



Power of humanity

Council of Delegates of the International
Red Cross and Red Crescent Movement
10-11 November 2017, Turkey



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COUNCIL OF DELEGATES

**OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT**

Antalya, Turkey
10–11 November 2017

Movement Call for Action on the Humanitarian Needs of Vulnerable Migrants

Draft zero Resolution

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DRAFT ZERO RESOLUTION

Movement Call for Action on the Humanitarian Needs of Vulnerable Migrants

The Council of Delegates,

1. *Recalls and reaffirms the resolutions on topics relating to migration* adopted by the International Conference of the Red Cross and Red Crescent (especially Resolution 1, Annex, Declaration “Together for Humanity”, Geneva 2007; Resolution 3, Geneva 2011) and by the Council of Delegates (Resolution 9, Budapest, 1991; Resolution 7, Birmingham, 1993; Resolution 4, Geneva, 2001; Resolution 10, Geneva 2003; Resolution 5, Geneva 2007; Resolution 4, Nairobi 2009; Movement Statement, Resolution, Geneva 2015).
2. *Expresses concerns* about the suffering of migrants witnessed along migratory routes and therefore:
3. *Adopts* the “Movement Call for Action on the Humanitarian Needs of Vulnerable Migrants”.
4. *Urges* all components of the Movement to bring this Call for Action to the attention of States and other relevant stakeholders.

Movement Call for Action on the Humanitarian Needs of Vulnerable Migrants

We have joined together to make this Call for Action because we are concerned by the suffering that we are witnessing among vulnerable migrants¹ around the world.

As a global network with a presence in 190 countries, the International Red Cross and Red Crescent Movement works along migratory routes and strives to respond to the protection and assistance needs of migrants. As neutral, independent and impartial humanitarian actors, we take no position on whether there should be more or less migration. Our work is of an exclusively humanitarian character, based on needs and vulnerabilities, and mindful of the special protection afforded by law to specific categories of persons, such as refugees and asylum seekers.

We value the many benefits of migration and acknowledge the contributions of migrants to countries of origin, transit and destination. We also recognize the challenges that migration may present for States.

We welcome the commitments made by States in the 2016 New York Declaration for Refugees and Migrants to uphold their international legal obligations and to protect at all times “the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status”. Likewise, in Resolution 3 of the 31st International Conference of the Red Cross and Red Crescent in 2011, the States Parties to the Geneva Conventions called on States to grant to migrants appropriate international protection and to ensure their access to relevant services, in line with relevant international law. Despite these

¹ The International Red Cross and Red Crescent Movement uses a deliberately broad description of “migrants” as persons who leave or flee their habitual residence to go to new places to seek opportunities or safer and better prospects. Migration can be voluntary or involuntary, but most of the time a combination of choices and constraints are involved. It therefore includes, among others, labour migrants, stateless migrants and migrants deemed irregular by public authorities. It also concerns refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law and that international refugee law sets out specific protections and entitlements for those falling within its scope.

commitments, vulnerable migrants around the world continue to experience hardship and lack protection and assistance.

As we pledged in our Movement Statement on Migration at the 2015 Council of Delegates, we will continue to scale up our own efforts to protect and assist migrants and we commit to strengthening cooperation between components of the Movement to support States in these areas, in line with Resolution 3.

However, our response alone will never be sufficient. States have the primary responsibility to address the protection and assistance needs of migrants. We feel that there is a pressing need for States to strengthen their efforts to prevent suffering, including by assessing and addressing the humanitarian impact of their laws, policies and practices and ensuring that they comply with international law.

National Societies, as auxiliaries, stand ready to offer support to their authorities as appropriate in undertaking these steps. Depending on national circumstances, this may be facilitated by a structured dialogue around humanitarian issues in migration and/or the development or enhancement of cooperation agreements consistent with the Fundamental Principles.

We call on States to:

1. Protect migrants from death, violence, abuse and violations of their fundamental rights along the entire migratory trail:

- Prioritize the saving of lives, including by scaling up search and rescue activities at sea and on land, preventing death, violence, abuse and violations of migrants' fundamental rights.
- Ensure that national procedures at borders, especially those that might result in denial of access to international protection or returns, conform to State's obligations under international law, including the principle of *non-refoulement*. In the case of all migrants, international human rights law provides that no person be sent back to a country where there are substantial grounds to believe that the person would be in danger of being subjected to violations of certain fundamental rights, in particular torture, cruel, inhuman or degrading treatment or punishment or arbitrary deprivation of life in the country of return. Furthermore, international refugee law specifically protects those falling within its scope against *refoulement*.
- Establish legal avenues to guarantee that persons seeking international protection based on applicable international and domestic law have access to fair and effective asylum procedures.

2. Guarantee that migrants, irrespective of legal status, have effective access to essential services:

- Guarantee that all migrants have access to humanitarian assistance and protection, irrespective of legal status, and that their rights under international human rights law are respected. All migrants should have access to food, education, housing, health care, in particular emergency and maternal health care and psychosocial support, information about relevant rights and processes, access to justice, and support in restoring family links. In addition, the specific obligations of States and the rights of those protected under international refugee law must be fulfilled.
- Address barriers to accessing basic services by establishing "firewalls" between immigration enforcement and public services. Likewise, ensure that migrants have access to assistance provided by National Red Cross and Red Crescent Societies and other humanitarian organizations without fear of arrest. Where appropriate, this could be done by providing safe spaces where National Societies and/or other humanitarian organizations can provide their services.

- Ensure that providing humanitarian assistance to migrants is never criminalized, regardless of the legal status of the recipient.
- Promote access to services that facilitate the social inclusion of migrants, such as language courses, vocational training and initiatives to enhance cultural awareness between migrants and local communities.

3. Prioritize the rights and needs of the most vulnerable:

- Take all feasible measures to prevent family separation, including during management of border crossings, rescue operations and medical evacuations.
- Institute early identification and referral mechanisms for the most vulnerable individuals, in particular unaccompanied children, victims of torture or trafficking, pregnant women, disabled people and people suffering from serious or chronic diseases.
- Ensure the availability of adequately trained personnel at borders and in reception centres to provide services including psychosocial support, taking into account people's specific vulnerabilities.
- Ensure that, in all actions concerning children, the best interests of the child are a primary consideration.
- Set up transregional coordination channels, communicate information about missing people to their families and improve coordination between forensic services to identify migrants who have died along the way, in compliance with internationally accepted data protection standards.

4. Use detention only as a measure of last resort:

- Detention should only be used as a measure of last resort, with liberty and alternatives to detention always considered first. Any decision to detain a migrant should only be taken on the basis of an individual assessment and when it is determined to be necessary, reasonable and proportionate to a legitimate purpose.
- The rights of detained migrants must be respected and key procedural safeguards observed, in line with obligations under international law and taking into account international standards.
- The special circumstances of certain categories of especially vulnerable migrants should be considered, and their detention should be avoided. In particular, children should not be detained for reasons related to their or their parents' migratory status.

5. Agree two global compacts that make a difference:

- Agree compacts on safe, orderly and regular migration and on refugees that reaffirm and reinforce applicable international legal obligations and make genuine progress towards addressing the suffering of vulnerable migrants around the world.
- Ensure that domestic laws, policies, procedures and practices comply with States' obligations under international law and address the protection and assistance needs of migrants.