

Working Session 17: Fundamental freedoms II (continued), including:

- Freedom of movement
- Migrant workers and the integration of legal migrants

No of statements: 20**Delegations: 9****Civil Society: 10****OSCE Institutions:****International Organizations: 1****Media: 0****Rights of reply: 10**

Rapporteur: Ms. Cordula Geinitz, First Secretary, Permanent Mission of Germany to the OSCE

The Introducer Olga Poalelungi, Director of the Bureau for Migration and Asylum of the Ministry of Internal Affairs of the Republic of Moldova, elaborated on current tendencies and challenges in policies on migration, such as migrant workers and their legal and effective integration. She reminded that freedom of movement is the basis of global wealth, based on economic freedom, on freedom of goods, welfare and persons. Making reference to commitments laid out in the OSCE documents such as guaranteeing freedom of professional travel or for humanitarian purposes, she called on participating States to find a balance with issues related to the place of residence.

On travel regulation, she stated that although it is important that the state level provides necessary prerequisites for a visa free entrance to EU (e.g. UKR, GEO, MDA), individual aspects always are being considered. The lack of clear documents on the integration of legal migrant workers is also a problem. Instead, some documents of international level are being invoked. She reminded that the right of migrants should also apply to their family members. Integration strategies and programmes in the receiving state are crucial for successful integration. They should be comprehensive in the way as to also including civil aspects, gender aspects and healthcare. Another important factor noted by Ms. Poalelungi is the existence of institutions and civil society to facilitate the integration process. On the migrants' side, it could be required to fulfil certain levels of language knowledge or level of education; on the other hand, participating States should consider the level of vulnerability of the person. She highlighted that effective integration is often linked to employment. Participating States can support integration into the labour market by offering measures like teaching local language, support the process of recognition of diploma, providing services on vocational training or qualifications. In her view, the present migration crisis is the most serious challenge for policy nowadays.

Participating States and civil society representatives discussed several aspects of migration. While it was generally stated that freedom of movement in the sense of internal and external travel is a core human right, regulation and obstacles to the exercise of this right were discussed.

With regards to controls of travel, some participating States claimed that so-called blacklists hampered granting visa for individuals, also non-recognition policies. On the other hand, civil society representatives described numerous cases where certain groups of individuals were

denied receiving necessary documents by their national authorities. Civil society representatives linked this with professional or civil society activities of these individuals, even if they had been imprisoned for that reason, thus indicating that granting travel documents can be used as a political instrument. The abolition of so-called Exit Visa in some participating States was also welcomed. It was discussed whether ethnic or national reasons could be a reason for limitation in the issuance of travel documents. It was stated that in some cases, the issuance of travel documents were even denied in spite of humanitarian reasons such as necessary medical treatment, and that the denial of travel documents and other restrictive measures by the national authorities affected the individual's capability to leave the country.

Participating States discussed the regulation of temporary labour migration and the complex related questions such as formalities and social security aspects. Control over the legal migration should help avoid illegal migration and negative side-effects such as exploitation of migrants.

Many participants deplored poor conditions in areas of administrative detention which were inadequate with regards to human rights standards, including the right to education. Vulnerable groups were specifically affected, such as women, children, persons with disabilities, stateless persons. Several participants pointed out that notably the practice in some participating States to separate children from their parents had a detrimental effect on these children.

Participants described the situation in areas of conflict as particularly problematic where limitations in freedom of movement is often felt and in view of the affected persons, is linked to other countries authorities. An example was the question how to organize the return to the area of ethnic origin in order to live people to people contact. It was noted that the return of internally displaced persons (IDPs) after long periods of absence can be problematic with regards to many administrative questions; participants also called for increased and timely attention of national justice. A lack of re-integration policies was also observed.

Recommendations made by participants during this session include (non-exhaustive list):

Recommendations to the OSCE participating States:

- Ensure rights of individuals to the freedom of movement, to leave and to return to the countries, including their own;
- Ensure the freedom of movement of human rights defenders to conduct their activities;
- Contribute in the coherent way to integration of migrants in the host OSCE participating States and ensure the protection of the migrants' rights and freedoms;
- engage ODIHR as well as Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination in efforts to protect migrants from racism, xenophobia and discrimination;
- Improve the situation in administrative detention areas so as to fulfill human rights standards.

Recommendations to the OSCE participating States and to the OSCE:

- OSCE should pay attention to the existence of the national "black lists", which prohibit some individuals from entering other OSCE participating States in order to comply with the norms and principles of international and European law. The OSCE participating States which are Schengen States, should use careful and objective approach in taking decision on each case on the application of the ban on entry in respect of persons entered into "black lists". This will ensure compliance with their rights. The same is recommended for those cases, when questions concern the rights of persons living on "disputable" territories.

Recommendations to the OSCE institutions, executive structures and field operations:

- For OSCE institutions to carry out more activities in educating migrants and building their for integration;
- OSCE Special Monitoring Mission in Ukraine and other international organizations should monitor the uncontrolled territories, for which Ukrainian authorities do not have access. The international mechanisms on IDPs need further development and there should be an improvement in protection of IDPs, especially in relation to the vulnerable groups. Ukraine would welcome the development of the international legal instrument of IDPs, especially involving UNHCR in the development process;
- ODIHR should create a special section for the protection of HDIM speakers upon their return back to the countries of origin and mediation of disputes related to their activities. ODIHR should monitor the situation of such people.