

Civil Society Days 2015, 12-13 October 2015

Theme 2: Achieving goals for human security and human development for migrants on the move

ACTION PAPER FOR WORKING SESSIONS 2.1¹

Protecting migrants in crises and transit

1. INTRODUCTION TO ISSUE:

Given the ever-growing number of migrants who find themselves trapped in situations of transit and at borders, there is an urgent need for a clearer and more humane response to protect these mixed flows of people on the move. Many of these migrants and refugees and their families are forced to move, fleeing from conflict, violence, persecution, disasters and climate degradation and/or economic despair. Desperate efforts to flee these situations, often engendering mixed migration movements, require us to look at broadening the traditional concept of refugee which does not protect the majority of people on the move who are often caught in humanitarian crises. There is an urgent need to put an end to death, disappearances, and physical abuse en route and at borders. Realistic policies for visas and work permits need to look at urgently and proactively.

2. PAST CIVIL SOCIETY RECOMMENDATIONS FROM THE “5-YEAR 8-POINT ACTION PLAN” AND GFMD 2014 – WHAT HAVE WE ACHIEVED?

5 year 8 Point Plan

Point #3 from the Civil Society 8 point 5 year action plan for follow up, in collaboration with governments, to the 2013 UN HLD on Migration and Development calls for:

“Reliable, multi-actor mechanisms to address the assistance and protection needs of migrants stranded in distress, beginning with those trapped in situations of war, conflict or disaster (natural or man-made) but with the same logic and urgency with respect to migrant victims of violence or trauma in transit. This should include specific attention to egregious gaps in protection and assistance for migrant women who are raped, and the thousands of children that are unaccompanied and abused along the major migration corridors in every region of the world. Benchmarks could include further work and multi-stakeholder capacity building on frameworks developed by agencies with such responsibilities including the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC), and the consolidation of relevant principles and practices under existing refugee, humanitarian and human rights laws.”

¹ This draft Action Paper has been prepared as input for the 2015 GFMD Civil Society Days by the NGO Committee on Migration (CoNGO)

Following up on this, the 2014 GFMD Civil Society Days recommended three courses of action:

- More governments should create and act upon protection frameworks for migrants in transit, in distress and at borders
- The principles and recommendations of the Office for the high Commissioner for Human Rights (OHCHR) on the Human Rights of Migrants at Borders Are increasingly being used as a tool by civil society and states
- Civil society has worked with the international community to develop and implement training for state actors concerned with protecting migrants at borders

The below table is an extract from the draft *Global Movement Report*, a report presenting progress on Civil Society's [5-year 8-point action plan](#)². Through interviews with key civil society actors, a survey completed by more than 330 civil society organisations across the world, and extensive document review, this report aims to reflect the current progress of implementing Civil Society's 5-year action plan. It specifically looks into civil society achievements, and assesses areas where further and strengthened civil society action could be considered. The below table reflects the findings of progress on implementing the 3rd point of the 5 year 8 point plan:

POINT 3: Migrants in transit and crises			
Benchmarks	Verification	+ - ³	Justification
Do multi-actor mechanisms to address the assistance and protection needs of migrants stranded in distress exist?	Interviews	+	Civil society have been working alongside the MICIC initiative which is a state-led process initiated by the Philippines and the United States after a call for action at the HLD in 2013.
Do said initiatives focus attention on migrant victims of violence or trauma in transit	Interviews	-	This has been described as a limitation of the MICIC initiative.
Does a working group currently service serve as liaison between the migrants in crisis group and civil society organizations focusing, on policy and on the ground, on protection of migrants stranded in transit and crisis situations.	Interviews	+/-	A working group on Migrants in Distress is being formed under the auspices of the MADE Network. While not formalised, civil society have been organising around the MICIC initiative.
Inclusion of migrants in crisis in the agenda of RCPs.	Document Review	+/-	Migrants in distress is becoming a topic that is challenging to ignore. It is starting to appear in the agendas of RCPs. For example Labour Migration in a Crisis Context was discussed at the Doha Dialogue.
Is data available on migrant deaths or disappearances at sea, in transit, at borders, in detention and during deportation and other movements?	Document Review	+/-	Data collection on the number of migrant deaths while in transit varies by region, organisation, and definition. While there are NGOs and academic programmes that track migrant deaths in specific regions (like Humane Borders, the Colibrí Center for Human Rights, the Coalición de Derechos Humanos, the Border Crossing Observatory of Monash University, and the Binational Migration Institute at the University of Arizona) there is no universal body or mechanism for tracking missing or dead migrants. IOM, through their Missing Migrants project have started collating data from various sources (IOM, 2015c)

² See: <http://www.madenetwork.org/agenda-change>

³ Green (or +) indicates good progress has been made. Orange (+/-) indicates some progress has been made. Red (-) indicates no substantial progress on this point.

3. THE WAY FORWARD – PRIORITY ACTIONS FOR CIVIL SOCIETY

Over the past years a number of promising initiatives and action have been undertaken by states and civil society on its own. In particular in light of ongoing humanitarian crises in the past months many new initiatives have come into existence. Below a few examples of initiatives are given; the working session will drive at collecting more examples:

- **MICIC⁴:**
The Migrants in Countries in Crisis initiative, led by the US and the Philippines, which aims to develop non-binding, voluntary principles and effective practices for the protection of and assistance to migrants caught in countries hit by acute crises.
- **MICIT:**
The Migrants in Crisis in Transit initiative, led by Civil Society, which advocates for principles and practices to protect and assist migrants in crisis in transit, especially the most vulnerable, including women and children.
- **NGO Practitioner Survey:**
An initiative of the NGO Committee on Migration, the Survey on *Migrants Crisis in Transit* focused on practices, challenges, and recommendations of 39 “on the ground” non-governmental organizations serving migrants in crisis in transit around the world
- **Destination Unknown Campaign⁵:**
An initiative led by Terre des Hommes International Federation and its member organizations, to protect children on the move.

4. EXISTING PRACTICES AND TOOLS ON CIVIL SOCIETY ORGANIZING

- [UNHCR 10 Point Action plan for refugees and mixed populations⁶](#) (2011)
- [UNHCR Central Mediterranean Sea Initiative⁷](#) - 12 point plan to prevent deaths in the Mediterranean (launched May 2014)
- [IOM Migration Crisis Operational Framework⁸](#)
- [OHCHR Recommended Principles and Guidelines on Human Rights at International Borders⁹](#) (launched October 2014)
- [Interagency Minimum Standards for Child Protection in Humanitarian Action¹⁰](#)
- [UNODC International Framework for action to implement smuggling of migrants protocol¹¹](#)

⁴ <http://micicinitiative.iom.int/>

⁵ <http://destination-unknown.org/>

⁶ <http://www.unhcr.org/4742a30b4.html>

⁷ <http://www.unhcr.org/531990199.html>

⁸ https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/MC2355_-_IOM_Migration_Crisis_Operational_Framework.pdf

⁹ http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

¹⁰ <http://cpwg.net/minimum-standards/>

¹¹ <http://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/international-framework-for-action-to-implement-the-smuggling-of-migrants-protocol.html>

5. KEY GOALS AND INDICATORS

The working session will be geared towards assessing the existing goals and benchmarks (see point 2 above). The authors of this Action paper in particular propose to work on these two aspects:

- data disaggregated needed according to migratory status;
- review of visa systems and framework for asylum assistance in order to prevent deaths in transit

6. KEY ACTION STEPS FOR THE IMPLEMENTATION OF GOALS AND INDICATORS:

The working session will be defining actions to recommend to governments and for civil society to take forward. At the global level the authors of this Action paper in particular propose to work on these two actions:

- structured CS participation in policy decisions by the UN, by the GFMD, by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators (IAEG), etc;
- creation of a multi-stakeholder Migrants-in Crisis and Transit (MIC) group, with participation of migrants, including women and youth.

7. Guiding Questions for discussion:

1. What actions are Civil Society organizations around the world taking to create better understanding of the situations of migrants in crisis and in transit? And what actions are needed?
2. What measures can Civil Society take to address the needs and vulnerabilities of migrants in crises and transit situations?
3. What can we do to enlist the support of governments, including local authorities, in respecting the rights and dignity of migrants in transit and in crisis?
4. What specific actions can we take to respond to expressed needs of especially women and children?
