Budapest Process

Contributions to the preparatory process for the global compact for safe, orderly and regular migration – Thematic Sessions

With reference to the resolution on the Modalities of intergovernmental negotiations of the global compact for safe, orderly and regular migration (hereinafter: Modalities resolution) especially paragraph 22 (b) and (c) Turkey, as Chair of the Budapest Process, after consultation with and in agreement with participating states, would like to present the below contribution regarding:

- Thematic Session I - Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance.
- Thematic Session II - Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, conflict prevention and resolution.
- Thematic Session III - International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.
- Thematic Session IV - Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits.
- Thematic Session V - Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims.
- Thematic Session VI - Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures.

The contribution consists of key points based on the experience of the Budapest Process countries as shared and concluded in relevant meetings.
Thematic session I - Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance

Date: 8-9 May 2017
Place: Geneva, Switzerland

Key points for thematic session I

Human rights of all migrants, social inclusion, cohesion as well as measures against discrimination, racism, xenophobia and intolerance are all crucial aspects for the development and functioning of sound migration policies and are corner stones in the work of the Budapest Process – Silk Routes Partnership for Migration.

The preamble of the Istanbul Ministerial Declaration on a Silk Routes Partnership for Migration emphasises that migration management must respect human rights and be based on general principles of international law and relevant international conventions. It confirms the commitment to take into account the specific needs of the most vulnerable migrants - including trafficked persons, stranded migrants and stateless persons – as well as to ensuring the best interest of the child, including unaccompanied minors.

The preamble furthermore underlines the negative impact of the phenomena of discrimination, racism and xenophobia on societies and individuals, makes a dedication to combat anti-migrant sentiments and promote awareness of the positive impacts of migration and mobility.

The Istanbul Ministerial Declaration has six pillars for cooperation. The second pillar is to support the integration of migrants and counteract phenomena of discrimination, racism and xenophobia.

The following key points on these topics have been formulated by the Budapest Process participating countries:

- Migrants and refugees are, as all other human beings, protected by human rights and migration policy must always be implemented in respect of international human rights standards. Considering the wide range of states engaged in the Budapest Process, spreading over two continents, it is clear that differences regarding the application of international law exist. There are, however, universal standards in international human rights, international humanitarian law and refugee law that should be upheld by all states.

- Social cohesion is based on rights and duties – on the one hand the right to equality in and access to the core institutions of a society, the labour market, the education system, housing, health etc., and on the other hand the acceptance of the binding nature of the legal framework and the readiness to acquire the necessary knowledge to participate in a society, ranging from language acquisition to knowledge about the institutions and the core values of a society.

- Integration is understood as a mutual and reciprocal process, requiring the involvement of both the migrants and the resident population as a precondition for its success.

- Integration and reintegration policies do not only concern migrants or refugees, but

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1 Especially the 9th Working Group on the Silk Routes Region on Integration and Re-integration, Belgrade, 18-19 October 2016
should aim at improving the social cohesion of increasingly diverse societies, including at the community level, and should ideally kick at an early stage.

- Protection against **discrimination and equal treatment** are core elements of a successful integration or reintegration policy. Both aspects are anchored in international law: the Convention on the elimination of all forms of racial discrimination and the Convention on the rights of migrant workers and their families. The provisions of the conventions are to be mainstreamed into integration and reintegration policies and practices. In this respect, prevention of discrimination is crucial.

- For integration policies to be successful there is a need to strongly counteract **racism, extremism** and **xenophobia**.

- Integration demands a sensible balance of targeted, tailor-made and individualised measures and mainstreaming of equal access and treatment at all institutional levels.

- **Capacity building** and **training** of the relevant institutions – administrations, the police, the judiciary, school teachers, journalists, etc. are essential elements of successful implementation of integration and anti-discrimination policies.

- A **welcoming culture** in host countries brings benefits to host countries, countries of origin, migrants and host populations and ensures that both migrants and receiving societies can benefit from the full potential of migration.

- The risk of xenophobia and racism increases when migration and integration are perceived negatively by the public. In policymaking and in the public debate, **the notion of the mutual benefit of migration needs to be strengthened**. Migration is a natural part of life and of our societies and measures should be taken to reflect this in our social, cultural and economic policies.
Thematic session II - Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, conflict prevention and resolution

Date: 22-23 May 2017
Place: New York, United States of America

Key points for thematic session II

Drivers of migration have continuously caused strong migration flows to, from and within the Silk Routes region - for several reasons including climate change, natural disasters and human-made crises. The Istanbul Ministerial Declaration refers to the potential impact of global environmental changes and of the importance of cooperation in addressing migratory flows resulting from natural disasters and in providing humanitarian assistance following emergency situations.

The topics have been addressed at several meetings from different perspectives. The following key points have been formulated by the Budapest Process participating countries:

- There is an urgent need to address the root causes of forced migration more effectively and at the same time look for suitable durable solutions such as voluntary returns, resettlement and integration.
- Joint approaches, increased burden sharing, solidarity and international cooperation is vital, because offering support to those in need of protection cannot be provided by one country or region alone.
- It is crucial to support the countries hosting large populations of refugees. Burden-sharing is vital in finding durable solutions for protracted refugee situations. There is also a need to preserve the protection space for refugees and internally displaced persons.
- Countries and other stakeholders should discuss more dynamic and comprehensive approaches to humanitarian crises, including longstanding unresolved conflicts. It is important to recognise the link to peace building and conflict resolution, as well as the need for reconstruction and the capacity to receive returnees.
- It is also crucially important to address the gap between emergency relief and long-term development after a conflict. In other words, the links between humanitarian assistance and development should be addressed.
- A certain harmonisation of protection systems is desirable, also to avoid secondary movement.
- Addressing root causes of irregular migration, though very challenging, cannot be neglected and should be carried out through various means including enhancing education and establishing skills development programmes.

The Budapest Process has also addressed the effects of environmental, economic or security related crisis on migration management and ways of handling significant movements of people.
• In this regard it is important to have a solid legal and policy framework in the field of migration, including provisions of how to handle exceptional migration situations. If a good system is in place it is easier to respond efficiently to ensuing situations. This includes the necessary procedures to deal with persons affected by crisis – asylum procedures and procedures for other forms of protection.

• The institutional framework must allow for efficient coordination among different authorities, especially in times of crisis. Here special structures for coordination (for example a board or commission) can be considered. Systems should take into account the need for broader consultation between stakeholders also outside the migration field in times of crisis.

• Migration strategies should include contingency planning for crisis with management mechanisms, necessary emergency measures, allocation of additional resources and steering. Research and early warning are needed to monitor crisis situations, and to analyse signs, as a way to reduce the element of surprise at the outbreak of a crisis. In this regard a strong data management system is important for increasing the knowledge base on migration which facilitates preparedness, management and reporting.
The Budapest Process has traditionally worked for holistic migration management and has increasingly embraced all dimensions of migration governance. Through the Silk Routes Partnership for Migration it encompasses all aspects of migration governance in its six main cooperation pillars notably - following the above order - border management in pillar four, legal migration and mobility in pillar one, return, readmission and reintegration in pillar four and integration in pillar two. In other words, it covers management of the full migration chain.

The Istanbul Ministerial Declaration notes in its preamble that cooperation and partnership is the most efficient way to develop successful migration policies, highlights that solidarity, mutual cooperation and joint responsibility between countries of origin, transit and destination are fundamental cornerstones for successful migration governance, recognises the need for continuous knowledge transfer and exchange of good practice and experience between the partner states in all fields of migration management. International cooperation and governance of migration in all its dimensions is thus a key competence of the Budapest Process and it provides for constant knowledge transfer between participating countries in this regard.

The following key points on these topics have been formulated by the Budapest Process participating countries:

At the fourth Silk Routes Region Working Group meeting in Islamabad, the first after the Istanbul Ministerial Conference, looking at the priorities of the Silk Routes Region in migration governance:

- **Good migration governance** is of vital importance especially for countries increasingly becoming countries of transit and immigration in addition to being traditional countries of emigration. In many countries of the region, migration is seen as a labour migration, a refugees or a return issue. It is a priority to establish links and coordination between all areas of migration management. Structures for coordination and cooperation are needed within entities, between entities - such as inter-agency working groups – as well as internationally. These structures are needed for policy making and coordination but also for exchange of information and data collection and management.

- **Legal migration policies** should embrace several different aspects of migration such as labour migration, migration for pursuing an education/training and family-related migration as well as visa, entry and residence policies for foreign citizens.

- **Policies on return and readmission** are an integral part of migration policies. Return operations should always be carried out in a humane manner, respecting the dignity of the individual. At all times, preference must be given to voluntary return.

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5 Conclusions of the 4th Budapest Process Working Group on the Silk Routes Region, Islamabad, 28-29 October 2013
6 For this reason, also the Silk Routes Partnership Project has worked with building holistic migration policies, as well as structures for training and data management.
• Efforts are needed to make return sustainable. **Reintegration** should ideally be an integral part of return programmes.

In Belgrade in 2016, countries concluded the following on integration and reintegration\(^7\):

• **Integration** and **reintegration** policies do not only concern migrants or refugees, but should aim at improving the social cohesion of increasingly diverse societies, including at the community level, and should ideally kick at an early stage.

• There is a **shared responsibility** between countries of origin and host countries for reintegration efforts.

• **Integration** is understood as a mutual and reciprocal process, requiring the involvement of both the migrants and the resident population as a precondition for its success.

• The host society has the duty to offer migrants the opportunity to acquire the necessary skills for participation, but migrants are required to participate in the integration programmes offered. This includes the acceptance of the binding nature of the legal framework and the readiness to acquire the necessary knowledge to participate in a society, ranging from language acquisition to knowledge about the institutions and the core values of a society.

• Integration demands a sensible balance of targeted, tailor-made and individualised measures and the mainstreaming of equal access and treatment at all institutional levels.

• Apart from individual assistance provided to returnees, more interventions at the structural level are needed for successful reintegration in the countries of return. Community aspects, such as infrastructure needs due to returns, need to be taken into account more strongly.

• The reintegration activities should be designed to make a positive contribution to the development of the receiving country.

\(^7\) The 9th Working Group on the Silk Routes Region on Integration and Reintegration, held in Belgrade on 18 – 19 October 2016
Thematic session IV - Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits

Date: 24-25 July 2017
Place: New York, United States of America

Key points for thematic session IV

Even before the adoption of the Silk Routes Partnership for Migration, links between migration and development were getting stronger attention within the framework of the Budapest Process. In the Silk Routes Region, migration and development are intrinsically linked. The large-scale migration flows within, through and from the Silk Routes Region have led to the existence of strong diasporas in virtually all parts of the world. Furthermore, the Silk Routes Region hosts a large number of labour migrants, refugees and displaced people, most of them originating from neighbouring countries.

The third priority goal of the Istanbul Ministerial Declaration is to strengthen the positive impact of migration on development, both in countries of origin and of destination.

The following key points on these topics have been formulated by the Budapest Process participating countries at their meeting on migration and development in Dhaka8:

- Strengthening the positive impact of migration on development is crucial for both countries of origin and destination and should be catered for equally by both.
- Seeing migration as one driver of human development, it is important to lower the costs of remittances, enhance financial literacy, portability of social benefits, recognition of qualifications and promotion of workers' rights.
- Incorporating migration into labour market planning and policy is crucial. There is a need for an integrated approach in mainstreaming migration into the planning and policy making of different sectors.
- It is important that migrants make informed decisions, that tools are developed for structured, well-managed migration including provision of adequate information, training and fair treatment. Furthermore, consular services and other protection mechanisms need to be strengthened and opportunities need to be created to return in a humane manner. Portability of social benefits should be regulated by bilateral agreements.
- In order to facilitate migration; the decision making process for potential migrants should be improved to enable migrants to make informed decisions and to ensure the transparency in the different processes of migration, including recruitment, arrival, post-arrival, return and reintegration.
- Reducing costs of migration, ensuring transparency in the recruitment process and other processes in countries of origin and destination, improving the quality and scope of pre-departure orientation and strengthening the certification of skills are essential to increase contributions of migrants.
- Creating short-term opportunities for migrants to contribute to human development in their countries of origin during their stay abroad and to develop opportunities for their reintegration and use of skills upon return are crucial.

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8 The 7th Budapest Process Working Group on the Silk Routes Region on Migration and Development, Dhaka, Bangladesh, 9 – 10 November 2015
In addition, more focus and research on the social impact of migration for both countries of origin and destination, including its costs and benefits are necessary. These aspects are too often neglected in favour of the perceived economic benefits. In doing so, working with diasporas is decisive.

A whole-of-government approach and inter-agency cooperation is essential for efficient diaspora engagement; in particular for reaching out to the diaspora, informing them and organising opportunities for their engagement and contributions (diaspora days, online information, diaspora organisations, diaspora investment mechanisms, diaspora internship programme, as well as programmes for the temporary return of qualified nationals).

Diasporas do not contribute only in terms of skills or economic investment, but can be an important factor of political influence; they also can provide assistance and humanitarian aid to the country of origin in times of a crisis.
Key points for thematic session V

Combatting of criminal networks involved in trafficking in persons and smuggling of migrants is a key priority within the Budapest Process. The Istanbul Ministerial Declaration recognises the severe risks posed by organised criminal networks involved in irregular migration to internal security and the security of citizens and migrants alike.

Both fighting trafficking in persons and smuggling of migrants are among the priority goals: “combat criminal networks involved in smuggling of migrants” and “prevent and combat trafficking in persons, address its root causes and provide adequate protection and support to trafficked persons” and have been addressed in working group meetings.

The following key points have been formulated by the Budapest Process participating countries:

- In dealing with irregular migration and migration related crime, it is important to adopt the international legal instruments. There is furthermore a need to strengthen administrative structures, the rule of law and the justice system in order to combat the operations of criminal groups involved in smuggling of migrants or trafficking in persons.

- Several countries have different distinctions between and different meanings in the terminology regarding smuggling of migrants and trafficking in persons. A clear and recognised terminology in accordance with international standards is crucial also in order to facilitate internal and international cooperation including mutual legal assistance.

- It is important to identify and address the linkages of these crimes with money laundering and other organised criminal activities.

- Addressing root causes of smuggling of migrants and trafficking in persons, though very challenging, cannot be neglected and should be carried out through various means including enhancing education and establishing skills development programmes.

- Joint intelligence analysis units should be established, cooperation between border guards improved and victim awareness increased through (social) media and local platforms, such as community leaders and at transportation hubs.9

- Police cooperation should include informal channels of information sharing as well as formal information requests, joint trainings prelude top joint operations, standardisation of trainings for law enforcement authorities, proactive and reactive policing models and sharing of evidence to help secure prosecution across jurisdictions.

- Raising awareness about these matters amongst potential migrants is an area that needs further attention and efforts. Information and info-campaigns to people regarding the dangers of migration related crime has to be used both as a matter of preventive

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9 Conclusions of the 6th Budapest Process Working Group on the Silk Routes Region on irregular migration, migration related crime protection needs, Islamabad, Pakistan, 8 – 9 June 2015
strategy, but also to be intensified in times of crisis in order to prevent victims of a crisis to also fall victim to criminal groups.\textsuperscript{10,\textsuperscript{11}}

- To counteract trafficking in persons, development of an adequate legal framework and establishing common terminology, stepping up national and international cooperation, of national referral mechanisms, identification of vulnerable groups, regulation of employment and travel agencies and their inspection and provision of protection and support to trafficked persons are effective methods.

- A holistic and coherent approach is needed, focusing on preventive measures, the protection of victims and their families as well as the prosecution of criminals. Furthermore, policies should be consistent with a human rights-based and victim-centred approach, also taking into account the gender perspective.

- It is crucial that cooperation on trafficking in persons is included in the dialogue between countries. Given the nature of the crime, a multidisciplinary approach should be applied involving all relevant stakeholders, governmental and non-governmental, both at the policymaking and operational level.

- Developing structures and strengthening the capacities to identify victims, offer protection and assistance, as well as access to justice and the effective implementation of existing laws and anti-trafficking strategies are among the measures that need to be taken. Victim identification, victim support and victims’ access to justice appear as priority areas.

- Prevention is a key element to address the fight against trafficking in persons and should encompass measures for awareness raising and education, as well as actions to decrease the vulnerability to trafficking and re-trafficking by addressing the root causes.


\textsuperscript{11} A pilot under the Silk Routes Partnership project addresses the need to raise awareness about the consequences of irregular migration and has set up Migration Resource Centres in Pakistan.
Thematic session VI - Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures
Date: 12-13 October 2017
Place: Geneva, Switzerland

Key points for thematic session VI

**Work on migration flows is the essence of the Budapest Process.** From an initial focus on irregular flows, the Istanbul Ministerial Declaration put an equal focus on regular migration and legal channels. Thus, the Istanbul Ministerial Declaration underlines in its preamble that well-managed migration leads to benefits for both countries of origin and destination and for migrants themselves, while being conscious at the same time of the detrimental effects irregular migration can have on all countries involved as well as on individual migrants and their family members.

The **first priority goal** of the Istanbul Ministerial Declaration is to **better organise and improve conditions for legal migration and mobility.**

The **fourth priority goal** of the Istanbul Ministerial Declaration includes preventing and counteracting irregular migration and facilitating **return and readmission** of irregular migrants.

The following **key points on these topics** have been formulated by the Budapest Process participating countries:

- At their meeting on irregular migration, migration related crime and protection needs in Islamabad in June 201512
  
  - An adequate national legal framework and developing a policy framework are prerequisites for efficiently addressing irregular migration. For continuing legislative, policy and procedural reforms international cooperation and support are important.
  
  - Awareness-raising on the dangers and consequences of irregular migration is an utmost priority for the Silk Routes Region.
  
  - Regional law enforcement cooperation must be enhanced in order to effectively fight migration-related organised crime.13
  
  - National, regional and international cooperation regarding data collection, data sharing and data analysis in the field of irregular migration and migration related crime is vital.
  
  - Joint operations, investigations and trainings are also considered essential in curbing irregular migration effectively.
  
  - A functioning return system is important for the credibility and acceptance of generous asylum policies as well as visa facilitation. It is also essential to develop referral mechanisms for returned migrants in order to avoid repeated vulnerability.

- At their meeting on legal and labour migration in November 2014 in Dushanbe14:

  - Knowledge of the proper functioning and needs of labour migration is still lacking and has

12 The 6th Budapest Process Working Group on the Silk Routes Region on irregular migration, migration related crime and protection needs, Islamabad, Pakistan, 8 – 9 June 2015
13 The Silk Routes Partnership Project reflected this and the above priority especially through two pilot initiatives - one to raise awareness about the consequences of irregular migration and to establish Migration Resource Centres in Pakistan, the other to enhance regional law enforcement cooperation between Turkey and the Silk Routes countries.
14 The 5th meeting of the Budapest Process Working Group on the Silk Routes Region on Legal and Labour Migration, Dushanbe, Tajikistan, 11-12 November 2014
to be improved to provide for evidence based policy making. This includes labour market assessments to identify gaps and needs. In this regard improved cooperation and communication between countries is a priority, using a multi-stakeholder approach, including also private sector stakeholders such as employers and trade unions.

- In order to improve access to international labour markets the development of labour market agreements (bilateral labour agreements/MoUs) should be furthered. Such agreements are considered efficient to ensure that labour market opportunities are being filled with the right people and that rights are protected.

- It is important for both sending and receiving countries to invest in skills development and skills recognition (recognition of qualifications and skills, including of informal skills). While sending countries can develop vocational training programmes based on a realistic assessment of labour market needs and qualifications sought both at home and abroad, receiving countries can also invest in skills training for potential migrants coming to join their labour markets or invest in improving and adapting skills of migrants already in the country.

- For sustainability, policies on labour migration should be linked with internal employment policies. Investment is needed in improving employment opportunities and conditions in countries of origin. The knowledge and experience acquired by labour migrants should be better used in order to create more livelihood opportunities at home.

- There is a need to address the serious ‘brain drain’ from many countries with strong emigration policies.

- The costs of labour migration need to be reduced. Recruitment practices should become more secure and democratic and less costly for the migrants.

- The legal system needs to ensure the protection of migrant workers and include sufficient sanctions for violations of migrant workers’ rights. Equal treatment is a key principle that needs to be respected, not only in legislation but also in practice. It is also important to ratify and implement relevant conventions. For improved monitoring of protection of migrant workers’ rights regular and targeted labour inspections are recommended.

- Both the sending and receiving countries need to ensure that labour migrants are aware of their rights through Trainings and information. The more skilled, equipped and informed migrants are, the better they can protect themselves. In this regard, a structural information imbalance needs to be addressed – the information provided by recruitment agencies, migrant and family networks and fraudulent actors must be balanced with structural information.

- Protection of migrant workers could be linked with institutions like an Ombudsman or other human rights institutions. Complaint and referral systems are also needed. It is vital to include employers and international trade unions in the dialogue to ensure respect for equal rights.

- Sending countries may also consider joining or at least coordinating their efforts so as to negotiate better conditions and treatments for their citizens with the authorities of the receiving countries.