

Human rights must be at the centre of the implementation of the Global Compact on Migration in Europe

Written contribution from the European Network of National Human Rights Institutions to the Regional Review of the Global Compact on Migration (GCM)

As state-mandated bodies, independent of government, with a broad human rights mandate, National Human Rights Institutions (NHRIs) are a key player in the protection and the promotion of human rights, democracy and the rule of law in Europe.

Migration is a well-established area of work for NHRIs, as a [2018 study](#) shows. NHRIs consider it part of their mandate to advance a human rights-based approach to migration. They do so through monitoring, advocacy, capacity-building, research, advice and, where applicable, handling individual complaints. They work to ensure migrants can enjoy their human rights, from access to health and social security, to access to justice and alternatives to detention. Across all regions, when NHRIs work in this field they often face extra challenges due to increased anti-immigrant sentiment in some countries, public policies that frame migrants as security risks, and the unwillingness of some national authorities to cooperate with and respect the mandate of NHRIs.

In this submission, ENNHRI provides information on the implementation of the GCM in Europe by summarising its main findings and recommendations in the field of asylum and migration, with reference to some key GCM Objectives.

NHRIs' role during the European regional review and national implementation of the GCM:

The New York Declaration as well as the work towards the Global Compacts on Refugees and on Migration have provided momentum for the recognition of NHRIs' work on migration. Under the GCM, partnership with NHRIs is part of the whole-of-society approach for migration governance, and states commit to implement the Global Compact in cooperation with, among others, migrants, civil society organisations, and NHRIs.

After the New York Declaration, the Global Alliance of National Human Rights Institutions (GANHRI) established a task force consisting of NHRIs from each regional network, which participated in the consultations and negotiations [leading up](#) to the Global Compact on Migration.

In March 2019, GANHRI adopted a [Statement](#) on “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”. NHRIs committed to continue working for the realisation of migrants’ human rights through advocacy, capacity-building, research and advice. It is with this background in mind that ENNHRI, the European network of NHRIs, submits its input to the regional review of the GCM.

Scope of this written contribution:

Through ENNHRI’s Asylum and Migration Working Group, European NHRIs work together on a range of issues, such as monitoring, promoting and protecting human rights of migrants [at the borders](#), calling for [alternatives to immigration detention](#), ensuring migrants’ [access to economic and social rights](#), and [communicating](#) about migration.

This contribution focuses on these three areas of work of ENNHRI which are related to the following GCM objectives:

- Objective 11: Manage borders in an integrated, secure and coordinated manner
- Objective 13: Use migration detention only as a measure of last resort and work towards alternatives
- Objective 15: Provide access to basic services for migrants.

GCM Implementation in Europe: NHRIs’ perspective

Most European NHRIs have increased their work in the area of migration, particularly since the rise in the number of arrivals of migrants in Europe during the so-called “refugee crisis” and subsequent actions from states, which led to several human rights concerns outlined below.

While their specific functions vary from country to country, NHRIs [responded](#) to these human rights issues by making use of their diverse tools to promote and protect the rights of migrants, which can include:

- Conducting investigations and official inquiries into human rights violations, including through monitoring crossing points at borders, places of detention, and reception centres;
- Supporting and cooperating with civil society organisations;
- Advising governments and parliaments on human rights and seeking to achieve human-rights compliant legislation, policy and practices affecting migrants’ rights;
- Monitoring states’ compliance with their human rights obligations and providing recommendations;

- Raising awareness about the rights of migrants and building solidarity among migrants and host communities;
- Reporting to and engaging with regional and international human rights systems;
- Providing training to national authorities, such as border authorities, on human rights;
- Providing assistance and information to migrants about their rights;
- Submitting third-party interventions before national and/or regional courts;
- Some NHRIs can receive individual complaints, including from migrants who believe they had their rights violated, and can issue formal conclusions and recommendations to national authorities;
- Some NHRIs can challenge the legality of a provision before Constitutional and/or lower courts, including of legislative provisions which may violate migrants' human rights.

NHRIs' broad human rights mandate and active work in the field of migration makes them informed actors about the level of protection of the human rights of migrants in a country. Therefore, at the national level, they are key actors in ensuring the implementation of the GCM through a human rights-based approach; at the regional level, through their regional networks and GANHRI, they also offer a comparative perspective and help identifying cross-border issues.

Key GCM Objectives:

NHRIs have contributed to a growing body of evidence indicating the existence of widespread violations of migrants' human rights in Europe, in line with concerns raised by civil society organisations and regional and international bodies. They have documented substandard reception conditions, violence and pushbacks at borders, violation of the principle of non-refoulement, the denial or undue obstacles to accessing asylum procedures, widespread use of immigration detention without consideration of alternatives, challenges for migrants' to enjoy their economic and social rights in practice, as well as threats or intimidation faced by independent monitors of human rights. These concerns persist and, in many cases, are exacerbated by regional policy and legislation, including under the EU migration and asylum acquis, which have been insufficient in addressing the need for regional solidarity in the area of migration and placed a heavy burden on countries at both sides of the EU's external borders.

The following sections will provide a short overview of human rights challenges identified by NHRIs as well as recommendations from NHRIs and ENNHRI, in relation to some objectives of the GCM. This is a compilation of previous work, since the short timeframe did not allow for a comprehensive research or dedicated consultation with NHRIs on the GCM implementation.

Objective 11: Manage borders in an integrated, secure and coordinated manner

Through Objective 11 of the GCM, states have committed, inter alia, to implement border management policies that respect the rule of law, obligations under international law, and the human rights of all migrants, regardless of their migration status, and should ensure that legislation, policy and practices are non-discriminatory, gender-responsive and child-sensitive. In achieving this objective, States also agreed to cooperate with National Human Rights Institutions and other relevant stakeholders.

Persisting human rights violations at borders

Among the many human rights violations at the borders, NHRIs have repeatedly [highlighted](#) the mistreatment of migrants crossing or having just crossed the borders by law enforcement officials, particularly throughout the Balkans and Mediterranean border regions. In some border crossings, being subject to violence has become the norm, rather than the exception. NHRIs also confirmed the systematic occurrence of pushbacks, whereby migrants are intercepted and summarily sent back to the country they have just left by police or border guards without the opportunity to access appropriate procedures, such as applying for asylum, raising concerns about their return or other protection measures. Pushbacks occur on land and at sea and not just close to the borders; in some states, NHRIs and other actors have reported migrants being intercepted deep inside the country's territory and subsequently pushed back over the border.

European NHRIs have also documented repeated cases of violations of the principle of non-refoulement, whereby national authorities intercepting migrants at the borders have not individually or sufficiently assessed the circumstances of a migrant's circumstances and have forcibly removed them to a different country, including to countries where they would likely face persecution. NHRIs' findings align with the [investigation](#) carried out by the Parliamentary Assembly of the Council of Europe (PACE) and the indication that pushbacks are a systematic policy in some states, not just isolated incidents of bad practice. Pushbacks also often involve violence and intimidation by state agents, including the use of dog attacks, beatings and the theft and destruction of migrants' possessions. Moreover, pushbacks routinely involve groups of migrants, without an individual assessment prior to their removal, in violation of the protection against collective expulsions under international law, and in blatant disregard of the special circumstances of unaccompanied and separated children, families and other migrants that may find themselves in a particularly vulnerable situation.

Human rights monitoring at borders

In some European countries, NHRIs are [hampered](#) by state authorities when working on migration and borders issues, often in contravention of national legal provisions dictating NHRIs' mandate. This has included, for instance, lack of follow-up on NHRIs' recommendations, refusing access to official documents and data related to concerns about the violation of rights, and discrediting NHRIs' work. NHRIs have also raised concerns about the criminalisation and/or harassment of individuals or civil society organisations that work to protect migrants' rights, even of those providing humanitarian assistance at the borders. In addition, concerns regarding the access of NGOs to reception and detention facilities, the lack of sufficient or quality provision of legal advice and representation, the use of xenophobic rhetoric and smear campaigns against organisations providing assistance to migrants, among others, have impacted on human rights accountability systems in many countries.

The [creation of "new" systems](#) to monitor human rights at Europe's borders is currently the subject of much discussion. However, while Europe needs more transparent, accountable and human rights-compliant governance at its borders, the answer is not to create new mechanisms, but to [strengthen existing ones](#). Also, while the European Border and Coast Guard (Frontex) will likely [reinforce](#) its human rights supervision staff and internal mechanism for addressing serious violations, many have questioned the transparency and accountability of these procedures. This makes the need for independent monitoring at borders ever more pressing.

NHRIs, along with other human rights defenders, [already provide independent oversight](#) of what is happening at the borders, including through ad-hoc visits or collaboration with organisations with a permanent presence on the ground. They provide credible and comprehensive reporting on human rights violations and systemic problems, helping authorities make informed decisions about their border governance. Their [findings](#) also shed light on violations or systemic problems that need to be further investigated, addressed or prevented. As state-mandated bodies acting independently from government with expertise in human rights monitoring, NHRIs are well-placed to conduct this work. Their prominent role in preventing pushbacks at borders has been [acknowledged](#) by the Council of Europe Committee of Ministers, while the European Court of Human Rights often relies on their findings when assessing specific situations.

Example from NHRIs: The Greek NHRI (Greek National Commission for Human Rights) has conducted monitoring visits to examine the living conditions in hotspots and accommodation sites for migrants and refugees across Greece. Similarly, the Georgian NHRI (Public Defender of Georgia) has monitored all border check points in the country, including at the airport. The Armenian NHRI provided training in cooperation with the Armenian Red Cross and the Armenian

Office of the UNHCR on international and national legal standards concerning refugee and asylum applicants. The training was provided to border guards serving at several land border-crossing points, as well as at two airports, where they have responsibility for the treatment of migrants. Similar trainings have been conducted by the NHRIs in Azerbaijan, Georgia, Serbia, Kosovo* and Romania.

*Source: ENNHRI [report](#), *Protecting human rights of migrants at the borders: Evidence and work of European National Human Rights Institutions*.*

EU asylum policies and the borders of Europe

The Commission has [proposed](#) a new set of asylum and migration policy and legislative instruments in September 2020. It includes proposals for faster asylum determination procedures at the borders, including through a pre-entry screening phase, widespread use of border procedures, resort to immigration detention and a stronger focus on speedy returns.

Countries in and outside the EU are affected by EU asylum policies, especially those on both sides of the EU's external borders. As raised in a [joint report](#) by the NHRIs in Germany, Greece, Croatia and Bosnia and Herzegovina, the so-called increasing externalisation of the European migration policy has profound impacts on human rights protection. Some of the findings of that report are:

- The Greek NHRI reports an unsustainable situation in inadequate reception centres on the Greek islands, exacerbated by delays in family reunification and shortage of qualified staff. Access to basic services ranges from limited to non-existent, especially regarding housing, healthcare, psychosocial support, legal aid, interpreting and children's access to education.
- The Croatian NHRI has received reports of police violence against migrants and denial of access to asylum procedures, including through summary expulsion. The NHRI reports having been denied access to data concerning the treatment of irregular migrants by the Croatian Ministry of Interior.
- The Bosnian and Herzegovinian NHRI reports substandard facilities for asylum seekers who are stuck at the border with Croatia or returned from there. These facilities are often provided by public authorities who also lack clear operational procedures and qualified staff. About 20% of migrants are children, 11% of which are unaccompanied minors.

Recommendations from NHRIs

In view of the worrying human rights situation mentioned above, NHRIs have submitted the following recommendations to national and regional actors:

- Access to individual and fair asylum procedures is non-negotiable. Neither security reasons nor the call for a more effective migration control system justify violence, pushbacks or collective expulsion, and the violation of the principle of non-refoulement.
- Reception conditions, including at borders, must comply with international human rights standards. In addition, the conditions must meet the special needs of families and groups that may be in a vulnerable situation, such as children, single women, traumatised persons or people with disabilities.
- Human rights [must remain in force](#) in a time of crisis. Confronted with health emergencies like the COVID-19 pandemic, the rights of migrants cannot be left behind. Overcrowded camps with severely low hygiene standards and limited or non-existent access to health services expose migrants to a high risk of infection and serious diseases.
- Reception centres should be open, and deprivation of liberty must remain a measure of the very last resort. Refraining from this principle must be subject to a strict necessity, legality, and proportionality test in every single case.
- Transparent and independent monitoring at the borders, including by NHRIs, is an essential aspect to ensure human rights monitoring and accountability at the borders. States must reinforce the work of human rights monitors at borders, including by ensuring they are adequately resourced. National authorities must respect their mandate so they can carry out their work effectively, including by granting them access to data, in accordance with domestic and international law. The EU should do all within its powers to support NHRIs and other monitors at borders.
- The EU and its Member States must find a solution for a fair sharing within the EU regarding the distribution of asylum seekers, preventing unsustainable situation at the EU's external borders in detriment of human rights.
- The EU and its Member States should not resort to an increased focus on border procedures, expedited asylum procedures without sufficient guarantees with respect for the right to asylum and access to justice, and deprivation of liberty at borders.

Objective 13: Use migration detention only as a measure of last resort and work towards alternatives

Under Objective 13, states commit to ensure that detention in the context of migration is based on human rights and the rule of law, is as short as possible and is used only as a measure of last resort, thus calling for non-custodial alternatives to be explored first. States also agreed to rely on existing human rights mechanisms to improve independent monitoring of migrant detention.

When it comes to immigration detention, several European NHRIs [identify](#) that formally detaining migrants or depriving them of their liberty through other means have become the rule rather

than the exception, particularly at the borders. Migrants are routinely deprived of their liberty at the borders without prior consideration of alternatives, individual assessments, identification of vulnerabilities or consideration of the facilities in which they would be placed.

A main human rights concern for NHRIs has been the detention of migrant children, either unaccompanied or with their families, in places such as closed centres at the airports, border facilities, police stations and transit zones. The practice of detaining children on immigration grounds is in violation of international law, as reiterated by different UN bodies. Individually and through ENNHRI, European NHRIs have repeatedly spoken against the detention of migrant children.

Moreover, many places where migrants are detained along Europe's borders are overcrowded, isolated and below the minimal standards, in violation of the rights of those detained. There are also extensive reports about the lack of individual assessment of the circumstances of particularly vulnerable migrants, such as children and those requiring medical assistance, prior to their detention. In line with NHRIs' findings, some countries have been condemned by the United Nations (UN), the European Court of Human Rights (ECtHR) and other monitoring bodies for conditions in places of detention that amount to inhuman or degrading treatment.

Example from NHRIs: The NHRIs in Croatia, Serbia and Slovenia conducted monitoring visits to police stations to examine the situations of migrants detained there. The Armenian NHRI, which also has the NPM mandate, also regularly monitors places of deprivation of liberty. The Montenegrin NHRI carried out a broad analysis of the treatment of migrants in Montenegro, through its NPM mandate, and recently compiled a report with recommendations to the relevant national authorities. The Portuguese NHRI issued recommendations against immigration detention of children at the airport in Portugal. The Polish NHRI used its NPM mandate to examine the document on "Border Guard Procedures for Dealing with Migrants Requiring Special Treatment" and made recommendations to the Chief Commander of the Border Guard. The NHRI was concerned that procedures could negatively impact on the effective mechanisms to identify victims of torture or other forms of violence.

*Source: ENNHRI [report](#), *Protecting human rights of migrants at the borders: Evidence and work of European National Human Rights Institutions*.*

Recommendations from NHRIs

- States must respect regional and international human rights law and standards in relation to immigration detention. Any detention must be applied in accordance with established principles such as legitimacy, necessity and proportionality, and must be subject to judicial oversight.
- Detention should be used only as a last resort. In particular, detention should not be used as a deterrent measure due to a “risk of absconding”. Detention of asylum seekers and migrants often creates perceptions of criminality which increases their vulnerability.
- Children should never be detained due to their vulnerability. States must pay attention to the needs and specific circumstances of individual and groups that may be in a vulnerable situation, such as women, children or stateless persons.
- Deprivation of liberty through other means than detention cannot be seen as “alternatives to detention”.
- “Electronic monitoring” should not be considered an alternative to detention, since this might constitute a violation of migrants’ right to privacy under international law, particularly where legal safeguards are unclear or insufficient.
- States should collect and share data on alternatives to immigration detention to improve evaluation of the results of alternative detention and to improve accountability.
- Migrants should have access to free, quality legal aid in cases where free legal assistance and representation is necessary to ensure migrants’ enjoyment of their right to an effective remedy, including during the detention and deportation process.
- NHRIs are relevant actors for monitoring and evaluating the effectiveness of alternatives to immigration detention. We call on European States to duly consider the involvement and expertise of NHRIs when establishing, revising or evaluating policies or legislation related to alternatives to immigration detention.

Objective 15: Provide access to basic services for migrants

Through Objective 15, states have committed to ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services. States must also strengthen migrant-inclusive service delivery systems, and any differentiation between nationals and migrants must be based on law, be proportionate and pursue a legitimate aim, in accordance with international human rights law.

European NHRIs have identified widespread challenges for migrants and asylum applicants in accessing basic services, affecting the enjoyment of their human rights, including economic and social rights:

Reception conditions:

Most NHRIs surveyed for an ENNHRI's [report](#) indicate that lack of adequate reception conditions is a major challenge faced by asylum applicants in their countries, despite states' obligation to ensure asylum applicants have an adequate standard of living, such as by ensuring access to housing, food, clothing, health care and education for children. Most NHRIs reported that the reception conditions for migrants in their country were below the standards set under national and/or international law or were of variable quality. Major concerns included reception centres that were old, unhygienic and overcrowded, often lacking in adequate sanitation, leading to mental and physical health issues amongst migrants. Moreover, some centres are isolated, without regular transportation to the city centre, which is considered a barrier to migrants' inclusion in society.

Example from NHRIs: Thousands of refugees and migrants, including unaccompanied children, lived in extremely precarious conditions in the "Calais Jungle" between 2015-2016. They settled in dangerous and unhealthy makeshift shelters, in total destitution. The dismantling of the "jungle" in 2016 further aggravated many of their situations. After several field visits and public statements on the issue, the French NHRI [submitted](#) a third party intervention to the European Court of Human Rights (ECtHR) on the vulnerability of unaccompanied foreign children in Calais, highlighting France's failure to protect them in this context. The intervention further aimed at impacting the national policy regarding treatment of migrants. The ECtHR ruled in the [Khan v. France](#) that France had failed to protect an unaccompanied child, living in the settlements between 2015-2016 without any care from the authorities. The Court considered this failure to constitute a breach of Article 3 of the ECHR and referred to a 2015 [opinion](#) of the French NHRI to support its argumentation.

Source: ENNHRI [report](#), Migrants' access to economic and social rights – Good practices and challenges of National Human Rights Institutions.

Right to adequate housing

In the same report, several NHRIs reported working on the right to adequate housing for migrants. Again, a migrant's status often affects whether they are entitled to housing beyond basic reception conditions, due to issues such as discriminatory practices, disproportionate administrative burdens when accessing the rental market and forced evictions.

Example from NHRIs: The NHRI in Norway reported that migrants face problems due to discriminatory practices in the rental market. The NHRI raised its concerns at the international

level by producing a supplementary report to the UN Human Rights Committee, calling attention to discrimination in the housing and labour markets against people with an immigrant background. The NHRI made recommendations on how the government could improve the situation and repeated these concerns and recommendations in reports to the UN Committee on the Elimination of Racial Discrimination (CERD) and during the Universal Periodic Review of Norway.

Source: ENNHRI [report](#), Migrants' access to economic and social rights – Good practices and challenges of National Human Rights Institutions.

Right to health

Challenges regarding migrants' access to healthcare has also been identified by many European NHRIs. These range from legal provisions impeding access to healthcare depending on a person's migration status to lack of information and lack of trained personnel. Across Europe, NHRIs noted a dependence on non-state actors, such as NGOs, to provide basic healthcare services to migrants, especially to undocumented migrants.

Example from NHRIs:

In Great Britain, the NHRI found that the rules governing eligibility to state healthcare are inconsistently and incorrectly applied by healthcare providers, resulting in refugees and asylum applicants being wrongly refused access to healthcare. Moreover, several policy and legal changes over the last 10 years have affected migrants' access to healthcare in Great Britain. By 2015, both the Welsh and Scottish Governments had introduced regulations to allow free access to healthcare to refused asylum applicants. There are no similar policies in England, and there continues to be confusion and misinformation among migrants about their eligibility for free healthcare. The NHRI made recommendations to the government on the need to provide guidance and training for health service staff to avoid illegal charging for services in England and the need to provide information for asylum applicants on their rights to access healthcare.

The French NHRI has called on the French government to fulfil its obligations with regards to access to health, recalling that civil society is not intended to replace the state health system. This is of particular importance given that human rights defenders across Europe are facing increasing pressure when carrying out their work, particularly on migration, such as reduced funding and the increasing use of legal action to criminalise humanitarian assistance to migrants.

Source: ENNHRI [report](#), Migrants' access to economic and social rights – Good practices and challenges of National Human Rights Institutions.

Access to the labour market

Migrants' possibility to access the labour market is key for their inclusion in the host society and their ability to care for themselves and their families, thereby helping to ensure they can live with dignity. Migration status has a big impact on migrants' access to the labour market. While States retain considerable discretion to regulate on access to the labour market for third country nationals, in the case of asylum applicants and refugees, for instance, the right to work, under specific conditions, is foreseen in national, EU and international law.

However, many NHRIs report that migrants are unable to access the labour market due to overly complicated or costly processes for obtaining work permits, discrimination, or other barriers. Furthermore, migrants, especially those who are undocumented, often face a heightened risk of exploitation in the labour market due to their precarious legal situation. Issues with discrimination, a lack of accessible information, and poor or non-existent integration policies are also major challenges for migrants seeking to work.

Example from NHRIs:

The Dutch NHRI highlighted that migrants face higher risks of exploitation in the workplace, citing a recent report of the EU Agency for Fundamental Rights (FRA), which confirms that migrants in the Netherlands face exploitation, either when they come as workers, or when they are asylum seekers. The NHRI furthermore states that irregularly staying migrants are particularly vulnerable to exploitation, as they are not only dependent on their employers for their earnings but are discouraged from complaining about their circumstances due to the fear of being deported if they contact the national authorities.

In Georgia, the NHRI reported that asylum applicants and persons granted international protection have the right to access employment, as well as education and healthcare. However, the language barrier and a lack of accessible information on available integration programmes is a major obstacle to the enjoyment of these rights.

Source: ENNHRI [report](#), Migrants' access to economic and social rights – Good practices and challenges of National Human Rights Institutions.

Right to education

Several NHRIs reported challenges regarding migrants' access to education. These range from lack of training of teachers to discriminatory attitudes and lack of coordination between authorities.

Example from NHRIs:

During regular visits to Roma settlements, the Serbian NHRI found that many children who had returned from other countries were not included in the educational system of Serbia. They often did not speak Serbian and their parents needed support with documentation. In Serbia, the NHRI has worked proactively on promoting the inclusion of migrant children in the national educational system, including those who cannot speak Serbian. In 2012, the NHRI recommended that the Ministry of Education should increase the number of teaching assistants, whose job it is to help with the inclusion of children from socioeconomically and educationally deprived backgrounds into education. There are now 175 such teaching assistants in the whole country, all of whom can speak the Romani language.

In Estonia, the Chancellor of Justice explains that access to education is guaranteed to migrants in the same way as it is to citizens. Moreover, it reports that the preparedness of the educational system to teach migrant children has improved considerably in recent years. However, some issues remain, such as some migrant children not being allocated a school place due to administrative issues.

Source: ENNHRI [report](#), Migrants' access to economic and social rights – Good practices and challenges of National Human Rights Institutions.

Right to social security

Migrants who are legally staying in European countries may be entitled to receive social security, while irregularly staying migrants are often in a more precarious position. Nonetheless, obstacles, such as complex administrative procedures or language restrictions, make it harder for migrants to receive social security.

Example from NHRIs:

In Luxembourg, the NHRI has called for the urgent establishment of a universal social security coverage for all persons to protect them against poverty, including residents who have lost their social rights and irregular migrants. In its 2018 report, the NHRI issued numerous recommendations regarding social benefits provided for refugees after it found that the amounts were insufficient to protect them from poverty. Moreover, in Luxembourg there is a system of vouchers for private and public services issued by social workers for some immediate needs of asylum applicants. The NHRI criticised this system, as it found that the distribution of the vouchers is ad hoc, varying between different social offices, and does not contribute to migrants' inclusion

or autonomy. Instead, the NHRI recommended introducing a system in which asylum applicants would have their own sufficient resources.

Source: ENNHRI [report](#), Migrants' access to economic and social rights – Good practices and challenges of National Human Rights Institutions.

Recommendations

- Regardless of their migration status, States must comply with their obligations under international human rights law to protect the dignity and rights of persons within their territory and subject to their jurisdiction, including protecting against extreme poverty and destitution, without discrimination.
- States must fulfil all important aspects of a human rights-based reception system, ensuring access to education, the labour market and social participation, as well as privacy and psychological and legal support, in accordance with relevant standards.
- People who may be in a particularly vulnerable position, such as unaccompanied children, older persons, pregnant women, and persons with disabilities, should be provided with reception conditions and access to basic service suited to their needs.

Conclusion: a stronger commitment by European countries and the European Union is needed for implementing the GCM objectives in Europe

The implementation of the GCM in Europe requires a concerted effort and stronger commitment from European countries and the European Union to ensure a human rights-based approach to migration. Evidence from NHRIs' work shows that migrants' human rights continue to be systematically violated in Europe, particularly at national and the EU's external borders.

Despite legal obligations, a [report](#) from ENNHRI shows that migrants in Europe face considerable difficulties to enjoy their economic and social rights in practice. Yet, access to these rights is essential for their inclusion in society, which ultimately benefits both migrants and host countries.

NHRIs reported that an effective way to overcome some of these difficulties is to get broader support and cooperate with different actors, including NGOs, other human rights defenders and international organisations. With the Council of Europe and its regional human rights system, strong fundamental rights protection at the EU level, as well as a strong NHRI network and civil society landscape, Europe has a good foundation to face these challenges and ensure that human rights of all migrants are respected.

For the GCM to become a lived reality in Europe, much more needs to be done to translate the GCM commitments into concrete actions, such as revising migration policy and legislation, respecting the primacy of human rights, and working towards real solidarity and cooperation among European states.

By using their strong standing at the national level, NHRIs are key actors in advising governments on how to ensure that migration policy and legislation is in compliance with human rights obligations. NHRIs formal participation in regional and international mechanisms also helps to ensure that the human rights situation of migrants is addressed. This role should be further recognised in the regional and global reviews of the GCM and the implementation at the national level.

ENNHRI stands ready to work alongside all partners at the international and regional level to discuss how NHRIs can contribute to assessing the implementation of the GCM in Europe and making sure that states are respecting their commitments under the GCM.

About ENNHRI

ENNHRI is the European Network of National Human Rights Institutions. We [bring together](#) over 40 National Human Rights Institutions (NHRIs) to enhance the promotion and protection of human rights in Europe. Our network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.

Our work on asylum and migration

For more information about ENNHRI's work in the field of asylum and migration, you can access our website at ennhri.org/our-work/topics/asylum-and-migration/. Some of our recent publications include:

- ENNHRI publishes the article 'Protecting the rights of migrants during the pandemic: How have NHRIs responded?', available [here](#).
- ENNHRI provides resources on NHRI responses to COVID, available [here](#).
- ENNHRI launches "Complementary Guidance: Monitoring human rights of migrants at borders during the COVID-19 pandemic", available [here](#)
- ENNHRI Statement: "Stronger human rights monitoring at Europe's borders – why NHRIs are part of the solution", available [here](#).
- NHRIs issue statement on the situation at EU external borders and European asylum policy, available [here](#).
- New ENNHRI report highlights the state of rule of law in Europe, available [here](#).
- ENNHRI launches new Guidance for stronger monitoring of migrants' rights at borders, available [here](#).
- ENNHRI contributes to discussion at the European Parliament on violations of human rights of migrants at the borders, available [here](#).
- New paper outlines how European NHRIs promote and protect human rights of migrants at borders, available [here](#).
- New ENNHRI report showcases good practices of European NHRIs in advancing economic and social rights of migrants, available [here](#).
- Good practices and strategies for NHRIs communicating about asylum and migration, available [here](#).
- ENNHRI comments on Council of Europe's draft 'Practical Guidance on Alternatives to Immigration Detention', available [here](#).