



1st OSCE Civil Society Expert Workshop 2016 on Migration/ Refugees

With the support of the German OSCE Chairmanship

Berlin, 22 - 23 February 2016

Preliminary Report on Key Outcomes

Experts from 30 civil society organisations as well as from OSCE bodies and institutions met in Berlin on 22 and 23 February 2016 with the support of the German OSCE Chairmanship to discuss the role of the OSCE in responding to the current increase of the numbers of refugees/ migrants.

Key outcomes of the meeting are the following:

The situation of refugees and migrants is not just an issue of the European Union, but should rather be dealt with on a wider regional scale, including all OSCE participating States and partner states.

The protection of fundamental human rights of all individuals should be the main guiding principle in the response(s) to the challenges of the current movements of people through the OSCE region. This equally applies to the situation of people while they are on the move, presenting themselves at and passing borders, and to their reception in countries of arrival.

While international law currently only recognizes the right to seek asylum on specific grounds¹, and not the right to migrate in general, the treatment of all individuals should be fully in line with human rights standards on the right to life, prohibition of torture and ill-treatment, fair trial and protection from discrimination and intolerance, and all related procedures should be governed by rule of law principles (transparency, effective opportunity to appeal against decisions of officials, etc.).

All OSCE participating States should live up to existing commitments relating to refugees and migrants, including “to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol”², “to facilitate effective legal migration schemes, such as circular migration and other forms of voluntary labour mobility programmes”³ and “to respect the human rights of migrants and increase efforts to combat discrimination, intolerance and xenophobia towards migrants and their families”⁴.

¹ Geneva Convention Relating to the Status of Refugees (1951)

² Istanbul Document 1999.

³ Decision No.5/09 of the Ministerial Council in Athens 2009.

⁴ Decision No.5/09 of the Ministerial Council in Athens 2009.

The most fundamental way of addressing the need of people to seek asylum through travelling in dangerous circumstances, exposed to the extortion of smugglers, is by offering refugees organised procedures of relocation such as the resettlement programme of the UNHCR, direct transfer to potential receiving states, and family reunification. The employment of such procedures should be greatly expanded.

People should be able to present asylum claims in an orderly manner at normal border crossings, without push backs being practiced. Registration of all arrivals has to be put in place and every effort should be made to provide sufficient capacity for running asylum seekers reception centres in a humane way.

Asylum seekers should have access to accurate legal and factual information, in a language they can understand, about procedures they are subject to and services they can access.

Reception centres should not be de facto detention centres. There should be no detention of people for purely asking for asylum.

Vulnerable persons should be identified, including (unaccompanied) minors, (single) women, LGBTI persons, victims of torture. According to their specific needs there should be appropriate service provision. Gender considerations should be taken into account in line with UN SC resolution 1325 on women, peace and security.

Civil society organisations should be granted access to reception centres. Activities to support the people living in reception centres should be supported and stimulated. These activities should facilitate the inclusion of the newly arrived persons in society.

State and local authorities should refrain from stigmatising asylum seekers, and migrants generally, in their public statements. Official policies and public information about these policies should be fact based and aimed at preventing discrimination.

Asylum seeker reception centres should be embedded in local communities in order to prevent stereotyping. The exchange of good practices among local communities should be promoted.

Regardless of the need for large groups to seek asylum, there should be a reconsideration of migration policies based on the possibility for both countries of origin and destination to benefit economically. This will allow large groups of people to enter other countries in a legal way rather than through illegal means.

The OSCE should step up its efforts to promote implementation of its commitments relating to refugees and migrants. Rights and proper treatment of refugees and migrants should be given increased attention in the work of field offices and in OSCE programmes on the rule of law and border and police procedures. Efforts to combat racism, xenophobia and discrimination, including the work of the Personal Representatives of the Chairperson-in-Office on Tolerance and Non-Discrimination, should be strengthened.

A number of the policy principles and steps outlined above will carry significant costs. They also, however, imply great savings, for example by taking away the root causes of smuggling and avoiding excessive militarisation of border control, and by spending on productive steps towards inclusion rather than on fighting the effects on non-inclusion. But above all, they will save many lives.