

# **NATIONAL HUMAN RIGHTS COMMISSION OF INDIA**

## **TOUR REPORT OF NHRC INDIA DELEGATION LED BY JUSTICE SHRI H.L.DATTU, CHAIRPERSON TO GENEVA TO ATTEND ANNUAL GENERAL ASSEMBLY MEETING/BUREAU MEETING/ANNUAL CONFERENCE OF GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI) FROM 4<sup>th</sup> to 7<sup>th</sup> MARCH, 2019.**

A delegation from National Human Rights Commission led by Justice Shri H.L. Dattu, Chairperson, NHRC comprising of Justice Shri P.C. Ghose, Member and Shri Jaideep Govind, Secretary General, visited Geneva, Switzerland from 4-7<sup>th</sup> March, 2019 to attend the Annual Meeting of Global Alliance of National Human Rights Institutions (GANHRI). During the stay in Geneva, the delegation also attended the Annual Conference organized by GANHRI; the Annual Meeting of Commonwealth Forum of NHRIs (CFNHRI); Regional Meeting of Asia Pacific Forum; and several other side events and meetings. A few Photographs from the events are attached as **Annexure A**.

### **I. GANHRI Bureau Meeting (4.3.2019)**

The Chairperson of GANHRI, Dr. Beate Roudolf, welcomed the Bureau Members and apprised them about the highlights of activities, GANHRI is undertaking. She stated that it was an eventful year as far as NHRIs and GANHRI are concerned and a mixture of success and failures on the human rights front. The role of NHRIs in the context of global compact on migration, particularly, in its implementation by the State parties in order to safeguard the rights of migrants was emphasized. GANHRI continued to strengthen its members' engagement with the UN 2030 Agenda based on the understanding that human rights must guide

the implementation of the Sustainable Development Goals (SDGs) to achieve sustainable solutions as well as just, peaceful and inclusive societies. She stated that her tenure as the chair of GANHRI is coming to an end and thanked every NHRI, OHCHR which act as secretariat of the GANHRI, UNDP and all other partners for extending full cooperation and helping her steer GANHRI in difficult times.

- The term of Justice Shri Dattu, Chairperson, NHRC, as Bureau Member of GANHRI was renewed for another year.
- The Chair of the Finance Committee (Mexico) made a presentation on the general financial health of GANHRI. Members of the Bureau were apprised that the revenue receipts continued to be high in the current year also and the members were exhorted to continue payment of membership fees promptly. The Bureau adopted the Finance Committee Report unanimously. The budget for 2019 as updated was approved by the Bureau.
- Ms Katherina Rose, Representative of GANHRI in Geneva apprised the Bureau about the entire range of activities of the GANHRI for the period March, 2018 to February, 2019. She also gave the details of ongoing Capacity Building Projects for the NHRIs and other initiatives to strengthen the existing NHRIs and establishing new ones where they don't exist in conformity with the Paris Principles.
- The respective Chairpersons of the Working Groups of business on Women's Rights and Working Group on Ageing presented respective reports.
- The Chairperson of the Sub Committee on Accreditation (SCA), Ms Magalia Lafourcade gave a detailed presentation with regard to the Accreditation Processes applied by the Sub-Committee as per

the rules of procedure. It was informed that two sessions of SCA were held in 2018 during which the recommendations were made with regard to accreditation status of several NHRIs around the world.

- The amendment to GANHRI statute was taken up by the Bureau. One of the important amendment was to Article 41(1) to the effect that the accreditation of NHRIs will not be deferred for more than two years. However, it was provided that it can be deferred for more than two years due to “exceptional circumstances”. The NHRC, India suggested that the term “exceptional circumstances” should be defined and illustrated to avoid any incongruity at the time of its application. The other suggestions given by India pertained to Article 16 (2) on review of accreditation status, Article 18(3) on process of immediate suspension of NHRIs in exceptional circumstances, Article 36(1) on Convening of General Assembly on the request of 1/5<sup>th</sup> of the Members and Article 36(2) on Extra-ordinary meeting of General Assembly. In this connection, on the directions of the NHRC Chairperson, Shri Jaideep Govind, Secretary General had a meeting with Dr. Beate Rudolf, Chairperson of GANHRI and he explained the relevance of the Indian suggestions with regard to the proposed amendments. She indicated that the suggestions have been noted in right spirit. However, as decided thereafter, NHRC, India did not press for changes.
- Other items of agenda deliberated in the Bureau meeting are written updates from regional network and partners since the last meeting; Status of the organization and governance - updates on GANHRI Progress Report since the last meeting; oral updates on

the process for the establishment of the working group on disability and written updates from the working groups on Ageing, Business and Human Rights and SDGs; and Challenge by NHRI of Mauritania.

- The Chairperson of GANHRI, Dr. Beate Rudolf introduced Mr. Carlos Alfonso Negret Mosquera (NHRI of Colombia-Americas) for the chair of GANHRI and Mr. Ali Bin Samikh Al Marri (NHRI of Qatar APF) as GANHRI Secretary.

## **II. Asia Pacific Forum Meeting (4.3.2019)**

The meeting was attended by the Chairperson of GANHRI, Chairperson of APF and other Member-NHRI delegations. The report of activities for the year and APF operation plan for 2019-20 was presented and adopted. Shri Jaideep Govind, Secretary General gave an overview of the disability scenario in India and the benefit of having India on the Working Group on Disability. Although NHRC, India had applied for the membership of Working Group on Disability, NHRIs of Philippines and New Zealand were elected from the Asia Pacific Region. The outcomes of the Joint Donor Valuation conducted by Dr. Lone Lindholt was presented alongwith findings, which were discussed in the meeting. It was proposed that the next APF meeting will be held in Korea tentatively from 3-5 September, 2019, when elections will also be held for one position of Member, GANHRI Bureau.

## **III. Knowledge exchange on Good Practices (5.3.2019)**

A half-day session on the topic **“Addressing women’s and girls’ human rights by applying NHRI mandates and conventions under the Paris Principles – NHRI experiences, lessons and practices”** was held on

5.3.2019. The first session was devoted to promotion strategies, second session was devoted to Protection strategies and the third session dealt with cooperation and NHRI organization culture. The Secretary General, NHRC, Shri Jaideep Govind was a Speaker in Session-1 dealing with promotion strategies. NHRC, India's work to improve the status of women and their empowerment women and girls in the country was highlighted. NHRC's activities under the Promotion Strategies including setting up of Core Group of Women, holding of international conferences including on empowerment of women with focus on SDGs; holding of regional conferences on Child Marriages; Complaint Handling through Commission's toll free as well as 24-hour telephone lines were outlined by the Secretary General in his presentation. A copy of the speech by the SG along with Concluding Remarks is enclosed as **Annexure-B.**

The Knowledge exchange programme proved to be an excellent opportunity to maximise networking and exchanges with and among NHRIs, and enhanced opportunities for interactions during panel discussions.

#### **IV. General Assembly of GANHRI (5.3.2019)**

The General Assembly after the customary adoption of Draft Agenda, Adoption of Draft Record of Decision of GANHRI 2018 and Introductory Remarks of the Chairperson took up the other items in the agenda one by one. Mr. Carlos Alfonso Negret Mosquera (NHRI of Colombia-Americas) was elected as new Chairperson of GANHRI and Mr. Ali Bin Samikh Al Marri (NHRI of Qatar APF) as new Secretary of GANHRI. With the renewal of the term of Justice Dattu, Chairperson, NHRC, as

Bureau Member of GANHRI, Mr. Mousa Burayzat, NHRI, Jordan and Rosalind Coucher, NHRI, Australia are the other members of the Bureau from APF. The Regional Networks of NHRIs updated the General Assembly about the work being done by the respective regions. The proposed amendments to the Statutes and Rules of Procedure of the Sub-Committee on Accreditation was discussed at length and adopted. The Finance Committee Report of GANHRI alongwith Auditors' Report was presented by Mr. Luis Raul Gonzalez Perez (NHRI, Mexico), Chairperson of the Finance Committee. GANHRI Annual Report was presented by the Geneva Representative of GANHRI. Other business in the agenda included consideration and report from Working Group on Ageing, Business and Human Rights and Sustainable Development Goals.

The GANHRI's implementation plan for 2019 was discussed and ratified by the General Assembly. Mrs. Magali Lafourcade, Chairperson of Sub-Committee on Accreditation presented the report on behalf of the Sub-Committee.

**(v) Annual Conference (6.3.2019)**

**(Ensuring human rights based and gender-responsive implementation, follow up and review of the Global Compact for Migration: The role of National Human Rights Institutions)**

On 6 March 2019 National Human Rights Institutions (NHRIs) from all regions of the world met in Geneva for the Annual Conference organized by the Global Alliance of National Human Rights Institutions (GANHRI) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). NHRIs from all regions together with international experts, member States and representatives

of civil society discussed the nuances emerging on the migration front and implementation of Global Compact for Migration and the role of NHRIs therein. It was stressed that the NHRIs share the understanding that cross-border migration is, by its very nature, an inherent part of human development and that human rights based and gender responsive governance of this global reality requires international cooperation to enhance the positive impacts of migration for all and to eradicate the violation of the human rights of the migrants. The adoption of the **Global Compact for Safe, Orderly and Regular Migration** by the United Nations member States was welcomed. Shri Jaideep Govind, Secretary General gave NHRC, India's views in writing to the Geneva Representative of GANHRI. These included the points that (a) there should be a clear distinction between regular/legal migration and irregular/illegal migration, (b) the human rights of legal migrants stand on a different footing and should at all costs be protected, and (c) policies need to be devised to discourage Illegal migration as such in the interest of such migrant's own interest. It was assured by the GANHRI Geneva representative that India's comments will be suitably incorporated in the outcome statement. The conference concluded with the adoption of an outcome statement stressing the important roles and responsibilities of NHRIs, GANHRI and regional Networks of NHRIs in implementation of the Global Compact for Migration. (Copy of the draft outcome statement is enclosed as **Annexure-C**).

**(V) Commonwealth Forum of NHRIs' Annual Meeting ( 5<sup>th</sup> March 2019).**

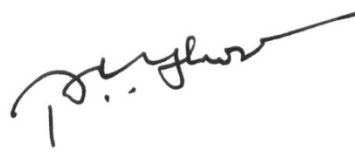
Apart from National Human Rights Commission, India, the member-NHRIs of the Commonwealth – Rwanda, Great Britain,

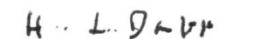
Australia, New Zealand, Uganda, Namibia, Kenya and Northern Ireland among others were present. The meeting discussed in detail the issues of mutual interest such as (a) protection and promotion of Human Rights through UPR and (b) innovation in monitoring the implementation of recommendations from Human Rights mechanisms and SDGs. An update was given by the Northern Ireland NHRI on the theme of on Sports and Human Rights. The meeting also discussed the CFNHRI strategy for 2019-2020. During the meeting the Indian delegation met the representatives of several NHRIs.

**(VII) OHCHR-GANHRI Consultation meeting (7.3.2019)**

During the meeting, there were extensive deliberations among the delegates from GANHRI, NHRIs and OHCHR representatives on the unique role the NHRIs can play for protection and promotion of Human Rights and attainment of Sustainable Development Goals. The delegates shared the best practices and experience to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda. The NHRC India delegates highlighted the work being done by the Commission towards achieving such SDGs through monitoring the work of the government and its Ministries through constant liaison and follow up.

  
(Jaideep Govind)  
Secretary General

  
(Justice P.C. Ghose)  
Member

  
(Justice H.L. Dattu)  
Chairperson

ANNEXURE - A



**Speech for GANHRI Annual Meeting-Knowledge Exchange**  
**to be held on 5 March 2019**

**“Addressing women's and girls' human rights by applying**  
**NHRIs mandate and functions under the Paris Principles: NHRIs**  
**experiences, lessons and practices”**

**Session: Promotion Strategies**

1. It is my pleasure to be present amongst this august audience in the GANHRI Annual Meeting: Knowledge Exchange on **“Addressing women's and girls' human rights by applying NHRIs mandate and functions under the Paris Principles: NHRIs experiences, lessons and practices”**. This is an important opportunity to highlight the role of the NHRIs in promoting women and girls' human rights.

2. I wish to put across that NHRC-India is strongly committed to the protection and promotion of human rights of women and girls due to their vulnerability and, therefore, gives importance to it in its work in all thematic areas. India is also party to the international conventions such as Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) , Convention on the Rights of the Child (UN CRC), etc. which explicitly address the issues and advances human rights of women and girls.

3. In India, as in many other parts of the world, women confront manifold violations of their human rights when – they cannot participate in

the decisions that affect their lives, they face discrimination in employment, they are deprived of health care, they suffer violence within their own home, etc. Similarly, girls, confront manifold violations of their rights; the most blatant being when – they are deprived of their education, forced into early marriages, exploited, abused more often sexually harassed, or simply killed in the womb on the basis of sex-selection, etc. In fact, the intergenerational cycle of multiple deprivation and violence faced by girls are amply clear by the adverse child sex ratio in children under six years of age. These practices and incidents continue to violate their rights and raise the concern that there should be greater promotion of their rights. Acknowledging the fact, the Commission has been using its mandate and powers under the Protection of Human Rights Act, 1993, to promote and realize the rights of women and girls in the country.

4. The NHRC India, has been monitoring human rights situation on the ground to provide valuable insight and advice to the Government about some of the most pressing issues for women and girls.

#### **Role of NHRC-India**

5. As part of its mandate, the NHRC, India on the issue of promotion of rights of the women and children is being involved both directly, through **complaint handling**, and even indirectly, through **raising awareness and sensitizing** various stakeholders, including government, academia and the civil society organisations, **advocating** for the rights of women and girls by acting as reminder of the state obligations towards the human rights issues, **recommending legal reforms**, and **entrusting research** in order to

document the most common forms of violence and their consequences and subsequently recommending it to the policy makers.

#### **A. Complaint Handling**

6. The Commission is getting 344 complaints on daily basis and has been consistently working on expanding its outreach, i.e., making the information and services offered by the NHRC-India easily accessible to the citizens of the country including women. Recently, towards this endeavour, the Commission has launched a Toll free number and has integrated its online complaint filing system with Common Service Centre, CSC Portal. The Commission has involved three hundred thousand Common Service Centres, across the country for lodging human rights complaints so as to make them available to common rural, especially to women. This will be particularly important for women and girls seeking access to justice for human rights violations.

7. A focal point for urgent complaints was set up by the NHRC-India. The focal point can be reached by phone at all times-24 hour a day, 7 days a week and 365 days a year.

8. The NHRC- India regularly visits the remote areas of the country in order to monitor the implementation of government programmes which are designed to provide access to food grains, health care, water and sanitation facilities.

## **B. Awareness**

8. On the awareness front, the Commission organized a ***Regional Conference on Child Marriage on 4-5 January 2018 and subsequently a National Conference on Child Marriage on 29-30 August 2018*** with the objective to raise awareness amongst all the stakeholders, to ensure effective implementation of the existing legislations prohibiting child marriage, to review the challenges that lie in effective enforcement of laws, and finally to arrive at the recommendations for implementation by the state governments so that the menace of child marriage is curbed and ultimately eliminated from the society. These Conferences were attended by Senior State Government officials, National/State Commission for Women, National/State Commission for Protection of Child Rights, police officers, legal experts and representatives of NGOs and CSOs.

9. Further, the NHRC (India) had also organized ***Regional Conferences on Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences Act, 2012***, (on 5-6 September 2017, 10 November 2017 and 18-19 June 2018) at various regions of the country, to review the status of implementation of the said legislations in the States. The major participants in the Conference were the Senior State Government and police officers, Member of Juvenile Justice Board and Child Welfare Committee, officials from Child Care Institutions and senior officials of State Legal Service Authority. Besides, the State Government Officials, State Human Rights Commission, State Commission for Protection of Child Rights and civil society organizations also participated in these conferences. The recommendations emanating

from the Conferences were sent to all the State Governments and to the concerned Union Ministries.

### **International Conference**

10. Furthermore, on the occasion of its Silver Jubilee in October 2018, the NHRC (India) organized an International Human Rights Conclave, wherein one of the three thematic sessions was devoted to the issue of **empowerment of women and protection of children with focus on SDGs**. This event was inaugurated by Hon'ble Vice-President of India and was attended by NHRIs/delegates from various countries.

### **B. Legal and Policy Advice**

11. **On the legal and policy front**, the NHRC (India) has constituted a ***Core Group on Women and another Core Group on Children***. The functions of these Core Groups include (i) advising Commission on issues relating to the rights of women and children respectively (ii) reviewing the existing the government policies, laws, rules, orders, etc, relating to women and children from the perspective of human rights and making suggestions/recommendations for changes or for their better implementation.

12. Recently, the meetings of the Core Group on Women and the Core Group on Children were held in 2018. Some of the key issues discussed during these meetings were- enabling women for decision making roles, sexual and reproductive health rights of women, surrogacy, child sex ratio, protection of children from sexual abuse in child care institutions,

rehabilitation of children rescued from trafficking among others. The recommendations/suggestions emanating from the meeting were sent to the concerned Union Ministries and to the State Governments.

13. The Members of the NHRC (India)'s Core Group include all stakeholders, i.e., domain experts, representatives of Central Government, Police, Research Institutes, and NGOs/Civil Society Organizations. The NHRC (India)'s Core Group has drafted a Standard Operating Procedures (SoP) and also the Guidelines for Combating Trafficking of Persons in India which was released by the Commission in December 2017.

14. Adding to this, the NHRC (India) also organised a ***meeting of experts and concerned officers on the 'One Stop Centres'*** (on 26 September 2017). These are the Centres established by the Government to provide integrated support and assistance to women affected by violence, under one roof. The objective of this meeting was to review the status of implementation of the One Stop Centre Scheme, to assess the existing ground level situation to have inputs from all the stakeholders and sharing of the best practices.

### **Universal Periodic Review**

15. India has undergone three cycles of review under the Universal Periodic Review process of Human Rights Council in the years 2008, 2012 and 2017. After holding extensive consultations with the relevant stakeholders in the Government, State Human Rights Commissions and civil society organizations at regional as well as national levels, the

Commission not only submitted parallel report to the OHCHR but also participated in the plenary of the Human Rights Council and made independent statements. Recently, the Commission also organized a Meeting of Stakeholders on Universal Periodic Review (UPR)- III' to discuss the status of implementation of the recommendations of Universal Periodic Review-III duly accepted by the Government of India. Many of the recommendations accepted by the government of India are related to rights of women. The Commission continues to monitor the implementation of these recommendations.

### **C. Capacity Building and Research**

16. On the capacity building front, the NHRC-India in collaboration with the Asia Pacific Forum had organized a Gender Sensitizing Training programme for its Officers and Staff. The objectives of the training were to expand skills and competencies of NHRC (India) staff to integrate gender analysis within their work and to undertake specialized projects for promoting and protecting women's and girls' human rights.

### **Recently Completed Research Projects:**

17. On promoting research on important human rights issues, the NHRC-India has recently, completed a research study on "**Legal Rights and Challenges of Surrogates from Mumbai and Delhi**" entrusted to the Centre for Social Development, New Delhi. The main objective of the research study was to understand the impact of new law proposed on surrogacy practices in two cities, i.e. New Delhi and Mumbai, and to

explore the challenges and difficulties in seeking justice by surrogate mothers due to violation of their rights. It also aimed to develop best practices in the domain of surrogacy to minimize the exploitation involved in both commercial and altruistic surrogacy. The final report alongwith the recommendations have been sent to the concerned Union Ministry and all the States/UTs.

18. Another research study on “**Country Assessment/National Inquiry on Human Rights in the Context of Sexual and Reproductive Health and Well-being**” commissioned by NHRC (India) aimed to cover the domestic/national laws, policies and existing gaps pertaining to the sexual and reproductive health rights in accordance to the international standards. The final report alongwith the recommendations have been sent to the concerned Union Ministry and all the States/UTs.

### Ongoing Projects

19. Recently, the NHRC India has commissioned more research studies on the issues concerning women such as “*Sexual Harassment faced by Daily-Wage and Low-Wage Female Workers at the Workplace*”, “*Assessment of the impact of the Sexual Harassment of Women at Workplace Act, 2013*”, “*Status & Functioning of Local Complaints Committees under the Sexual Harassment of Women at Workplace Act, 2013*”, “*Effectiveness, Efficiency and Sustainability of the Victim Compensation Scheme*”, *Interrogating Violence against Women* to academic institutions, think tanks and NGOs working in the area of women rights.

## **Conclusion**

**20.** Women and girls are still a marginalized and vulnerable group, and although significant progress has been made in the promotion of women's and girl's rights, the challenges regarding the promotion and protection of their rights are still a concern. Therefore, there remains a strong need for the participation of NHRIs in promotion and protection of rights of the women and girls.

**Thank you.**

**GANHRI ANNUAL MEETING**  
**Knowledge Exchange Meeting**  
**Session 1 - Promotion Strategies.**  
**(5<sup>th</sup> March, 2019)**

**Concluding Remarks**

At the outset, I would like to thank GANHRI for taking the initiative to organize this timely Knowledge Exchange Meeting by bringing together NHRIs from around the world for an open dialogue under one roof to discuss their respective contributions in promotional strategies for women's rights. This has been particularly fruitful in propagating the best practices amongst the NHRIs.

2. We have heard the experiences across critical areas of gender equality and women's empowerment. We can clearly see a common thread of concerns among all those who spoke today as panelists or by raising very pertinent questions and sharing their experiences, from the floor.
3. I can only end by stating that although much has been done, we all need to go a long way from here to protect and promote the women's rights. Through today's Knowledge Exchange, we have learnt important lessons, shared our experiences and best practices in dealing with crucial human rights issues such as Sexual and Reproductive Health Rights, Gender Stereotyping, Trafficking in women and girls, Gender-based violence, Property Rights, Participation of women in decision-making, Child Marriages, Female Genital Mutilation etc. Hopefully, all of us will be able to further explore, how our mandate and functions under the Paris Principles could be better utilized in addressing the key human rights issues of women and girls.

## GANHRI 2019 Annual Conference

Ensuring human rights-based and gender-responsive implementation, follow-up and review of the  
Global Compact for Migration: The role of National Human Rights Institutions

## Outcome Statement

1. National Human Rights Institutions (NHRIs) from all regions of the world convened in Geneva on 6th March 2019 at the Annual Conference of the Global Alliance of National Human Rights Institutions (GANHRI). The Conference "Ensuring human-rights based and gender-responsive implementation of the Global Compact for Migration: The role of National Human Rights Institutions" was organised by GANHRI in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR).
2. More than 250 NHRI representatives, United Nations independent experts, representatives from the UN, member states, civil society, and academia participated in the Conference, and discussed domestic, regional and international challenges to the protection and promotion of human rights of migrants, and the unique role NHRIs play by applying their mandates under the Paris Principles.
3. Participants noted with appreciation that individual NHRIs, Regional Networks and GANHRI robustly engaged with the process leading to the Global Compact for Safe, Orderly and Regular Migration. This engagement was in part due to the important space provided by the General Assembly for robust, multi-stakeholder participation as well as support from the Co-Facilitators and the Secretariat during the two-year process.

NHRIs participating in the GANHRI 2019 Annual Conference adopted the following Statement:

4. We, the Global Alliance of National Human Rights Institutions (GANHRI), bringing together national human rights institutions from all regions, share the **understanding that cross-border migration is, by its very nature, an inherent part of human development** and that human rights-based and gender-responsive governance of this global reality requires international cooperation to enhance the positive impacts of migration for all and to eradicate the violations of the human rights of migrants. We welcome efforts to address the risks and challenges associated with migration, in particular by ensuring appropriate protection is available for migrants in vulnerable situations, and upholding the safety, dignity and human rights of all migrants irrespective of their migration status.
5. We therefore **welcome the adoption by United Nations Member States of the Global Compact for Safe, Orderly and Regular Migration** (hereinafter: Global Compact for Migration) as a result of a global process that brought together a wide range of diverse actors in constructive dialogue and inclusive consultation. The Global Compact for Migration is the **first inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration**. Its adoption and endorsement by the General Assembly signifies its overwhelming support by Member States and their concerted political commitment to govern migration in a holistic, comprehensive and people-centred manner.

6. As National Human Rights Institutions we welcome the explicit recognition that the Global Compact is **based on the cross-cutting and interdependent guiding principles of human rights and gender-responsiveness**, which are applicable to all aspects of its implementation, follow-up and review and with respect to all migrants, regardless of their migration status, across all stages of migration.<sup>1</sup>
7. We further welcome the Global Compact's grounding in the United Nations Charter, the Universal Declaration of Human Rights and the nine core international human rights treaties, as well as the 2030 Agenda for Sustainable Development, the Paris Climate agreement,<sup>2</sup> and the International Labour Organization conventions promoting decent work and labour migration.<sup>3</sup> In this regard, we **call upon all states that have not yet done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Elimination of All Forms of Discrimination against Women, and other international human rights instruments.**
8. We recall that women and girls account for approximately half of the world's migrants and while **migrant women and girls are not inherently vulnerable, nor do they lack resilience and agency**, they often experience multiple and intersecting forms of discrimination and find themselves in situations of particular vulnerability to human rights violations during the course of their migration, including a heightened risk of sexual and gender-based violence, trafficking, and labour exploitation, especially in low-paid and low-skilled informal sectors.
9. We welcome the Global Compact's gender perspective, which views migrant women and girls as agents of change, recognizing their independence, agency and leadership, as well as moving away from addressing migrant women primarily through a lens of victimhood. We **support the promotion of gender equality, and the empowerment of all women and girls in migration**, including the commitments to consider the specific needs and contributions of women migrant workers, especially in domestic work and lower-skilled occupations; to provide migrant women and girls necessary support at all stages of migration such as access to health care, psychological and other counselling services, access to justice and effective remedies; and to eliminating gender-based discriminatory restrictions on formal employment.<sup>4</sup>
10. We recall that migrant children account for approximately 30 million, or one in every eight, international migrants and that **all children should be treated as children first and foremost, regardless of their nationality or migration status.** We reaffirm the Convention on the Rights of the Child, including that migrant children deserve special protection and care, that their best interests should be upheld as the primary consideration in all actions affecting them, and that considerations such as those relating to general migration control cannot override best interests considerations.<sup>5</sup>

<sup>1</sup> See GCM para 15.

<sup>2</sup> See GCM paras 1 and 2 of the Preamble.

<sup>3</sup> The Global Compact lists the following ILO conventions: Migration for Employment Convention (Revised), 1949 (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Equality of Treatment (Social Security) Convention, 1962 (No. 118), and Domestic Workers Convention, 2011 (No. 189).

As NHRIs we would like to add Forced Labour 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

<sup>4</sup> See GCM paras. 22, 23, 25, 26, 33, and 34.

<sup>5</sup> See UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), *Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*

11. We welcome the commitment in the **Global Compact to protect and respect the rights and best interests of the child at all times**, and in particular the commitments to work towards ending child immigration detention by providing alternatives; to expanding regular pathways for admission and stay, including for migrants in vulnerable situations, and for children seeking access to education; to preventing and sanctioning all forms of child labour and exploitation; to establishing specialized procedures for the identification, referral, care, protection and family reunification of migrant children; and to paying particular attention to the rights and needs of unaccompanied or separated children.<sup>6</sup>
12. While noting **insufficiently addressed issues relating to firewalls on access to public services, on decriminalisation of irregular migrants, the right of access to basic services for all migrants and protection of the labour rights of irregular migrant workers**; we emphasize that these issues fall within the obligation of state parties and should be addressed in compliance with their international and regional human rights obligations.
13. Notwithstanding positive political commitments and objectives, we note the **lack of binding goals and urge state parties to address all commitments** in compliance with their existing obligations under national, regional and international human rights instruments and in particular to avoid cherry-picking to the detriment of migrants.
14. We remind states that the human rights-based approach requires that **duty bearers are held accountable through transparent and accessible processes and mechanisms**.

We reiterate that the **follow up and review must be underlined by 1) Coherence, 2) Transparency, 3) Independence & Accountability, 4) Participation & Inclusiveness, 5) Outcome-orientation, 6) Exchange and learning - as basis for the implementation of reviews at all levels**.

15. We call on all states to implement the Global Compact for Migration, by adopting a whole of society approach.

To this end, we urge Member States to **establish concrete national action plans** to ensure the human rights-based and gender-responsive implementation of the Global Compact with all its 23 objectives, ensuring that all migrants particularly the most vulnerable and at risk are protected at all times, and promoting the empowerment of women and girls.

16. We urge states to specifically continue to include National Human Rights Institutions in the modalities for follow-up and review of the Global Compact for Migration, including:
  - That NHRIs and other human rights actors including the Special Procedures of the UN and the regional human rights institutions—IACHR, IACHPR, etc.) are specifically included as stakeholders in the modalities of the International Migration Review Forum.
  - That, during the **first regional review in 2020, and subsequent regional reviews, regional human rights systems<sup>7</sup>, as well as individual NHRIs through their regional networks** in Africa,

*and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration*, 16 November 2017, CMW/C/GC/3-CRC/C/GC/22, para. 33.

<sup>6</sup> See GCM paras. 21, 22, 23, 26, 28, 29, 31 and 32.

<sup>7</sup> Suggest adding FN listing the systems you're referring to, e.g. IACHR, IACHPR, etc., in case people don't know who they are

the Americas, the Asia-Pacific and Europe<sup>8</sup> are specifically invited to host a regional IMRF review and to transmit their recommendations to the IMRF.

- Furthermore, that the review of the Global Compact be linked to outcomes as well as processes of other monitoring mechanisms such as the SDGs, the UN and regional human rights treaty bodies, the UPR as well as ILO conventions.
17. Considering increased incidents of **xenophobia, racism and generalized stigmatization and marginalization of migrant communities** globally, we urge that states pay particular attention and focus on creating an **enabling environment** for the migrants themselves as well human rights defenders generally and more specifically those working on the rights of migrants, particularly the most vulnerable ones such as undocumented and those in low skilled employment.
  18. We also recall the 2010 ICC Edinburgh Declaration on the role of NHRIs in relation to business and human rights, and agree to **hold businesses in their capacity as employers, recruitment agencies, remittance agencies accountable in line with UN Guiding Principles on Business and Human Rights** and welcome the explicit reference to these Principles in the Global Compact
  19. We welcome the commitment by States as stipulated in the Global Compact to significantly increase the availability of **disaggregated data** by income, gender, age, race, ethnicity, migratory status, disability, e.t.c and urged state parties to ensure that prohibited grounds of discrimination be included in such data and to use such data to enhance the rights of migrants and take measures against violations.
  20. We endorse the **continuation of the GANHRI task force migration** for collaboration among, and a global voice of, NHRIs on these matters.
  21. We further welcome the specific recognition of NHRIs and their role for the implementation of the Global Compact and in this regard we commit as follows:

## 22. All NHRIs

- advocate for states' ratification of relevant international human rights instruments protecting the rights of migrants, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Elimination of All Forms of Discrimination against Women ;
- provide human rights-based and gender-responsive advice and technical assistance to States in the development of national migration laws, policies, action plans and indicators, including those developed in the context of furthering the implementation of the Global Compact for Migration;
- work with all stakeholders on strengthening local, national and regional dialogue on the human rights of migrants; and develop strategies to reach and engage migrant women and girls in particular;
- support states in training and building the capacity of all relevant government officials, entities and personnel on respecting, protecting and fulfilling the human rights of migrants, including border guards, police, coast guard, child protection officials, anti-smuggling and anti-trafficking officials, education, health and all other relevant government entities and stakeholders;

<sup>8</sup> Again, suggest adding FN listing these networks

- monitor and report on the human rights of migrants including through NHRI monitoring mechanisms and reports to national parliaments, UN and Regional Treaty Bodies and other international and regional human rights and political accountability mechanisms
- track progress on the implementation of the Global Compact through ongoing NHRI monitoring and reporting mechanisms;
- receive complaints on, conduct inquiries into, and investigate allegations of human rights violations against migrants such as hate crimes, xenophobia and related intolerance; discrimination and inequality in relation to accessing health, education, housing; arbitrary arrest and detention; unlawful return of migrants, including collective expulsion and *refoulement*; and any other violations of migrants' civil, political, economic, social and cultural rights;
- facilitate migrants' access to justice, redress and remedy as appropriate.
- Designate migration focal points within the NHRI, and conduct related research

### **23. GANHRI**

- Provide internal opportunities for members through regional networks for training and exchange knowledge and externally with partners such as OHCHR, UNDP, IOM and ILO
- continue advocacy for the independent participation of Paris Principles compliant NHRIs, and their international and regional coordinating bodies, in the Follow-up and Review through the proposed International Migration Review Forum.
- build on the UNDP-OHCHR-GANHRI Tripartite Strategic Partnership to provide support to NHRIs, regional networks and GANHRI in this regard.

### **24. GANHRI and the four regional networks of NHRIs**

- support members in working on implementing the NHRI specific actions under the GCM (particularly objectives 2, 11, 12, 15, 17), including through cross regional cooperation as appropriate
- support members in countries where increased political and other strife, may endanger and expose migrants to human rights violations and identify appropriate interventions

### **25. The four regional networks of NHRIs**

- assist members to use regional human rights systems and political for a to enhance the rights of migrants including the 4 year regional monitoring of the GCM,

Adopted in Geneva, on 6th March 2019