

Theme 3: Operationalizing the Protection of Migrants and their Families

Working Session 3.B.:

Protecting Migrants in Dire Humanitarian Situations

Check against final (20.11.2012)

Part 1 – Changes needed	
Changes identified during the session as most urgently needed	
1.	We need to look more at migration consequences of crisis and the underlying vulnerabilities. Migrants suffering have to be incorporated in humanitarian processes and protection systems.
2.	In order to provide protection impartially, there should be no divisive humanitarianism. We need to go beyond a categorical approach in providing protection, which has to be principles and needs driven (as categories can change). One principle clear: all distress person need access to IOs and all IOs should be able to help them.
3.	Beyond ratification of international instruments, the issue is low implementation. We need to create political will to implement the instruments; we also need to make sure that law is not an impediment to humanitarian action. We also have to provide the government with the necessary tools to enforce instruments.
4.	We should address the protection gaps: Use categories to address needs and then be open on gaps and see how we can fill them. One important issue is to realize that there needs to be protection at every stages of the migration process, including in situations of returns.
Part 2 – Tools and mechanism	
Tools and mechanisms discussed during the session, whether existing or needed, that can help in bringing about these changes	
1.	Minimum Standards for Child Protection in Humanitarian Action: improve quality of child protection by making different actors aware that these are the minimum standards and that these should be part of programming of an intervention and guide humanitarian preparedness.
2.	There are mechanisms providing tools and benchmarks: UNHCR 10-Point Plan of Action for Refugee Protection and Mixed Migration; UNODC International Framework for Action to Implement the Smuggling of Migrants Protocol (which is meant to be a practical help for action, giving meaning to the Protocol); Follow the development of the IOM Crisis Migration Framework.
3.	Capacities differ and can be complementary between various stakeholders. Therefore, broad collaboration and effective coordination among all actors should be developed: It is only through close collaboration that protection can be achieved, from technical aspects to legal follow up. This means improving interaction between NGOs and IOs but also with governments. It is important to have efficient information sharing and contingency planning. Such efforts should also include civil society partnerships and networking between sending and receiving countries to monitor situations and protect migrants. Employers also have a responsibility for their workers and can play a role in crisis situations (e.g. help people go home).
Part 3 – Recommendations for Action	
Recommendations put forward by the session for concrete follow-up actions , to be taken by civil society, governments, and other stakeholders	
1.	To address the challenges we need to harmonize policies at regional and international level.
2.	GFMD CSD should develop an agreement or a joint statement on international responsibility and protection
3.	We need to create awareness among potential migrants about crisis situations and the risk they may face and at the same time create attractive economic opportunities for people in countries of origin, especially rural areas (so that they do not need to leave).

4.	Countries of origin, transit and destination have a responsibility to protect and respect the rights of migrants and should be held accountable. States should strengthen protection of migrants in difficult situations (e.g. consular protection should be enhanced and extended to people in distress). CSOs should press governments to release migrants detained and to offer them shelters.
5.	CSOs should build on their strengths and networks and be proactive in suggesting actions and solutions (e.g. open shelters; information center for migrants in distress; provide services such as lawyer advice).
6.	Governments should introduce a HR's dimension in border management: We need tools and mechanisms at border controls which safeguard the human rights of migrants, which imply raising awareness and capacity building for government officials. Civil society can help in this regard (good practice: example of Lebanon).
7.	There should be some support from INGOs to help in the return of dead bodies to their families back home.
Part 4 – Benchmarks	
Benchmarks against which success can be measured in the next years	
1.	Implement pilot joint projects (with governments, IOs and NGOs) building on the Lampedusa model and other initiatives (with all stakeholders bringing their capacities and mandates) and develop and replicate best practices.
2.	Make migrants in crisis a priority for the yearly agendas of Regional Consultative Processes (RCPs) and include all stakeholders in those processes; Integrate these recommendations into the 5 years Action plan of the European Union Humanitarian Consensus.
3.	Call on the UN Special Rapporteur on Migrants to conceptualize a coordinated protection framework for migrants in dire humanitarian situations, including guiding principles.
Part 5 – UN High Level Dialogue	
One priority recommendation and/or benchmark to be taken up by the UN High Level Dialogue on International Migration and Development in 2013	
1.	Create a working group on Stranded Migrants jointly between gov (50%) and 50% (others with strong representations from migrants) to discuss responses to diverse humanitarian situations from a mobility perspective. The Special Rapporteur on Migrants should be associated. It would have status because the HLD is a UN process. This working group would towards the next HLD and could be linked to the GFMD yearly meetings.