Global Forum on MIGRATION & DEVELOPMENT
Civil Society

Civil Society Days 2016, 8-9 December, Dhaka, Bangladesh
Report for working session 2.1 Protecting migrants in all crises, in transit and at borders

Session	
Name of rapporteur(s)	Kevin Appleby
Session # and theme	2.1 Protecting migrants in all crises, in transit and at borders
1. Progress: inspiring practices, partnerships and tools	
Describe, as concretely as possible, *up to four* examples identified during the session where progress has been made in the past years in terms of policies, practices or state-civil society partnerships	
1.	OHCHR has already produced principles and guidelines on the HR of migrants in transit and at borders, and is in the process of producing principles and practical guidance on the HR of migrants in vulnerable situations.
2.	A group of UN and CSO partners have formed an Inter-Agency Working Group (IAWG) to End Child Immigration Detention
3.	The NY Declaration contains strong language on respecting the human rights of all migrants, regardless of migration status.
4.	Due to CSO research and reporting, States are more aware of the failure of deterrence policies in stopping or "controlling" irregular migration, and of their negative impact on the rights and protection of people on the move.
2. Four recommendations, with related actions and indicators for change in policies and practices	
Recommendations: Describe, as concretely as possible*, up to four* recommendations where changes are needed in policies and practices—either national, regional or global. Also indicate at whom this recommendation is targeted (e.g., states, civil society actors, international agencies, etc.) **Actions:** for each recommendation, what does civil society need to *do* to get these recommendations heard and implemented, either at national, regional or global level? **Indicator(s)** of change or success: <u>What specific event(s)</u>, <u>or what specific number(s)</u>, e will demonstrate progress or success on this recommendation?	
Recommendation 1 and who targeted to	Migration governance must be primarily needs-, protection-, and human rights-based—<u>not</u> principally based upon an ethic of migration control or enforcement.
Action(s) for this recommendation (up to two maximum).	● Ensure BID of children are foremost in migration policy discussions ● End the use of immigration detention
Indicator(s) of change or success on this recommendation (up to two maximum)	● Availability of identification and referral mechanisms, including mechanisms for identifying migrants in vulnerable situations (e.g. children, families, trafficking victims, etc.) ● Availability of BID assessments and procedures
Recommendation 2 and who targeted to	Ensure access to justice for those who suffer harm, violence, death, or enforced disappearance due to the actions of States to "control" or externalize the "control" of their borders.

Action(s) for this recommendation (up to two maximum).	● Ensure access to justice is featured in relevant Global Compact discussions ● Work to develop and share best practices on justice, truth and reparations
Indicator(s) of change or success on this recommendation (up to two maximum)	● Mechanisms established at the national and regional levels ● Reference to such mechanisms in the Global Compact

Recommendation 3 and who targeted to	States should externalize <u>protection</u> of people on the move—especially for populations in particularly vulnerable situations—rather than border "control" and/or enforcement measures.
Action(s) for this recommendation (up to two maximum).	● Establish protection mechanisms for migrants in crisis, in transit and at borders ● End bilateral or multilateral agreements focused on deterrence or migration "control"
Indicator(s) of change or success on this recommendation (up to two maximum)	● Appropriate language in the Global Compact on protection vs. "control" ● Relevant benchmarks and indicators in the Global Compact on the establishment of protection mechanisms

Recommendation 4 and who targeted to	All countries should take steps now to ensure protection of persons in an irregular migration situation, in order to be better prepared for potential situations of conflict, unrest and natural disasters
Action(s) for this recommendation (up to two maximum).	● Identification and/or permits issued to all foreign nationals with a host country, to ensure safe passage in times of distress ● Data collection and sharing of the numbers of foreign nationals in a host country to ensure proper resources are allocated in times of distress
Indicator(s) of change or success on this recommendation (up to two maximum)	● Number of I.D. issued ● Availability of regularization schemes in host countries

3. Governance mechanisms and the Global Compact for safe, orderly and regular migration	
Did your session suggest anything about (1) global or regional governance mechanisms that need to be improved/changed; and (2) elements that need to be included in the Global Compact for safe, orderly and regular Migration *(or where relevant also the Global Compact on Refugees)*	
1. Governance mechanisms:	Bi-lateral and multi-lateral agreements which seek to externalize border "control" must be scrutinized and instead become agreements for externalizing protection.
2. Global Compact:	Protection, not border "control" or enforcement, should be the central focus of the Global Compact discussions.
4. Implementing related targets of the 2030 Sustainable Development Agenda	
One year after the adoption of the 2030 Agenda, are there any lessons we can already draw from implementing its targets related to your session's theme specifically on the **local/national level**, and what (more) should civil society do?	
1.	Due to the unnecessary and harmful focus on border "control", rather than on facilitating more avenues for safe and regular human mobility, Target 10.7 (facilitate safe, orderly, regular and responsible migration) is neither being actively addressed nor achieved by member States. The

	concerning efforts by some primarily global north States to externalize their border controls is further negatively impacting the ability of neighbouring States to meet Target 10.7.
2.	Due the lack of transnational accountability mechanisms, and inability of migrants to secure access justice across international borders, Target 16.3 (rule of law and equal justice for all) is not being met.

5. Recommendations and actions for women / children

Do any of the recommendations <u>or</u> action steps of your session specifically relate to women or children and how? *[if you have addressed this in the recommendations itself just simply refer to the recommendation no.]*

1. Women:	Pay special attention to the proper identification and protection of victims of trafficking.
2. Children:	Immediately cease all border "control" actions which negatively impact the rights and well-being of children, youth and families, including: - End all child and family immigration detention. - End all deportations of children and families. When a full, fair and impartial Best Interests Determination (BID) process determines that the best place for the child is in a country other than their current location or habitual residence, steps should be taken to facilitate the re-location of the entire family in safety and dignity.

6. Priority messages to convey to governments by the CSD Chair on 10 December

If your session could choose only **two key messages** to be conveyed by the civil society CSD Chair in his report to states on the 10th of December, which would these be? *(feel free to just refer back to any point written out above)*

1.	**Deterrence and migration "control" policies are ineffective and deprive migrants of their fundamental rights.**
2.	**Rather than externalizing deterrence and migration "control", States should externalize better migrant protection.**

7. Inspiring quotes

If you like, please provide one or **two quotes** that you heard during the session that you found inspiring. The sessions follow Chatham House rules, so please either ask for approval to name the speaker/organization <u>or</u> put "anonymous".

"Migration deterrence policies during times of crisis or vulnerability have the equivalent effect of firemen showing up at a burning house and locking the doors."

"States should externalize protection, not deterrence."

8. Other information

Provide here any other information you think relevant