

Dear Louise Arbour,

First of all, we would like to thank you for the opportunity of this open dialogue with civil society. Overall, we think that this is an opportunity for a sincere conversation on the absence of the international human rights protection system from the implementation and follow up of the Compact.

Even though the rights perspective is reflected in a cross-cutting manner in the document, its inconsistencies bring into question the real capacity of this perspective to prevail in its implementation. It will be up to the implementation, follow up and review institutional mechanisms to arbitrate the various tensions that remain in the Draft of the Compact between migration control and security, on the one hand, and rights protection, on the other.

The mandates of specialized agencies such as OHCHR, UN Women, UNICEF and ILO, as well as the UN human rights mechanisms such as the Rapporteurship on Migrants and the treaty bodies, guarantee an independence that would be essential for the monitoring of all the actions carried out under the framework of the Compact. However, the formal role of these institutions is limited to their participation in the UN Network, coordinated by IOM, that only has an implementation role. A procedure has also not been established to formally consider written contributions from the agencies when evaluating the implementation of the agreement.

In a general manner, this format ignores the differences between the UN agencies, some of which have an important role precisely in the monitoring and control of public policies, and not their implementation on the ground. Also, it is important to question whether their constitutive autonomy would allow them to function under the coordination of IOM, an organization ruled by its own rules and procedures, that are not framed under the logic of rights protection. Another issue that catches our attention is that, in spite of a focus centered on States, the main UN human rights inter-governmental body, that is, the Human Rights Council, has not been mentioned.

As civil society organizations that have worked for decades with these mechanisms and specialized agencies for the advancement of the rights of migrant persons, especially in our own countries, we are well aware of their potential and also their limits. However, these are mechanisms that we have been working on building for decades and that today more than ever need us to defend them. Even though there is space to improve and strengthen them, there are no other alternatives with greater trajectory, autonomy and institutional strength for a respectful engagement with the rights of migrant persons.

Also, the participation of civil society, migrant organizations and trade unions in the implementation and follow up is vague and imprecise. We wish to insist on the importance of acknowledging our role in the implementation, and in the follow up of the Pact. In these negotiations organizations with experience and trajectory in the UN system have participated, and also organizations for whom this is their first engagement with the system. It is important to create concrete, transparent, accessible and efficient channels for the participation that allow us to continue being a part of this process.

We hope to understand better the UN vision on these issues. In particular, we have the expectation that these absences can be addressed in the final version of the Compact and in the Framing Conference in October. The opening of a space of construction and dialogue with civil society in this conference will be fundamental so that we can contribute with these aims.

Thank you very much.

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