multi-sectorial CSOs will give impactful contributions to the two compacts.  
A part from having a wide coverage in the grassroots, CSOs tend to have more acceptance among the people because of the segmented functions in the economic, cultural, social and political sectors. Their collective input is more representative of the challenges migrants face, therefore, a more responsive and actionable compact would emerge.
- b) Consultations with all stakeholders who will be party to the implementation of the commitments would give better middle grounds that will reduce friction during application. CSOs are key in supporting NHRIs in monitoring and protecting the economic, social, political and cultural rights beyond the state boundaries, including outside the regional mandates of the NHRIs.