



European Economic and Social Committee

SOC/615

Global Compact for migration: implementation based on EU values

OPINION

European Economic and Social Committee

**Implementation of the Global Compact for safe, orderly and regular migration
based on EU values**
(own-initiative opinion)

Rapporteur: **José Antonio Moreno Díaz**

Legal basis	Article 32(2)
Section responsible	Section for Employment, Social Affairs and Citizenship
Adopted in section	08/07/2019
Adopted at plenary	25/09/2019
Plenary session No	546
Outcome of vote (for/against/abstentions)	138/3/8

1. **Conclusions and recommendations**

- 1.1 The EESC notes the lack of progress made by the EU in delivering a common migration policy: this undermines solidarity between Member States and, at the same time, affects the proper fulfilment of responsibilities under international law.
- 1.2 The United Nations assumes that a multilateral approach must be taken to managing migration: the United Nations Global Compact¹ for safe, orderly and regular migration includes some priority areas for dialogue and global management in the field of migration.
- 1.3 The Compact is in fully line with Article 2 of the Treaty on European Union, which includes – as its main values – respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.
- 1.4 The EESC notes that the Compact posits migration and asylum as an international and multilateral issue, with the aim of promoting greater collaboration and dialogue between the countries of origin, destination and transit involved in migratory flows, in order to promote orderly, safe and regular migration.
- 1.5 The EESC notes that the Global Compact is a non-binding instrument that does not create new obligations for EU Member States and its content builds fully on the principles and values of the European Union.
- 1.6 The EESC regrets the fact that the Compact has not been approved by all Member States and believes that it would have been an excellent opportunity to make progress on establishing a single EU voice on migration on the global stage. The EESC is therefore of the view that all EU Member States should ratify the Compact, and also recommends that the EU clarify and build on the Compact's objectives using appropriate mechanisms. The EESC believes it would be useful to explore opportunities to participate in the consultations and intergovernmental negotiations leading to the development of the International Migration Review Forum (IMRF) as well as in the forum itself, which will be the UN mechanism for monitoring the Global Compact.
- 1.7 The EESC recognises efforts made by EU citizens, social partners and civil society organisations, who have effectively put EU values, and therefore the objectives of the Compact, into practice through their commitment and activities.
- 1.8 The EESC reiterates its concern that far-right political forces are trying to turn migration into a problem that generates tension and fuels hate speech, creating a more divided, confrontational EU that is not able to provide adequate proposals.

¹ UN Resolution 73/195

2. **Background**

- 2.1 In December 2018, the Global Compact for safe, orderly and regular migration (hereinafter referred to as "Global Compact") was adopted in Marrakesh, Morocco.
- 2.2 The Global Compact is a non-binding agreement that aims to identify key issues relating to migration management, both for countries of origin and transit and destination countries. It also seeks to launch a constructive and practical global debate on the governance of migration.
- 2.3 The Global Compact is the result of two previous initiatives: the first of these is the 2030 Agenda for Sustainable Development, which Member States have endorsed and which includes a shared strategic approach². The second is the New York Declaration for Refugees and Migrants, which sets out the political will of world leaders to save lives, protect human rights and share responsibility for managing migration at global level. It has been approved by the Member States.
- 2.4 The Compact was adopted by 164 countries in Marrakesh on 10 December 2018, and approved by the UN General Assembly on 19 December of the same year, with 152 votes in favour, 12 abstentions and 5 votes against (Czech Republic, Hungary, Israel, Poland and the United States of America).
- 2.5 The work taking place under the auspices of the UN Compact consists of continuing to establish a Global Network on Migration and holding the International Migration Forum every four years, with the first session due to take place in 2022.

3. **The EU legal framework and the EESC's work on migration**

- 3.1 Article 2 TEU stipulates that *"the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail"*.
- 3.2 In March 2018, the European Commission presented a proposal for a decision to the Council on the adoption of the Compact³, considering it to be in line with progress made by the EU in the area of immigration and asylum.
- 3.3 In the proposal for a decision, the Commission notes that the Compact establishes a list of shared objectives on safe, orderly and regular migration and that it does not create any legal obligations under national or international law, nor does it intend to do so.

² [COM\(2016\) 0739 final](#).

³ [COM\(2018\) 167 final](#).

- 3.4 The EESC has always put forward "key ideas" with regard to considering migration as a normal occurrence throughout history and human development, as well as the need to manage migratory flows into the EU in a legal, efficient, orderly and safe way, whether people are migrating for economic reasons or for reasons of international protection.
- 3.5 In this spirit of fostering an open, constructive and multidisciplinary debate, since 2015 the EESC has been developing the European Migration Forum (EMF) as a place where civil society organisations, alongside EU institutions and political players at various levels from EU Member States, meet to discuss migration⁴.
- 3.6 The EESC has also been at the forefront in drawing up opinions on migration, particularly in recent years⁵.
- 3.7 The European Commission, via the 2015 European Agenda on Migration, has sought to improve the regulatory framework both on economic migration and on international protection. It has met with severe opposition from the Council, which has prevented the development of new tools, and has faced particular obstacles from some Member States.
- 3.8 Frustration ensues when taking stock of what has been achieved since 2015 and this should lead to a constructive reflection process, since the only progress made has been in the usual sense of cracking down on irregular immigration, pursuing trafficking networks and sealing borders.

4. **The EESC's position on the provisions of the Global Compact**

- 4.1 The preamble of the Global Compact states that *"refugees and migrants are entitled to the same universal human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times"*.
- 4.2 The Compact recognises that *"respect for the rule of law, due process and access to justice are fundamental to all aspects of migration governance. This means that the State, public and private institutions and entities, as well as persons themselves are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international law"*.
- 4.3 The Global Compact includes 23 objectives for orderly, safe and regular migration and points out on several occasions that all of them must be carried out in accordance with the competences and will of states.
- 4.4 Objective 1: "Collect and utilize accurate and disaggregated data as a basis for evidence-based policies". The EESC emphasises that it is Eurostat's aim to collect data to facilitate

⁴ In 2015, the EMF addressed the management of mixed flows arriving in the Mediterranean, in 2016 labour migration and integration, in 2017 access for migrants in the EU to rights and services and in 2018 integration of migrants into the labour market. In April 2019, the question tackled was how to ensure legal and safe pathways to the EU.

⁵ [OJ C 62, 15.2.2019, p. 184](#); [OJ C 125, 21.4.2017, p. 40](#); [OJ C 75, 10.3.2017, p. 97](#); [OJ C 34, 2.2.2017, p. 144](#); [OJ C 75, 10.3.2017, p. 75](#); [OJ C 264, 20.7.2016, p. 19](#); [OJ C 71, 24.2.2016, p.46](#).

understanding of the reality in Europe and to help compare Member States, with the objective of improving the quality of public action⁶.

- 4.5 2: "Minimize the adverse drivers and structural factors that compel people to leave their country of origin", which links up with the objectives of the 2004 Hague Programme and the 2015 EU Trust Fund for Africa, with regard to which the EU has stressed the need to establish a comprehensive migration policy that covers all stages and addresses the "root causes of migration"⁷ among other issues.
- 4.6 3: "Provide accurate and timely information at all stages of migration". In this regard, the EESC notes the European Commission's work on developing regular migration pathways through pilot projects⁸ and on providing information about, and raising awareness of, the risks of irregular routes⁹, particularly for the most vulnerable migrants.
- 4.7 4: "Ensure that all migrants have proof of legal identity and adequate documentation". The EESC points out that Article 79(2)(a) TFEU provides for the adoption of measures to establish the "standards on the issue by Member States of long-term visas and residence permits", and that access to the Schengen area assumes possession of the required documentation.
- 4.8 5: "Enhance availability and flexibility of pathways for regular migration". With regard to this point, the EESC encourages the Commission to step up development of regular pathways, some of which were mentioned in the last State of the European Union debate¹⁰.
- 4.9 6: "Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work". The EESC has stressed on several occasions, in line with the fundamental International Labour Organization conventions and with the SDGs, the importance of decent work and access to it for foreign workers¹¹.
- 4.10 7: "Address and reduce vulnerabilities in migration". Again, the EESC highlights the guiding principles set out in Article 2 TEU and the objective of the common immigration and asylum policy to reduce the vulnerabilities of migrants, children or those seeking international protection¹².
- 4.11 8: "Save lives and establish coordinated international efforts on missing migrants". The EESC regrets the attitude of some Member States towards rescuing people who are shipwrecked, observes that Member States made a commitment to respecting the international law on rescue at sea and assistance to shipwrecked persons and notes the operations carried out by the EU to

6 [Eurostat - Statistics on migration and the migrant population.](#)

7 [OJ C 53, 3.3.2005, p. 1.](#)

8 [COM\(2017\) 558 final.](#)

9 [COM\(2017\) 558 final.](#)

10 [EC - State of the Union 2018 - Enhancing safe and legal pathways to Europe.](#)

11 For example, the EESC's opinion on "The post-2015 objectives in the Euro-Mediterranean region."

12 [COM\(2015\) 240 final.](#)

this end. In addition, the EESC would like to highlight the work of individuals and organisations who help and save lives, sometimes even in spite of threats and criminalisation imposed by certain EU governments¹³.

- 4.12 9: "Strengthen the transnational response to smuggling of migrants". The EESC highlights that this is an objective of the Facilitation Directive¹⁴ (although it regrets that the derogation for humanitarian aid provided for in the directive has not been sufficiently implemented) and of the EU Action Plan against migrant smuggling.
- 4.13 10: "Prevent, combat and eradicate trafficking in persons in the context of international migration". The EESC notes that this is a priority¹⁵, which also involves EUROPOL and has formed the basis for operations (which could be improved) such as EUNAVFOR MED Operation Sophia.
- 4.14 11: "Manage borders in an integrated, secure and coordinated manner". The EESC points out that this is one of the European Union's main objectives, as stated in Article 67 TFEU.
- 4.15 12: "Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral." The EESC notes that this is one of FRONTEX's tasks, but points out that taking precautionary measures has not always meant a better capacity for political response.
- 4.16 13: "Use migration detention only as a measure of last resort and work towards alternatives". The EESC notes that the directive on returns¹⁶ already states that detention should be linked to a returns procedure, limited to certain circumstances and allow for safeguards such as a judicial review. This directive also states that the detention period may not exceed six months¹⁷.
- 4.17 14: "Enhance consular protection, assistance and cooperation throughout the migration cycle". The EESC considers it necessary to explore the possibilities opened up by the European Parliament's legislative initiative on humanitarian visas¹⁸, which would offer the opportunity to those seeking international protection to apply for a visa at EU embassies or consulates abroad.
- 4.18 15: "Provide access to basic services for migrants". The EESC stresses that, since 1999, the European Union has been working to ensure fair treatment of third country nationals who reside legally in its Member States. The Committee also notes a report by the WHO-Europe¹⁹ which highlighted that there is no public health without refugee and migrant health.

¹³ See [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536490/IPOL_STU\(2016\)536490_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536490/IPOL_STU(2016)536490_EN.pdf) and [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU\(2018\)608838_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU(2018)608838_EN.pdf)

¹⁴ [Council Directive 2002/90/EC of 28.11.2002.](#)

¹⁵ [«The EU's global engagement to counter human smuggling and trafficking networks», March 2019.](#)

¹⁶ [OJ L 348, 24.12.2008, p. 98.](#)

¹⁷ [OJ C 159, 10.5.2019, p. 53](#)

¹⁸ [2018/2271 \(INL\) "Humanitarian visas".](#)

¹⁹ [World Health Organisation - Report on the health of refugees and migrants.](#)

- 4.19 16: "Empower migrants and societies to realize full inclusion and social cohesion". The EESC highlights the importance of social inclusion of migrants in European societies, which has been a priority for the European Union since Tampere. Many key initiatives have been developed in this area, including the 2016 Action Plan on the integration of third-country nationals²⁰.
- 4.20 17: "Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration". The EESC has on many occasions reiterated the importance of combating discrimination in all fields and of promoting action against xenophobia and racism. The work of the EU Agency for Fundamental Rights is key in this area. In this connection²¹, the EESC stresses the need to develop a new narrative that provides European society with a proper impression of migration, through the use of an educational and didactic discourse that eliminates falsehoods and hate speech about migration, while encouraging a new narrative in this regard.
- 4.21 18: "Invest in skills development and facilitate mutual recognition of skills, qualifications and competences". The adoption of the common basic principles on the integration of migrants in 2004 emphasised the importance of employment and education in promoting the integration of foreign persons in the European Union. The recognition of experience, diplomas and skills is key in this respect and the EESC considers it essential that progress be made in terms of including foreign persons in the European Union's recognition and approval procedures, in line with the proposals set out by the European Council on Refugees and Exiles (ECRE) in its 2007 report²².
- 4.22 19: "Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries". In recent years, the European Commission has recognised the role of diasporas as a link between the situation in Europe and that of their countries of origin. For example, diasporas were taken into account in the last call by the Asylum, Migration and Integration Fund (AMIF), particularly as they are credible interlocutors to talk about migrant pathways at the point of origin. The EESC believes that the potential of diasporas can be further explored and greater advantage taken of the shared opportunities created by them²³.
- 4.23 20: "Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants". The EU is working to achieve financial inclusion, both with regard to the financial integration of foreign nationals resident in EU countries and financial strengthening of neighbouring countries²⁴. The EESC considers it imperative that equality in this area continue to be guaranteed for the resident foreign population. The role of remittances should be promoted in order to ensure they have a positive impact, both on their destination and their origin, as pointed out by the European Investment Bank²⁵.

20 [COM\(2016\) 377 final](#).

21 [OJ C 110, 22.3.2019, p. 1](#)

22 See <https://www.ecre.org/wp-content/uploads/2016/07/ECRE-Submission-in-response-to-the-European-Commission-s-Green-Paper-on-the-Future-of-the-CEAS-September-2007.pdf>, [COM\(2007\) 301 final](#). The topic has been already pointed out in [COM\(2016\) 377 final](#)

23 [EU Publications "How West African migrants engage with migration information en-route to Europe"](#).

24 [EU initiative on financial inclusion](#).

25 [Study on improving the efficiency of workers' remittances in Mediterranean countries](#).

- 4.24 21: "Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration". Return and readmission policies are key to the development of the common immigration policy. The EESC would like to point out the need to always ensure that these instruments are developed, as laid down in European legislation, with the utmost respect for both individual and procedural guarantees. In turn, the EESC reiterates the need to facilitate safe and dignified reintegration, as set out in the EU-IOM Joint Initiative for Migrant Protection and Reintegration²⁶.
- 4.25 22: "Establish mechanisms for the portability of social security entitlements and earned benefits". Intensive work has been carried out in this area from an intra-community perspective. The EESC considers it essential to make further progress in areas relating to portability of rights that guarantee safer mobility, and to explore initiatives such as the Multilateral Ibero-American Social Security Agreement²⁷, which involves the Member States of Spain and Portugal.
- 4.26 23: "Strengthen international cooperation and global partnerships for safe, orderly and regular migration". This has been a substantial pillar of European immigration and asylum policy since its inception.

Brussels, 25 September 2019

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²⁶ [EU - IOM joint initiative for migrant protection and reintegration](#).

²⁷ [OISS - Multilateral Ibero-American Social Security Agreement](#) (link in Spanish and Portuguese only).