



**Protect**  
The Right to International Protection

***Expert Panel: The Two UN Compacts - Refugees and Migrants: challenges and implementation in Europe***

**13 November 2020 at 18.15-20.00 University of Geneva**

In 2019 the UN concluded two years of stocktaking and negotiation adopting the Marrakesh Compact for Safe, Orderly and Regular Migration (The Marrakesh Compact). The Compact was one of two – the second on refugees – both adopted in December 2019. While the Refugee Compact was fairly uncontroversial, the Marrakesh Compact focused concerns about state sovereignty and migration controls in a number of countries leading to the USA withdrawing from the negotiations and voting against the final version, followed by 6 other states (mainly in Europe). The so call Alt Right ran social media campaigns in Europe but across borders and languages in the run up to the vote castigating the Compact and bringing pressure on state authorities (largely unsuccessfully) to abandon it. The legal nature of the Compact has been much vexed – while it is not a legal instrument, it is a political commitment based on legal considerations. It was placed in the framework of the Sustainable Development Goals, the least legal of UN frameworks, yet is based on the principle of non-regression and upholding human rights generally and specifically for migrants. In this panel we will examine the Marrakesh Compact from the perspective of its added value to existing international norms which also cover migrants, in particular migrant workers. Our hypothesis is that there is added value from the Marrakesh Compact in providing reinforced commitment to existing labour and human rights standards and bringing migration firmly into the scope of other UN instruments.

**Expert Policy Forum**

**Borders and Refugees – Contemporary Challenges**

This Expert Forum will explore contemporary issues faced in the Mediterranean region in light of the commitments of EU states to the two UN Compacts. The debate will include access to the EU territory to seek asylum in particular in light of judicial decisions from the European Court of Human Rights and the Court of Justice of the European Union, the enhanced role of Frontex in border management and the need to protect access to the territory to seek asylum. European states non-refoulement obligations and border responses to Covid-19 will be included. The experts will address the issues in light of the two UN Compacts and their relationship with the 1951 Refugee Convention including the continuing role of UNHCR.

Introduction: **Professor Sandra Lavenex**, University of Geneva

Sandra Lavenex is Professor of European and International Politics at the University of Geneva and Visiting Professor at the College of Europe. Her research focuses on European and international migration policy, EU external relations, and international institutions more broadly. She obtained her PhD from the European University Institute in Florence in 1999 and has since held positions at the Universities of Zurich, Bern, Lucerne and now Geneva. She joined the College of Europe in 2007 and has acted as external advisor for the European Parliament, the European Commission, the Swiss Government and the United Nations High Commissioner for Refugees.



Chair: **Professor Elspeth Guild**, Queen Mary University of London

Elspeth Guild is Jean Monnet Professor ad personam at Queen Mary University of London as well as at the Radboud University Nijmegen, Netherlands. She is also a partner at the London law firm, Kingsley Napley. She is also a visiting Professor at the College of Europe, Bruges. Her interests and expertise lies primarily in the area of EU law, in particular EU Justice and Home Affairs (including immigration, asylum, border controls, criminal law and police and judicial cooperation in criminal matters). She also researches EU privacy and data protection law and the nexus with human rights. She is also co-editor of the European Journal of Migration and Law. She is co-editor of the book series Immigration and Asylum Law and Policy in Europe published by Martinus Nijhoff.

### **Expert Panelists:**

**Judge Katelijne Declerck (immediate past president of IARMJ):** The International Association of Refugee and Migration Judges is a worldwide organisation of judges who adjudicate on issues of refugees and migrants. It seeks to foster the rule of law in the application of international law on refugees and migrants. It is represented in all regions of the world and brings together judges responsible for judicial interpretation of refugee and migrants rights.

**Dr Madeline Garlick: Chief of Section, Protection Policy and Legal Advice UNHCR:** UNHCR is the most important institutional actor in the development of the Global Compact for Refugees and is now supervising the implementation stage. Between the conclusion of the (non-legally binding) Compact and achieving the objectives for refugees, the move from policy to law is particularly important. Dr Garlick is particularly well placed to comment on this aspect from her position which covers both policy and law.

**Catherine Wollard: as Secretary General of the European Council of Refugee and Exiles,** Ms Wollard has engaged with both Compacts on behalf of her organisation – seeking to ensure the best outcomes for refugees and migrants in Europe. As the umbrella organisation of refugee protection organisations across the region she is particularly well placed to discuss the challenges which civil society actors face in ensuring the implementation of a protection privileging reading of the two Compacts.

**Alexander Sorel: Senior Advisor to the Executive Director European Asylum Support Office.**



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## PROTECT (Horizon 2020) Expert Forum

### *'Opportunity or Threat: receiving refugees in Europe and the effects of the Global Compacts on Refugees and Migrants'*

**14 November 2020 at 10.00-13.30**

The Event will be hosted by Professor Elspeth Guild, Queen Mary University of London and Professor Sandra Lavenex, University of Geneva

10.00-10.15 Opening Remarks – **Professor Hakan Sicakkan**, University of Bergen.

10.15-11.30 **Panel 1: Examining Refugee Protection from the Perspective of Social and Economic Rights**

**Chair: Professor Sandra Lavenex**, University of Geneva

**Discussant: Professor Jean-Pierre Cassarino**, "Migration Studies" Chair holder, IMéRA/Aix-Marseille University.

**1: Professor Jens Vedsted-Hansen** (University of Aarhus): Law and the Marrakesh Compact: this presentation by a member of the Council of Europe's European Commission against Racism and Intolerance will examine the place of the Compact in the European regional setting as a way to achieve equality rights for migrants and refugees.

**2: Dr Ryszard Cholewinski** (ILO Beirut): The Global Compact for Safe, Orderly and Regular Migration: What Now with Standards? This presentation will engage with the centrality of equality in work for migrants and refugees in all regional contexts.

**3: Dr Bjarney Fridriksdottir** (University of Duesto Spain): Challenges to the Human Rights Principle of Non- Discrimination in Implementation of the Global Compact for Safe, Orderly and Regular Migration? Building on the previous presentation, here the question of equality of migrants and refugees in Europe will be the focus.

**4: Professor Elspeth Guild** (Queen Mary University of London) The Marrakesh Compact: Between Policy and Law: in this presentation the complex question of the intersection of policy and law will be examined. While the Compact is not legally binding, the question which will be addressed here is how can it assist law making at the national level as an expression of policy making at the international level.

11.30-12.00 **Break**

12.00-13.15 **Panel 2: Procedures and Equality – Preserving non-discrimination: a view from the Institutions**

This panel will look to the fundamental obligations not to discriminate against refugees and migrants through the preservation of equal treatment. It will consider the application of human rights and non-discrimination of refugees and migrants in specific contexts including:



employment, asylum applications, non-refoulement obligations and detention. In so doing, it will examine the obligations in the Marrakesh Compact and how they correlate to existing the human rights of migrants and refugees.

**Chair: Jurgen Bast**, Professor at Justus Liebig Universität Giessen/**Idil Atak**, Ryerson University Toronto, Canada

1. **Pia Oberoi** (OHCHR) is the Advisor on Migration and Human Rights to the United Nations Office of the High Commissioner for Human Rights. In this capacity she has been engaged in the framing of the Marrakesh Compact and follows its implementation.
2. **Adriano Silvestri** (Fundamental Rights Agency) his area of expertise includes international human rights and refugee law as well as EU instruments relating to asylum borders and immigration. From the perspective of the EU's Fundamental Rights Agency, he is well placed to examine the issue of equality as regards refugees and migrants.
3. **Johan Friestedt** (ECRI): the European Commission against Racism and Intolerance has a long history of engaging Council of Europe state to improve their records in countering racism and intolerance. This includes in respect of migrants. On this panel he will outline the importance of standard setting in this field.
4. **Irena Guidikova and Ivana d'Alessandro** (Intercultural Cities Network): implementing the Global Compacts – what are the roles of cities both explicit in the Marrakesh Compact and implicit in the objectives of the Compacts? These questions ewill be addressed by these presenters.

13.15-13.30 **Closing comments from Professor Elspeth Guild**