

**2017 GFMD Civil Society Days, 29 June & 1 July**  
**Safe, Orderly, Regular Migration Now: *Mechanics of a Compact worth Agreeing to***

**Reporting template 2017**  
**Civil Society Days working sessions and special sessions**

<b>Session theme:</b>	<b>Working Session 1:</b> Safe, orderly and regular mechanisms for Children on the Move and other Migrants in Vulnerable Situations
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**A. 29 June - RECOMMENDATIONS DAY // Priority Messages to convey to states by the CSD Chairs and CSD rapporteur tomorrow during Common Space** *(add name of corresponding Focus Session).*

1. Which are civil society's "non-negotiables" - redlines and baselines - for this theme?

**Large numbers of migrants are in vulnerable situations as a result of restrictive state practices on migration.** The concept of "migrants in vulnerable situations" is therefore misleading, as it suggests that there are sub-groups of migrants to be singled out as "deserving" of protection, while simultaneously ignoring the structural causes of widespread rights violations. The principal approach to reducing such widespread vulnerabilities, therefore, should be for states to **increase the availability of regular pathways** for migration.

Similarly, there is a danger of combining "women and children" as particular target groups for policies and practices, risks infantilising women and/or missing essential issues for children, particularly given their developing capacities. Such an approach therefore undermines women's autonomy.

It would therefore be useful in this context to highlight the work of the GMG to articulate the **principles and guidance on the protection of the human rights of migrants in vulnerable situations** - these cover many of the issues raised in this group, e.g. around age determination of child migrants, family reunification, non-detention of children, etc. (see below).

- **Border management approaches** have to avoid criminalisation of migrants by following applicable principles, such as OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders.
- **Child detention** must be prohibited.
- **Family reunification** should be promoted, and children enabled to migrate with their families.
- A rights-based approach should be followed which respects children as independent rights holders, enabling them to claim **independent residence status**.
- States should promote **regularisation of migrants**, for which there are many recent and historical examples, which have facilitated improved access to rights and protection, including and particularly the **right to work**. This would facilitate access to necessary **documentation**, thus also avoiding situations of **statelessness**.
- Migrants should be provided with **access to healthcare, education other social services**. Frontline service providers, (including teachers and healthcare professionals) should be trained specifically to be competent in responding to the needs of migrants, incl. migrant children. Migrant children should be integrated into existing structures, rather than creating separate ones.
- **Medical testing** for age determination purposes must be prohibited, and be replaced by multi-disciplinary age assessment procedures.

<ul style="list-style-type: none"> <li>• States should put in place procedures for ensuring the <b>participation of affected</b> groups (especially children), including prior commitments for a follow-up process, as well as transparency through reliable documentation.</li> <li>• <b>Data collection and analysis</b> systems should be designed and implemented to ensure improved protection and service provision to migrants. Such data should be anonymised, disaggregated by gender, age, diversity, and migration status, and be made available to all relevant stakeholders.</li> <li>• <b>Firewalls</b> between immigration enforcement and social services must be maintained.</li> </ul>	
<p>2. What concrete mechanisms (i.e. policies, practices, partnerships...) specific to your theme exist, existed or should be developed to promote safe, orderly and regular migration, and in a scenario of a graduated 12-year timeline of implementation, where could the implementation of the mechanisms mentioned above be placed; after 2, 7 or 12 years (ie shorter, medium or longer-term).</p>	
<p><i>Mechanism</i></p>	<p><i>short, medium, long term?</i></p>
<p><b>Non-Detention:</b> The Inter-American Court of Human Rights (IACtHR) Advisory Opinion-21 (OC-21) concerning the Rights and Guarantees of Children in the Context of Migration and / or in Need International Protection highlights that child rights “should prevail over any consideration of her or his nationality or migratory status” and “States may not resort to the deprivation of liberty of children who are with their parents, or those who are unaccompanied or separated”.</p> <p><b>Participation:</b> Examples of good practices relating to government ensuring child participation including in Costa Rica, where formal youth parliaments have been established, although more needs to be done to include migrant children in these processes.</p> <p><b>Rights-based border management:</b> Trialling pilot projects at borders, e.g. COMESA Freedom of Movement project between South African and Zimbabwe to identify migrants and enable regular border crossings, incl. entry and re-entry.</p> <p><b>Best Interest Determination:</b> Considering the best interest of the child in all decisions is paramount; a best interest determination should be carried out not only for unaccompanied minors, but also for children when they are with their families. What exists in legal context (e.g. in family law decision making) – and transplant these mechanisms into migration administration.</p>	
<p>3. What are the <b>three questions</b> on this theme we want to ask governments in Common Space?</p>	
<p>How will governments ensure the true <b>voluntariness of returns</b>, and how can transparency and accountability in such processes can be ensured?</p> <p>What steps are states prepared to take to <b>promote family unity and reunification</b>, consistent with the principle of the best interest of the child?</p> <p>What more can be done to promote the <b>harmonisation of qualifications</b> across borders, and how could such initiatives be used to <b>open up labour markets for migration</b> across a broader spectrum of skills and sectors.</p>	
<p><b>B. 1 July - COMMITMENT DAY // Civil society commitments towards and beyond the Global Compact for Migration</b></p>	
<p>1. What 2 strategic steps or actions does the group suggest civil society take on this issue in the next 6 months, including towards the Global Compact for Migration; if relevant:</p>	

<ul style="list-style-type: none"> <li>➤ please refer to any relevant mechanisms mentioned in CSD1</li> <li>➤ if possible detail who in civil society will take this action forward</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>First strategic step or action</b> in the next 6 months,</li> </ul>	<ul style="list-style-type: none"> <li>• Summarise &amp; contextualise the <b>goals-targets-indicators approach</b> developed by the initiative on Child Rights in the Compacts for each region, recognising that additional sets of these should be developed to encompass the reality of widespread and institutionally triggered vulnerabilities within and across regions, particularly but not limited to Latin America. In this regard, the recently adopted <b>Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations (A/HRC/34/31)</b> as well as <b>Principles and guidance on the protection of the human rights of migrants in vulnerable situations within large and/or mixed movements, on the basis of existing legal norms (A/HRC/34/CRP.1)</b> would be of particular importance. This framework should also take into account implementation mechanisms that could include CS score cards</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Second strategic step or action in the next 6 months</b></li> </ul>	<ul style="list-style-type: none"> <li>• Contributing to the GCM/GCR process by: <ul style="list-style-type: none"> <li>○ Participation in upcoming Regional Civil Society Consultations (RCSCs) on the GCM</li> <li>○ Formulation of key messages and inputs for the following UN Regional Economic Commissions (RECs) consultations</li> <li>○ Participation in the UN Regional Economic Commissions (RECs) consultations</li> <li>○ Mapping of state positions on key aspects of the Global Compacts, and exchange of these mapping documents between networks in the regions</li> <li>○ Participation in relevant consultations on the Global Compact on Refugees, including UNHCR thematic consultations Geneva (July-Nov) and national consultations on the Comprehensive Refugee Response Framework (CRRF) in pilot countries (Uganda; Tanzania; Ethiopia; Djibouti; Somalia; Honduras; Guatemala; Costa Rica; Mexico), in coordination with network members</li> <li>○ Participation in Asia-Pacific Regional Roundtable on the Compacts (Nov 2017)</li> <li>○ Bilateral advocacy with states throughout the process leading up to the Dec 2017 GCM stocktaking meeting in Guadalajara</li> </ul> </li> </ul> <p>Participation in civil society stocktaking &amp; UN stocktaking meetings in Guadalajara in Dec 2017</p>
<p>2. What 2 longer-term strategic steps or actions does the group suggest civil society take to ensure the implementation of these commitments, including, but not limited to the “implementation phase” of the Global Compact for Migration.</p>	
<ul style="list-style-type: none"> <li>• <b>First strategic step or action</b> in 2018</li> </ul>	<p>Coordinated CS advocacy to facilitate effective bilateral advocacy with states throughout the negotiation process leading up to the Intergovernmental Conference for the adoption of the GCM</p> <p>Coordinated, collaborative campaigning on migrants’ and refugees’ rights, including but not limited to: Destination Unknown Campaign (DUC); Global Campaign to End the Immigration Detention of Children; Caritas-ACT Alliance campaign on Sharing Your Journey; etc.</p>
<ul style="list-style-type: none"> <li>• <b>Second strategic step or action</b> 2018</li> </ul>	<p>Using the combined inputs at the Stocktaking, plan for and engage with the following events / structures in 2018:</p> <ul style="list-style-type: none"> <li>• UN-DESA session</li> <li>• World Social Forum on Migrations (Mexico, May 2018)</li> <li>• Human Rights Council</li> </ul>

- High-Level Political Forum on Sustainable Development (HLPF)
- Existing RCPs and regional fora, including: Colombo Process; Abu Dhabi Dialogue; Inter-American Commission Human Rights (IACHR); Africa Commission on Human and Peoples' Rights (ACHPR); and others
- GFMD (Morocco, Dec 2018)

## 2. 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 or put "anonymous".

- "Human security needs to be more important than border security"
- "Poor families should not have to choose between separation and safety"