

ENSURING A COHERENT, SHARED AND RESPONSIBLE GOVERNANCE OF MIGRATION AND REFUGEE FLOWS

Report and Recommendations of the OSCE PA Ad Hoc Committee on Migration



4 October 2017

ENSURING A COHERENT, SHARED AND RESPONSIBLE GOVERNANCE OF MIGRATION AND REFUGEE FLOWS

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Foreword

Ensuring a Coherent, Shared, Responsible and Secure Governance of Migration

Responding to the refugee and migrant crisis impacting Europe and the Mediterranean region in 2015, the OSCE Parliamentary Assembly established in February 2016 an “Ad Hoc Committee on Migration”. It was given the mandate to deal with this emergency that crosses the borders of the three dimensions of the OSCE: political affairs and security; the economic, social and environmental dimension; as well as human rights.

The Committee worked intensively, carrying out field visits and meeting with all major players in migration issues, working to build a bridge between national parliaments and international organizations. It presented a first set of observations and recommendations in its draft “Resolution on ensuring a coherent, shared and responsible governance of migration and refugee flows”, which was adopted by the OSCE PA in July 2017 and included in the Minsk Declaration.

Moreover, the Committee produced the present report on its activities and analysis, with a clear reference to the values of OSCE and an appeal to the international community to take and share its responsibility for this very sensitive issue, which will influence the political life of many countries for many years to come.

With Decision No. 3/16 of the OSCE Hamburg Ministerial Council (December 2016) and the present report (and related Minsk Resolution), the OSCE is providing a major contribution as a regional organization to the process of drafting the UN global compact on migration.

This report represents only a picture of the state of affairs as of July 2017 in the Mediterranean area (Africa, Middle East, Europe). The situation is developing rapidly, as the most recent events have shown. The Committee intends to pursue its activities, monitoring the question, introducing further resolutions and interacting as much as possible with the governmental side. The European members of the Committee are also interested in sharing experiences with their North American colleagues on migration issues on that continent.

The main goal of our Committee is to ensure that this crucial issue remains high on the agenda, even when the spotlight of the media and political players shifts to other issues. Although refugees and migrants have different legal statuses, all relevant players have the moral duty to improve their treatment and manage this issue in a responsible and secure way.

Finally, the main challenges remain to create the appropriate conditions (in terms of peace, security, the environment, economic development, democracy and human rights) for preventing sudden and uncontrolled migration flows, fighting against all forms of related trafficking, combating political and economic exploitation of this tragedy and addressing the root causes of migration. We must also work to ensure humane conditions for refugees and migrants and promote the integration of those who have been granted asylum.

As members of this Committee, we are ready to do our share. We also appeal to all concerned parliaments, governments and international bodies – but first of all to the OSCE and its participating States – to take concrete and proactive actions with a long term perspective, in order to move beyond the present emergency response mode which is no longer tolerable.

Andorra, 4 October 2017

A handwritten signature in black ink, appearing to read 'Filippo Lombardi', with a stylized flourish at the end.

Filippo Lombardi
Chair of the Ad Hoc Committee on Migration

OSCE PA Ad Hoc Committee on Migration ENSURING A COHERENT, SHARED AND RESPONSIBLE GOVERNANCE OF MIGRATION AND REFUGEE FLOWS

REPORT AND RECOMMENDATIONS

(Copenhagen, 4 October 2017)

I. Introduction

While migration-related issues have traditionally been considered within the mandate of the OSCE PA's economic and environmental dimension ("Second Committee"), the OSCE PA's General Committee on Democracy, Human Rights and Humanitarian Questions ("Third Committee") has also been very active and vocal on the issue of refugee rights, the integration of refugees and migrants as well as a more humane approach to migration.

The unprecedented levels of migration throughout the OSCE region in 2014 and especially in 2015 prompted the Parliamentary Assembly to become increasingly active on this topic, including through a number of field visits to some of the OSCE countries most affected at the time (Turkey, Italy, Czech Republic, Serbia and the Serbian border with the former Yugoslav Republic of Macedonia) in order to acquire first-hand information, raise visibility for the issue and advocate for a swifter and better co-ordinated effort to resolve the crisis.¹

In February 2016, following a proposal by (then) Vice-President Alain Néri (MP, France), the OSCE PA Standing Committee unanimously agreed to establish an Ad Hoc Committee on Migration with the following mandate:

- Serve as a focal point for the OSCE PA's work in the field of migration in all three dimensions of the OSCE: political and security questions; economic issues; and human rights and humanitarian questions; and report back to the President and the Standing Committee;
- Develop policy recommendations aimed at enhancing OSCE work in the field of migration and at improving the treatment of, and prospects for, migrants in OSCE countries;
- Promote discussion within the Assembly on issues related to migration, and promote parliamentary exchanges of best practice in these fields;
- Work closely with the OSCE Secretariat and Institutions as well as with relevant outside actors on issues related to migration to promote the understanding among the members of the Assembly of the importance of the work done in this field.

¹ For more on the activities of the OSCE PA on migration in 2015/2016 as well as a set of detailed recommendations addressed to the OSCE and OSCE participating States, see the thematic report prepared by the Bureau of the General Committee on Democracy, Human Rights and Humanitarian Questions, "Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement" (February 2016), at: <https://www.oscepa.org/documents/all-documents/winter-meetings/2016-vienna-1/reports-1/3159-migration-crisis-in-the-osce-area-3rd-committee-thematic-report-feb-2016/file>.

The Committee currently consists of 23 members from 19 countries. It is chaired by Mr. Filippo Lombardi, Head of the Delegation of Switzerland to the OSCE Parliamentary Assembly, who is assisted by six Vice-Chairs (Annex A).²

The Recommendations set forth in this report are aimed at enhancing the OSCE's work in the field of migration and improving the treatment of, and prospects for, migrants in OSCE countries. They are the result of the investigations and deliberations of the OSCE PA Ad Hoc Committee on Migration between May 2016 and July 2017 and draw primarily on the following four *in situ* visits:

- FRANCE: Calais and Dunkirk/Grande-Synthe (10-11 May 2016)
- ITALY: Catania, Mineo and Pozzallo (7-8 September 2016)
- GREECE: Athens and Lesbos (2-4 May 2017)
- TURKEY: Ankara, Gaziantep, Nizip and Kahramanmaraş (16-18 May 2017)

Extensive discussions also took place in Brussels and Geneva on 15-17 January 2017 with a broad range of EU policy-makers and representatives of international organizations involved in refugee protection and migration management. A full list of the activities undertaken by the Committee as a whole and its interlocutors may be found in Annexes B and C respectively.

A set of Interim Recommendations were discussed by the Committee on 22 February 2017. The final draft of the Report and Recommendations was adopted by the Committee meeting in Minsk on the sidelines of the 26th OSCE PA Annual Session. A resolution on the same topic, ***Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows***, was also debated and adopted, along with a number of amendments and included in the 2017 Minsk Declaration (Annex F).

NOTE ON METHODOLOGY

The Committee's discussions have been open and often intense, reflecting the diversity of opinions throughout the OSCE region concerning migration and refugees. Members expressed the wish to make concrete, implementable, fact-based recommendations seeking to offer possible solutions to the current crisis and to address the many challenges faced directly by a number of frontline states but also indirectly by the broader OSCE community. Given the divisiveness of the topic, the Committee therefore agreed that it would not seek to adopt its Report and Recommendations by consensus. This Report and its Recommendations seek to reflect the position of the majority of the Committee members. Where there are dissenting views, these shall be reflected.

² For the current composition of the Committee, see: <http://oscepa.org/about-osce-pa/parliamentary-committees-groups/other-committees-groups/226-ad-hoc-committee-on-migration>.

II. Background³

Over one million refugees and migrants reached Europe by sea in 2015, mainly to Greece and Italy, and almost 4,000 were feared drowned. According to UNHCR, 84 per cent of those arriving in Europe came from the world's top 10 refugee producing countries. Over 85 per cent of these irregular arrivals via the Mediterranean took place along the 'Eastern route', with the vast majority arriving on several Greek islands.⁴ It was estimated that a further 34,000 had crossed from Turkey into Bulgaria and Greece by land.

2014 had already been a record year, with more than 207,000 persons making the risky sea crossing, mostly from Libya on to Italy and Malta, and more than 3,400 perishing along the way in 2014. However, it was not until the deaths of 800 migrants on 18 April 2015 that the EU took action. On 13 May 2015, the European Commission adopted a European Agenda on Migration. As part of efforts to assist the frontline Member States disproportionately affected by the crisis such as Greece and Italy, a number of 'hotspots' were established in order to identify people in clear need of international protection to be relocated to other EU Member States where their asylum application would be processed. The initial target figure of 40,000 was supplemented by a further 120,000 to be relocated from Greece and Italy within two years.⁵ The Commission also proposed a breakdown per Member State, taking into account population size, total GDP, the number of asylum applications received over the previous five years, as well as the unemployment rate.

The so-called 'Dublin system', which requires that asylum applications be dealt with by the first country of entry, remained the baseline system. Thus, relocation of asylum-seekers under the EU's Emergency Relocation Mechanism entailed a limited and temporary derogation from certain provisions of the Dublin Regulation, in particular with respect to the criterion for determining the Member State responsible for examining an asylum application. This also meant that, once asylum has been granted in a particular EU Member State, should the person move on to another EU Member State, the Dublin system would provide for his or her return to their country of legal residence.

Developments in 2016 further increased the burden on Greece, notably the closure in March 2016 of the border with the former Yugoslav Republic of Macedonia which left over 63,000 people stranded on the Greek side. In May 2016, Greek authorities cleared the Idomeni camp and relocated its occupants, many to camps in and around Thessaloniki.

On 18 March 2016, EU Heads of State or Government agreed to end irregular migration from Turkey into the EU by breaking the business model of the smugglers and offering migrants an

³ This background covers major developments up until 1 July 2017 when the recommendations were discussed and drafted.

⁴ <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route/>

⁵ Relocation targets were substantially revised downwards in May 2017 to "relocate all eligible applicants currently present in Greece and in Italy by September 2017" with a monthly rate of implementation of at least 3,000 persons from Greece and at least 1,500 from Italy in order to achieve the revised goal. European Commission Press Release, 12 April 2017, http://europa.eu/rapid/press-release_IP-17-908_en.htm [accessed 30/09/17].

alternative to putting their lives at risk. Under the deal, all persons crossing from Turkey to the Greek islands as of 20 March 2016 and not entitled to international protection in Greece would be returned to Turkey. For every Syrian being returned to Turkey, another Syrian was to be resettled to the EU from Turkey directly (1:1 mechanism). In return, Turkey would receive financial aid (EUR 3 billion, as well as an additional EUR 3 billion by 2018) and political concessions such as visa liberalization.

Asylum applications were to be treated on a case-by-case basis and in line with the principle of *non-refoulement*. However, an asylum application can be declared inadmissible if the person had already been granted refugee status in Turkey or otherwise enjoyed sufficient protection there. In the case of vulnerable persons such as unaccompanied minors, due attention was also to be paid to the best interests of the child, e.g. the presence of close family members in an EU Member State.

The EU-Turkey Statement, which came into effect on 20 March 2016, resulted in a dramatic decrease of irregular crossings from Turkey to Greece, thanks also to cooperation with Turkish authorities, as well as a concurrent fall in the number of dead and missing. However, in order to avoid secondary movement to the rest of Europe, Greece introduced a policy of containment on the islands to process most asylum seekers there under an accelerated border procedure designed to ensure the swift return of persons to Turkey. As a result, thousands of persons found themselves trapped on the islands for months and often in overcrowded conditions as they waited for their asylum application or appeal to be processed. There are currently 14,000 persons on the islands (the maximum official reception capacity for the islands is about 8,000) together with around 48,200 persons on the mainland, amounting to over 62,000 migrants stranded in Greece (as of May 2017).⁶

In December 2016, the EU-Turkey Statement was reinforced by a Joint Action Plan setting out further action to be taken in order to eliminate the backlog in the Greek islands by April 2017.

As of 9 June 2017, a total of 1,798 irregular migrants had been returned from Greece to Turkey since the date of the EU-Turkey Statement while 6,254 Syrians had been resettled from Turkey to the EU within the scope of the 1:1 mechanism.

At the same time, arrivals in the Central Mediterranean continue to increase. The vast majority of deaths are now also occurring in the Central Mediterranean (about 90 per cent of the record number of over 5,000 estimated dead and missing in the Mediterranean in 2016) and thus far 2,011 persons out of the total 2,108 for 2017 (as of 21 June).

Whereas in Greece, Syrians and Iraqis constituted nearly half of all arrivals between January and May 2017, followed by Congolese (7 per cent), the nationalities of those arriving in Italy are more diverse, with most arriving from Nigeria (15 per cent), Bangladesh (12 per cent), Guinea (10 per cent), Ivory Coast (9 per cent) and a number of other African countries.

⁶ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_eleventh_report_on_relocation_and_resettlement_en.pdf [accessed 26/04/17].

Eritreans represented only 4 per cent of arrivals. Furthermore, 75 per cent of arrivals in Italy were adult males, whereas women and children comprised over half of arrivals in Greece.

Despite a significant increase in the rate of relocation in the first half of 2017, with over 1,000 persons relocated from Italy in May 2017 alone, overall, the rates of relocation as well as resettlement have been disappointingly low: a total of 20,869 persons had been relocated from Italy and Greece by 9 June 2017 (6,896 and 13,973 respectively). On 14 June, the European Commission announced that it was launching infringement procedures against Hungary, Poland and the Czech Republic for non-compliance with their obligations under the 2015 Council Decisions on relocation which require Member States to pledge available places for relocation every three months to ensure a swift and orderly relocation procedure. Hungary and Slovakia have challenged the legality of the Council's decision. Slovakia has promised to start relocating from Greece and has thus far avoided infringement procedures.

The resettlement scheme laid out in the Council decision of 20 July 2015 has been more successful as about two thirds of the target 22,504 persons have already been resettled, mostly from Turkey but also Jordan and Lebanon.

Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows

We are faced today with unprecedented levels of human mobility. There are roughly 65.6 million forcibly displaced persons, including nearly 22.5 million refugees, over half of whom are under the age of 18, 3 million asylum seekers and over 40 million internally displaced persons. Furthermore, migrants are present in all countries in the world. In 2015, their number surpassed 244 million.

It has become increasingly apparent that there are significant protection gaps in the current institutional and legislative framework. Thus, rather than speaking about a migration crisis, it is more appropriate to refer to a crisis of governance. Europe in particular has been faced over the past years with unprecedented flows of migrants and refugees which have revealed the need for radical reform both of how the European Union manages migration internally as well as how it interacts with its external partners. Rather than reactive, near-sighted, fragmented policies, what this new global reality calls for is a pro-active, coherent and comprehensive governance approach based on shared responsibility.

Gathered in New York on 19 September 2016, the 193 UN Member States recognized the need for a comprehensive approach to human mobility and enhanced cooperation at the global level. In the *New York Declaration for Refugees and Migrants* adopted that day UN Member States made the following important commitments:

- protect the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, and at all times;
- support countries rescuing, receiving and hosting large numbers of refugees and migrants;

- integrate migrants – addressing their needs and capacities as well as those of receiving communities – in humanitarian and development assistance frameworks and planning;
- combat xenophobia, racism and discrimination towards all migrants;
- develop, through a state-led process, non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations; and
- strengthen global governance of migration, including by bringing IOM into the UN family and through the development of a global compact for safe, orderly and regular migration.

The process of consultations and negotiations, culminating in the adoption of the Global Compact for Safe, Orderly and Regular Migration in September 2018 is currently under way.

As the largest regional security organization, with its comprehensive approach to security, strong field presence and Mediterranean partnerships, the OSCE has a key role to play in the global efforts on the governance of migration and refugee flows. Meeting in Hamburg in December 2016, the OSCE Ministerial Council (MC.DEC/13/16, 9 December 2016 on the OSCE's Role in the Governance of Large Movements of Migrants and Refugees), the OSCE recognized the substantial benefits and opportunities of safe, orderly and regular migration, as well as the substantial economic and social contribution that migrants and refugees can make for inclusive growth and sustainable development. Yet very few concrete recommendations emerged. Instead, OSCE executive structures were encouraged to continue their work on migration within existing mandates and available resources, to exchange best practices and enhance dialogue and co-operation with Partners for Co-operation, “in a manner that complements the activities undertaken by other relevant international organizations and agencies”.

The Committee urges the OSCE to follow-up on the recommendations of the 2016 Hamburg Ministerial Council as well as those out forth by the Informal Working Group “Informal Working Group Focusing on the Issue of Migration and Refugee Flows” such as those aimed at enhancing intra-institutional coherence and outreach.⁷

⁷ “Towards comprehensive governance of migration and refugee flows in the OSCE area. Report by the Chairperson of the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows, Amb. Claude Wild, Switzerland, to the Chairperson of the OSCE Permanent Council, Ambassador Eberhard Pohl, Germany”. CIO.GAL/117/16/Rev.1 (27 July 2016).

III. Activities of the OSCE PA Ad Hoc Committee on Migration, 2016/2017⁸

This section provides an overview of the main initiatives of the Ad Hoc Committee on Migration during its first year of activity. For an overview of the activities of the Committee, please see Annex B. A list of the main interlocutors and participants in each activity are provided in Annexes C and D respectively.

A. Field Missions

1. France (10-11 May 2016)

On 10-11 May 2016, seven members of the newly established OSCE PA Ad Hoc Committee on Migration travelled to Paris, Calais and Dunkirk/Grande-Synthe. The visit was organized by Vice-Chair Alain Néri (MP, France) and headed by Chair Filippo Lombardi (MP, Switzerland).

Participants were briefed by the French Interior Ministry on the situation in Calais and in Dunkirk, and the efforts of the French government to reduce the number of migrants by encouraging them to move to official reception and orientation centres⁹ throughout France where they can apply for asylum. Participants also heard that the escalation of the migration crisis has translated into a 20 per cent increase in asylum applications in France. The briefing also touched upon efforts to dismantle human trafficking networks as well as measures to further reinforce the border at the Eurotunnel and the ports of Calais and Dunkirk.

The following day, the delegation visited the Temporary Reception Centre¹⁰ in Calais. Located in the immediate vicinity of the infamous ‘jungle’, the CAP which opened in January 2016 with a capacity of 1,500 in 125 converted containers was nearly full. The nearby Jules Ferry day centre was converted in March 2015 in order to provide meals, showers, medical facilities and legal information during the day to all migrants staying in Calais. It also provided emergency shelter for about 170 vulnerable persons (140 women, 30 children) in prefabricated buildings. Its capacity had been doubled by setting up tents in anticipation of increased demand. While medical facilities as well as psychologists were available, the delegation noted the absence of specialized pediatric psychologists as well as the limited educational activities, although plans to open a school with two teachers were mentioned.

A briefing at the Joint French-British Information and Control Centre in the Port of Calais focused on its mandate which consists of ensuring effective security at the Eurotunnel and the ports of Calais and Dunkirk as well as information campaigns in the camps.

⁸ A list of past activities and Interlocutors is available in Annex B and Annex C respectively. The list of Committee members who took part in each activity are listed in Annex D. For more information on the activities of the Ad Hoc Committee on Migration, see: <http://www.oscepa.org/parliamentary-diplomacy/2544-refugee-and-migrant-crisis-the-osce-pa-responds>.

⁹ CAO – *Centre d'accueil et d'orientation*.

¹⁰ CAP – *Centre d'accueil provisoire*.

The delegation was also briefed by the Sub-Prefects of Calais and Dunkirk before visiting the first official refugee camp built in France, at La Linière near Dunkirk.¹¹ With its better facilities and strong presence of volunteers, it stood in stark contrast to the camps visited in Calais. Yet, the delegation was informed by NGO representatives of a number of concerns, including the presence of human smugglers and prostitution within the confines of the camp and insufficient security especially at night. Concerns with respect to fire safety were also communicated.¹²

The delegation noted that the French government was engaged in a difficult balancing act, as it sought to reduce the attractiveness of Calais and Dunkirk by cracking down on human traffickers, increasing security and avoiding setting up permanent facilities locally to shelter migrants. While the government's strategy appeared to be working, it was also noted that the problem was being passed on as migrants move on from Calais to other more vulnerable passage points in France and elsewhere. Furthermore, due to the increased efficiency of handling asylum claims in Calais, many migrants were continuing to make the journey to Northern France to make an asylum application before being transferred to reception and orientation centres elsewhere in France. The delegation also relayed concerns of an impending crisis over the summer due to improved weather conditions and the resulting increase in arrivals which would put an additional strain on an already tense situation between the various ethnic groups.

2. Italy (7-8 September 2016)

On 7-8 September 2016, nine members of the Ad Hoc Committee on Migration travelled to Sicily, Italy, on a field mission. The visit was organized by Vice-Chair Guglielmo Picchi (MP, Italy) and headed by Chair Filippo Lombardi (MP, Switzerland). The delegation visited the CARA Mineo Reception Center for Asylum Seekers and Pozzallo 'hotspot' on 8 September and met with a range of governmental, intergovernmental and non-governmental interlocutors.

The delegation heard that 3,542 persons were being hosted at the CARA Mineo Reception Center for Asylum Seekers, which has been operating as a refugee camp since 2011. While about 200 were minors, none of them were unaccompanied minors. Eritreans constituted the largest group (30 per cent of the population) while other African nationalities made up the overwhelming majority of residents. One of the main issues was the difficulty in managing such large numbers of persons. Another concern related to the lengthy asylum application and appeals process which has resulted in some residents having spent nearly two years at the Center and many disappearing due to the long waiting times. Obstacles to returns of failed asylum-seekers due to the lack of bilateral readmission agreements was also mentioned.

¹¹ La Linière camp was an initiative of the mayor of Grande-Synthe and Doctors without Borders and was opened in March 2016 to provide better conditions to the migrants living in appalling conditions in the Basroch camp.

¹² Update: In April 2017, the camp at La Linière was destroyed by fire following an incident between residents. The majority of the 1,370 persons agreed to be transferred to reception and orientation centres.

The NGO Doctors for Human Rights (MEDU), which provides social and health assistance and guidance to the refugees of the CARA Mineo, also highlighted a number of concerns regarding the centre, such as inadequate facilities for victims of torture and other vulnerable persons.¹³ Allegations of corruption in the management of the centre have also been raised.

The delegation then travelled to the port of Pozzallo where it was briefed on the progress of the Pozzallo 'hotspot' since it was established as one of the four 'hotspots' in Italy in January 2016. The delegation heard that nearly 100 per cent of arrivals are now being registered and identified as they accept to go through the photo-identification process thanks to the work being done to inform them during the pre-identification process. There were about 270 persons, mostly unaccompanied minors, present at the Pozzallo hotspot which has a capacity of 180 persons. While it is not designed to host individuals on a long-term basis, many of the unaccompanied minors had been there for periods of up to three weeks due to the lengthy process of appointing a legal guardian.¹⁴

Despite the short time frame for the mission, the delegation was able to witness the enormous pressure facing Italian authorities who are faced with the continuous arrivals of large numbers of migrants, and with a limited capacity to host them. While the overwhelming majority of arrivals seem indeed to be from countries whose nationals are not eligible under the relocation scheme, there were also significant groups of mainly Eritreans but also Syrians as well as victims of torture and persecution eligible for asylum. Regrettably, only a very small share of eligible persons had been relocated and few returns had occurred. The situation of increasing numbers of unaccompanied minors being kept in facilities which are not adapted for several weeks at a time was underlined as being of particular concern.

3. Greece (2-4 May 2017)

From 2-4 May 2017, a delegation of twelve members of the Committee, led by Chair Filippo Lombardi, travelled to Athens and Lesbos on 2-4 May 2017, upon the invitation of the Committee Vice-Chair Makis Vouridis and Committee Member Georgios Varemenos, Vice-President of the Hellenic Parliament. Extensive briefings were held at the Hellenic Parliament with key national, regional and local actors in the field of migration.

The delegation then visited two refugee camps in and around Athens. Skaramagas, with a capacity of 3,000 and which was hosting about 2,000 persons, of whom about 65 per cent were Syrians, followed by Iraqis and Palestinians primarily. Out of the ca. 1,160 children in the camp, about 40 were unaccompanied. The Eleonas camp in the centre of Athens was intended for 800 but was accommodating about 2,000 persons representing 18 different

¹³ CARA di Mineo: Un modello di accoglienza incompatibile con la dignità della persona, Meltingpot, <http://www.meltingpot.org/CARA-di-Mineo-un-modello-di-accoglienza-incompatibile-con.html#.VW1v18-qoko>

¹⁴ At the end of 2015, Doctors Without Borders ended its operations at the center, in protest at what they described as the 'unacceptable conditions including overcrowding and a lack of protection for vulnerable people' MSF, Italy: MSF Ends Activities at Pozzallo Reception Center, <http://www.doctorswithoutborders.org/article/italy-msf-ends-activities-pozzallo-reception-center> [accessed 29/08/16]. Similar concerns have also been raised by Human Rights Watch and Oxfam, amongst others.

nationalities, including 600 children of which about 60 were unaccompanied. Living conditions were much better in comparison to Skaramagas. Still, the Committee members were struck by the sense of despair as many asylum-seekers had been waiting for extended periods, sometimes over a year, for a decision on their applications. The delegation was also informed that a list of over 4,000 candidates for relocation throughout Greece was ready. While a number of positive achievements were noted, notably the significant efforts being made to enable the children to attend Greek schools, many concerns were also noted, including lack of proper ventilation of the housing containers as well as the poor quality of the meals. The lack of appropriate accommodation for unaccompanied minors, who number about 2,200, was also noted in discussions with representatives of NGOs in a separate meeting, who stressed that the 'safe zones' in the camps were not adequate and that, as of 1 March 2017, about 1,000 unaccompanied minors were waiting for a shelter space.

In Lesvos, the delegation visited the **Kara Tepe** Hospitality Centre for Refugees and Migrants. Kara Tepe is not a part of the hotspot system, but is managed by the municipality of Lesvos with the cooperation of UNHCR, NGOs and many volunteers.¹⁵ Originally established as a tent camp in April 2015, 150 residential containers have thus far been installed by UNHCR. About 300 of the ca. 500 residents were children – reportedly none were unaccompanied.

At **Moria** Reception and Identification Center, the delegation was briefed about registration procedures and improvements made by UNHCR in response to the harsh winter, with the result that all the inhabitants were presently housed in containers. While families are sent to Kara Tepe as far as possible, a separate dedicated section was set up for those due to be returned to Turkey. The delegation also visited the women's area as well as the area for unaccompanied minors of whom there were four – all boys. The detention area, where 59 persons were being held, was not accessible. Moria was hosting 2,260 persons of whom 1,260 had arrived since the beginning of 2017. Forty-four different nationalities were represented, of whom 70 per cent were from African countries. Over 200 Syrians had arrived since the beginning of the year, as well as about 90 persons from Afghanistan and Iraq each.

The discussions hosted by the Mayor of Lesvos focused on positive developments since the peak of the crisis when the municipality had to bear the brunt of the efforts, including substantial financial expenses. The good cooperation with UNHCR as well as between the Greek and Turkish coast guards was also noted. A number of challenges were highlighted, including lengthy waiting periods for a decision on asylum applications, difficulties in combating human trafficking as well as the lack of clear regulations concerning seized boats.

With irregular arrivals from Turkey continuing, albeit at much lower levels than before the entry into force of the EU-Turkey Statement in March 2016, the Committee noted the huge efforts being made by the Greek authorities to cope with the refugee crisis in the midst of a financial crisis. They called for the EU to mobilise further resources in order to support Greece in processing the backlog of asylum applications and to further improve facilities.

¹⁵ Ehathimerini, <http://www.ekathimerini.com/211001/article/ekathimerini/community/lesvos-refugee-camp-transformed-by-activities-classes>

They also urged all OSCE participating States to live up to their moral obligations to host refugees. Voicing support for the EU-Turkey Statement, they called upon both sides to stand by their commitments to ensure its implementation, in full respect for international law and standards.

4. Turkey (16-18 May 2017)

Two weeks later, Vice-Chair Isabel Santos (MP, Portugal) led a delegation of seven members to **Turkey**, home to largest refugee population in the world, consisting of nearly 3 million Syrian refugees as well as about 300,000 persons from Iraq, Afghanistan, Iran, and other countries. After extensive briefings in Ankara with a wide range of authorities, the delegation visited two refugee camps in the southeast hosting primarily Syrian refugees. The delegation also had the opportunity learn more about the initiatives implemented by the municipality Gaziantep for the benefit of the non-camp Syrian population, including a Temporary Education Center.¹⁶ The delegation also met with a number of local NGO representatives. The delegation was not able to witness firsthand living conditions for Syrians and other refugees outside the camps.

Turkey pursues an ‘open-door’ policy towards Syrians, complying with the principle of *non-refoulement* since the beginning of the Syrian crisis. Of the 3 million registered Syrian refugees in the country, some 260,000 are hosted in 23 “Temporary Protection Centers” (camps) in 10 provinces, managed by the Disaster and Emergency Management Presidency of Turkey (AFAD), where they have access to shelter, health, education, food and social activities. The centres are spread across ten provinces in the south and the south-east of the country, close to the Syrian border. Syrians who live outside the temporary protection centers in urban areas (ca. 90 per cent of the overall Syrian population), are also under Turkey’s protection regime and benefit from free health care, vocational training and education.¹⁷

About half of the approximately 835,000 school-age Syrian children in Turkey had access to education at the end of the 2016/2017 school year. The enrollment rate was projected to reach 65 per cent in 2017/2018 school year, with the assistance of the conditional cash transfer programmes targeted at the most vulnerable children living outside the camps. New schools, classrooms and teachers were also urgently needed. This can no doubt be achieved through increased international solidarity.

¹⁶ Temporary Education Centers follow a modified Syrian curriculum and are taught in Arabic, and target Syrian children living outside the camps.

¹⁷ Under Turkish law, only asylum-seekers fleeing persecution in Europe qualify as “refugees.” Indeed, under the 1951 Refugee Convention, states were initially allowed to limit their obligations in this way. The 1967 Protocol to the Convention removed this limitation, but Turkey continues to maintain it. Turkey’s *Law on Foreigners and International Protection* (LFIP), which came into force in April 2014, makes a distinction between Europeans and non-Europeans. Refugee status can only be claimed by Europeans while Syrians as a group are provided with “Temporary Protection Status”. Non-European, non-Syrians can be granted the status of conditional refugees or subsidiary protection.

Access to the labour market was made possible for Syrians since the adoption of new regulations in January 2016.¹⁸ Implementation has been slow however: thus far, 20,000 work permits have been issued to Syrians.

The delegation was also briefed by the Coast Guard on search and rescue operations as well as efforts to crack down on irregular migration. A total of 118 smugglers were arrested in 2016; 37 had been arrested thus far in 2017. The number of illegal migrants apprehended increased to 175,000 in 2016, compared to 90,000 in 2015 and 26,000 total for 2011-2014.

Insufficient resettlement quotas was highlighted as a major issue. The delegation was also invited to visit removal centers at a later date and was informed that Syrians were not being sent back to Syria. Information on the nationalities of persons being detained in these centers was not available due to data protection regulations.

In **Nizip** the delegation visited both Nizip II container camp (hosting 4,383 persons) as well as Nizip I tent camp (hosting 9,849 persons) for Syrian refugees. Established in 2012, Nizip II consists of modern containers equipped with kitchens, radiators, ventilators and cooking facilities. There are also schools as well as two markets within the camp where products can be bought using the cash cards.¹⁹

The **Kahramanmaraş** container camp, which opened in March 2016 and has a capacity of 25,000, includes 16 public training centers, four schools, sports facilities, a mosque, a grocery store and two rehabilitation centers. The occupancy was 23,832 persons living in 5000 containers of which 5,000 were from Iraq. Half of the refugees were under the age of 18. A further 74,000 Syrian refugees were living in Kahramanmaraş in various facilities.

Having witnessed firsthand the sheer scale of the numbers as well as the extent of the efforts by the Turkish government to respond to the Syrian humanitarian crisis, the delegation emphasized the need for the international community to provide additional financial resources as well as to resettle greater numbers of persons in need of international protection. It also expressed the hope that, with increased international support, the living conditions of both Syrians and non-Syrians in Turkey can be improved.

¹⁸ In January 2016, the “Regulation on the Work Permit of Foreigners Under Temporary Protection” took effect, allowing Syrians to apply to the Labour Ministry for work permits six months after their registration.

¹⁹ The cash card scheme is financed by the EU under the ‘Facility for Refugees in Turkey’ and provides debit cards with 100 Turkish Lira which can be used to buy food only. Clothing, medication and other needs are provided for separately.

B. Briefings with Key International Actors (Brussels, Geneva, 15-17 January 2017)

Eleven members of the OSCE PA Ad Hoc Committee on Migration travelled to Brussels and Geneva in January 2017 to meet with officials of the EU and key international organizations dealing with migration in order to discuss current policy responses and strategies as well as to identify potential areas for co-operation and action by Committee members. These briefings also provided the opportunity to discuss the Committee's recommendations.

In Brussels, the delegation met with representatives of the **European External Action Service (EEAS)** as well as the **European Commission**. A broad range of issues were touched upon, including the EU's emergency relocation and resettlement schemes, as well as initiatives aiming at tackling the source of migration flows in countries of origin and transit. The discussion centred on the slow pace of relocation and reasons for it, as well as implementation of the EU-Turkey Statement and whether Turkey can be considered a 'safe' country. The particular situation of unaccompanied minors and how to improve family reunion procedures was also a prominent topic. Discussions also touched upon the critical situation in Greece where thousands of migrants were stranded, as well as the low efficiency of rescue operations in the Central Mediterranean.

In Geneva, discussions focussed on issues related to protection. The delegation was briefed on the mandate of the **International Committee of the Red Cross (ICRC)** and its position on the immigration detention. The Committee was also encouraged to take up the topic of the identification of deceased and missing migrants and was informed about innovative tools which the ICRC has been trying to develop to trace missing family members, e.g., through a web platform and data offices providing information on unaccompanied minors.

The **International Organization for Migration (IOM)** representatives highlighted the Organization's commitment to facilitating safe and orderly migration while acknowledging the significant challenges posed by forced and irregular migration. They also mentioned efforts to develop motivation profiles to better understand the drivers of migration. IOM representatives noted that establishing the 'best interests of the child' was not always a straightforward process and that integration could prove difficult when no family members were present in the host country. With respect to the EU-Turkey Statement, the IOM considers that it is functioning since it has resulted in a reduction of flows in the Eastern Mediterranean. A debate also took place regarding whether (regular) migration from Africa should be encouraged, in light of Europe's ageing population. Participants were also briefed on the Global Compact on Migration and the IOM's role for the coming year.

The final set of meetings at the UNHCR focussed on the Organization's activities in Europe aimed at tackling the refugee crisis with a focus on Greece and Turkey, emphasizing that legal channels should be enhanced. The delegation was also briefed about a set of proposals

developed by the UNHCR, entitled “*Better Protecting Refugees in the EU and Globally*”.²⁰ UNHCR suggested that the EU’s relocation system was not working because Member States were being too selective. Regarding the resettlement mechanism, UNHCR representatives emphasized that vulnerability should be prioritized. The particular challenges faced by women and children, such as sexual and gender-based violence were also addressed.

C. Meeting of the “Informal Working Group Focusing on the Issue of Migration and Refugee Flows” (Vienna, 27 June 2016)

In June 2016, five members of the Ad Hoc Committee on Migration contributed to the seventh meeting of the OSCE “Informal Working Group Focusing on the Issue of Migration and Refugee Flows”.²¹ Vice-Chair Makis Voridis (MP, Greece), along with four other members participated. The members informed the participants of the recent activities of the OSCE PA on the migration issue and called for greater attention to the humanitarian impacts of the crisis, more effective burden-sharing, as well as addressing root causes. They also stressed the importance of prioritizing the protection of women and children, as well as tackling other humanitarian concerns.

Focusing on the theme of “The media’s impact on the public perception of the refugee crisis”, members noted the need for the media to enhance its coverage of the crisis in a more balanced and constructive way and to place more emphasis on the positive aspects of migration. Other speakers included OSCE Representative on Freedom of the Media Dunja Mijatovic and Maaïke van Adrichem, Adviser on Gender Issues in the office of the OSCE Secretary General.

The PA’s contribution to the working group session, chaired by Swiss Ambassador Claude Wild, was well received, with some national delegations to the OSCE expressing appreciation for the involvement and the contribution of the PA in advancing a comprehensive response of the OSCE to the migration crisis. The PA’s position within the OSCE as a prime and effective contributor to awareness-raising was also recognized.

²⁰ UNHCR, “Better Protecting Refugees in the EU and Globally,” December 2016, at: <http://www.refworld.org/docid/58385d4e4.html> [accessed 18/02/17]. These proposals call for far-reaching reform of Europe’s global engagement with refugees, including the European asylum system. They furthermore call on Europe to offer more strategic and targeted support to countries of origin, asylum and transit of refugees, to review its contingency preparations to respond to large refugee and migrant arrivals, and to put in place a more efficient and better managed asylum system. UNHCR also asks for greater investment by EU Member States in the integration of refugees, including housing, employment and language training.

²¹ The Informal Working Group Focusing on the Issue of Migration and Refugee Flows (IWG), Chaired by Ambassador Claude Wild (Switzerland), was established by the 2016 German Chairmanship in March 2016 with the aim to take stock of the mandates and activities of the OSCE and to propose an effective approach towards migration. The IWG last met in November 2016.

IV. Recommendations on “Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows”

The recommendations of the OSCE PA Ad Hoc Committee on Migration presented here are grouped into seven issue areas. The first set of recommendations concerns general principles which should govern migration policy in the OSCE area. They are followed by five more concrete sets of recommendations grouped according to either a specific target group or a particular policy area. A final set of recommendations deal with enhancing cohesion, communication and co-operation between the various actors involved in migration governance.

A. Towards a Human-Rights Based Governance of Migration

Solidarity and responsibility-sharing

Migration policies should be underpinned by the principles of **solidarity, responsibility-sharing and humanity**. The current situation whereby a handful of frontline states such as Turkey, Jordan, Lebanon, Italy and Greece are dealing with the bulk of refugees and migrants is unsustainable and runs contrary to the values shared by the OSCE participating States, as enshrined in the Helsinki Final Act (1975). OSCE participating States have a moral duty to share responsibility for the refugees arriving on the continent. Furthermore, those which are members of the EU²² have also undertaken certain binding, legal commitments to do so.

A number of members of the Ad Hoc Committee on Migration have emphasized that participation in such schemes should be on a purely voluntary basis.²³ The Committee notes that efforts to impose responsibility-sharing, for example through mandatory quotas for relocating asylum-seekers, have generated significant negative public reaction in a number of countries. However, given the magnitude of the crisis, the reliance on purely voluntary mechanisms and moral and ethical principles is not sufficient at present.

While the Committee acknowledges the importance for European policy makers to listen to the diversity of voices across the region, it is of the opinion that, based on the lessons learned over the past years, a functioning policy for migration management cannot be built on a strictly voluntary basis; rather, it must be legally binding and contain an enforcement mechanism which should include judicial or financial sanctions.

²² The EU's temporary emergency relocation mechanism, established in September 2015, applies to all EU Member States except for Denmark and the United Kingdom. In addition, Switzerland and Norway, as Schengen Associated Countries, have also decided to participate in the scheme. The legal basis for the mechanism is provided by article 78(3) of the Treaty on the Functioning of the European Union (TFEU) which states that: "In the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament".

²³ See, e.g., the Statement by the Delegation of the Czech Republic to the OSCE PA (Annex G).

No derogations from the fundamental principles of human rights

With “migration” serving as an umbrella term for all human movement, a clear distinction must be drawn between **refugees**²⁴ – which refers to persons primarily fleeing conflict or persecution, and **migrants**²⁵ which are generally but not exclusively driven by economic motivations. An **asylum seeker** is a person fleeing persecution and conflict, and seeking protection under the 1951 Convention relating to the Status of Refugees or subsidiary protection.²⁶

These distinctions are necessary in order to better understand the drivers of migration. Furthermore, these persons are entitled to different levels of assistance and protection under international law. At the same time, every person is entitled to the same fundamental human rights and freedoms. The Committee strongly believes in the dignity of the individual and his/her right to enjoy fundamental human rights, regardless of status and motivations for leaving home. The principle of *non-refoulement*²⁷ in particular should always be respected.

Arguments to the effect that improving reception conditions for refugees and migrants or saving their lives at sea will act as a ‘pull’ factor are not only to be rejected from a moral standpoint. They also run contrary to the basic human rights commitments of OSCE participating States. The race to the bottom, whereby States are trying to be as unattractive as possible for migrants and asylum seekers must stop.

The vulnerability approach

Priority must be given to persons in need of protection, including unaccompanied minors, victims of trafficking and torture, persons with disabilities, women and girls, elderly people, as well as persons fleeing persecution such as members of the LGBT community. The large numbers of non-asylum cases coming through, e.g., in Greece and in Italy, have resulted in an overburdening of the system. This must not come at the expense of those who truly need protection, as defined in the 1951 Refugee Convention.

²⁴ The 1951 Convention relating to the Status of Refugees defines a refugee as a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him or herself of the protection of that country, or to return there, for fear of persecution. UNHCR, *Convention and Protocol Relating to the Status of Refugees, Article 1A(2)*, <http://www.unhcr.org/3b66c2aa10>.

²⁵ IOM’s definition of a ‘migrant’ is broader and is used to refer to any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. See: www.iom.int/who-is-a-migrant [accessed 01/07/17].

²⁶ “Subsidiary protection” is available within EU Member States only and is regulated by Council Directive 2011/95/EU of 13 December 2011 which aims to ensure that people fleeing persecution, wars and torture are treated fairly, in a uniform manner throughout the EU.

²⁷ The principle of *non-refoulement* is a principle of international customary law which prohibits the transfer of persons from one authority to another when there are substantial grounds to believe that the person would be in danger of being subjected to violations of certain fundamental rights. This is in particular recognized for torture and other forms of ill-treatment, arbitrary deprivation of life and persecution. See Article 33(1) of the *Convention and Protocol Relating to the Status of Refugees*, <http://www.unhcr.org/3b66c2aa10> [accessed 01/05/17].

Gender mainstreaming

Migration policies should also take into account the particular vulnerabilities facing women and girl migrants as well as the different experiences of men and women, boys and girls. Gender sensitive policies, programmes and services also help to ensure that all refugees and migrants are safe and able to integrate successfully into their new societies.

The Committee also refers to the report²⁸ presented by Committee Member and OSCE PA Special Representative on Gender Issues Dr. Hedy Fry to the 25th OSCE PA Annual Session in Tbilisi in 2016, which focused on the unique challenge facing women and girls during the journey to safety, in having refugee claims recognized, and while integrating into host societies Dr. Fry's 2017 Gender Report further examined the issue of gender-sensitive integration of migrants and refugees into host communities and highlights the importance of social networks, host communities and practical support in this regard, as well as economic integration.

Detention as a last resort

Migrants and asylum-seekers, including women and children and other vulnerable persons, have been automatically detained by the thousands in a number of OSCE countries. Although the detention of migrants in 'hotspots'²⁹ in Greece constitutes an integral part of the implementation of the EU-Turkey Statement of 18 March 2016, and recognising the substantial efforts thus far to improve asylum procedures and transfer them to better facilities, the Committee regrets that migrants, including vulnerable persons such as women and children, continue to be detained for prolonged periods in sub-standard conditions.

With respect to 'hotspots' in Italy, the Committee notes the significant improvements and positive precedent set by the law of 13 April 2017³⁰ which transforms detention centres from identification and expulsion centres into repatriation centres.

Asylum-seekers, including women and children, are also being automatically detained in so-called 'transit zones' for the duration of the asylum application. Not only do such practices set

²⁸ OSCE PA Special Representative on Gender Issues Dr. Hedy Fry, *Gender Balance Report 2016 - A Gender Sensitive Response to the Migrant and Refugee Influx in Europe is Needed* (June 2016), available at: <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/reports-19/3367-report-by-the-special-representative-on-gender-issues/file> [accessed 01/05/17].

²⁹ The hotspot system was introduced to assist frontline states disproportionately affected by the pressures of migration at the external borders of the EU. Under the system, the European Asylum Support Office (EASO), EU Border Agency (Frontex), EU Police Cooperation Agency (Europol) and EU Judicial Cooperation Agency (Eurojust) work on the ground with the national authorities to help to fulfil their obligations under EU law and swiftly identify, register and fingerprint incoming migrants. The hotspot approach also aims to reduce secondary movement of migrants in the Schengen free movement area. Italy and Greece were the first two countries where the 'hotspot' approach was implemented. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf [accessed 01/05/17].

³⁰ Law no. 46 of 13 April 2017, "Conversion into law, with changes, of the decree law no. 13 of 17 February 2017, on urgent measures to accelerate the procedures concerning international protection, and countering illegal immigration" (Conversione in legge, con modificazioni, del decreto-legge 17 febbraio 2017, n. 13, recante disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegal), published in the Official Gazette on 18 April 2017.

a dangerous precedent in the current 'race to the bottom'. They also represent a violation of international human rights commitments, including the rights to liberty and security as well as the right to an effective remedy.

The European Court of Human Rights has ruled against practices where authorities fail to carry out an individual assessment of each applicant's case. Abuse and mistreatment of asylum-seekers, including gender-based and sexual violence, has also been reported in this context.

The Committee nevertheless recognises that detention may be necessary, based on individual circumstances, as it is an indivisible part of an effective and functional system. In this context, the Committee refers to the policy paper on immigration detention prepared by the International Committee of the Red Cross (ICRC), which highlights key points to bear in mind when considering the administrative detention of migrants on the grounds that they have entered or are staying in a country illegally.³¹

The ICRC emphasizes that detention should be used as an exceptional measure, and can only be ordered on the basis of a decision taken in each individual case, without discrimination of any kind. Any detention must be determined to be necessary, reasonable and proportionate to a legitimate purpose. Detention should be limited in time and may not serve as a deterrent or as punishment. Migrants must be allowed to have contact with members of their family.

The Committee also agrees with the ICRC's recommendation that the special circumstances of especially vulnerable migrants, such as children, victims of torture or trafficking, persons with mental disabilities and/or health conditions, and elderly people, should be considered and that the detention of persons belonging to these vulnerable groups should be avoided.

Alternatives to migrant camps

The Committee recognizes that camps are sometimes unavoidable, given the scale of the influxes of refugees and migrants. However, it encourages States to explore alternative solutions, especially in the case of refugees and asylum-seekers, in order to allow them to exercise their rights and freedoms, make meaningful choices about issues affecting their lives, contribute to their community and live with greater dignity and independence.

The Committee draws attention to the position of the UNHCR which underlines that camps should be the exception, a temporary measure in response to forced displacement; concrete alternatives are also proposed.³² If camps are unavoidable, UNHCR recommends ensuring that the inhabitants have links with the host communities and access to the local economy, infrastructure and service delivery systems in order to ensure that they require only limited humanitarian support.

The Committee notes as an example of best practice in this area, the Italian 'SPRAR' system (Protection System for Asylum Seekers and Refugees) which provides for a new model of

³¹ <https://www.icrc.org/en/document/migrant-detainees-icrc-policy> [accessed 01/05/17].

³² See UNHCR, *Alternatives to camps*, <http://www.unhcr.org/alternatives-to-camps.html> [accessed 01/05/17].

“integrated reception” which increases the number of facilities and provides for their even distribution across Italian territory as well as the involvement of local authorities.

Recommendations:

- OSCE participating States should ensure that the fundamental human rights of every person are respected, as defined in international law. These rights also include social, economic and cultural rights such as the right to adequate housing and shelter, education, and the right to the highest attainable standard of health;
- They should also ensure full respect of the rights enshrined in the 1951 Refugee Convention including the principle of *non-refoulement*, especially when carrying out returns to countries of transit or origin;
- Registration and asylum procedures must give priority to refugees fleeing persecution and conflict, with a special focus on identifying and processing claims by persons belonging to vulnerable groups such as women and girls, unaccompanied and separated children, persons with disabilities, persons with medical conditions and the elderly;
- Migration policies should take into account the particular vulnerabilities facing women and girl migrants. Gender-sensitive policies should be developed with the aim of reducing the challenges facing migrants and refugees as well as their host states.
- Gender-sensitive policies can be achieved, *inter alia*, by:
 - Collecting and analysing gender-disaggregated data;
 - Addressing the challenges for women and girls during their journey to safety;
 - Developing measures to prevent gender-based violence and abuse at reception centres and camps;
 - Policies aiming at overcoming barriers to accessing basic services;
 - Emphasizing the need for fair treatment of women’s and girls’ asylum claims;
 - Addressing the challenges as well as the opportunities for integration into host societies.
 - Assessing the adequacy of gender mainstreaming in responses to the influx of migrants and refugees in Europe as a matter of routine.
- Administrative detention should only be used as a last resort and not as a punitive measure or with the aim of deterrence, and for as short a period as possible;
- Detention is sometimes necessary, for example in the case of the ‘hotspots’ set up in Greece and Italy, or once it has been determined that a person must be returned to the country of origin or transit and there are reasonable suspicions of their absconding;
- Detention of vulnerable persons, such as children, victims of torture or trafficking, persons with mental disabilities and/or health conditions, and elderly people, should be avoided;
- As a principle, children should not be detained and unaccompanied minors in particular should never be detained; however, the detention of children together with their families may be necessary as a final step in the process of returning them to their country of origin or country of transit. In such cases, they should be accommodated in appropriate family facilities and for as short a period as possible;
- If detention is necessary, special care should be given not to separate families during detention;

- Detained migrants should always be treated humanely and be detained in conditions that preserve their dignity; access to healthcare, in particular for pregnant women, should be ensured;
- States are strongly encouraged to seek alternatives to camps in the case of refugees and asylum-seekers, in order to allow them to live with greater dignity and independence as well as to contribute to their local communities.

B. Internal Reforms

Devising a functioning system for the equitable distribution of asylum-seekers which is compatible with effective border protection and the security of citizens has proven to be particularly challenging.

Since 1999, EU Member States have been working to establish a **Common European Asylum System (CEAS)** that can better cope with the fact that asylum flows are not constant, and that they are not evenly distributed across the EU. Member States have also agreed to adhere to common standards and procedures so that asylum does not become a lottery and so that, no matter where an applicant applies, the outcome is similar.

The **Dublin III Regulation** (Regulation EU No 604/2013) currently in force seeks to determine which State is responsible for examining an asylum application – normally the State where the asylum seeker first entered the EU – and to make sure that each claim gets a fair examination in one Member State. Reform of the ‘Dublin system’ is urgently needed in order to arrive at a fairer distribution of asylum seekers, which respects the Member States’ national experience and capacity and to ensure that EU countries – in particular those situated at the external frontiers of the EU as well as countries bordering conflict zones who are hosting a significant number of asylum seekers – receive more support (material and financial assistance as well as human resources). The Dublin III Regulation’s provisions with respect to family reunion for children in particular are not working and are in urgent need of revision (see Section IV.C)

Some adjustments were made in 2008 following the observation that the Dublin system was leading to increased pressures on the EU’s external border regions and disrupting the lives of those fleeing to Europe for protection. The Commission’s proposal of 4 May 2016 to reform the CEAS and the Dublin III Regulation does not change the existing criteria for determining which Member State is responsible for examining an asylum application. Rather, it proposes to supplement current rules with a corrective allocation mechanism.³³ The Committee hopes that the negotiations will result in the definition of new and fairer criteria and quota for the distribution of asylum-seekers.

³³ This mechanism would be triggered automatically were a Member State to be faced with disproportionate numbers of asylum-seekers. If a Member State decided not to accept the allocation of asylum-seekers from a Member State under pressure, a ‘solidarity contribution’ of EUR 250,000 per applicant would be made instead.

The EU also needs to recognize that the current emergency relocation mechanism has not lived up to expectations.³⁴ The political, institutional and other reasons for this underperformance must be identified and analysed so that a functioning enforcement mechanism, including judicial or financial sanctions, can be developed.

Integration can be enhanced by the presence of support networks. The presence of family in an extended sense should therefore be taken into account when implementing relocation, in order to maximize integration prospects and reduce secondary movements.³⁵ There is also a need for more comprehensive information on alternatives to the most popular destination countries and greater efforts to counter misinformation. A number of countries, such as Portugal for example, are ready to accept a greater number of asylum-seekers than have currently been relocated. In this context, the initiative of the European Asylum Support Office (EASO) to work with specific Member States of relocation such as Portugal and Lithuania to develop new information materials, including testimonies of successfully relocated applicants, is particularly welcome.

Regrettably, a significant number of persons entitled to international protection, such as Afghan and Iraqi nationals, do not qualify for relocation at present. This is due to the criterion that only nationals who have an average EU-wide asylum recognition rate above 75 per cent on the basis of EUROSTAT data for the previous quarter are eligible.³⁶ This threshold must be lowered in order to encompass additional nationalities likely in need of protection.

Incentives for compliance, including if necessary, sanctions such as fines or the withholding of EU funds is needed to ensure a functioning system of responsibility-sharing. The UNHCR's proposals³⁷ for a fair and workable distribution mechanism can provide much-needed inspiration. They include the following elements:

- A common registration system
- Prioritization of family reunion
- Accelerated and simplified procedures for asylum determination
- A distribution mechanism for EU Member States under pressure
- A common approach to unaccompanied and separated children
- Incentives for compliance with the new system
- An efficient system for return

³⁴ 'Relocation' is the transfer of asylum seekers or refugees from one EU Member State to another while 'resettlement' refers to the transfer of persons who have been identified as in need of international protection from outside the EU to an EU country.

³⁵ At present, an applicant for relocation neither has the right to choose the Member State of application nor the Member State responsible for examining the application. The mechanism thus fails to take into consideration preferences of asylum seekers based on family, cultural, and linguistic ties.

³⁶ The objective of this criterion was twofold: to ensure that all applicants who are in clear and urgent need of protection can enjoy their right of protection as soon as possible; and to prevent applicants who are unlikely to qualify for asylum from being relocated and unduly prolonging their stay in the EU. Only Syrians and Eritreans are eligible at the moment. Based on the latest available EU data, this threshold excludes Iraqis, who previously met the threshold, as their average recognition rate has fallen to 73%. UNHCR has also called upon the EU and Member States to revisit the eligibility criteria by lowering the threshold for relocation candidates.

³⁷ UNHCR, *Better Protecting Refugees in the EU and Globally*, pp. 14-15, <http://www.unhcr.org/news/press/2016/12/58453b614/unhcr-calls-stronger-eu-action-refugees.html>.

Onwards movements within the Schengen Area after relocation are also of concern. Secondary movements can be prevented if registration procedures are carried out within the recommended timeframes. At present, on the Greek islands, registration can take over 6 months.

At the same time, ensuring a safe environment for migration management by addressing the security challenges of uncontrolled migration as well as effective border protection must be at the top of the list of priorities. Efforts to carry out proper security screening and identity checks in the hotspots established in the frontline states of Greece and Italy need to be continued. The Committee thus notes the progress achieved in Italy where the rate of registration and identification of arrivals has reached 100 per cent.

While greater human and financial resources are undoubtedly needed, the key to an efficient asylum system is a common registration system to improve data management and reduce the duplication of costly systems.

Recommendations:

- All OSCE participating States should be encouraged to take in asylum-seekers and refugees;
- OSCE participating States should also make greater efforts to integrate refugees so that they can contribute fully to their host societies as fast as possible;
- Prospective candidates for relocation should be provided with improved information on potential host countries with an emphasis on alternatives to the most popular countries and on chances of achieving a normal life;
- The presence of family members, in an extended sense, should be taken into account when implementing relocation;
- There can be no discrimination in the selection of relocation candidates; while an effort should be made as far as possible to reconcile the choices of relocation candidates and the availability of places in host countries, the priority should be placed on fulfilling quotas;
- The OSCE is urged to adopt a decision at the upcoming Ministerial Council in Vienna in December 2017 calling upon its participating States to accept their responsibilities and take in a greater number of asylum-seekers;
- The eligibility criteria for relocation, currently set at an arbitrarily high level of 75 per cent, should be revised by lowering the threshold so that additional nationalities such as Afghans and Iraqis are also eligible;
- Whenever a country faces a disproportionate number of asylum applications, the responsibility for new applicants should be transferred to other Member States;
- Urgent efforts are needed to speed up asylum procedures in the 'hotspots' in Greece and Italy so that detainees can either be moved to appropriate facilities or returned to countries of transit and origin;
- Better investigation and more efficient processing of family reunification claims can also contribute to more efficient relocation procedures and cut down on secondary movements, especially in the case of unaccompanied and separated children;
- Relocation should always respect the best interests of the child (see Section C below);

- Comprehensive security screening and identity checks must be carried out in all 'hotspots' prior to relocation;
- A common EU registration system should be introduced for the orderly processing of all irregular arrivals, access to protection, security screening as well as family reunification (see Section G).

C. Unaccompanied and Separated Children

The particular vulnerability of unaccompanied and separated children (UASCs), and girls in particular, to trafficking, sexual and other forms of abuse violence should be taken into account through developing a set of common guidelines ensure that the system does not fail these most vulnerable persons.

The Dublin III Regulation (Regulation EU No 604/2013), which is used to establish which Member State is responsible for determining the claims of those seeking sanctuary in the EU, recognises the importance of upholding the family unity of asylum seekers and – in particular – the need for lone children to be reunited with their families and prioritizes respect for family reunion above certain other considerations, such as which EU state the person initially entered³⁸ However, criticisms have been made that application of this provision with respect to family reunion of unaccompanied children has not been functioning due to a number of reasons, including the slow and bureaucratic process for transferring cases.³⁹ There are concerns that eligible cases of unaccompanied children are not being identified.

The process of family tracing in particular is in urgent need of improvement. It is not performed systematically and is often not successful, leading to secondary movement as applicants travel on illegally, often with the help of traffickers, to join family members.

The reasons for low levels of success include: insufficient capacity to perform family tracing; the burden of family tracing falling on the child;⁴⁰ simple misspelling of the relative's name; lack of follow-through in potential destination country; the definition of family members is too strict; and a lack of a common definition and agreed upon guidelines for determining the best interests of the child.

³⁸ For example, unaccompanied minors who have a family member or sibling who is legally present in another Member State are eligible to be transferred to that Member State, provided that it is in their best interests (Dublin III Regulation, (Article 8).

³⁹ House of Commons Library, *The UK's refugee family reunion rules: striking the right balance?* Briefing Paper no. 07511, 28 November 2016, <http://www.refworld.org/pdfid/58ac50564.pdf>.

⁴⁰ In 2016, the European Commission reported that Greek authorities couldn't properly investigate if a child applicant had family in another member state. DG Migration and Home Affairs, *Evaluation of the Implementation of the Dublin III Regulation – Final Report*, 18 March 2016, at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation_of_the_implementation_of_the_dublin_iii_regulation_en.pdf [accessed 13/02/17]. See also: European Commission, *The protection of children in migration*, Brussels, 12 April 2017 (COM(2017) 211 final, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf [accessed 01/07/17].

Family reunion must be prioritized and facilitated immediately after the registration phase, even before the admissibility phase begins. At the same time, asylum procedures must be long enough to assess the specific needs of children.

The Committee refers to the guidelines developed by UNHCR on a **common approach to unaccompanied and separated children**,⁴¹ which includes the following elements:

- early identification and biometric registration
- immediate provision of safe and age appropriate care arrangements
- a best interests assessment (BIA) to identify protection needs and follow-up
- appointment of a guardian without delay
- a common method for age assessment
- family tracing
- legal representation
- case management systems

A new law on the protection of unaccompanied minors adopted by Italy on 7 April 2017, which contains an absolute prohibition of *refoulement* and mandates better reception conditions, could provide a useful model.⁴² The new law also grants unaccompanied minors access to the Protection System for Asylum Seekers and Refugees (SPRAR) and also creates simplified procedures for temporarily entrusting minors to families.

The Committee welcomes the recommendations developed by UNICEF calling for urgent action to keep children safe along the Libya migration route, including through support for child protection programmes in Libya as well as for credible resettlement and family reunification programmes.⁴³

Recommendations:

- Children should, as far as possible, not be detained based on their migration status; unaccompanied children should never be detained;
- Particular attention should be paid to the issue of the security of children in the camps;
- The European Commission should commit resources to the strengthening of child protection programmes in Libya, including through investment in reception and care centres, under the supervision of the IOM, UNHCR and other competent organizations;
- Functioning resettlement and family reunification programmes should be developed so that desperate children do not have to turn to smugglers and risk their lives;
- Member States should agree upon common European guidelines and procedures on assessing the 'best interests of the child';

⁴¹ UNHCR, *Better Protecting Refugees in the EU and Globally - UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, December 2016, p. 16.

⁴² Law no. 47 of 7 April 2017, "Dispositions concerning measures to protect foreigner unaccompanied minors" ("Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati"), published in the Official Gazette on 21 April 2017.

⁴³ https://www.unicef.org/media/media_94553.html [accessed 01/05/17].

- A qualified guardian/legal representative should be appointed for each child migrant, asylum seeker or refugee without delay;
- Member States should speed up procedures for investigating family claims and implementing family reunification, through greater human resources as well as the creation of a centralized registration mechanism/databank;
- Member States should take a proactive approach to ensuring that children are able to reunite with family under the Dublin III Regulation. This should include funding an appropriate and independent organization such as the ICRC and its national societies or the UNHCR, to:
 - Support children and family members to investigate and evidence family links;
 - Provide information packages for children and families on Dublin – the option, eligibility, timeframes, evidence requirements and application process;
 - Carry out awareness-raising amongst asylum-seeking populations about the existence of the Dublin Regulation.
- Countries should develop a process whereby family members in 'receiving' countries can also make an application rather than relying solely on the child to apply;
- Receiving countries such as the United Kingdom, Germany, Sweden and France should invest in additional and permanent staff in Greece, Italy, and France to facilitate Dublin claims and ensure smooth and speedy transfers;
- All OSCE participating States should be encouraged to share responsibility for unaccompanied child refugees that do not qualify under Dublin III, for example through mechanisms such as the 'Dubs scheme'⁴⁴, in order to provide immediate assistance to vulnerable children at immediate risk of trafficking or at high risk of sexual exploitation;
- Fast-tracking family reunification: a specific status should be created for UASCs, separately from the asylum procedure, to prioritize the tracing of family members with the aim of reuniting the minor with the family member, as far as it is in his/her best interest.

D. Addressing the External Aspects of Migration

1. The Central Mediterranean Route

One of the urgent tasks facing the international community at present is reducing irregular arrivals along the Central Mediterranean route where record numbers are perishing. Arrivals are up 20 per cent compared to the same period last year and over 2,000 persons as of July 2017 have already lost their lives. Furthermore, a substantial portion of these irregular arrivals will not be eligible for asylum in Italy.

NGOs have saved and continue to save thousands of lives at sea. Rather than questioning their role, the focus should be on cracking down on human trafficking and smuggling. NGOs should

⁴⁴ This scheme, contained in Section 67 of the Immigration Act 2016, concerns children without relatives in the United Kingdom and complements the Dublin III Regulation. While it was expected that 3,000 children would benefit, a cap of 350 was announced by the government in early 2017. A High Court challenge to the government's decision was mounted in late June 2017.

not have to fill in a gap. Support for rescue operations overseen by the European Border and Coastguard Agency (Frontex) which involve the joint efforts of EU Member States (Operations Triton⁴⁵ and Sophia⁴⁶) should be increased, in combination with policies to reinforce the EU's external borders and combat smuggling/trafficking networks.

There should also be clear legislation in place mandating the destruction of the boats used by smugglers, to prevent profiteering through the re-selling of boats or components.

At the same time, rescue at sea must not be understood as granting automatic access to the EU. People being saved and taken to refugee camps in border countries need to be promptly registered. Asylum claims must be processed rapidly and the appeals process especially needs to be shortened. Those who do not apply for asylum or are not entitled to protection, must be returned to their country of origin within a short period, and always in full compliance with the principle of *non-refoulement*. The fundamental human rights of all migrants, regardless of whether or not they have applied for asylum and how far in the process they are, should always be respected.

The focus of an improved European response should remain on Libya as it accounts for 90 per cent of departures across the Central Mediterranean. The Malta Declaration⁴⁷ and pledges made by Member States in Valletta in February 2017 aimed at stemming irregular migration on the Central Mediterranean migration route from Libya, was a positive step. However, there is an urgent need to reach agreement with the Government of National Accord (GNA) in Libya about operating in territorial waters and on land to take joint action against traffickers. Efforts should also be made to seek agreement with leaders in the parts of Libya not under the GNA's control while ensuring that the human rights of migrants and refugees are respected.

Due to the absence of a single national authority in Libya and given the distressing reports of torture, rape and enslavement within detention centers under the control of various Libyan entities, the Committee cannot at present condone the return of migrants to Libya. The situation in Libya must first be stabilized and adequate reception facilities must be set up together with international organizations such as IOM and UNHCR, before returns to Libya can take place.

Additional support should also be given to efforts to help control irregular migration further upstream at the border with Niger.

⁴⁵ Operation's TRITON's mandate is border control and surveillance as well as search and rescue and support to Italian authorities with registration of arriving migrants.

⁴⁶ Operation Sophia has been criticized for having failed to fulfil its core mandate to disrupt the business of people smuggling and trafficking networks in the central Mediterranean. In a report published on 12 July 2017, the EU External Affairs Sub-Committee of the UK House of Lords noted that an unintended consequence of Operation Sophia's destruction of smugglers' boats has been that they have adapted, sending migrants to sea in unseaworthy vessels, resulting in more deaths at sea. However, the report was positive with respect to the mandate to prevent further loss of life at sea and recommended that search and rescue work be continued, albeit using more suitable vessels. The report may be downloaded here: <https://www.publications.parliament.uk/pa/ld201719/ldselect/lddeucom/5/5.pdf>.

⁴⁷ Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, 3 February 2017.

2. The Eastern Mediterranean Route

Implementation of the EU-Turkey Statement

The most substantial achievement of the **EU-Turkey Statement** of 18 March 2016 has been the substantial fall in both crossings as well as fatalities in the Aegean Sea since its entry into force. However, the **returns** from Greece to Turkey have been few. A number of reasons have been identified, including: the insufficient capacity of the Greek asylum system in the face of the significant number of applications and the resulting backlog as well as the insufficient number of appeal committees. Turkey has reiterated its readiness to take back all irregular migrants who have crossed to Greece, as per the EU-Turkey Statement.

Concerns have also been expressed by a number of non-governmental organisations that persons entitled to international protection have been returned to Turkey.⁴⁸ Concerns have also been expressed by Amnesty International regarding the accelerated admissibility procedures in place in Greece and it has called for the most vulnerable persons and those eligible for family reunification under the Dublin Regulation to be exempt from these procedures.⁴⁹ However, recent reports seem to indicate that pressure is being placed by the European Commission on Greek authorities to fast-track asylum applications in order to expedite returns to Turkey and to minimize the number of persons recognized as vulnerable who are thus exempt from accelerated admissibility procedures and are to be referred to the mainland where they can claim asylum.⁵⁰

Resettlement has also been below expectations. More than 6,254 Syrians have been resettled from Turkey to the EU under EU-Turkey Statement as of 9 June. Turkey, however, which hosts more than 3.2 million refugees, has long argued that resettlement targets are too low and that it cannot be held accountable for the slow implementation of this scheme as it has provided the necessary lists of candidates for resettlement.

The situation of migrants and refugees in Turkey

Turkey has not only provided a safe harbor to nearly 3 million Syrians since the start of the Syrian war, it has also exerted significant efforts to improve their living conditions and enhance their integration by supporting their active participation in social and economic life as well as providing education, vocational training, free health care and access to the labour market. An overwhelming majority (90 per cent) are living outside of the camps. The efforts

⁴⁸ Amnesty International reported that at least eight Syrian refugees, including four children, were returned to Turkey without respecting procedural guarantees or considering their asylum claims. Amnesty International Press Release (28 October 2016), <https://www.amnesty.org/en/press-releases/2016/10/greece-evidence-points-to-illegal-forced-returns-of-syrian-refugees-to-turkey/> [accessed 01/07/17].

⁴⁹ Amnesty International, "Greece: Reject EU Pressure on Asylum Seekers" (10 March 2017), <https://www.hrw.org/news/2017/03/10/greece-reject-eu-pressure-asylum-seekers> [accessed 01 /07/17].

⁵⁰ Human Rights Watch, "EU/Greece: Pressure to Minimize Numbers of Migrants Identified as 'Vulnerable'" (1 June 2017), <https://www.hrw.org/news/2017/06/01/eu/greece-pressure-minimize-numbers-migrants-identified-vulnerable> [accessed 01/07/17].

to enroll Syrian children in particular are encouraging as this will boost chances for their reintegration after the end of the war and prospects for the rebuilding of their country.

Turkey has repeatedly called for increased financial support from the international community, stressing that it has spent more 26 billion US Dollars (including NGOs) in these areas, whereas the total contribution received from the international community (526 million USD) is still below expectations.

Concerns remain, however, with respect to non-Syrian refugees. Turkey provides shelter for approximately 300,000 Iraqis and Afghans in accordance with the Law on Foreigners and International Protection. However, they are not provided with “Temporary Protection Status”. The Committee therefore calls on the international community to support Turkey in its efforts to provide equal protection to Syrians and non-Syrians.

An urgent evaluation of the reasons for the failure of the emergency relocation mechanism in its current form is needed. **Returns** should also be, as far as possible, voluntary repatriations. Nevertheless, a bigger emphasis should be placed on forced returns in order to alleviate pressure on frontline states. In case of the EU, persons who are not in need of international protection and irregular migrants should be returned immediately from the first country of entry (i.e. from hotspots).

Ensuring safe, legal pathways for migration

Crucially, **safe, legal pathways for refugees** must be reinforced. The Ad Hoc Committee on Migration thus welcomes Ministerial Council Decision No. 3/16 **on the OSCE's role in the governance of large movements of migrants and refugees**⁵¹ which recognized the benefits of safe, orderly and regular migration.

Furthermore, in order for efforts to reduce irregular crossings into the EU to be successful, efforts to promote **viable long-term economic alternatives to smuggling** and to address the **root causes of migration** should be pursued (see Section E).

Recommendations:

- Support should be increased for joint EU operations overseen by Frontex involving not only search and rescue but also border patrolling and fighting smuggling networks;
- Strict sentences against persons convicted of human trafficking and smuggling should be enforced;
- In line with the February 2017 Malta Declaration, EU Member States are urged to pursue negotiations with the different authorities in Libya in order to allow the setting up of adequate reception facilities for migrants, under the management of the relevant international organisations such as IOM and UNHCR, with strong guarantees for human rights and monitoring of implementation in such facilities;

⁵¹ OSCE, Decision No. 3/16, on the OSCE's role in the governance of large movements of migrants and refugees (8 December 2016), <http://www.osce.org/cio/289491>.

- EU Member States should respect their commitments to relocate asylum-seekers in currently in Greece as well as in Italy without further delay;
- Support should be significantly increased for measures to improve conditions for Syrian and other refugees in border countries (Turkey, Jordan and Lebanon), including access to shelter, education, health care and, where possible, the labour market;
- There should be an increase in returns of persons not in need of international protection and failed asylum seekers along with support for their reintegration. This can be achieved as follows:
 - By deploying greater numbers of asylum experts and border officials, with EU support;
 - By allocating greater administrative resources;
 - By concluding readmission agreements with the countries of origin and through the harmonization of these agreements throughout the region in order to ensure a cohesive returns policy, including a list of commonly agreed-upon 'safe' countries that allows for exceptions with respect to vulnerable groups in such countries (e.g. members of the LGBT community)
 - By increasing support for IOM's programme of Assisted Voluntary Return (AVR), especially with respect to migrants in Libya who wish to return to their country of origin;
 - By encourage voluntary returns through, e.g., financial incentives (see e.g. announced plans by Germany to increase money given to voluntary returnees who make their decision quickly).⁵²
- Returns should not violate the principle of *non-refoulement*. Furthermore, each asylum claim has to be assessed individually;
- Consider replicating the EU-Turkey Statement, improved on the basis of recent experiences on the ground, with other countries which are sources of irregular departures provided that they are recognized as 'safe' and that the principle of *non-refoulement* and the right to make an asylum claim and to appeal are respected;
- All states should further promote safe and legal channels for migration to persons in need of protection, especially vulnerable migrants and refugees such as women and children, victims of torture and gender and sexual based violence, persons with disabilities and LGBT persons;
- All States, not only EU Member States, should significantly increase their resettlement programmes, in line with the September 2016 New York Declaration and with the assistance of the UNHCR;
- OSCE participating States should enhance opportunities for legal and safe migration, such as refugee resettlement schemes, family reunification programmes, private sponsorship programmes, as well as **humanitarian visas**: currently within the competence of EU Member States, an EU-wide policy with common guidelines could be further developed;

⁵² While deportees receive a multi-year re-entry ban, those who leave voluntarily get some financial assistance. The amount is higher the earlier they decide to leave. The "start-up" cash for a family of five, if they decide to leave before their asylum claim is rejected, can be EUR 4,200. That is in addition to the basic financial support that most migrants get from the IOM.

E. Addressing the Root Causes of Migration

Understanding the drivers of migration

The Committee emphasizes the importance of understanding the different reasons which push people to leave (drivers of migration) in order to target support and effectively address the root causes of migration upstream. It therefore encourages the sharing of studies on the drivers of migration, such as the recent report by the World Bank Report.⁵³

There is a clear need to better understand the drivers of migration (conflict, natural disasters, climate change, demographics, etc.) so that well-informed, long-term policies to tackle the root causes of migration can be enacted rather than emergency, reactive policies which aim to address their immediate consequences. Efforts need to focus on preventing migration flows at their origin through support for peacebuilding and the resolution of frozen conflicts.

With respect to economic migrants, the Committee welcomes the initiative by the European Commission to conclude so-called 'migration partnerships' with five priority countries identified by European Commission (Niger, Nigeria, Senegal, Mali and Ethiopia) in order to slow migration flows from these countries of origin by supporting development. The EU Trust Fund for Africa is a key element of this initiative and should be supported.

Migration partnerships should be concluded which bring into play all possible tools and policies in order to create a complex, tailor-made approach towards all migratory relevant third countries, respecting interests of both sides. The measures agreed upon should be binding and reinforced when countries do not abide by the agreements.

Viable long-term economic alternatives to smuggling

The fight against human trafficking needs to be complemented by the development of **viable long-term economic alternatives to smuggling**. The economic factors driving smuggling need to be identified and measures should be devised to support local communities and provide support for alternative livelihoods.

Addressing the root causes of smuggling in Libya, especially in the south, requires improved analysis of both the macro- and micro-economic benefits to Libyan communities and non-state actors. Yet there is almost no reliable, up-to-date evidence on the economic factors driving smuggling.⁵⁴ Regrettably, EU efforts to fund alternative livelihoods to replace the smuggling industry in Niger have had little discernible impact thus far. The reasons for this should be analysed and shared.

⁵³ Migration and Development- A Role for the World Bank Group, September 2016. Some interesting facts from the World Bank Report: In 2015, remittance flows to developing countries reached \$432 billion, more than three times the size of official development assistance. It is therefore understandable that countries of origin are reluctant to take part in schemes seeking to cut down on the illegal emigration of their citizens.

⁵⁴ For example, an EU military taskforce commander has suggested that locals in coastal towns are making annual profits of close to \$300 million per year from smuggling, but there are no details about how this figure was calculated and who are the real beneficiaries from people smuggling

Recommendations:

- Seek to better understand and address the root causes of migration and refugee flows by developing well-informed, long-term policies targeted at the drivers of migration, including through gender-sensitive humanitarian and development assistance;
- Support efforts to bring the parties to the Syrian conflict to the negotiating table to implement a nationwide ceasefire and to work towards a durable resolution to the conflict, in line with UN Security Council Resolution 2254 (2015);
- OSCE participating States that are part of the EU Asylum System should support EU efforts to develop tailor-made compacts with third countries, such as those concluded with five African countries within the Partnership Framework, and increase their financial contributions to the EU Emergency Trust Fund for Africa, with the aim of preventing irregular migration and especially stopping migration flows before they reach Libya;
- Special attention should be devoted to promoting viable economic alternatives to smuggling in local communities.

F. Facilitating Integration and Combating Intolerance and Xenophobia

OSCE participating States should continue to seek to promote integration and combat intolerance, racism and xenophobia with respect to migrant and refugee populations. Members of parliament, together with the media, have an important role to play by presenting an accurate picture of reality and explaining the positive benefits of migration placing into context the actual security threats posed by refugees and asylum-seekers.

A recent World Bank Report⁵⁵ found that many people believe that immigrants make up a higher share of their country's population than the actual numbers. Furthermore, more than 60 per cent of voters in the United Kingdom and the United States, 50 per cent in Spain and Italy, and 40 per cent in France and Germany believe that immigrants take jobs away from natives, while the academic evidence is mixed. Such perceptions shape the political debate and policy outcomes related to migration.

Greater weight should be placed on family ties as studies have shown that people integrate faster once they are united with their family. Thus, the presence of family members in the extended sense should be taken into account when selecting candidates for relocation. Family reunification procedures should also be simplified, especially in the case of unaccompanied and separated minors (see also Section C).

⁵⁵ World Bank Group, *Migration and Development. A Role for the World Bank Group* (September 2016), <http://pubdocs.worldbank.org/en/468881473870347506/Migration-and-Development-Report-Sept2016.pdf> [accessed 01/05/17].

Recommendations:

- Ensure fast family reunion once a claim has been recognized;
- Host refugees in smaller housing units rather than 'ghettos' in order to facilitate integration. Smaller units are also more appropriate for vulnerable groups. They also tend to garner broader public support.
- Provide access to education and ensure that refugee and migrant children are able to attend mainstream schools as soon as possible. If necessary, children should be taught separately in order to guarantee a rapid and successful transition into regular education;
- Ensure sufficient opportunities to learn the language and traditions of the host country also for adults;
- Also ensure that children are taught the language, history and traditions of their country of origin, if their parents so wish;
- Provide access without delay of recognized refugees to the labour market; if possible, also grant work permits to asylum-seekers or offer opportunities to engage in meaningful occupation such as volunteer work;
- Provide accurate data, analysis, and information and well-articulated outreach through print and social media in order to counter misperception about the threat posed by migrants and refugees;
- Disseminate best practices on integration, e.g. Canada's private sponsorship program (see Annex E) or the Ljubljana Guidelines on Integration of Diverse Societies developed by the Office of the OSCE High Commissioner on National Minorities to assist OSCE participating States that accept refugees, including in ensuring that the refugees do not become a target of hate crimes or scapegoated by ultranationalist and other intolerant groups;
- Draw upon the OSCE ODIHR's Tolerance Unit, for example to provide hate crimes training to law enforcement, collect data on anti-migrant hate crimes, and to work with parliamentarians to increase responses to anti-migrant rhetoric from political leaders that harms implementation of wide-ranging humane resettlement efforts, and if unaddressed can fuel anti-migrant violence.

G. Enhanced Cohesion, Communication and Co-operation

There is a need for a greater degree of **inter-institutional cohesion, communication and co-operation**. The multifaceted nature of migration requires partnerships between the OSCE and the key international governmental actors dealing with migration (EU, IOM, UNHCR, ICRC, etc.) together with NGOs, civil society, and the private sector. It is especially important to co-ordinate and consolidate efforts in the process of drafting a Global Compact for Safe, Regular and Orderly Migration.⁵⁶

There is also a need for **greater intra-organizational co-ordination and coherence** within the OSCE and its institutions. The OSCE PA Ad Hoc Committee on Migration welcomes the adoption in Hamburg of Ministerial Council Decision No. 3/16 **on the OSCE's role in the governance of large movements of migrants and refugees**⁵⁷ and its emphasis on OSCE participating States making greater use of the OSCE's expertise in migration-related areas.

It also acknowledges the substantial work accomplished by the "Informal Working Group Focusing on the Issue of Migration and Refugee Flows" and its report presented to the OSCE Permanent Council of 20 July 2016.⁵⁸ It regrets, however, that the recommendations put forth by the Informal Working Group to enhance cohesion and coordination in the OSCE's work in the field of migration were not taken up. These included:

- The appointment by the OSCE Chairmanship of a Special Representative on Migration.
- The development of an OSCE migration focal points network in participating States and interested Partners for Co-operation.
- The establishment of a thematic task force or mobile team focusing on migration and refugee flows in the OSCE Secretariat.

In this context, the OSCE PA Ad Hoc Committee on Migration recalls the comprehensive recommendations proposed by the OSCE PA General Committee on Democracy, Human Rights and Humanitarian Questions in its report "**Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement**".⁵⁹

⁵⁶ The initiative to draft a 'Global Compact for Safe, Regular and Orderly Migration' stems from the UN Summit for Refugees and Migrants held in New York on 19 September 2016 and the resulting New York Declaration for Refugees and Migrants. It is to be adopted at an intergovernmental conference on international migration in 2018.

⁵⁷ OSCE, Decision No. 3/16, on the OSCE's role in the governance of large movements of migrants and refugees (8 December 2016), <http://www.osce.org/cio/289491>.

⁵⁸ Report by the Chairperson of the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows, Ambassador Claude Wild, Switzerland, to the Chairperson of the OSCE Permanent Council, Ambassador Eberhard Pohl, Germany, *Towards comprehensive governance of migration and refugee flows in the OSCE area* (CIO.GAL/117/16/Rev.1, 27 July 2016).

⁵⁹ The report *Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement* (February 2016) may be downloaded here: <https://www.oscepa.org/documents/all-documents/winter-meetings/2016-vienna-1/reports-1/3159-migration-crisis-in-the-osce-area-3rd-committee-thematic-report-feb-2016/file> [accessed 01/05/17].

A **common EU registration system** should be introduced for the orderly processing of all irregular arrivals, access to protection, security screening as well as family reunion.⁶⁰ This common registration system, which would ensure that the information required for family reunion is collected at the earliest stage, could also significantly improve efforts to track unaccompanied and separated children and prevent their ‘disappearance’.

The **identification of missing and deceased migrants** has largely been neglected. Progress on this difficult topic necessitates a transregional approach between countries of origin, transit and destination, as well as further political support and resources. In recent months, the ICRC and its national societies have embarked on an ambitious programme of collecting information from families of migrants feared to have died *en route* to Europe, and providing this information to authorities in arrival countries to support efforts to identify human remains.

The ICRC aims to set up a **regional database** for the identification of deceased migrants in Europe and has called upon the OSCE PA and its members to support this initiative. The ICRC’s role would be to establish **co-ordination mechanisms** between relevant authorities of concerned states of origin and arrival, in order to support and facilitate the transmission of information about the fate and whereabouts of the missing persons to their families and enhance the collection of ante-mortem and post-mortem information to facilitate the identification of dead migrants (building on current experience in Italy, Mali, Senegal and Mauritania). The ICRC is also considering setting up a **regional training centre** in Italy for forensic practitioners from Europe and the wider Mediterranean region who are involved in the management and identification of dead migrants, including in mass fatalities.

Information-sharing can also be beneficial in the **sharing of best practices and lessons learned** and best practices, e.g. the cash card programme⁶¹ introduced in Turkey and Greece with the support of the European Commission and which gives refugees and migrants a measure of autonomy and dignity and also supports local communities. Lessons are also to be learned from Canada’s Private Sponsorship of Refugees Programme (PSR) or Italy’s SPRAR system (Protection System for Asylum Seekers and Refugees) which provides for a new model of decentralized reception facilities.

⁶⁰ UNHCR, *Better Protecting Refugees in the EU and Globally - UNHCR’s proposals to rebuild trust through better management, partnership and solidarity*, December 2016, available at: <http://www.unhcr.org/news/press/2016/12/58453b614/unhcr-calls-stronger-eu-action-refugees.html> [accessed 01/05/17].

⁶¹ The Emergency Social Safety Net (ESSN) provides Syrian refugees in Turkey pre-paid cards for food, housing, schooling or medical expenses. The ESSN is implemented by the World Food Programme and the Turkish Red Crescent, in collaboration with the Turkish Ministry of Family and Social Policy and the Disaster and Emergency Management Presidency. In Greece, refugees and migrants are given pre-paid cash cards to purchase what they need in local markets.

Recommendations:

- The OSCE is encouraged to pursue implementation of Ministerial Council Decision No. 3/16 on the OSCE's role in the governance of large movements of migrants and refugees, in particular by increasing dialogue and co-operation with the Mediterranean Partners for Co-operation;
- The OSCE is also urged to adopt measures to ensure greater intra-institutional cohesion, co-ordination, information sharing and impact with respect to migration and refugee flows, for example through:
 - the development of an Organization-wide response, with clearly identified roles and responsibilities of each OSCE body;
 - a clearer division of portfolios on migration-related issues within the three dimensions of OSCE activities;
 - establishing of a high-level co-ordinating position on migration supported by a network of focal points throughout OSCE bodies, field missions, institutions as well as Partners for Co-operation.
- The OSCE and its participating States should renew efforts to implement the recommendations of the Milan and Barcelona conferences of 2013 and 2015 organized under the auspices of the ICRC on the identification and management of the bodies of dead migrants;
- The OSCE and its participating States should in particular ensure **adequate support and financial resources for forensic services**;
- They should also seek to **improve communication with authorities in countries of origin** in order to help the identification of dead migrants, and bring answers to bereaved families;
- The OSCE and its participating States should collaborate with the ICRC towards the establishment of a **transregional mechanism to centralize data concerning missing migrants**, and **improve co-ordination and communication** between relevant authorities, experts and families, for the identification of missing migrants, and for a dignified management of remains, in the case of deceased migrants.

V. Conclusions

The OSCE PA Ad Hoc Committee on Migration recognizes the difficulties and dilemmas facing policy-makers dealing with issues related to migration and refugees and wishes to conclude this report with the following remarks:

Firstly, the community of OSCE participating States cannot stand by and let people drown and efforts to save lives at sea and also on land are to be commended. However, it is essential that a distinction be made between refugees, as per the 1951 Refugee Convention and economic migrants when deciding on further course of action.

Secondly, the community of OSCE participating States cannot let a handful of countries deal with the problems alone. While solidarity and responsibility-sharing should continue to be encouraged, and the positive benefits of migration should be underlined, as experience has regrettably shown, purely voluntary mechanisms for redistributing refugees and asylum-seekers are not functioning. The Committee hopes that, in a not-so-distant future, the OSCE will adopt a binding decision on its participating States, calling on them to accept their moral responsibilities.

Thirdly, notwithstanding the need to address the immediate challenges, increased efforts are necessary to prevent migration flows upstream and, most importantly, to address the source of mixed flows by tackling the root causes.

The deliberations and recommendations of the Committee in its first year of activity have focussed primarily on the management of migration and refugee flows in Europe and its neighbouring regions, with a particular focus on Syrian refugees and the Mediterranean.

The Committee recognises that there are many other pressing issues within the OSCE region, for example in Central Asia which is experiencing some of the world's largest international labour migration and remittances flows. In North America, the question of immigration and illegal migrants features prominently in the current political debate, with security concerns being used to justify arbitrary and discriminatory restrictions on arrivals to the United States which are also severely impacting resettlement programmes. This report also does not address issues of internal displacement.

There are undoubtedly security aspects to the migration flows and the concerns of populations in OSCE countries as a result of the increase in terrorist attacks should be addressed, while also acknowledging that many such attacks are conducted by nationals, not foreigners. However, the securitization⁶² of migration, which can be traced back to the end of the Cold War, has significant negative political and ethical consequences as it calls for policies and procedures which violate fundamental human rights and fuels populism.

⁶² 'Securitization' is the process during which a normal or typical political issue, is altered by the speech act, and creates new security threats.

As the media's focus shifts to terrorist attacks, natural disasters or other tragic events, we must not allow ourselves to engage in wishful thinking that the crisis will pass. Already this year, nearly 3,000 migrant deaths have been recorded worldwide, of which over 2,000 perished while attempting to cross the Mediterranean. Last year's shocking record of over 5,000 migrant deaths in the Mediterranean will almost certainly be broken. There is an urgent need for a cohesive, balanced and co-ordinated response to the situation in Italy, Greece and Turkey which continue to accommodate a disproportionate share of migrants and refugees. A global response based on shared responsibility is vital.

The year 2017 is key as preparations are underway for the drafting of a Global Compact on Safe, Orderly and Regular Migration. The Committee hopes that the OSCE and its Parliamentary Assembly, which have been standard setters in many fields, can remain relevant and contribute to the development of a coherent, shared and responsible forward-thinking approach to this most pressing cross-dimensional challenge.

ANNEX A

Members of the OSCE PA Ad Hoc Committee on Migration⁶³

(as of 30 September 2017)

1. **Mr. Filippo LOMBARDI** (MP, Switzerland) – Chair
2. **Mr. Alain NERI** (MP, France) – Vice-Chair
3. **Ms. Sena Nur CELIK** (MP, Turkey) – Vice-Chair
4. **Mr. Laurynas KASCIUNAS** (MP, Lithuania) – Vice-Chair
5. **Mr. Guglielmo PICCHI** (MP, Italy) – Vice-Chair
6. **Ms. Isabel SANTOS** (MP, Portugal) – Vice-Chair
7. **Mr. Makis VORIDIS** (MP, Greece) – Vice-Chair
8. **Mr. Geir Joergen BEKKEVOLD** (MP, Norway)
9. **Ms. Margareta CEDERFELT** (MP, Sweden)
10. **Mr. Jose Maria CHIQUILLO** (MP, Spain)
11. **Ms. Ivana DOBESOVA** (MP, Czech Republic)
12. **Ms. Elvira DROBINSKI-WEISS** (MP, Germany)
13. **Lord Alfred DUBS** (MP, United Kingdom)
14. **Ms. Hedy FRY** (MP, Canada)
15. **Mr. Roman HAIDER** (MP, Austria)
16. **Ms. Sheila JACKSON LEE** (MP, United States of America)
17. **Mr. Kyriakos KYRIAKOU-HADJIYIANNI** (MP, Cyprus)
18. **Ms. Nahima LANJRI** (MP, Belgium)
19. **Ms. Stefana MILADINOVIC** (MP, Serbia)
20. **Mr. Ignacio SANCHEZ AMOR** (MP, Spain)
21. **Ms. Bihlun TAMAYLIGIL** (MP, Turkey)
22. **Ms. Marietta TIDEI** (MP, Italy)
23. **Mr. Georgios VAREMENOS** (MP, Greece)

⁶³ For the current composition of the Committee, see: <http://oscepa.org/about-osce-pa/parliamentary-committees-groups/other-committees-groups/226-ad-hoc-committee-on-migration>.

ANNEX B

Past Activities (2016/2017)

DATES	VENUE	DESCRIPTION OF JOINT ACTIVITIES OF THE COMMITTEE
2016		
10-11 May	FRANCE	Field mission to FRANCE (Paris, Calais and Dunkirk)
27 June	Vienna	Contribution to the meeting of the OSCE “Informal Working Group Focusing on the Issue of Migration and Refugee Flows” on the theme “The media’s impact on the public perception of the refugee crisis” + screening of extract of the documentary “Exiles: The Wars” directed by Barbara Cupisti.
1-5 July	Tbilisi	Report by Chair Lombardi to the Standing Committee, 25 th OSCE PA Annual Session + First Meeting of the Committee (3 July)
20 July	Vienna	Report by Chair Lombardi to the Special OSCE Permanent Council on Migration and Refugee Flows
7- 8 September	ITALY	Field mission to ITALY (Sicily – Catania, Mineo, Pozzallo)
29 Sept. -2 Oct.	Skopje	Report by Chair Lombardi to the Standing Committee, OSCE PA Autumn Meeting + Second Meeting of the Committee (30 September)
2017		
15-17 January	Brussels, Geneva	Briefings with key international actors in BRUSSELS (EEAS, European Commission) and in GENEVA (ICRC, UNHCR, IOM) + Third Meeting of the Committee (17 January, Geneva)
22-24 February	Vienna	Discussion of the Interim Recommendations Report by Chair Lombardi to the Standing Committee, OSCE PA Winter Meeting + Fourth meeting of the Committee (22 February)
24 April	Copenhagen	Report by Chair Lombardi to the Bureau
2-4 May	GREECE	Field mission to GREECE (Athens and Lesbos) + Fifth Meeting of the Committee (4 May, Athens)
16-18 May	TURKEY	Field mission to TURKEY (Ankara, Gaziantep, Kahramanmaraş)
4-9 July 2017	Minsk	- Report by Chair Lombardi to the Standing Committee, 26 th OSCE PA Annual Session - Debate of the Draft Resolution “Ensuring a Coherent, Shared and Responsible Governance of Migration Flows” + Sixth and Seventh Meetings of the Committee (4, 6 July)

Note: This overview relates to the initiatives of the Committee as a whole and does not list migration-related activities undertaken by individual members of the Committee.

ANNEX C

List of Interlocutors

FRANCE:

- Ms. Magali CHARBONNEAU, Advisor on Immigration, Ministry of Interior, Paris.
- Mr. Jérôme NARBONNE, Parliamentary Adviser, Ministry of Interior, Paris.
- Mr. Cyril ROUGUER, Programme Officer for Asylum and Immigration, Ministry of Interior, Paris.
- Mr. Stephane DUVAL, Director of the CAP and Jules-Ferry Reception Centre, Calais.
- Mr. Vincent BERTON, Sub-Prefect of Calais.
- Mr. Renaud BERNHARDT, DDPAF 62 (Calais Border Police).
- Mr. Gilles FURIGO, Inspector General, Co-ordinator of the Calais police force on migration.
- Mr. Antoine BOO, Deputy Director, Border Force, Calais.
- Mr. Paul MORGAN, Chief of the Defense Staff, DDPAF (Calais Border Police).
- Mr. Eric ETIENNE, Sub-Prefect of Dunkirk.
- Mr. Damien CAREME, Mayor of Grande-Synthe.

NGOs:

- Representatives of *Médecins sans Frontières*/Doctors without borders.
- Representatives of Médecins du Monde / Doctors of the World.
- Representatives of "Utopia 56".

ITALY:

- Deputy Prefect Giuseppa DI RAIMONDO, Head of the Interior Ministry's mission at CARA Mineo.
- Deputy Prefect Tommaso MONDELLO, Head of the Immigration Service of Catania Prefecture.
- Dr. Vincenzo CARUSO, Administrative and Judiciary Consultant, Mineo.
- Mr. Sebastiano MACCARRONE, Director, CARA Mineo.
- Ms Maria Carmela LIBRIZZI, Prefect of Ragusa.
- Ms. Rosanna MALLEMI, Deputy Prefect, Officer of Immigration Service of Ragusa Prefecture.

IGOs, NGOs:

- Ms. Agata ROMEO, Legal Associate, UNHCR, Catania.
 - Ms. Flavia CALO, Medici per i Diritti Umani/Doctors for Human Rights (MEDU), Catania.
 - Ms. Michaela MESSINA, Save the Children Italia, Catania.
- + representatives of FRONTEX and EASO, amongst others.

GREECE:

Athens:

- Mr. Ioannis MOUZALAS, Minister for Migration Policy.
- Mr. Ioannis BALAFAS, Deputy Minister for Migration Policy.
- Mr. Ioannis BASKOZOS, Secretary General for Public Health.
- Mr. Eleftherios PAPAGIANNAKIS, Deputy Mayor of Athens.
- Ms. Rena DOUROU, Governor of Attica Region.
- Mr. Christos KAPATAES, Vice-Governor of Attica Region.
- Mr. Dimitrios VITSAS, Deputy Minister for Defence.

Lesvos:

- Mr. Stavros MIROGIANNIS, Manager, Hospitality Centre for Refugees and Migrants “Kara Tepe”.
- Mr. Ioannis BALPAKAKIS, Director, Moria Reception and Identification Centre (RIC).
- Mr. Spyros GALINOS, Mayor of Lesvos.
- Mr. Nikolaos ZISSIMOPOULOS, Police Major General of the Police Directorate-General of Northern Aegean Prefecture.
- Mr. Andreas STEFANOY, Colonel of the Police Directorate of Lesvos.
- Mr. Konstantinos FLOURIS, Commander, Lesvos Coast Guard.
- Mr. Stavros GAGARELLIS, Lieutenant Jr., Lesvos Coast Guard.

Representatives of IGOs, NGOs:

- Ms. Astrid CASTELEIN, Head of Sub-Office, UNHCR Lesvos
- Mr. Henke RENE, FRONTEX
- Ms. Nar DELLA, FRONTEX
- Ms. Irini PANAGOU, IOM
- Mr. Dimitrios PATESTOS, Medical Administrator, Médecins du Monde-Greece
- Ms. Sophie SPENCER, Greece Field Coordinator, Safe Passage UK
- Ms. Natasha TSANGARIDES, Greece Field Manager – Consultant, Safe Passage UK
- Ms. Olivia LONG, Help Refugees – UK

TURKEY:

Ankara:

- Rear Admiral Mr. Bülent OLCAY, Commander of the Turkish Coast Guard
- Undersecretary Ambassador Mr. Ümit YALÇIN, Ministry of Foreign Affairs
- Mr. Atilla TOROS, General Director, Department of Migration at the Ministry of Interior (DGMM)
- Mr. Mehmet Halis BILDEN, General Director, Disaster and Emergency Management Presidency of Turkey (AFAD)
- Mr. Cihad ERGİNAY, Ambassador, Deputy Undersecretary, Ministry of Foreign Affairs
- Mr. Ege ERKOÇAK, Director for Political Affairs, Ministry for EU Affairs
- Mr. Sadettin AKYIL, General Director, International Labour Department, Ministry of Labour and Social Security
- Mr. İbrahim TOROS, Head of Department of the Psychosocial Support in Migration, Disaster and State of Emergency, Ministry of Family and Social Policies
- Mr. Yalçın Köksal DEMİR, Head of the Education Department for Migration and Emergency, Ministry of National Education
- Mr. Mustafa UZUN, Vice President of the Public Health Institute, Ministry of Health

Gaziantep/Nizip:

- Ms. Fatma ŞAHİN, Mayor of Gaziantep
- Mr. Serdat POLAT, Deputy Governor of Gaziantep
- Mr. Harun SARIFAKIOĞULLARI, Nizip District Governor
- Mr. Mehmet ÖZDENİZ, Director of Nizip Refugee Camp

Members of the Delegation of Turkey to the OSCE PA

- Mr. Vedat Bilgin, Head of Delegation
- Mr. Celil Gocer, Member of Delegation
- Mr. Ismail Karayel, Member of Delegation
- Mr. Necdet Unuvar, Member of Delegation

IGOs:

- Mr. Azhar AL AZZAWI, Head of the Field Office, World Food Programme (WFP), Gaziantep
- Mr. Veli ACU, Programme Officer (Office in Diyarbakır), World Food Programme (WFP), Gaziantep
- Ms. Tracey BUCKENMEYER, Head of the Southeast Cooperation, UNHCR
- Mr. Fuat ÖZDOĞRU, Field Coordinator, UNHCR
- Mr. Yannick BRAND, Office Coordinator, UNICEF
- Mr. Serdal GÜNEL, Field Coordinator, UNICEF
- Mr. Rex Arnold ALAMBAN, Representative to Gaziantep, IOM
- Mr. Erhan VURAL, International Protection Executive, IOM

NGOs:

- Mr. Mehmetali Eminoglu, Bulbulzade Foundation of Education, Health and Solidarity
- Mr. Mahmut Kacmazer, Bulbulzade Foundation of Education, Health and Solidarity
- Mr. Muhlis Bahadır Yetkin, Turkish Red Crescent – Gaziantep desk
- Mr. Mahmut Kacmazer, Bulbulzade Foundation of Education, Social Health, Culture, Sport, Cooperation and Solidarity
- Ms. Necla Akdogan, Belkis Women Foundation Family, Education, Social Health, Culture Cooperation and Solidarity
- Ms. Emineoya Hengirmen, Helping Volunteers Foundation of Metropolis
- Mr. Ahmet Kolemen, Foundation of Association of Science Dissemination – Gaziantep desk
- Mr. Mehmet Celenk, Independent Industry and Business Association, Gaziantep desk
- Mr. Emre Ilker Cece, Association for Solidarity with Asylum Seekers and Migrants (ASAM), Gaziantep desk
- Representative of Amnesty International – Turkey, Ankara.

Kahramanmaraş:

- Mr. Mehmet TURKOZ, Kahramanmaraş District Governor
- Mr. Rustem GENC, Director of the Kahramanmaraş refugee camp

BELGIUM:

- Mr. Leonello GABRICI, Deputy Managing Director, Human Rights, Global and Multilateral Issues and Head of Division, Migration and Human Security, European External Action Service (EEAS), Brussels
- Mr. Christos STYLIANIDES, Commissioner for Humanitarian Aid and Crisis, European Commission
- Mr. Alexis PANTELIDES, Policy Assistant to the Head of Cabinet, Cabinet of Commissioner Christos Stylianides, European Commission
- Ms. Davinia WOOD, Cabinet Member, Cabinet of Commissioner Christos Stylianides, European Commission
- Mr. Simon MORDUE, Deputy Director General for Migration, Home Affairs and Citizenship (DG-HOME), European Commission

SWITZERLAND:

International Committee of the Red Cross (ICRC), Geneva

- Ms. Christine BEERLI, Permanent Vice-President
- Mr. Martin SCHUEPP, Deputy Regional Director, Europe & Central Asia
- Ms. Stephanie LE BIHAN, Adviser on Migration Issues, Central Tracing Agency and Protection Division
- Ms. Catherine-Lune GRAYSON, Policy Advisor, Department of International Law and Policy

International Organization for Migration (IOM), Geneva

- Ms. Jill HELKE, Director, International Cooperation and Partnerships
- Ms. Michele KLEIN SOLOMON, Senior Policy Advisor to the Director General
- Mr. Pasquale LUPOLI, Senior Regional Adviser for Europe and Central Asia, Office of the Director General

United Nations High Commissioner for Refugees (UNHCR), Geneva

- Mr. Xavier CREACH, Head of Unit, Emergency Protection Support Unit, Emergency Response for Europe, Bureau for Europe
- Ms. Madeline GARLICK, Head of Protection Policy and Legal Advice Section, Division of International Protection

OSCE and OSCE Institutions

- Amb. Madina JARBUSSYNNOVA, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
- Ms. Dunja MIJATOVIC, OSCE Representative on Freedom of the Media
- Amb. Claude WILD, Permanent Representative of Switzerland to the OSCE; former Chair of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows

ANNEX D

Participants (Members of the Committee)

Field Mission to France (10-11 May 2016)

1. Mr. Filippo LOMBARDI (MP, Switzerland), Chair
2. Mr. Alain NERI (MP, France), Vice-Chair
3. Mr. Guglielmo PICCHI (MP, Italy), Vice-Chair
4. Ms. Sena Nur CELIK (MP, Turkey), Vice-Chair
5. Ms. Ivana DOBESOVA (MP, Czech Republic)
6. Ms. Margareta CEDERFELT (MP, Sweden)
7. Mr. Jose Ignacio SANCHEZ AMOR (MP, Spain)

Field Mission to Italy (7-8 September 2016)

1. Mr. Filippo LOMBARDI (MP, Switzerland), Chair
2. Mr. Alain NERI (MP, France), Vice-Chair
3. Mr. Guglielmo PICCHI (MP, Italy), Vice-Chair
4. Mr. Makis VORIDIS (MP, Greece), Vice-Chair
5. Mr. Geir Joergen BEKKEVOLD (MP, Norway)
6. Ms. Elvira DROBINSKI-WEISS (MP, Germany)
7. Ms. Nahima LANJRI (MP, Belgium)
8. Mr. Ignacio SANCHEZ AMOR (MP, Spain)
9. Mr. Georgios VAREMENOS (MP, Greece)

Briefings in Brussels and Geneva (15-17 January 2017)

1. Mr. Filippo LOMBARDI (MP, Switzerland), Chair
2. Mr. Alain NERI (MP, France), Vice-Chair
3. Ms. Isabel SANTOS (MP, Portugal), Vice-Chair
4. Mr. Geir Joergen BEKKEVOLD (MP, Norway)
5. Ms. Margareta CEDERFELT (MP, Sweden)
6. Ms. Ivana DOBESOVA (MP, Czech Republic)
7. Lord Alfred DUBS (MP, United Kingdom)
8. Ms. Nahima LANJRI (MP, Belgium)
9. Mr. Ignacio SANCHEZ AMOR (MP, Spain) (*Geneva only*)
10. Ms. Marietta TIDEI (MP, Italy)
11. Mr. Georgios VAREMENOS (MP, Greece)

Field Mission to Greece (2-4 May 2017)

1. Mr. Filippo LOMBARDI (MP, Switzerland), Chair
2. Mr. Alain NERI (MP, France), Vice-Chair
3. Ms. Sena Nur CELIK (MP, Turkey), Vice-Chair
4. Mr. Guglielmo PICCHI (MP, Italy), Vice-Chair
5. Ms. Isabel SANTOS (MP, Portugal), Vice-Chair
6. Mr. Makis VORIDIS (MP, Greece), Vice-Chair
7. Ms. Margareta CEDERFELT (MP, Sweden) (*Athens only*)
8. Mr. Roman HAIDER (MP, Austria)
9. Mr. Kyriakos KYRIAKOU-HADJIYIANNI (MP, Cyprus)
10. Ms. Nahima LANJRI (MP, Belgium)
11. Ms. Marietta TIDEI (MP, Italy)
12. Mr. Georgios VAREMENOS (MP, Greece)

Field Mission to Turkey (15-18 May 2017)

1. Ms. Isabel SANTOS (MP, Portugal), Vice-Chair
2. Ms. Sena Nur CELIK (MP, Turkey), Vice-Chair
3. Mr. Alain NERI (MP, France), Vice-Chair
4. Mr. Kyriakos KYRIAKOU-HADJIYIANNI (MP, Cyprus)
5. Ms. Bihlun TAMAYLIGIL (MP, Turkey)
6. Ms. Marietta TIDEI (MP, Italy)
7. Mr. Georgios VAREMENOS (MP, Greece)

Meeting of the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows (Vienna, 27 June 2016)

1. Mr. Makis VORIDIS (MP, Greece), Vice-Chair
2. Mr. Guglielmo PICCHI (MP, Italy), Vice-Chair
3. Mr. Geir Joergen BEKKEVOLD (MP, Norway)
4. Ms. Elvira DROBINSKI-WEISS (MP, Germany)
5. Ms. Marietta TIDEI (MP, Italy)

ANNEX E

Canada's Private Sponsorship of Refugees (PSR) Program

In order to learn more about Canada's Private Sponsorship of Refugees Program, Dr. Hedy Fry (Canada) provided the Committee with a briefing on this topic during the 2017 Winter Session in Vienna. The following information outlines the key tenants of Canada's program of Privately Sponsored Refugees (PSRs) which was launched in the late 1970s.⁶⁴

▪ Who qualifies?

- Refugees and persons in refugee-like situations who qualify under the Convention Refugee Abroad Class or the Country of Asylum Class.⁶⁵
- A Convention Refugee Abroad is a person who:
 - is a Convention refugee⁶⁶;
 - is outside Canada;
 - is seeking resettlement in Canada;
 - does not have a prospect of another durable solution, within a reasonable period of time, that is:
 - cannot return to his or her country of nationality or habitual residence;
 - cannot integrate in the country of refuge or the country of first asylum; and
 - does not have another offer of resettlement from a country other than Canada.
 - will be privately sponsored or assisted by the government or has adequate financial resources to support himself or herself and any dependents.⁶⁷
- The Private Sponsorship program does not apply to individuals already in Canada; individuals who were the subject of a previous sponsorship application and were refused, unless their circumstances have changed (new information, which was not presented in the previous application, has come to light or Canadian laws affecting the case have changed); individuals deemed to be Convention refugees by another country and allowed

⁶⁴ See: <http://ccrweb.ca/en/private-sponsorship-refugees>. There are other two resettlement programmes in Canada: Government-Assisted Refugees mainly referred by the UNHCR and whose resettlement – for up to one year or until they are able to support themselves – is entirely supported by the Government; and Blended Visa Office-Referred (BVOR) Refugees who are Convention refugees referred by the UNHCR and who are matched with a private sponsor in Canada. In the BVOR programme, the Canadian government provides up to six months of income while the private sponsors provide the remaining six months of financial support in addition to the one year of social and emotional support.

⁶⁵ A member of the Country of Asylum Class is defined in Canada as “a person who is outside his or her country of citizenship or habitual residence; who has been, and continues to be, seriously and personally affected by civil war or armed conflict or who has suffered massive violations of human rights; for whom there is no possibility of finding an adequate solution to his or her situation within a reasonable period of time; and who will be privately sponsored or who has adequate financial resources to support himself or herself and any dependants. Government of Canada, [Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program](#).

⁶⁶ The Convention refugee definition in Canada is: “any person who by reason of a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group or political opinion is outside the country of his or her nationality and is unable or, by reason of that fear, unwilling to avail himself or herself of the protection of that country; or does not have a country of nationality, is outside the country of his or her former habitual residence and is unable or, by reason of that fear, unwilling to return to that country. Government of Canada, [Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program](#).

⁶⁷ Government of Canada, [Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program](#).

to live there permanently; and individuals who fled persecution or civil war some time ago but can now integrate into the country where they are residing or can return home safely.⁶⁸

▪ **How does it function?**

- Identification of a private sponsor in Canada who agrees⁶⁹ to provide financial and other support for the refugee for one year. Private sponsors must demonstrate that they have the necessary funds and volunteer base to support the refugee.
- Sponsors identify the refugee they wish to sponsor.
- Private sponsors are typically individuals associated with a faith-based organization, community associations, humanitarian organizations, educational institutions and ethnic groups.

▪ **What is the role of the Private Sponsor?**

- Private Sponsors agree to provide the refugees with care, lodging, settlement assistance and support for the duration of the sponsorship period.⁷⁰
 - According to Immigration, Refugees and Citizenship Canada, private sponsors normally support the sponsored refugees by:
 - providing the cost of food, rent and household utilities and other day-to-day living expenses;
 - providing clothing, furniture and other household goods;
 - locating interpreters;
 - selecting a family physician and dentist;
 - assisting with applying for provincial health-care coverage;
 - enrolling children in school and adults in language training;
 - introducing newcomers to people with similar personal interests;
 - providing orientation with regard to banking services, transportation, etc.; and
 - helping in the search for employment.⁷¹
 - Private Sponsors also help refugees with a variety of tasks, such as completing government forms finding childcare or permanent housing.
- **How long does the PSR programme last?**
- Support is provided for 12 months or until the refugee becomes self-sufficient, whichever comes first. In exceptional circumstances, the federal immigration department may determine that the refugee requires more time to become established in Canada and will ask the sponsoring group to extend the sponsorship period to a maximum of 36 months.

⁶⁸ Government of Canada, [*Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program.*](#)

⁶⁹ The Private Sponsors sign a formal sponsorship agreement with the federal immigration department, outlining the obligations and commitments of both parties. The agreement is required before the sponsored person can immigrate to Canada.

⁷⁰ Government of Canada, [*Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program.*](#)

⁷¹ Government of Canada, [*Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program.*](#)

- **How many have been resettled under this programme?**
 - More than 288,000 refugees since the late 1970s from all over the world
 - Between 4 November 2015 and 29 January 2017, 14,274 Syrians had been resettled through the PSR programme; this represents about 35 per cent of the overall 40,081 Syrian refugees which have been resettled to 350 communities across Canada.⁷²
- **Where have they been resettled?** More than 350 communities across Canada
- **Lessons learned?**⁷³

The lessons learned have been largely positive, including:

 - Significant increase in the number of resettlement places
 - Builds support by mobilizing local communities
 - Facilitates integration by providing refugees with a longer term support network
 - Builds powerful bonds between sponsors and refugees
 - Ensures a broader distribution of refugees throughout the country which also enhances integration chances by building more diverse local communities
 - Strengthens host communities
 - Fosters positive attitudes towards refugees and resettlement

However, privately sponsored refugees as well as government-assisted refugees have experienced the need to improve their language skills in order to access employment and settlement services.⁷⁴

Privately sponsored refugees also reported difficulty in having their education, employment and professional credentials recognized in Canada.⁷⁵

When income support from the government or private sponsors ends after 12 months, in most cases, it is a normal occurrence for some refugees to transition to provincial or territorial social assistance support. It is important to note that while income support ends after 12 months, other federal supports continue. Language training and employment-related support services continue to be available until refugees become Canadian citizens. Ongoing support and access to settlement programs, which are critical to ensuring long-term success, is available to all refugees, whether privately sponsored or government-sponsored, until they become Canadian citizens.

Overall, statistics over the past decade show that 50 percent of privately sponsored refugees and 10 percent of government-assisted refugees had employment income in their first year.⁷⁶

⁷² Government of Canada, [#WelcomeRefugees: Key figures](#).

⁷³ Canada has launched a Global Refugee Sponsorship Initiative, in co-operation with UNHCR, the University of Ottawa, the Radcliffe Foundation and the Open Society Foundations with the aim to provide training and advice to countries interested in replicating the Canadian model. For more, see: <http://refugeesponsorship.org/>

⁷⁴ Government of Canada, [Syrian refugee integration – One year after arrival](#).

⁷⁵ Government of Canada, [Syrian refugee integration – One year after arrival](#).

⁷⁶ The results from the “Rapid Impact Evaluation of the Syrian Refugee Initiative,” which was conducted to assess the early outcomes of the 2015-2016 Syrian Refugee Initiative, is aligned with these figures. See: <http://www.cic.gc.ca/english/resources/evaluation/rapid-syria.asp> [accessed 30/09/17].

ANNEX F

RESOLUTION ON ENSURING A COHERENT, SHARED AND RESPONSIBLE GOVERNANCE OF MIGRATION AND REFUGEE FLOWS⁷⁷

1. Recognizing the global nature of the refugee and migrant crisis which impacts on every member of the international community and calls for a co-ordinated and concerted effort,
2. Especially distressed by the continued flows of refugees and migrants risking their lives to reach Europe and in particular by the increase in illegal crossings in the Central Mediterranean as well as by the record number of over 5,000 deaths in the Mediterranean in 2016 and the fact that about half of the dead have not yet been identified,
3. Alarmed by xenophobic attacks and discrimination against refugees, migrants, and persons perceived to be migrants (e.g. people of African descent, Muslims, Latinos/Hispanics, Asians, Roma and persons from other ethnic, racial and religious groups),
4. Alarmed by the record numbers of children on the move, in particular unaccompanied and separated children (UASCs), and their particular vulnerability to trafficking, and sexual and other forms of violence and abuse,
5. Deeply concerned by the lack of access to education of entire generations of children due to conflict and the long-term negative implications for the rebuilding of their countries and their integration into their host societies,
6. Welcoming the political resolve of the international community to save lives, protect rights and share responsibility on a global scale, as expressed in the New York Declaration for Migrants and Refugees (19 September 2016), and the decision to draft a “Global compact for safe, orderly and regular migration”,
7. Recognizing that a distinction between refugees who are fleeing conflict or persecution, and primarily economic migrants is necessary in order to determine the specific level of protection to which they are entitled to and the types of policy responses warranted,
8. Recalling nevertheless that fundamental human rights apply to all, irrespective of nationality, immigration status, and the reasons for leaving one’s home,
9. Recalling previous OSCE PA resolutions, including those on the Situation in the Middle East and its Effect on the OSCE Area (2013); the Situation of Refugees in the OSCE Area (2014); Calling for Urgent Solutions to the Tragedy of Deaths in the Mediterranean (2015); the Rights of Refugees (2016); and the Security Challenges of Migration (2016),

⁷⁷ Annex to the *Minsk Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the 26th Annual Session*, Minsk, 5-9 July 2017, available at: <http://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file>

10. Recalling in particular the recommendations put forth by the OSCE PA General Committee on Democracy, Human Rights and Humanitarian Questions in its report "Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement" which led to the unanimous decision by the OSCE PA Standing Committee in February 2016 to establish an Ad Hoc Committee on Migration,
11. Reaffirming OSCE and OSCE PA efforts to enhance awareness of gender issues in the context of migration and to promote the development of gender-responsive policies, programmes and services, including through the 2004 Ministerial Council Decision on Gender Equality (MC.DEC/14/04), OSCE Ministerial Council Decision No. 5/09 on Migration Management (MC.DEC/5/09), as well as OSCE PA resolutions on Gender Aspects of Labour Migration (2013), and on Integrating Gender-Based Analysis and Gender Mainstreaming in the Response to the Migrant and Refugee Crisis (2016),
12. Underlining the crucial importance of dismantling migrant smuggling and human trafficking networks in order to redirect migrants and refugees into safe and orderly flows and to prevent further deaths and human suffering,
13. Reaffirming OSCE commitments to fighting human trafficking in migrant and refugee flows in this area, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its 2013 Addendum; and commending the efforts of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings to develop action-oriented recommendations to better prevent and respond to human trafficking, including in migrant and refugee flows,
14. Commending the 2016 German OSCE Chairmanship for establishing an Informal Working Group Focusing on the Issue of Migration and Refugee Flows, and acknowledging the significant contribution made by this body in identifying the main dimensions of a comprehensive OSCE approach as well as offering concrete recommendations,
15. Welcoming OSCE Ministerial Council Decision No. 3/16 on the OSCE's Role in the Governance of Large Movements of Migrants and Refugees (MC.DEC/3/16),
16. Regretting nevertheless that OSCE participating States failed to agree upon concrete commitments to mainstream the issue of refugees and migrants into the OSCE's comprehensive approach to security,
17. Expressing support for smart security policies that denounce xenophobia in all its forms and promote tolerance and freedom of religion for all, based upon the understanding that discriminatory and xenophobic policies violate human rights commitments and do not serve to promote peace and security,
18. Reaffirming that the OSCE and many participating States, acting in accordance with longstanding OSCE tolerance and non-discrimination, religious freedom and national minority commitments, have been able to help promote peace and security in Europe without resorting to short-sighted, ineffective, and troubling anti-refugee, anti-migrant, or anti-Muslim policies, such as building walls and criminalizing refugees and migrants,

19. Highlighting the significant efforts made by OSCE frontline countries such as Turkey, Italy, and Greece which continue to host a disproportionate share of migrants and refugees,
20. Acknowledging the significant contribution made by the EU-Turkey Statement of 18 March 2016 towards reducing illegal flows and deaths on the Eastern Mediterranean route,
21. Welcoming the February 2017 Malta Declaration by the Members of the European Council and its focus on Libya as a first step towards addressing the main point of departure for illegal crossings across the Central Mediterranean,
22. Emphasizing that the timely processing of asylum claims and appeals as well as speedy family reunification contribute to reducing onward migration and opportunities for human trafficking and to enhancing prospects for integration in destination countries,

The OSCE Parliamentary Assembly:

23. Calls on the OSCE and OSCE participating States to enhance their co-operation and co-ordination and the sharing of best practices with the aim of developing a coherent, shared and responsible approach to migration governance underpinned by the principles of solidarity and responsibility sharing;
24. Stresses the importance of gender mainstreaming and ensuring that migration policies take into account the particular vulnerabilities facing women and girl migrants and refugees as well as the different experiences of men and women, boys and girls, *inter alia* by:
 - a. collecting and analysing gender-disaggregated data;
 - b. addressing the challenges for women and girls during their journey to safety;
 - c. developing measures to prevent sexual and gender-based violence and abuse at reception centres and camps;
 - d. promoting policies aiming at overcoming barriers to accessing basic services;
 - e. emphasizing the need for fair treatment of women's and girls' asylum claims;
 - f. implementing effective measures to identify and assist victims of human trafficking; and
 - g. addressing the challenges as well as the opportunities for integration into host societies;
25. Urges all OSCE participating States to demonstrate their clear commitment to the principles of solidarity and responsibility sharing and to live up to their moral obligations by relocating or resettling a substantially larger number of persons in need of international protection from frontline states such as Turkey, Greece, and Italy;
26. Emphasizes the urgent need to comprehensively reform the current EU asylum system, including through a fair mechanism for redistributing asylum-seekers that would take into account family links and a common approach to UASCs, as proposed by the UNHCR in its innovative proposals "Better Protecting Refugees in the EU and Globally" (December 2016);

27. Calls upon the OSCE participating States that are part of the Common European Asylum System to support the development of a common registration system for a comprehensive and orderly processing and security screening of all irregular arrivals, ensuring access to protection, more efficient family reunification as well as a reduction in the duplication of costly systems;
28. Calls upon all OSCE participating States to allocate the necessary financial and human resources so that asylum claims are processed in a timely fashion while respecting key procedural safeguards, including the assessment of the merits of each case individually, as well as ensuring the right to appeal;
29. Strongly recommends harmonizing procedures across the OSCE region with respect to UASCs, including through:
 - a. ensuring that a qualified guardian/legal representative is appointed without delay;
 - b. agreeing upon common guidelines and procedures for assessing the 'best interests of the child', including screening for instances of human trafficking;
 - c. setting up shared procedures for investigating family claims in a proactive manner and with the support of an independent organisation such as the International Committee of the Red Cross (ICRC) or the UNHCR rather than placing the burden of proof and application on the child;
 - d. implementing functioning family reunification programmes through the allocation of greater human resources;
 - e. establishing a fast-track family reunification procedure for UASCs, separately from the asylum procedure, which would prioritize the tracing of family members with the aim of reuniting minors with their parents, in as far as that is in their best interest;
 - f. agreeing that, as a principle, the detention of UASCs should be avoided;
30. Encourages all OSCE participating States to share responsibility for unaccompanied child refugees that do not qualify under the Dublin III Regulation, for example through mechanisms such as the 'Dubs scheme', in order to provide immediate assistance to vulnerable children at immediate risk of trafficking or at high risk of sexual exploitation;
31. Encourages all concerned OSCE participating States to step up the return of persons who have been found not to be in need of international protection with full respect for the principle of *non-refoulement* through:
 - a. the deployment of greater numbers of asylum experts and border officials as well as the allocation of greater administrative resources;
 - b. the conclusion of the necessary readmission agreements and their harmonisation throughout the region in order to ensure a cohesive returns policy, including a list of commonly agreed upon 'safe countries';
 - c. increased support for IOM's programme of Assisted Voluntary Return (AVR);
32. Suggests that the March 2016 EU-Turkey Statement, improved on the basis of the recent experiences on the ground, could be replicated with other countries which are sources of illegal departures provided that they are recognized as safe and that the principle of *non-refoulement* as well as the right to make an asylum claim and to appeal are respected;

33. Strongly urges all OSCE participating States to further promote safe and legal channels for migration of persons in need of international protection, especially vulnerable migrants and refugees such as women, children, persons with health conditions and the elderly, including through the significant expansion of resettlement programs, private sponsorship programs, humanitarian visas and family reunification;
34. Calls upon OSCE participating States to significantly increase their support to improve conditions for Syrian and other refugees in border countries (Turkey, Jordan and Lebanon), including in particular access to shelter, basic needs, education, health care and, where possible, the labour market;
35. Recommends that the OSCE participating States that are part of the EU Asylum System increase support for joint EU operations in the Mediterranean overseen by Frontex and which involve not only search and rescue but also border surveillance and fighting smuggling networks;
36. Strongly recommends that OSCE participating States enforce strict sentences against persons convicted of human trafficking;
37. Strongly recommends that OSCE participating States increase activities to counteract smuggling while at the same time promoting viable economic alternatives to smuggling;
38. Calls upon the OSCE and its participating States to address the root causes of migration and refugee flows such as conflicts, climate change and poverty by developing well-informed, long-term policies targeted at the drivers of migration, including through gender-sensitive humanitarian and development assistance;
39. Urges in particular the OSCE and its participating States to redouble efforts to bring the parties to the Syrian conflict to the negotiating table to implement a nationwide ceasefire and to work towards a durable resolution to the conflict, in line with UN Security Council resolution 2254 (2015);
40. Furthermore, strongly encourages OSCE participating States to support the efforts of the UNHCR, IOM and their partners to set up reception facilities with strong human rights guarantees for returned migrants in Libya, including dedicated facilities for UASCs, and to further support their efforts to develop durable solutions;
41. Calls upon OSCE participating States that are part of the EU Asylum System to support EU efforts to develop tailor-made compacts with third countries, such as those concluded with five African countries within the Partnership Framework, and increase their financial contributions to the EU Emergency Trust Fund for Africa, with the aim of preventing irregular migration and especially stopping migration flows before they reach Libya;
42. Calls upon the OSCE and its participating States to devote due attention to the issue of missing and deceased migrants by:
 - a. renewing efforts to implement the recommendations of the Milan and Barcelona conferences of 2013 and 2015 organised under the auspices of the ICRC on the identification and management of bodies of migrants;
 - b. ensuring adequate support and financial resources for forensic services;

- c. collaborating with the ICRC towards the establishment of a transregional mechanism to centralize data concerning missing migrants;
 - d. improving co-ordination and communication between the relevant authorities, especially those in the countries of origin, as well as experts and families in order to help locate missing migrants and, in the case of deceased migrants, to help with the identification and dignified management of their remains;
43. Encourages OSCE participating States to further promote integration in host countries by:
- a. ensuring fast family reunion once a claim has been recognised;
 - b. hosting refugees in smaller housing units rather than 'ghettos';
 - c. ensuring that refugee and migrant children are able to attend mainstream schools as soon as possible;
 - d. ensuring that there are sufficient opportunities to learn the language and traditions of the host country also for adults;
 - e. sharing best practices on integration, such as system of private sponsorship implemented in Canada, or appointing of a buddy/contact point;
 - f. providing the access without delay of recognized refugees to the labour market;
44. Strongly urges the OSCE to adopt measures to ensure greater intra-institutional cohesion, co-ordination, information sharing and impact with respect to migration and refugee flows, for example through:
- a. the development of an Organization-wide response, with clearly identified roles and responsibilities of each OSCE body;
 - b. a clearer division of portfolios on migration-related issues within the three dimensions of OSCE activities;
 - c. the establishment of a high-level task force on migration that would meet quarterly and be supported by a network of focal points throughout OSCE bodies, field missions, institutions as well as Partners for Co-operation.

ANNEX G

Statement of by the Delegation of the Czech Republic to the OSCE PA

Prague, 18 September 2017

The Czech Republic does not align with the recommendations of the Ad Hoc Committee on Migration in regard to the necessity of the mandatory relocation system in the European Union. For a long time the Czech Republic has been pointing out the dysfunctionality and limited efficiency of the current relocation mechanism which does not sufficiently take into account the personal choice to be relocated, the integrational potential of individuals, the risks of secondary movements and security aspects by omitting the inclusion of automatic security clearance. The Czech Republic insists – also in light of current negotiations on the Dublin regulation reform – on a relocation mechanism which would be exclusively based on a voluntary basis and would serve merely as a complementary migration measure.

The Czech Republic has always regarded the prevention of migration flows as a more efficient measure and prefers a targeted help to refugees in places of first displacement, as well as assistance to citizens and countries hosting large refugee populations on their territory. For these purposes the Czech Republic contributes to the financial migration tools of the European Union (EU Trust Fund for Africa, MADAD Fund, etc.) and actively deploys medical teams and national asylum and migration experts to the most affected areas. Furthermore, the Programme of the Ministry of the Interior for the Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows was established in 2015 through which notable financial contributions are assigned to effectively help refugees in the countries of first displacement (e.g. reconstruction of Jordanian refugee camps in Azraq and Zaatari, development of Iraqi refugee camps in Kawergosk and Ashti).