

IFRC Policy Brief: **Global Compact on Migration**

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IFRC Position on the Global Compact on Migration

The IFRC welcomes the commitments expressed by UN member states in the New York Declaration for refugees and migrants to respect and protect the safety, dignity and rights of migrants and refugees. We hope now to see the development of a Global Compact on Safe, Regular and Orderly Migration that goes beyond simply repeating these good intentions.

We must ensure that the Compact leads to progress on addressing the unacceptable levels of death, abuse, privation, and indignities currently faced by millions of vulnerable migrants around the world, including through outlining of global minimum standards for treatment of migrants. We also need to build on Resolution 3 of the 31st International Conference of the Red Cross and Red Crescent where State parties specifically guaranteed to ensure National Societies humanitarian access to all migrants.

To achieve this, the Compact should feature commitments from States to:

- 1. Protect migrants and refugees across the full migratory trail from violence, abuse and other violations of their fundamental rights, with time-bound goals on:**
 - Saving lives, including by scaling up search and rescue activities at sea and on land;
 - Implement border control procedures that conform with State's obligations under international law, including ensuring there are no returns to locations where there are substantial grounds to believe they would be in danger of being subjected to violations of certain fundamental rights, in particular torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life or persecution, in violation of the principle of *non-refoulement*;
 - Ensure collection of anonymized sex and gender disaggregated data on these protection violations in order to promote better analysis and develop policy and practice responses that prevent abuses;
 - Preventing traffickers and other criminals from abusing or exploiting migrants and refugees, including through preparation for safer migration and a victim-supportive approach; and

- Preventing hate crimes and sexual and gender based violence against migrants and refugees, including through full enforcement of existing laws, clear public messaging rejecting xenophobia and promoting social cohesion.

2. Guarantee migrants, irrespective of legal status, have effective access to essential basic services, with time-bound goals on:

- Ensuring that all migrants have access to essential basic services, including emergency and maternal health care, as well as shelter, food, psychosocial support, information about their rights and processes, and services that help them to restore family links;
- Addressing barriers to access basic humanitarian services such as gender, disability, age, language, culture, cost and fear of arrest, including through creation of firewalls between public services and immigration enforcement; and
- Supporting and partnering with National Red Cross and Red Crescent Societies and other humanitarian actors to provide services, including through allowing the creation of “safe spaces” or “humanitarian safe points” and ensuring there is no criminalization of humanitarian assistance.
- Ensure collection of anonymized sex and gender disaggregated data on assistance needs and access to services in order to promote better analysis and develop policy and practice responses that facilitate improved access to assistance for all in need.

IFRC's work with vulnerable migrants

The International Red Cross and Red Crescent Movement has significant experience working with governments, host populations and migrants to meet the humanitarian needs of migrants in countries of origin, transit and destination, as well as the communities that support them. National Societies, as auxiliaries to the public authorities in the humanitarian field, stand ready to assist and support states to meet the needs of vulnerable migrants.

Our approach is based on our Fundamental Principles - in particular the principle of humanity – which requires us to bring assistance, without discrimination, to prevent and alleviate human suffering wherever it may be found.

3. Prioritize the rights and needs of vulnerable migrant children, with time-bound goals on:

- Instituting regular vulnerability screenings, whereby all children (including unaccompanied children and those with guardians/adults), and other vulnerable groups are identified for specific assessment and care;
- Undertaking best interest of the child assessments to identify their needs and ensure referral to necessary support services, including safe accommodation options for unaccompanied and separated children;
- Ensuring the availability of adequately trained personnel at borders and in reception centers to provide child-sensitive services, including psychosocial support; and
- Eliminating detention of children solely for reasons related to their migration status and the separation of migrant parents and children.

A principled approach to migrants

There is ample room for principled debate about migration but there can be no doubt about the fundamental principle of humanity. **Regardless of their legal status – as refugees, asylum seekers, migrant workers, migrants affected by disaster or climate change,**

students, undocumented/irregular migrants or many other categories – all migrants are human beings and States must safeguard their safety, dignity and well-being.

The Global Migration Compact cannot succeed in fostering “safe, orderly and regular migration” without also outlining **basic minimum standards of human dignity that must be afforded to all migrants, irrespective of status**, in line with international legal obligations as well as domestic law.

Improving safety and meeting the basic human needs of vulnerable migrants, including irregular migrants, should be central to any conversation about migration and must be included in any finally agreed compact.

This compact must **also inspire action, and set time bound goals for meeting minimum standards.**

1. Safety and protection: The unacceptable dangers facing migrants

Since 2014, more than 20'000 migrants have lost their lives or gone missing. There have already been 1'089 migrant deaths in the Mediterranean in 2017 (IOM figures as of 24 April)¹ and 1'319 deaths recorded worldwide, however these are only the ones we are aware of. Far less information is available about the numbers of people that perish crossing the world's deserts.

Death is not the only unacceptable danger facing vulnerable migrants. On migratory routes around the world, many face coercion, exploitation, extortion, assault, and other abuses as well as extreme deprivation. Many also fall prey to traffickers during the journey. At the same time, those who make it to their destination are often returned to countries where they are likely to face these traumas all over again.

At all stages of their journey, vulnerable migrants regularly face coercion, exploitation and abuse, challenges compounded by inadequate support and access to basic services. The immediate needs of all persons who have been exposed to physical or psychological danger during their journey, whether by land or by sea, and regardless of their migration status, must be met, and persons with specific needs should be identified at the earliest possible time and referred for appropriate services.

In some countries, young migrant children are being imprisoned, detained and/ or separated from their parents. Other countries are not providing protection to those fleeing for their lives, or are agreeing to send migrants back to situations they know to be fundamentally unsafe.

The New York Declaration provides that states “*are determined to save lives*” and that they commit “*to intensifying international cooperation on*

Case Study: risks for migrants along the central Mediterranean route

A study recently published by the British Red Cross, “Humanity at a Crossroads: Migrants’ journeys on the Central Mediterranean Route,” revealed a litany of abuse. “The people we spoke to almost all had a story that included being beaten, abused, exploited and detained or imprisoned,” it notes.

This was particularly true in the numerous lawless areas they encounter, “where militias, armed groups or criminals operate with impunity. Many will be imprisoned at some stage by groups that will hold them for ransom or subject them to forced labor. Some of them will be trafficked into labor or sex work; some will be raped, killed or will simply die due to lack of food, water or medical care. Areas such as Libya’s southern border are so dangerous that governments and aid organizations are absent, powerless to help.”

1. Source: IOM missing migrant project <https://missingmigrants.iom.int/>

the strengthening of search and rescue mechanisms". The Declaration also provides that states "are committed to protecting the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, at all times"².

We must all do more to protect migrants and refugees across migratory trails from violence, abuse and violations of their fundamental rights. We therefore ask governments to establish **time-bound goals** to make this a reality:

a. **Save lives, including by scaling up search and rescue activities at sea and on land.**

In 2016 the Italian Red Cross, in collaboration with the Migrant Offshore Aid Station (MOAS) and supported by IFRC launched a Search and rescue operation in the Mediterranean Sea, saving 4'690 people.³ More can and must be done to prevent unnecessary deaths at sea. This includes strengthening search and rescue operations in the Mediterranean Sea and wherever the risks of deaths at sea are high.

While the attention has focused on migrants disappearing at sea, much more could be done also to save lives in general, considering the many other places where migrants go missing. There are not precise figures regarding migrants' mortality in these settings, but some estimates suggest that the death toll could be even higher than the toll from deaths at sea.

b. **Implement border control procedures that conform with states obligations under international law, including ensuring there are no returns to locations where there are substantial grounds to believe that persons would be in danger of being subjected to violations of certain fundamental rights.**

National procedures at international borders, especially those that might result in denial of access to international protection, including detention or deportation, must include adequate safeguards to protect the dignity and ensure the safety of all migrants, as mandated by international human rights and refugee law in particular.⁴

States must ensure there are no collective expulsions, and must put in place systems to ensure that there are no returns to locations where there are substantial grounds to believe that persons would be in danger of being subjected to violations of certain fundamental rights, in particular persecution, torture, cruel, inhuman or degrading treatment or punishment, or arbitrary deprivation of life, including through individualized assessments.

2. NYD, para. 41.

3. <https://ifrc-europe.github.io/sea-rescue/>

4. This was agreed by States at the 2011 International Conference of the Red Cross and Red Crescent (Resolution 3)

Public officials and front line officers should also be trained to uphold the rights of all persons crossing, or seeking to cross, international borders, in line with international law.

c. Prevent traffickers and other criminals from abusing migrants and refugees.

A comprehensive approach is necessary to prevent and respond to trafficking. This should include a victim-supportive approach that enhances and prioritizes the protection of the concerned persons. It should include efforts to increase the identification of victims and those at risk of being trafficked; the provision of assistance, including health and psychosocial support, the establishment of appropriate and effective referral mechanisms between authorities/agencies involved in anti-trafficking activities and those responsible for granting of international protection. It also requires the development of awareness-raising activities to disseminate information among concerned people to alert them to the different modalities of human trafficking and the associated risks. States should also invest in preparing people to migrate more safely, through – for instance – providing trainings to their immigration staff and their embassy officials, make information and training available to migrants in different languages, etc...

d. Prevent hate crimes and sexual and gender based violence against migrants.

States must clearly and consistently signal that hate crimes and gender-based violence against migrants are unacceptable. This requires full enforcement of existing laws in these areas, access to legal assistance for all migrants regardless of status and strong public messaging rejecting hate speech aimed at dehumanizing migrants, regardless of political views as to whether migration should be encouraged or discouraged.

Promoting a constructive narrative around migration can help to counter discrimination and reduce crimes against migrants. In particular, facilitating meaningful contact between local and migrant communities, to promote better understanding and address the concerns of local communities and promoting a positive and accurate narrative of the situation and common humanity of migrants.

2. Access to services: meeting essential humanitarian needs

It is the experience of many National Red Cross and Red Crescent Societies that migrants have significant challenges in meeting their basic needs and accessing essential services. Irregular migrants, in particular, are often denied access to services or fear to approach service providers due to the possibility of arrest or a lack of information. Difficulties to access essential services may also arise linked with age, gender, disability, language, etc..

Equally troubling are suggestions that the work of non-governmental humanitarian organizations ought to be curtailed, for instance, by banning food distribution to migrant camps or discouraging rescues at sea, on the apparent rationale that some lives may be legitimately

Case Study: Safe points in Italy and Belgium

Italian Red Cross Safe Points aim to provide services that reduce the vulnerability of all migrants in need, particularly those who do not have access to the reception system. Services provided include legal information and advice, information on rights, first aid, basic health care and orientation, psychosocial support, and restoring family links. Additionally, Safe Points provide referrals to other available sources of assistance. For example, information is provided on locations of safe sleeping spaces in municipalities. Migrants are also advised on how to access the public health facilities and referred to professional psychiatric care (where relevant).

A similar programme known as Espace Migrants is run by the Belgian Red Cross, which provides information and orientation services to migrants regardless of their legal status. A centre in Brussels is staffed with a team of 30 trained volunteers who provide services such as orientation, legal and social counselling, and information about the health and education systems, amongst others. Migrants are also referred to NGOs for further support.

sacrificed in the short term in order to reduce a potential “pull factor” that may contribute to risk-taking in the future. This trend of “criminalizing compassion” is dangerous and puts many lives at risk.

The New York Declaration provides that states will take measures “to improve the integration and inclusion” of migrants, “as appropriate, and with particular reference to access to education, health care, justice and language training”. This is essential at all stages of the migratory route. The Declaration also recognizes “the importance of addressing the immediate needs of persons who have been exposed to physical or psychological abuse while in transit and upon their arrival, without discrimination and without regard to legal or migratory status or means of transportation”.⁵

We must work together to **guarantee that migrants, irrespective of legal status, have effective access to essential basic services** and establish time bound goals to make this a reality:

Case Study on access to information: Virtual Volunteer

IFRC, with the support of IBM, has recently developed an information and engagement digital platform to support migrants in times of vulnerability, the Virtual Volunteer (www.virtualvolunteer.org), which allows migrants to find vital, reliable information to stay safe and healthy wherever they are.

a. All migrants have access to essential basic services.

Essential basic services include emergency and maternal health care as well as shelter, food, psychosocial support, information about their rights and processes, and services that help them to restore family links.

b. Address barriers to access to basic humanitarian services such as language, culture, cost and fear of arrest.

There can be formal barriers to access, such as fear of arrest, as well as informal barriers such as language, culture, cost and a lack of awareness of what services exist or how to access them.

It is therefore essential to take measures to inform migrants about their rights and the various processes relating to their arrival and stay in countries of transit and destination, as well as in the context of return and how to access the services they need.

Fear of arrest is a major barrier that prevents migrants from accessing essential services including health services, or reporting crimes against them. It is therefore important to and therefore there need to be implement “firewalls” between immigration enforcement and public services, including health care.

c. Frameworks exist so that National Red Cross and Red Crescent Societies and other humanitarian actors can provide services to migrants irrespective of status.

Relevant laws and procedures need to be in place to enable National Societies and other humanitarian actors, to enjoy effective and safe access to all migrants without discrimination and irrespective of their legal status. In particular States can allow and support the creation of “safe spaces” or “humanitarian safe points”, ensuring there is no criminalization of humanitarian assistance.

Restoring family links: In an environment in which it is all too easy for persons to disappear without a trace, the ability to retain contact with each other is critical to the well-being of migrants and their families. Working together through the Family Links Network, the ICRC and National Societies provide a range of services to restore or maintain contact between family members and to help people find out what happened to missing loved ones. Through the work of the Network, 479’000 people were reconnected with their family members, and 1’000 children were reunited with their family members in 2015.

5. NYD, para. 25. See also para. 28 and 59.

d. **Ensure collection of anonymized sex and gender disaggregated data on assistance needs and access to services.**

Collection of data is essential in order to promote better analysis of both needs and barriers to meeting those needs. This information and analysis can then inform policy and practice responses that facilitate improved access to assistance for all in need.

Prioritize the rights and needs of vulnerable migrant children

Case study: working with child migrants

“After the South Kordofan violence, we initiated several child protection activities to provide a safe space for children to come to address the trauma they had witnessed. We did this through recreation, education and awareness activities. We also worked on identifying and responding to cases of separated and unaccompanied minors, to help reunite them with their families or to find alternative care solutions where reunification was not possible.”

Sudan Red Crescent volunteer

Because of their higher vulnerabilities, migrant children, in particular unaccompanied and separated children, require specific and urgent protection.

The New York Declaration provides that States “will protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status”.⁶ We need to develop time bound goals to ensure that migrant children are protected and receive the assistance they require. Specific goals include:

- a. **Vulnerability screenings are established at all points of entry, whereby all children, including unaccompanied children, and other vulnerable groups are identified for specific assessments and care.**
- b. **Ensuring access to best interest of the child assessments to identify their needs and ensure referral to necessary support services, including safe accommodation options for unaccompanied and separated minors.**
- c. **There are adequately trained personnel at borders and in reception centres to provide child services, including psychosocial support.**
- d. **Detention of children and the separation of migrant parents and children for reasons of their migration status ends.**

For more information

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6. NYD, para. 30.

The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.