

International Conference on Protection of Rights of the Migrant Workers, 12-14 November 2019, Kathmandu, Nepal

Oral Statement

We would like to thank the National Human Rights Commission of Nepal for inviting us to participate in this prestigious *International Conference on the promotion and protection of human rights of the migrant workers*, gathering more than 100 migration experts coming from NHRIs, International Organisations, Governments, CSOs, etc. It goes without saying that ENNHRI, itself a network comprising of more than 40 European NHRIs¹ welcomes and applauds efforts to strengthen bilateral, regional and cross-regional cooperation between NHRIs.

Migration is by definition a cross-border issue; directly affecting the lives of the individuals concerned, i.e. the migrants and their families, as well as the economies and the social fabric of the countries involved. i.e. home countries and destination countries. **Adopting a human rights-based approach to migration** seems a natural choice since human beings are at the centre of this global phenomenon but also constitutes a wise choice in order to ensure that any governmental or inter-governmental policies do not contradict international human rights obligations. Indeed, NHRIs advocate for a HRBA to migration, a concept that has gained support by ILO, IOM and UN (Secretary-General, Office of the High Commissioner for Human Rights a.o.).

NHRIs as state-mandated bodies, independent of government, acting as bridge builders between civil society and the state as well as between the national and international arena, are ideally placed to promote and protect migrants' rights and they do this through training and awareness raising, conducting investigations and inquiries, undertaking monitoring, research and reporting, advising governments and parliaments, and engaging with regional and international human rights systems.

Their role on the protection of migrants' rights is being internationally and regionally recognized. Accredited NHRIs are valuable partners, providing credible information to international mechanisms monitoring the compliance of States with their international human rights obligations. The participation of NHRIs as well as their regional networks and GANHRI **in the implementation and follow-up procedures of the Global Compact for Migration** is expressly recognized.

¹ ENNHRI, the European Network of National Human Rights Institutions, brings together 45 NHRIs across wider Europe. ENNHRI's goal is to enhance the promotion and protection of human rights across the European region. It carries this out through assisting in the establishment and accreditation of NHRIs; coordinating exchange of information and best practice between members; facilitating capacity building and training; engaging with regional mechanisms; and intervening on legal and policy developments at a European level.

At European level, ENNHRI supports the development of European NHRIs by **facilitating their engagement with regional and international mechanisms**. To this end, it has established a close cooperation with organs and institutions from the Council of Europe, the EU and the UN. More specifically, in the field of migration, ENNHRI's Asylum and Migration Working Group² contributed to the work of the Drafting Group on Migration and Human Rights (CDDH-MIG) of the Council of Europe by collating good practices from across Europe on effective alternatives to migrant detention and submitting comments and recommendations on the *Draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration*. In addition, ENNHRI has been following the developments at the level of European Committee on Legal Cooperation (CDCJ) of the Council of Europe with regard to the *Draft European Rules on the Conditions for the Administrative Detention of Migrants*.

ENNHRI also coordinates the exchange of information and good practice between members in order to facilitate peer learning and **to identify trends, common practices and issues for collective actions**. In 2019, European NHRIs have shared information about their recent work on *Migrants' access to economic and social rights*, in particular, regarding access to labour market, the right to adequate housing, the right to health, the right to education and access to social security. Despite being entitled to human rights in an equal basis with others, in practice migrants often face additional obstacles to enjoy their economic and social rights, which ultimately impacts on their ability to live with dignity. By adopting the Global Compacts for Migration and for Refugees, States acknowledged their "obligation to respect, protect and fulfil the human rights of all migrants, regardless of their migration status."³ However, in practice, a person's migratory status, such as being a regular or irregular migrant, an applicant for international protection or a refugee, impacts the ability to realise their economic and social rights. Certain groups face even greater barriers to having their rights realised, such as undocumented migrants, migrants in an irregular situation, stateless migrants and unaccompanied children. A new ENNHRI report, which has just been published, showcases good practices of European NHRIs in advancing economic and social rights of migrants.

Looking into the future, **ENNHRI's thematic priority for 2020 is migration**. ENNHRI's Asylum & Migration Working Group will focus particularly on strengthening NHRIs' work on promoting and protecting *Migrants' rights at borders*. ENNHRI will facilitate the exchange of methodologies for monitoring and further on initiate a collective discussion on regional recommendations, which may link to regional policy and legislative developments. Cooperation among NHRIs and with Civil Society Organisations will be particularly encouraged.

Thank you.

² ENNHRI's Asylum and Migration Working Group (A&M WG) brings together 25 National Human Rights Institutions (NHRIs) from across the Council of Europe Member States. The A&M WG exchanges knowledge and experience in order to strengthen regional and international cooperation in the field of asylum and migration and facilitate European NHRIs' engagement with regional mechanisms on asylum and migration issues.

³ The Global Compact for Safe, Orderly and Regular Migration, A/RES/73/195, par. 11.