Mid-Term Report: Civil Society Regional Consultations on MICIC
January 2016

Context

At the UN High Level Dialogue on International Migration (UNLD) in 2013, civil society presented its 5 Year, 8 Point Action Plan for Collaboration with Governments[1]. Point 3 of that plan refers explicitly to "**migrants stranded in distress**," including situations of "**war, conflict or disaster**."

Following that commitment, the GCM made engaging in the MICIC initiative one of its priorities as part of its broader Migrants in Crisis program. In collaboration with the MADE (Migration and Development) Network, and with support from the MacArthur Foundation, it is organizing a series of six regional civil society consultations on MICIC through April 2016, in conjunction with, and to complement the MICIC Initiative's state regional consultations. The objectives of these civil society consultations have been to: (i) provide a briefing to civil society leaders about MICIC, (ii) collect and consolidate civil society recommendations from each region, and (iii) develop civil society engagement for MICIC.

To date, parallel civil society regional consultations have been held in: Manila, Philippines (for South, East, and Southeast Asia); Brussels, Belgium (for Eastern Europe and Central Asia); and Dakar, Senegal (for Western and Central Africa). Consultations in Southern and Central America, the Middle East and North Africa, and East and Southern Africa will take place in the coming months. Civil society rapporteurs from each of these have also shared recommendations from these processes in the state consultations.

The following represents a mid-term report on the three concluded consultations to date, as well as summaries of regional specificities from each. (Full reports from each regional civil society consultation can be found at: **www.GCMigration.org/MICIC**.) This report should NOT be considered conclusive as yet, but an indication of emerging trends in the discussions, and as starting points for further deliberations in upcoming consultations. A final consolidated report will be drafted and presented upon completion of all the regional civil society consultations.

Emerging Recommendations to the MICIC Initiative

Emerging from the civil society parallel consultations to date are the following inputs and recommendations for the MICIC Initiative in the development of its principles and guidelines:

Pre-Crisis or "Ordinary Times"

- Consider extending the scope of "country in crisis" in recognition of the vulnerabilities that are inherent in simply being a migrant, which are dangerously exacerbated during crises. In particular, crisis situations in transit should be taken into account (i.e. what happens when migrants in countries in crisis start to move?) Mitigating these vulnerabilities could allow for better and more effective responses in the emergency phase.

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[1] http://hldcivilsociety.org/wp-content/uploads/2013/10/0261-HDL_The-5-year-Action-Plan-GB-web2.pdf

- Encourage all states to *ratify and implement human and labour rights standards*, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), to pre-emptively decrease migrants' vulnerability in times of stability and especially in times of emergency. Articles that refer to specific protections in situations of crisis are particularly noted.

- *Consider the MICIC agenda in the context of developments of other important global agendas*, including the new agreements on climate change and sustainable development, the new framework for disaster risk reduction, the MWC and CRC joint general comment on the rights of children in migration, and the OHCHR guidelines on human rights at borders.

- Call for *meaningful protections for human rights defenders*, particularly in countries that fail to protect the right to organize and freely associate. The capacities of such vital civil society roles are significantly reduced during a crisis if human rights defenders are regularly curtailed.

- *Implement a framework to facilitate regular communication* between government and CSOs and migrant communities. Such a mechanisms would enable civil society to alert governments of impending crises and to collaborate with government on solutions to either pre-empt the crisis or mitigate its effects.

Emergency Phase

- *Involve migrants in the development of emergency response strategies*, facilitating a space for them to act as more than passive recipients of assistance. This will enable both origin and destination countries to better identify migrant-centred humanitarian responses, continuing to anchor response strategies in a human rights framework.

- *Recognize the active role of diaspora* in responding to crises, and consult with them on ways to streamline and improve the support they already offer.

- Urge states to *guarantee firewalls* between immigration enforcement and access to essential services, both in ordinary times and in times of crisis. In particular, protections against involuntary refoulement/deportations should be enacted. The practice of "save lives first, ask questions later" should always apply.

Post-Crisis

- States should undertake *independent multi-stakeholder reviews* of the procedures that were enacted to identify best, promising, and worst practices and to measure the impact of response mechanisms on the human rights of migrants. Recommendations derived from these assessments should be used to feed into contingency planning for future emergencies with a view to reducing migrants' vulnerability in crisis scenarios through rights protection and empowerment.

Regional Specificity & Examples

South, East & South East Asia

Governments must protect the right to organize and freely associate. Recent restrictive monetary and financial regulations in countries of destination (particularly in the GCC) stifle the ability of migrant communities to raise money to support their counterparts when they are in need. Migrants are prevented from

pooling their resources to provide assistance to migrants who become injured or for the repatriation of workers who are injured or the remains of those who die while in countries of destination. In addition, migrants are prevented from forming associations and organizing. The inability to form and strengthen migrant community networks in ordinary times breaks down communication and solidarity within migrant communities that could otherwise be activated in times of crisis.

Governments and emergency response teams must consult migrant communities. The best system to locate migrants in time of crisis is to consult migrants themselves. Migrant community networks, which are highly developed particularly in this region, can be kicked into high gear at any time much more quickly and efficiently than any state-led apparatus, as these networks continue to function even when state facilities are inadequate or fail, and operate irrespective of legal status. However, many Asian migrants are ambivalent about the role of embassies and state officials in providing support and protection in times of crisis. Undocumented migrants are particularly reluctant to approach their embassies or state authorities. As such, the potential for states to collaborate with migrant communities remains weak.

Eastern Europe & Central Asia

MICIC Guidelines should pay special attention to migrants from "frozen conflict" zones, such as Nagorny Karabakh on the border of Armenia and Azerbaijan, South Osetia and Abkhazia, Transnistria, and Crimea. That is, the guidelines should call on states to avoid repatriating or deporting migrants to countries that are in crisis, even if that is the migrant's country of origin.

The MICIC Initiative should adopt an inclusive definition of "migrant" to include all non-citizens, including who are undocumented. This is of particular concern for Eastern Europe and Central Asia, where significant numbers of migrants are technically in irregular or undocumented status, or are altogether stateless. There are many refugees too—many unregistered and unrecognized, and are unable to go back to their country of origin (because of armed conflict, like in Ukraine or inter-ethnic mass fighting, like in the South of Kyrgyzstan or other situations).

The MICIC Initiative should pay special attention to the challenges faced by human rights defenders from this region. Overwhelmingly, human rights defenders can no longer do their work due to threats to their lives or to their families' lives for defending migrants' rights in their countries of origin. Many have themselves become asylum seekers or undocumented migrants in Western Europe.

West & Central Africa

Responses to the *effects of climate change and the emergency situations that occur as a result*, especially in the Sahel countries, should be reflected in the MICIC guidelines. Droughts, food insecurity, flooding, and other disasters are occurring with increasing frequency, forcing population movement without adequate measures for resettlement. Likewise, displacements due to land-grabbing by companies involved in the extractive industry has dire consequences for many populations, and are root causes of migrant crises that should be considered.

Terrorist activities and abuses by Boko Haram and other jihadi groups are also root causes of migrant crises, with people fleeing en masse from Niger, Cameroon, Chad, Nigeria, and Mali. The peace and social stability of these countries are severely undermined and contribute to the numbers of migrants who become caught in crisis situations upon crossing borders.