



The Global Compact for Migration: From words to action

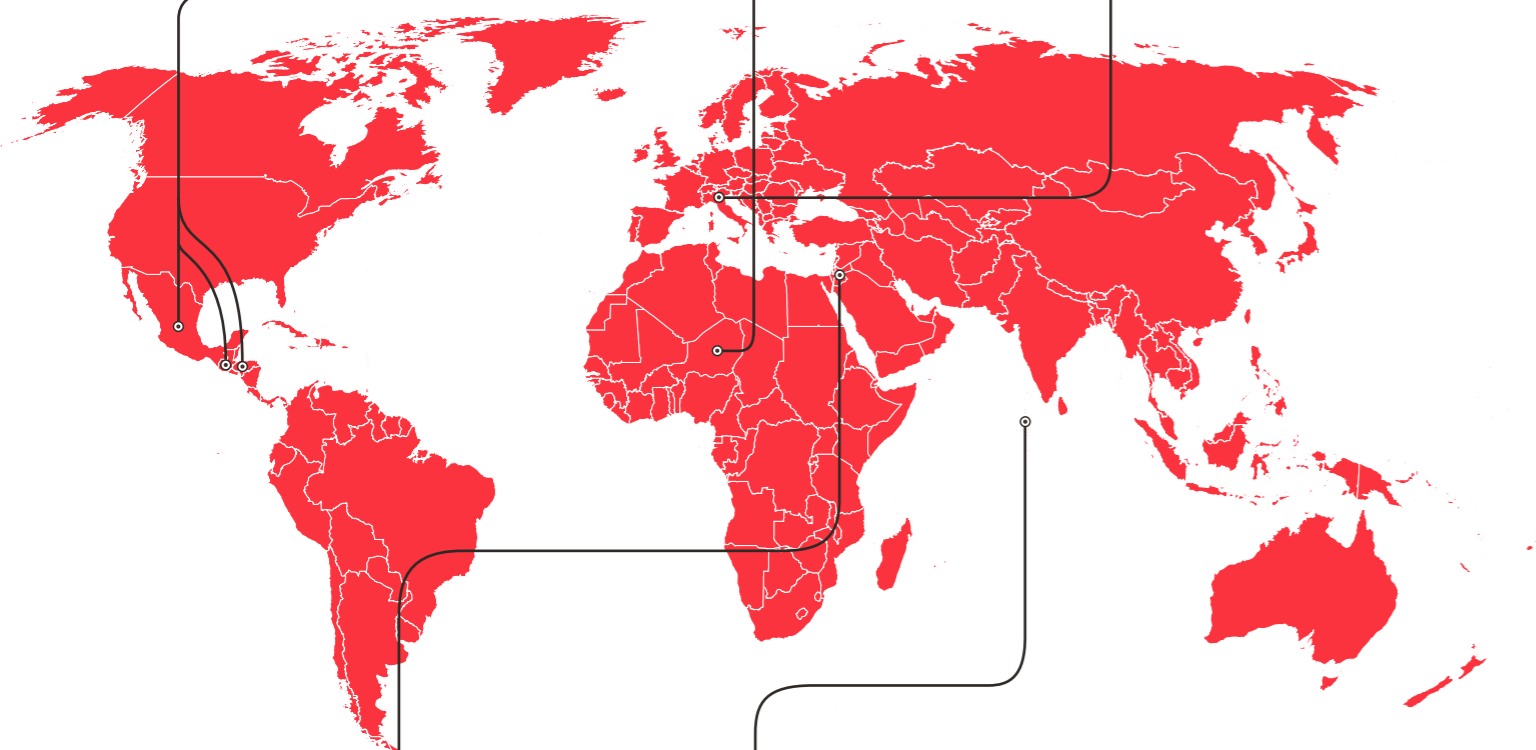
Recommendations on humanitarian priorities from the International Red Cross and Red Crescent Movement

In 2016-17, NGOs and National Societies participating in the IFRC-coordinated “Rights of Migrants in Action” project reached 7.8 million persons in 15 countries.

The **ICRC**, in collaboration with the **National Red Cross Societies of Mexico, Guatemala and Honduras**, has set up aid stations along the migration route through Mexico and Central America. Red Cross volunteers at these points provide migrants with basic health care, water and the opportunity to contact loved ones.

Niger Red Cross (with support of the **French Red Cross**) offers services for migrants and returnees in its office in Agadez. Services include restoring family links, information, psychosocial support, first aid and referrals to hospitals.

Italian Red Cross’ “Safe Points” provide services that reduce the vulnerability of all migrants in need, including legal information and advice, first aid, basic health care, psychosocial support, and restoring family links services.



In 2016, National Red Cross and Red Crescent Societies reached **4.66 million** migrants with humanitarian services.

In **Jordan**, the **ICRC** visits migrants in detention and contributes to enhancing coordination through round tables among key stakeholders (including detaining authorities, ministries, embassies and civil society) involved in the issue of detention of domestic migrant workers and its consequences.

In the aftermath of the 2015 earthquake in Nepal, **Maldivian Red Crescent** provided psychosocial support and family tracing services to Nepali migrant workers in the Maldives.

The **Virtual Volunteer**, virtualvolunteer.org, is an easy to use Red Cross and Red Crescent web application that helps people migrating access reliable and practical information and support wherever they are.

It is currently piloting in Sweden, Italy and the Philippines and will be progressively rolled out to additional countries.

The International Red Cross and Red Crescent Movement (“the Movement¹”) welcomes the Global Compact for Safe, Orderly and Regular Migration (“the Global Compact”) as an important step for improving protection and assistance for migrants.

As a global humanitarian network with a presence in 191 countries, we witness the enormous suffering that many migrants face all along their journeys. We approach migration from a purely humanitarian perspective. Our aim is to respond to humanitarian needs and reduce suffering, without seeking to encourage, discourage or prevent migration.

During the development of the Global Compact, we have come together, as a Movement, to call on States to respect their obligations under international law and to focus on four humanitarian priorities: (1) Protecting migrants from death, disappearance, family separation and violations of their rights

along the entire migration route; (2) Guaranteeing that migrants, irrespective of legal status, have effective access to essential services; (3) Prioritizing the most vulnerable; (4) Using detention only as a measure of last resort.

We welcome that these priorities are well captured in the text of the Global Compact and urge States to now turn their commitments into reality. We also call on those States not choosing to adopt the Compact at this point nevertheless to commit to progress on these humanitarian priorities, as well as to respect their existing obligations under international law.

We stand ready to support all States in that regard – and very much appreciate the recognition that the Movement plays a key role in paragraph 44 of the Global Compact. We encourage States to partner with their National Red Cross or Red Crescent Society, as their auxiliaries in the humanitarian field, to address the protection and assistance needs of migrants, in accordance with the Fundamental Principles of the Movement.

¹ The International Red Cross and Red Crescent Movement is comprised of the world’s 191 National Red Cross and Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies (IFRC), and the International Committee of the Red Cross (ICRC).

Priority 1: Protect migrants from death, disappearance, family separation and violations of their rights along the entire migratory route.

Year after year, tens of thousands of migrants die or go missing, lose contact with their families, or suffer from abuses and violations of their rights. The Movement calls on all States to take action to prevent such suffering and make saving lives the top priority, including through scaling up search and rescue operations on land and at sea, and facilitating the provision of assistance to vulnerable migrants, in line with Objective 8 of the Global Compact.

States should regularly review the impact of their migration policies, laws and practices and ensure these do not create or increase risks for migrants, including to their right to life. They must, in particular, ensure that migration management policies and procedures conform to their obligations under international law, including the principle of non-refoulement. Under this principle, no person may 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. People seeking international protection or other forms of protection should also be provided a fair, effective and legally accessible avenue to do so, without being compelled to embark on unsafe journeys.

To prevent people from going missing, States should facilitate communication for migrants and their families along migratory routes, in accordance with internationally accepted data protection and privacy standards. They should also strengthen international cooperation to provide families with answers on the fate and whereabouts of their loved ones. In places of detention, States must enable migrants who wish to do so to remain in contact with their families and to communicate with their consular or diplomatic authorities.

- The Movement's worldwide Family Links Network and the ICRC's Humanitarian Forensic Services have in-depth knowledge and expertise on preserving and restoring family links, helping States to ensure the proper and dignified management of the dead and to search for and clarify the fate and whereabouts of missing persons. We stand ready to work with States to meet their commitments under Objective 8 through protecting migrants from death, disappearance, family separation, violence, abuse and violations of their rights.

This includes providing migrants with life-saving information, consistent with Objective 3, as well as restoring family links. We are also ready and willing to support States to develop technical guidance and standards on missing migrants – notably on the standardization of collection and exchange of relevant information, in accordance with international law and internationally-recognized data protection and privacy standards – through an expert consultation process.

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

All migrants, irrespective of legal status, must have access to essential services, including food, shelter, and health care, information about relevant rights and processes, access to justice and support in restoring family links. We welcome Objective 15 of the Global Compact in that regard. In order to achieve this Objective, it is critical that States address barriers to obtaining services from public providers, including restrictive rules, but also informal barriers, such as information gaps, language issues and prohibitive costs. Migrants must also have safe access to humanitarian assistance without fear of arrest, detention or deportation. Providing such assistance must not be considered unlawful, as highlighted in Objective 8.

Of course, humanitarian assistance, in support of States as those primarily responsible for ensuring the protection and assistance needs of migrants, is not a long-term solution to the needs and aspirations of migrants. As appropriate under national law, we therefore encourage States to promote access to services that facilitate social inclusion, in line with Objective 16, such as language courses, vocational training and initiatives to enhance cultural awareness between migrants and their communities.

- The Movement stands ready to cooperate with States in ensuring migrants' access to essential services. This may include establishing humanitarian service points where National Societies and other humanitarian organizations can provide information and services, enabling migrants in vulnerable situations to have safe and effective access to essential services and information about their rights, irrespective of status, and in accordance with international human rights law. We are also committed to support States in designing and delivering social inclusion activities where appropriate to promote participation and empowerment as a key component of human dignity.

Priority 3: Prioritize the most vulnerable

Migrants can be vulnerable because of intrinsic characteristics. They may also become vulnerable because of the circumstances in which they find themselves in countries of transit, destination or upon return.

To ensure the most vulnerable receive the protection and assistance that they need, early identification and referral mechanisms should be established and maintained to guarantee that, at all stages of the migratory journey, the most vulnerable individuals are protected and supported.

In many cases, these will include unaccompanied children, victims of traumatic experiences, torture, women and girls, the elderly, people with disabilities, and those suffering from serious health conditions. When children are concerned, the best interests of the child must be a primary consideration, as also recognized in the guiding principles of the Global Compact and in Objective 7. As highlighted in Objective 10, victims of trafficking can only be protected if they are able to seek help from the authorities without fear of being criminally pursued, detained or immediately deported.

An impartial, needs-based and multi-sectorial approach is required to assess and address the protection and assistance needs of migrants, and of receiving communities in host countries, transit countries or countries of return. We take note of the commitment to 'facilitate the sustainable reintegration of returning migrants into community life' in Objective 21. National Societies respond to returnees' assistance needs, so long as the circumstances allow them to do so consistently with the Movement's Fundamental Principles. For its part, the ICRC does not take part in policies aiming at promoting or encouraging the return of migrants, but is committed to addressing returnees' protection concerns and, when consistent with the Fundamental Principles, their assistance needs as part of the overall population.

The Movement stands ready to help States meet their commitments under Objective 7 and ensure that the needs of the most vulnerable are adequately assessed and addressed, through inclusive public services, direct provision of assistance and support to the development of appropriate legal and policy frameworks, as well as the implementation of effective screening and referral mechanisms, when necessary. Through its network of National Societies and volunteers in local communities, the Movement is well placed to provide humanitarian assistance, including health services and psychosocial support, to migrants in vulnerable situations

as well as to their communities in countries of origin, transit and destination.

Priority 4: Detain only as a measure of last resort

Immigration detention is not only harmful for individuals, it is also costly for societies. It is in the interest of States to avoid detention for immigration-related reasons. Liberty should be the norm, in line with international human rights law. If there are grounds for deprivation of liberty, non-custodial alternatives should always be considered first. In any case, decisions to detain must not be arbitrary and must be based on an individual assessment. The Movement welcomes States' commitment under Objective 13 to use immigration detention only as a measure of last resort.

The impact of immigration detention and family separation on children is especially detrimental, in particular due to its potential to cause irreparable psychological damage. In our experience, the best interests of the child, an obligatory standard under the Convention on the Rights of the Child and other instruments, are not served by such detention or by family separation. They also increase the risks of violation of other rights. We welcome States' commitment to work to end the immigration detention of children in the Global Compact but ask them to take this a step further and commit to ending the detention of children and family separation for immigration-related reasons, owing to the lasting humanitarian consequences of these practices on the well-being and development of children.

- In many places, the ICRC and a number of National Red Cross and Red Crescent Societies already provide services and/or visit detained migrants in both criminal and dedicated immigration detention facilities. During these visits, we may facilitate family contacts, provide humanitarian assistance, and assess whether detained migrants are treated humanely, held in conditions that preserve their dignity and afforded due process of law. We stand ready to support States to fulfil their obligations under relevant and applicable international law. We are also ready to engage with States on the humanitarian consequences of immigration detention, in particular on children. We are committed to support their efforts to limit the use of immigration detention and end the detention of children and, when necessary, help them identify alternatives to detention, including non-custodial measures.