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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	6th Ministerial Conference of the Budapest Process (Istanbul, 19-20 February 2019) THE ISTANBUL COMMITMENTS ON THE SILK ROUTES PARTNERSHIP FOR MIGRATION and its CALL FOR ACTION A FIVE YEAR PLAN

Delegations will find in Annex the above-mentioned outcome documents.



BUDAPEST PROCESS

6TH MINISTERIAL CONFERENCE

19-20.02.2019 ISTANBUL



THE ISTANBUL COMMITMENTS ON THE SILK ROUTES PARTNERSHIP FOR MIGRATION

and its

CALL FOR ACTION A FIVE YEAR PLAN

Funded by

Chair



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Secretariat



ICMPD
International Centre for
Migration Policy Development

THE ISTANBUL COMMITMENTS ON THE SILK ROUTES PARTNERSHIP FOR MIGRATION

WE, the Ministers responsible for migration and migration-related matters from the Budapest Process participating and observer countries Afghanistan, Albania, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iraq, Kyrgyzstan, Luxembourg, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Pakistan, Portugal, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, United Kingdom and Uzbekistan, in the presence of the European Commissioner responsible for migration, and representatives of relevant organisations;^{1 2 3}

Gathered in Istanbul on 20 February 2019 at the Budapest Process 6th Ministerial Conference;

Thanking the Chair, Turkey, for its timely initiative and for hosting the conference and the preparatory meetings, and Hungary acting as Co-chair for its support and the Secretariat, ICMPD, for its administrative and substance preparations;

Recognising the unique role and strong impact of the Budapest Process and the Silk Routes Partnership for Migration and the substantial progress made regarding migration cooperation with and migration management within the Silk Routes region;

Reaffirming the continued need to implement, consistently and in a planned and balanced manner the six priority goals of the 2013 Ministerial Declaration on a Silk Routes Partnership for Migration;

Noting that many countries are at the same time countries of origin, transit and destination;

Conscious that the countries of the Silk Routes Region historically are affected by largescale movements of refugees and irregular migrants and host some of the largest refugee populations in the world putting an additional responsibility on public authorities and delivery of services;

Taking into account and building upon lessons learnt of the recent migration and refugee crisis and the role of the European Union and its Member States in managing migration in partnership with countries of origin and transit;

Affirming the need of a renewed political commitment in light of major migration flows in the last years affecting different regions of the Budapest Process;

¹ Australia, Bangladesh and Iran are observers to the Budapest Process and participate in relevant events and activities.

² Other Budapest Process participating and observer countries can join and participate as relevant.

³ The Russian Federation has made an interpretative statement.



Noting also the importance of the Black Sea Region and the South East European Region in addressing refugee and migration flows;

Commending Turkey, the Silk Routes countries and other involved countries for their constructive role in finding solutions to managing the major migration flows of the past years;

Recognising that the countries of the Silk Routes region have historic experience and important knowledge to share regarding the management of largescale movements of refugees and migrants⁴;

Noting, in this regard, the need to exchange information and experience and continue to increase the capacities of the countries of the Silk Routes Partnership for Migration to manage such movements;

Affirming the need to take a holistic view of migration and look at the whole migration chain, including drivers of migration, and on-going migratory movements, the aftermath of such movements including integration as well as safe and sustainable return and reintegration, ensuring that rights of refugees and human rights of migrants are protected;

Acknowledging that forced displacement, including internal displacement, can have an effect on migration flows and should be handled in accordance with relevant UN guiding principles;

Recognising that since the previous Ministerial Conference in 2013 important international frameworks and instruments have been adopted which affect the governance of migration at national, regional and global level including: the 2030 Agenda for Sustainable Development adopted in September 2015 containing the ground-breaking sustainable development goals (SDGs), of special relevance here SDG 10.7 and 8.7, as well as the commitments made at the World Humanitarian Summit in 2016;

Highlighting the role of the New York Declaration for Refugees and Migrants adopted in September 2016 leading to the two global compacts, the "Global compact for safe, orderly and regular migration" and the "Global compact on refugees", without prejudice to states' varying positions regarding the compacts;

Emphasising that the Budapest Process has the knowhow, tools and outreach to play an important role, through years of dialogue and operational activities in Europe and Asia specifically in the Silk Routes Region, for the translation of global commitments and frameworks to regional realities;

Aware that the Budapest Process should endeavour - including through exchanging information and furthering a common understanding - to build clear, comprehensive and transparent, national legal frameworks for all aspects of migration and mobility, taking into account national policies and competencies in this regard and to continue capacity building in the Silk Routes Region, including through furthering the development of holistic migration policies, institutional capacity and cooperation;

Recognising that an open and free debate contributes to a comprehensive understanding of all aspects of migration;

Underlining the positive impact of well-managed regular migration on development, while recognising at the same time the negative effects of irregular migration and therefore committing to make migration a choice rather than a necessity;

⁴ Refugees and migrants are governed by separate international legal and political frameworks and this declaration reaffirms this distinction between status of refugees and migrants under international law.



Recognising the severe risks posed by organised criminal networks involved in irregular migration to internal security and the security of citizens and migrants alike;

Affirming that this non-legally binding declaration applies as appropriate for each participating country in accordance with applicable international law and without prejudice to national legislation and especially noting that within their sovereign jurisdiction, states may distinguish between regular and irregular migration status;

Highlighting the importance of strengthening international cooperation and solidarity in the field of migration;

Recalling the following elements of international law of relevance for migration management, (while noting that accession status differs among participating states):

- The Universal Declaration of Human Rights which ensures the respect by states of human rights of all individuals on their territory, including refugees, beneficiaries of subsidiary or complementary forms of protection and migrants
- That everyone has the right to leave any country, including his or her own, and to return to his or her country, in line with Article 13 of the Universal Declaration of Human Rights (1948), That everyone has the right to seek and to enjoy asylum in line with Article 14 (2) of the Universal Declaration of Human Rights (1948),
- That each State has a sovereign right to determine whom to admit to- and to allow to stay on- its territory, subject to that State's international obligations,
- That states have rights and responsibilities to manage and control their borders, and to implement border management procedures in conformity with applicable obligations under international law,
- That states must readmit their nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation and customary international law and readmission agreements where applicable,
- The United Nations Convention against Transnational Organized Crime, the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air,
- That the term "international protection" as used in this Declaration includes the refugee status according to the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, as well as complementary or subsidiary or temporary forms of protection as applicable,
- The principle of non-refoulement in international refugee and international human rights law as a non-derogable right
- The Convention on the Rights of the Child highlighting the significance of always protecting the best interests of the child.



HAVE AGREED

To take concerted action to endorse and implement the attached five-year plan “a Call for Action” following the priority goals of the Istanbul Ministerial Declaration each having equal weight:

- Prevent and counteract irregular migration, facilitate return and readmission of irregular migrants, and combat criminal networks involved in smuggling of migrants,
- Better organise and improve conditions for legal migration and mobility,
- Support the integration of migrants and counteract discrimination, racism and xenophobia,
- Strengthen the positive impact of migration on development, both in countries of origin and of destination,
- Prevent and combat trafficking in persons, address its root causes and provide adequate protection and support to trafficked persons,
- Promote international protection and the respect of the rights of refugees, in line with international standards

And

To apply key commitments to ensure safe, orderly and regular migration along the Silk Routes:

A commitment to partnership

- Successful migration and protection policies can only be attained through cooperation and partnership among countries of origin, transit and destination of migratory flows.
- A partnership approach will be applied on global, regional and local levels when designing and implementing migration policies with relevant stakeholders.
- Cooperation amongst Budapest Process participating countries will promote joint solutions to regional issues of common interest regarding migration.
- Sustain and operationalise existing well-established migration partnership frameworks.

A commitment to comprehensive migration governance

- Migration and asylum governance should be comprehensive, over-arching, human rights-sensitive and inclusive.
- The development of comprehensive migration and asylum policies and strengthening whole of government and society approaches will be supported using as relevant a multi-stakeholder approach through continued capacity building, regional cooperation, and exchange of best practices.
- Pursue a people-centered approach in policy development and implementation of activities.



A commitment to respect, protect and fulfill international human rights and fundamental freedoms

- Human rights of migrants, asylum seekers and refugees are crucial for the development and functioning of sustainable migration, asylum and protection policies. Human rights and fundamental freedoms of all migrants, asylum seekers and refugees and persons in need of protection, regardless of status, shall be protected as shall the rights of all unaccompanied minors and those separated from their families in need of international protection. Primary consideration will be given to the best interests of the child.
- Furthermore, the special needs of all migrants and refugees in vulnerable situations will be safeguarded, in accordance with national laws and relevant obligations under international law, while ensuring dignified protection policies and while considering gender-specific aspects of migration.

A commitment to support and solidarity

- The principles of support and responsibility sharing should guide the work of the Budapest Process and the Silk Routes Partnership for Migration.
- Solidarity and international cooperation are essential elements to ensure safe, orderly and regular migration, to address refugee situations, including protracted, irregular movements and sudden inflows and to enforce border control and enhance law enforcement cooperation and to combat migrant smuggling and trafficking in persons.
- Respond efficiently to crises including contingency planning and early warning systems.

A commitment to knowledge

- Without sufficient knowledge and communication on all levels – for policy makers, societies, migrants, asylum seekers and refugees – the design, implementation and proper follow-up of migration policies is compromised. Consequently, there is a strong commitment to enhance the knowledge base through gathering data, analysis and dissemination on all levels also using the already existing structures and information.



A CALL FOR ACTION A FIVE YEAR PLAN

INTRODUCTION

The Call for Action complements the “Istanbul Commitments on the Silk Routes Partnership for Migration” - the political declaration adopted by the participating states of the Budapest Process on the occasion of its 6th Ministerial Conference.

The Call for Action lists key actions that can be drawn from the six interconnected priority goals agreed upon in the Budapest Process Istanbul Ministerial Declaration “A Silk Routes Partnership for Migration” in 2013 each having equal weight.

Priority Goal 1

Prevent and counteract irregular migration, facilitate return and readmission of irregular migrants, and combat criminal networks involved in smuggling of migrants

1. Further strengthen counteracting irregular migration and fighting against migrant smuggling by fostering cooperation and improving coordination by all stakeholders at the national, regional and international level;
2. Increase law enforcement cooperation regionally and bilaterally on preventing and combating migration related crime including smuggling of migrants and document fraud as well as tracing illicit financial flows or other material benefits and seizing crime proceeds;
3. Strengthen operational cooperation in the field of border management with a view to counteract irregular migration, smuggling of migrants while respecting the principle of non-refoulement as well as international human rights;
4. Establish flexible and swift channels to exchange information, experience and know-how between countries of destination, transit and origin also working with relevant international law enforcement organisations including on travel-identity and breeder or source documents with full respect for the right of privacy and protection of personal data;

5. Enhance regional and bilateral cooperation and capacities on return and readmission to carry out swift identification and issuance of travel documents, including through Information and Communication Technology solutions (ICT), also through the negotiation, conclusion and implementation of readmission agreements or arrangements and/or standard operating procedures (SOPs) on return and readmission, in full compliance with international human rights, in accordance with the obligation of each state under customary international law to readmit its own nationals;
6. Support the sustainability of returnees' economic, social and psychosocial reintegration and strengthen their resilience through promoting tailor-made individual and community-level assistance and enhance measures to better manage the return and reintegration process;
7. Prioritise voluntary return and strengthen the capacity of national and consular authorities, international and other relevant organisations to manage returns while not excluding the use of forced return in accordance with international law and human rights, in justified cases when all other options are exhausted;
8. Further analysis of root causes of irregular migration and displacement, further information and experience exchange in this regard in order to shape policy development;
9. Raise awareness of and provide relevant, accurate, transparent and timely information to, potential and actual migrants, on the risks and dangers associated with irregular migration including through information campaigns;
10. Promote local, regional and (inter)national projects addressing the root causes of irregular migration and forced displacement in economic, security, education and environment related areas;
11. Explore means to prevent misuse of regular migration channels or the asylum systems while safeguarding the right to seek asylum.

Priority Goal 2

Better organise and improve conditions for legal migration and mobility

1. Further develop and promote use and knowledge of already existing pathways for regular migration taking into account national labour market needs and improve transparency of rules and regulations on admission and residence;
2. Explore options for family reunification for refugees and migrants in line with existing national legislation as well as relevant international obligations;
3. Provide relevant, accurate and timely information to potential and actual migrants on possibilities for orderly and regular migration and rules and regulations, including relevant pre-departure information about the host country and integration there as well as ensuring that migrants have sufficient information on their rights and obligations;
4. Promote and develop the following tools, as appropriate: labour market assessments, labour mobility agreements, programmes for circular and temporary migration or other means;
5. Explore best practices on skills matching and on facilitating the recognition of refugees and migrants' professional and educational qualifications, the validation of diplomas and ensuring the optimal use of human skills;



6. Enhance measures for skills development, including regarding reintegration, with the contributions of both sending and receiving countries;
7. Increase initiatives and promote better use of existing means for enhanced student mobility between the Silk Routes region and the other Budapest Process regions, including the setting up of scholarship and trainee programmes regionally and nationally;
8. Explore options for promoting the portability of earned social benefits including certain retirement pension rights for regular migrants within the framework of existing international agreements and in accordance with national legislation;
9. Facilitate well-managed mobility for bona fide travellers - including students, researchers and business people - and improve transparency of rules and procedures;
10. Develop measures and improve labour inspections to avoid labour exploitation and to reduce abusive practices and violations of human and labour rights of migrant workers during the recruitment process as well as in their work.

Priority Goal 3

Support the integration of migrants and counteract phenomena of discrimination, racism and xenophobia

1. Share good practices for supporting receiving communities in integrating refugees and regular migrants and develop adequate integration tools and measures to encourage their active participation in the social, economic and cultural life of receiving countries and promote information on observance of national laws and respect for customs of the country of destination;
2. In order to reach out to regular migrants and refugees, establish official and reliable information mechanisms on their rights and obligations, as well as on their access to services also supporting the use of innovative methods and technologies;
3. Continue information campaigns on integration and on counteracting discrimination, racism and xenophobia and related intolerance;
4. Support the access of regular migrants and refugees to relevant services including where appropriate: for education, training, social protection, healthcare and justice, specifically for vulnerable groups;
5. Develop and maintain legislative and administrative measures to counter discrimination, racism and xenophobia and related intolerance, and initiate capacity building to this end;
6. Engage with civil society and diaspora communities in cooperation with host governments in both monitoring and countering incidents of discrimination, racism, xenophobia and related intolerance;
7. Support schools and other educational structures to promote awareness and the recognition that an open and free debate contributes to a comprehensive understanding of all aspects of migration and work against discrimination, racism and xenophobia and related intolerance.



Priority Goal 4

Strengthen the positive impact of migration on development, both in countries of origin and of destination

1. Support the creation of livelihood opportunities in countries of origin and in hosting communities in order to promote self-reliance and to reduce dependency as well as enhance development programmes with a focus on displaced persons in countries of origin and in hosting countries through financial initiatives;
2. Mainstream regular migration into development planning as well as take into account development issues and national labour market needs when elaborating migration policies;
3. Facilitate and promote the faster, cheaper and safer transfer of remittances through channels including through reducing costs, providing training on financial literacy, and improving the use of monetary and social remittances for the benefit of the sustainable economic and social development of the countries of origin, while taking into account the private nature of such assets;
4. Engage with diasporas and make better use of their contributions to development and, to this end, use established good practices to promote positive impacts of regular migration on development in countries of origin, transit and destination;
5. Develop and implement measures counteracting possible negative effects of migration on countries of origin, such as brain drain and social impacts on family left behind, and countries of destination, such as effects on labour markets and welfare systems;
6. Improve cooperation with the private sector and promote sustainable development efforts in countries of origin and support policies aiming at creating job opportunities and increasing financial literacy, stepping up support to micro, small and medium size enterprises (SME) including through access to microfinance and micro-loans with special focus on categories such as women, youth, persons with disabilities and rural populations.

Priority Goal 5

Prevent and combat trafficking in persons, address its root causes and provide adequate protection and support to trafficked persons

1. Continue to develop national and regional strategies and policies for preventing and combatting trafficking in persons, including protection of victims, with a particular focus on vulnerable categories, involving all relevant stakeholders. Strategies should also include actions to prevent the demand-side of trafficking;
2. Support the development of mechanisms for the national and transnational referral of trafficked persons while increasing capacities to assist and protect victims including their rehabilitation and (re) integration into society including access to the labour market or education sector;
3. Strengthen capacities of law enforcement, border management and judicial authorities to allow for effective identification, prosecution and punishment of traffickers and to take measures to disrupt the modus operandi of traffickers including by addressing impunity of perpetrators and protecting the victims and their rights.



A Call for Action . 10

Priority Goal 6

Promote international protection and the respect of the rights of refugees in line with international standards

1. Establish and maintain programmes aimed at capacity building in the field of international protection in countries of origin, transit and destination;
2. Maintain and further improve procedures for the identification of asylum seekers and refugees, providing them with adequate reception conditions and documentation, and granting refugees durable solutions, including voluntary repatriation, local integration, resettlement on a voluntary basis and complementary pathways to protection;
3. Further solidarity and joint responsibility with countries hosting large numbers of refugees by increasing cooperation on resettlement and providing technical and financial assistance to host countries, as relevant;
4. Suggest, support and implement measures to address refugee situations including protracted ones and sudden mass flows.

