

RESOLUTION ON

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

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),
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 coordination 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.