

Migrants in Countries in Crisis (MICIC) Initiative
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Introduction

- At the CSO consultation yesterday, organized by ICMC and Global Coalition on Migration, there were:
 - 8 countries (Europe and Central Asia), incl. diaspora in Western Europe (broad scope for the regional consultation)
 - 20 participants in total
 - Although not a high number from Central Asia, what characterized our group was that they were overwhelmingly human rights defenders who can no longer do their work due to threats to their lives or to their families' lives for defending migrants' rights in their countries of origin. Many have themselves become asylum seekers or undocumented migrants in Western Europe.
- Joint CSO rapporteurs:
 - Starting point for my report: We first began by discussing the conclusions made by CSOs at the Asia MICIC consultation, and making further conclusions and recommendations
 - Tolekan Ismailova is the co-rapporteur and will provide the recommendations from the Central Asia region from yesterday's consultation.

For my report back from yesterday's consultation, I would like to highlight five key points:

1. Migrants and CSOs – recognition and engagement as a crucial partner

Migrants are actors in crisis situations, but also present in processes with governments to speak about danger.

- Diaspora examples:
 - Haiti earthquake: diaspora were among the first to arrive and to provide support
 - Nepali earthquake: many wanted to return to help but were either undocumented or had work permits that were too restrictive, and were unable to get exit visas.
 - Mali conflict: good cooperation between government and diaspora, which sent 1 million € through a special bank account that was set up by the government
 - Ebola crisis and Guinea: as the local population had restricted movement,

many diaspora intervened by returning to communities to provide information and awareness-raising. Diaspora involvement is not just financial, but can be “high touch” (as opposed to “high tech”): diasporas’ knowledge of the population and environment can allow for direct interventions.

➔ Recommendation: better recognition of the diasporas’ role

- Right to associate and right to organize – some laws, especially in Central Asia, prohibit NGOs from maintaining their work; from migrants from organizing in trade unions.
 - => If these rights are not maintained in ordinary times, how can they be maintained in crisis situations?

2. Human rights of migrants must be guaranteed at all time, not in times of crisis

- We spoke yesterday of the example of a highly skilled migrant worker, a Turkish engineer living 40 km from an ISIS-controlled city in Iraq. He may potentially be a migrant in country in crisis and his employer (in this case, the company he works for), plays a crucial role in ensuring security and evacuation
 - The role of employers will be examined more in depth at the round-table on private sector – end 2015
- Yet what if the worker is a low-wage migrant worker, who is sub-contracted and it is difficult to establish who the real employer is? If the worker is undocumented and has no formal recognition of the work relationship? If the worker works in a sector which is more hidden (e.g. domestic care; agriculture)?

➔ Recommendation: When human rights are protected, people are better able to freely assert their needs. If migrants are better protected they are better equipped to help themselves and one another. Importance of firewall concept and clear separation between immigration law and access to services and justice.

3. Scope and definition of MICIC

- Asia CSO colleagues: MICIC’s definition of “personal crisis” from “country in crisis” must be revisited
- Huge number of people in crisis situation that do not qualify under MICIC – what makes people vulnerable? e.g. more than 2 million Syrians in Turkey
- CSOs grappling of definition => Transit: what to do when migrants from countries in crisis start to move?

4. Additional vulnerabilities of migrants due to: age, sex, migration status, sexual orientation

- During the consultation yesterday, civil society pointed out that more focus should be given to groups that may be particularly vulnerable:
 - Children: The Migrant Workers' Committee and the Committee on the Rights of the Child will develop a joint general comment on children in the rights of migration.
 - ➔ Recommendation: MICIC could align itself with these developments, since the CRC has near universal ratification and thus provides a strong framework to consider the rights of children in the context of migration. The best interests of the child should be the crucial factor in this context.
 - Women facing gender-based violence
 - LBGTi migrants facing discrimination
 - Undocumented who face barriers to accessing services and justice due to irregular status
 - ➔ Recommendation: MICIC could build on and refer to the guidelines produced by OHCHR on Human Rights at Borders, which addresses the situation of migrants who face vulnerabilities, including women, children, LBGTi migrants, and undocumented migrants.

5. Government tools, policies, practices - should be rights-based

Policy coherence: there are standards, international frameworks – not being adhered to, creating vulnerabilities for migrants in ordinary times, exacerbated in conflict.

The EU is leading a regional strategy towards Central Asia, and migrants in crisis should also be one of the key points in this strategy.

⇒ Hand over to Tolekan – continuation of CSOs' reflections from Central Asia Region