

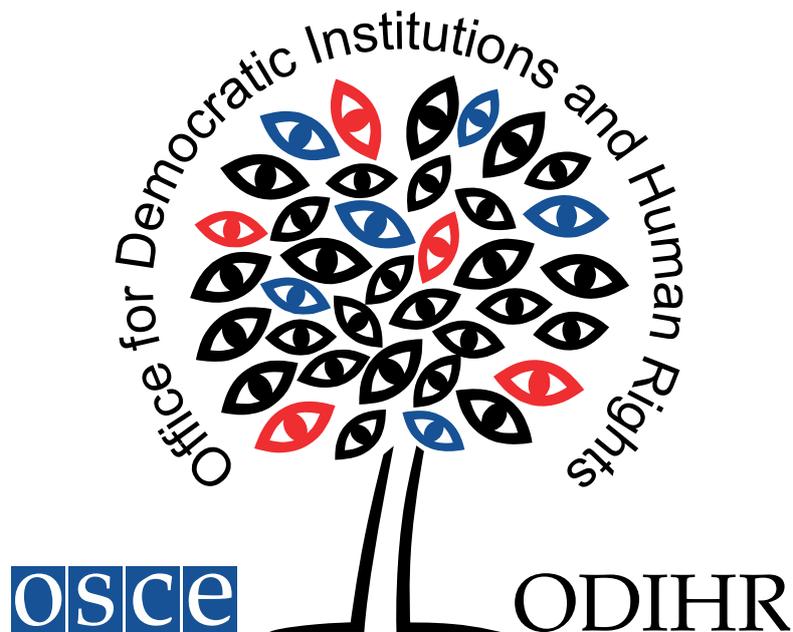


Office for Democratic Institutions and Human Rights

**BUILDING ON RECENT EXPERIENCE TO PROMOTE THE
USE OF ALTERNATIVES TO IMMIGRATION DETENTION**

**Online Meeting
8 September 2020**

OSCE/ODIHR Summary Meeting Report



Warsaw
December 2020

This report should not be interpreted as comprising official OSCE recommendations based on a consensus decision, an opinion of the OSCE Office for Democratic Institutions and Human Rights or of any particular OSCE participating State. The content of this report reflects opinions expressed by participants which took place online on 8 September 2020.

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BUILDING ON RECENT EXPERIENCE TO PROMOTE THE USE OF ALTERNATIVES TO IMMIGRATION DETENTION

**Online Meeting
8 September 2020**

The meeting was organized with the aim of supporting OSCE participating States to meet OSCE commitments on human rights, in particular the human rights of migrants and asylum-seekers. Organized by the OSCE Office on Democratic Institutions and Human Rights (ODIHR) in partnership with the Open Society Foundation / European Programme for Integration and Migration, this online event brought together 28 participants (16 women and 12 men), including representatives from European migration authorities, monitoring bodies, international and European institutions, civil society organisations and private foundations from 10 OSCE participating States (Belgium, Cyprus, France, Germany, Italy, Lithuania, Poland, Romania, Spain, and the United Kingdom (UK)). (Annex 2 provides a full list of participants.)

BACKGROUND AND AIMS OF THE MEETING

The meeting was organised for two main purposes:

- i. to create an opportunity for national authorities to develop and deepen a sense of ownership of positive measures that were taken with respect to immigration detention in response to COVID-19 so far; and,
- ii. to help participants to assess and understand the impact and potential implications of such measures in future migration policy and practice.

More specifically, the objectives of the meeting were to:

- Gather and share positive precedents and challenges experienced during the initial response phase to the COVID-19 pandemic in the context of immigration detention in Europe.
- Increase government officials' and other statutory bodies' sense of ownership of their positive practices in order to promote their role as 'champions' of good practice.
- Provide participants with a safe space to discuss challenges, exchange learning and obtain advice from peers. It is anticipated this will also contribute to identifying any support needed by governmental authorities and the extent to which international organisations and civil society can help.
- Promote the idea of 'building back better' and emphasize that civil society organisations can be powerful allies in the implementation of governmental policy, and are willing to identify and put in place constructive solutions.
- Build closer working relationships among actors, which can lead to more collaboration and increased willingness to mobilise resources for the development of alternatives to immigration detention.

- Increase awareness of ODIHR's role and the assistance it can offer to OSCE participating States in the field of migration policy, including the protection of the human rights of migrants, in areas such as detention, border management and return.

The rationale behind this online meeting is that when positive measures are 'owned' by political actors (i.e. political actors champion and promote such positive measures), there is an increased opportunity for them to become long-term and permanent features of migration policy. Such meetings also provide for exchanges of experience and practice which contribute to relationship-building among OSCE participating States.

MEETING SUMMARY

The meeting was opened with an introductory session, followed by four panel presentations from speakers sharing perspectives from Spain, Poland, the UK and Romania. These presentations were spread over two sessions and interspersed with questions from the floor and discussion. A closing session included keynote presentation from the Council of Europe and saw plenary discussion on concluding recommendations (Annex 1 provides the agenda). The meeting was conducted under Chatham House Rules.

The key themes that emerged during the meeting are outlined below.

1. There was a clear consensus that states must continue to uphold the human rights of migrants in the period of pandemic. Awareness that deprivation of liberty should be a measure of last resort and of the high financial costs of detention is leading to increasing interest in and commitment to developing and expanding the use of alternatives to administrative detention.
2. Positive steps that have been taken in response to the pandemic in the context of immigration detention included implementing targeted public health measures inside detention centres (social distancing, handwashing, etc) and facilitating release from detention based on individualised assessment (Spain, UK, Romania, Poland, Belgium, Italy). The extent of releases varied across different countries. Detention numbers generally went down due to impediments to deportation. Some alterations to reporting conditions were also introduced, such as switching from face-to-face check-in to telephone contact (UK, Cyprus).
3. The pandemic situation remains fluid and governments continue to monitor and adjust responses. There has not yet been formal examination of the impact and potential implications of measures taken on future migration policy and practice. Some attendees stressed that alternatives to detention is a particularly important topic now, because it can achieve the objective of protecting the health of staff working in detention centres, migrants and the entire community.
4. The meeting elaborated on factors which enabled participating States to rapidly implement non-detention measures. The essential components of such measures included:

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- Utilising existing procedures (of non-detention, release to alternatives, or release/annulment of detention orders) as much as possible (UK, Poland);
 - Creating *ad hoc* procedures for release by organising collaboration and better communication between government departments with different responsibilities (Spain);
 - Active co-operation with civil society organisations based on existing working relationships, including responding to their observations of gaps in process and provision (Spain, Romania);
 - Availability or acquisition of safe accommodation and ensuring access to services including healthcare and subsistence support (Spain, Romania).
5. In tandem with the pandemic response, some state-led initiatives to expand the range of alternatives measures and methodologies are continuing. They include:
- Implementing a series of alternative to detention pilots for different cohorts of migrants to test effectiveness and capture learning, with built-in mechanisms to monitor and evaluate impact over time (UK, Lithuania);
 - Starting a new alternative to detention programme for vulnerable individuals, with accommodation, subsistence support and psychological counselling (Poland);
 - Exploring the possibility of new approaches in the context of alternatives to detention (Belgium);
 - Exploring the possibility of the use of case management as part of formal migration procedures (Cyprus);
 - Possible collaboration with a civil society organisation to strengthen vulnerability screening and assessment in the detention setting (Cyprus);
 - Establishing a referral mechanism enabling release of migrants from the detention centre to alternatives to detention pilot programmes led by civil society (Poland).
6. Synergy is emerging between civil society organizations' (CSOs) efforts to test case management-based alternative to detention pilots and states' willingness to explore new approaches to protect vulnerable migrants from detention. CSO-led pilots (Bulgaria, Cyprus, Poland, Italy and Greece – and a new one starting in Belgium) are gaining visibility in a number of European countries as useful mechanisms to start implementing alternatives on a small scale and test how such approaches could work in each unique national context. The impact of case management in improving migrants' ability to work towards case resolution is monitored and evaluated so that evidence can be used by others. As a result of long-term collaboration, some states are working closely with these pilots to understand the positive impact of case management (Cyprus, Poland), and arranging to work together on a semi-formal basis through referral mechanisms (Poland). Another example has seen the contracting of a CSO to deliver a government-led alternative pilot (Poland).
7. Participants discussed how the gap between the legal framework and practical implementation could be narrowed and bridged in order to further establish positive practices. The meeting drew attention to a number of existing resources and initiatives on alternatives to detention (see Annex 3 for relevant resources and links) available for States

and other stakeholders. There was a shared recognition among participants that the focus is now on practical implementation of alternatives.

- Institutional actors such as ODIHR, the Council of Europe and OHCHR, together with civil society organizations with experience of running alternatives to detention pilots, stated their readiness to offer technical assistance to states;
- While many participants stressed that vulnerable populations need to be channelled out of detention and into alternatives, it was also pointed out that alternatives should be applied to all categories of migrants;
- In order to encourage more states to implement alternatives, there is a need to go beyond setting out typologies of possible alternatives and focus on enhancing our understanding of factors contributing to the effectiveness of alternatives in different contexts and across different cohorts of migrants. Resources such as the Council of Europe's Handbook¹ have contributed to this growing understanding, and suggest approaches that can be further tested and implemented in pilot initiatives.
- Closer working relationships among actors and different departments can attract additional resources for the development of alternatives;
- The works of the European Migration Network and Council of Europe CDDH-MIG², among others, were identified as spaces where more proactive debates and action can be taken.

MEETING RECOMMENDATIONS

As the COVID-19 pandemic, and the restrictions associated with it, are likely to continue in the medium term, participants agreed that continued exchange and discussion of learning on alternatives to detention is needed.

1. Further opportunities for exchange and learning on alternatives to detention for migrants

ODIHR can organise future reflection meetings to take stock of positive measures implemented and better assess whether some of them could become long-term or permanent features of migration policy, if appropriate. These follow-on meetings could focus on:

- Facilitation of peer learning exercises. Such exercises could be constructed as national-level learning events which bring together a range of national stakeholders with states and civil society organisations with advanced alternative practices. Alternatively, these could also take shape as country-to-country exchanges of practices and learnings.

¹ Council of Europe – HELP Tutored Courses, *Alternatives to Immigration Detention for Adults*;
<http://help.elearning.ext.coe.int/course/index.php?categoryid=703>

² Council of Europe Steering Committee for Human Rights, <https://www.coe.int/en/web/human-rights-intergovernmental-cooperation>

- Collaboration among regional actors to offer technical assistance, around themes such as the process of developing alternatives to detention, case management for case resolution, screening and assessment for vulnerability.

2. Increased and updated guidance and resources on alternatives to detention for migrants

Participants were keen to contribute to the update of existing guidance on detention and its alternatives. In particular, there was agreement that relevant stakeholders from the government, civil society and international organizations should be encouraged to contribute to the relevant update of thematic documents developed at the early stages of the COVID-19 pandemic. Further, all stakeholders should assist in the dissemination of new learning and relevant guidance on these issues.

ANNEX 1: AGENDA

Time	Topic	Speaker
14:00 – 14:05	Housekeeping, a brief introduction	Pablo Rojas Coppari, ODIHR
14:05 – 14:10	Introduction by ODIHR – setting the scene, objectives of the roundtable	Meaghan Fitzgerald, ODIHR
14:10 – 14:20	Introducing the participants	
14:20 – 14:35	First panellist – Spain	Lucia de los Reyes Losada
14:35 – 14:50	Second panellist – Poland	Aleksander Ulanski
14:50 - 15:00	Moderator-led Q&A for Lucia and Aleksander, with questions taken from the floor	Pablo Rojas Coppari, ODIHR
15:00 – 15:15	Brief contributions from the floor	Cyprus Belgium Italy EPIM
15:15 – 15:30	Third panellist – UK	Alison Wray
15:30 – 15:35 Break		
15:35 – 15:50	Fourth panellist – Romania	Razvan Stegaru
15:50 - 16:00	Moderator-led Q&A for Alison and Razvan, with questions taken from the floor	Pablo Rojas Coppari, ODIHR
16:00 – 16:15	Brief contributions from the floor	UNHCR EC/EMN COE PICUM
16:15 – 16:35	Discussion, led by prearranged questions	
16:35 – 16:50	Closing key-note speech	Drahoslav Stefanek, SRSG Migrants CoE
16:50 – 17:00	Responses from the floor	
Wrap up and Next Steps		

ANNEX 2: LIST OF PARTICIPANTS

Name	Organisation	Title	Country
Alexander Smits	European Commission / European Migration Network	Policy Officer – DG Home	Belgium
Alison Wray	Home Office	Head of Strategic Projects in Immigration Enforcement	UK
Ana Bosch Nocea	Jesuit Migrant Service	Legal Counsellor	Spain
Dora Hardy	Open Society Foundation		Spain
Dorota Skrzypczyk	Polish Border Guards	Head of Coordination and Administrative Procedure Unit	Poland
Drahoslav Stefanek	Council of Europe	Special Representative to the Secretary General on Migration	France
Edyta Tuta	UN Human Rights	Consultant	Belgium
Eiri Ohtani	OSF – EPIM	Consultant	UK
Gennaro Santoro	Garante – Lazio Region	Lawyer	Italy
Giovanna Castagna	Open Society Foundation		Italy
Ils Saliën	Federal Public Service Interior	Head of Unit	Belgium
Iona Pelin Raducu	European Commission	Policy and Legal Officer – DG Hime	Belgium
Katarzyna Słubik	Association for Legal Intervention	President	Poland
Lilja Gretarsdottir	Council of Europe	Deputy Head of Division	France
Lucia de los Reyes Losada	Ombudsman’s Office	Technical Advisor - Migration	Spain
Maaïke Vanderbruggen	Jesuit Refugee Service	Advocacy Officer	Belgium
Manos Moschopoulos	Open Society Foundation		Germany
Marta Gionco	Platform for International Cooperation on Undocumented Migrants	Advocacy Officer	Belgium
Meaghan Fitzgerald	OSCE/ODIHR	Deputy Head – Democratization Department	Poland
Memnon Arestis	Cyprus Refugee Council	Project Coordinator/Social Advisor	Cyprus
Michael Beys	Ministry of Interior	Administrative Officer	Cyprus
Muriel Hulpiau	Federal Public Service Interior	Head of SEFOR	Belgium
Pablo Rojas Coppari	OSCE/ODIHR	Migration & Freedom of Movement Adviser	Poland
Paola Petrucco	CILD	Project Officer	Italy
Razvan Stegaru	Ministry of Interior		Romania
Stefan Leonescu	Jesuit Refugee Service	Legal Counsellor	Romania
Tim Pratt	Oak Foundation	Programme Officer, International Human Rights	UK
Vladimiras Siniovas	UNHCR Representation for the Nordic and Baltic Countries	Associate Legal Officer	Lithuania

ANNEX 3: SELECTED RESOURCES OF PARTICULAR RELEVANCE

- Council of Europe – HELP Tutored Courses Alternatives to Immigration Detention for Adults - <http://help.elearning.ext.coe.int/course/index.php?categoryid=703>

Council of Europe - Alternatives to Immigration Detention: Fostering Effective Results PRACTICAL GUIDE Adopted at the 91th CDDH meeting (18–21 June 2019) <https://rm.coe.int/migration-practical-guide-alternatives-migration/1680990236>

Council of Europe - Legal and practical aspects of effective alternatives to detention in the context of migration Analysis by the Steering Committee for Human Rights (CDDH) Adopted on 7 December 2017 <https://rm.coe.int/legal-and-practical-aspectsof-effective-alternatives-to-detentionin-th/16809e358b>
- European Programme for Integration and Migration, [EPIM - European Programme for Integration and Migration | Knowledge for policy \(europa.eu\)](#), [Details | Robert Bosch Stiftung \(bosch-stiftung.de\)](#)
- NatCen - Evaluation of Action Access UK Home Office Alternatives to Detention Community Engagement Pilot Series - <https://natcen.ac.uk/media/1938417/NatCen-Evaluation-of-Action-Access-%E2%80%93-Inception-report.pdf>
- Ohtani, E. (2020) – Alternatives to Detention: Building a culture of cooperation Evaluation of two-year engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland, European Programme for Integration and Migration (EPIM) <https://bit.ly/30ft0u9>
- PICUM, IDC, EATDN (March 2020) – Implementing case management based alternatives to detention in Europe, https://picum.org/wp-content/uploads/2020/04/Concept-Paper-on-Case-Management_ENg.pdf
- United Nations Migration Network - COVID-19 & Immigration Detention: What Can Governments and Other Stakeholders Do? https://migrationnetwork.un.org/sites/default/files/docs/un_network_on_migration_wg_atd_policy_brief_covid-19_and_immigration_detention.pdf

ANNEX 4: SELECTED OSCE COMMITMENTS IN THE AREA OF THE PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS AND MIGRANT INTEGRATION

Since the 1975 Helsinki process OSCE participating States realized that increasing legal migration in the OSCE region has not only been beneficial both for host countries and migrants themselves, but has also given rise to a number of economic, social, human and other challenges³. Gradually the OSCE participating States acknowledged that some of those challenges should be addressed by means of special migrant integration policies.

Therefore, over more than 40 years, the OSCE participating States have agreed to a number of commitments in the field of migrant integration. These commitments relating to the so-called human dimension of the OSCE are contained in an ever-growing set of documents adopted by CSCE/ OSCE Summits and other political forums.

The OSCE commitments form the basis of the work of the Organization and were developed jointly and adopted unanimously by all participating States. They establish clear standards for the participating States in their treatment of each other and of all individuals within their territories.

Helsinki 1975 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

The participating States,

Considering that the movements of migrant workers in Europe have reached substantial proportions, and that they constitute an important economic, social and human factor for host countries as well as for countries of origin, Recognizing that workers' migrations have also given rise to a number of economic, social, human and other problems in both the receiving countries and the countries of origin,

Taking due account of the activities of the competent international organizations, more particularly the International Labour Organisation, in this area, are of the opinion that the problems arising bilaterally from the migration of workers in Europe as well as between the participating States should be dealt with by the parties directly concerned, in order to resolve these problems in their mutual interest, in the light of the concern of each State involved to take due account of the requirements resulting from its socio-economic situation, having regard to the obligation of each State to comply with the bilateral and multilateral agreements to which it is party, and with the following aims in view:

- to encourage the efforts of the countries of origin directed towards increasing the possibilities of employment for their nationals in their own territories, in particular by developing economic co-operation appropriate for this purpose and suitable for the host countries and the countries of origin concerned;
- to ensure, through collaboration between the host country and the country of origin, the conditions under which the orderly movement of workers might take place, while at the same time protecting their personal and social welfare and, if appropriate, to organize the recruitment of migrant workers and the provision of elementary language and vocational training;
- to ensure equality of rights between migrant workers and nationals of the host countries with regard to conditions of employment and work and to social security, and to endeavour to ensure that migrant workers may enjoy satisfactory living conditions, especially housing conditions;
- to endeavour to ensure, as far as possible, that migrant workers may enjoy the same opportunities as nationals of the host countries of finding other suitable employment in the event of unemployment;
- to regard with favour the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment;
- to confirm the right of migrant workers to receive, as far as possible, regular information in their own language, covering both their country of origin and the host country;
- to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country and, furthermore, to permit them to receive supplementary education in their own language, national culture, history and geography;
- to bear in mind that migrant workers, particularly those who have acquired qualifications, can by returning to their countries after a certain period of time help to remedy any deficiency of skilled labour in their country of origin;
- to facilitate, as far as possible, the reuniting of migrant workers with their families.

³ Section "Economic and social aspects of migrant legal" of the Final Act of the Conference on Security and Co-operation in Europe (Helsinki 1975).

Madrid 2007 (Decisions: Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,

(...)

Recognizing that manifestations of intolerance and discrimination can undermine the efforts to protect the rights of individuals, including migrants, refugees and persons belonging to national minorities and stateless persons,

(...)

7. Calls on participating States to protect migrants legally residing in host countries and persons belonging to national minorities, stateless persons and refugees from racism, xenophobia, discrimination and violent acts of intolerance and to elaborate or strengthen national strategies and programmes for the integration of regular migrants, which also requires active engagement of the latter;

(...)

Vienna 1989 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

(40) The participating States emphasize the need for effective implementation of the provisions of the Final Act and the Madrid Concluding Document relating to migrant workers and their families in Europe. They invite host countries and countries of origin to make efforts to improve further the economic, social, cultural and other conditions of life for migrant workers and their families legally residing in the host countries. They recommend that host countries and countries of origin should promote their bilateral co-operation in relevant fields with a view to facilitating the reintegration of migrant workers and their families returning to their country of origin.

(41) The participating States will (...) consider favourably applications for family reunification as well as family contacts and visits involving migrant workers from other participating States legally residing in the host countries.

(42) The participating States will ensure that migrant workers from other participating States, and their families, can freely enjoy and maintain their national culture and have access to the culture of the host country.

(43) Aiming at ensuring effective equality of opportunity between the children of migrant workers and the children of their own nationals regarding access to all forms and levels of education, the participating States affirm their readiness to take measures needed for the better use and improvement of educational opportunities. Furthermore, they will encourage or facilitate, where reasonable demand exists, supplementary teaching in their mother tongue for the children of migrant workers.

(44) The participating States recognize that issues of migrant workers have their human dimension.

Copenhagen 1990

(22) The participating States reaffirm that the protection and promotion of the rights of migrant workers have their human dimension. In this context, they

(22.1) - agree that the protection and promotion of the rights of migrant workers are the concern of all participating States and that as such they should be addressed within the CSCE

process;

(22.2) - reaffirm their commitment to implement fully in their domestic legislation the rights of migrant workers provided for in international agreements to which they are parties;

(22.3) - consider that, in future international instruments concerning the rights of migrant workers, they should take into account the fact that this issue is of importance for all of them;

(...)

Paris 1990 (A New Era of Democracy, Peace and Unity)

We recognize that the issues of migrant workers and their families legally residing in host countries have economic, cultural and social aspects as well as their human dimension. We reaffirm that the protection and promotion of their rights, as well as the implementation of relevant international obligations, is our common concern.

Moscow 1991

(38) The participating States recognize the need to ensure that the rights of migrant workers and their families lawfully residing in the participating States are respected and underline their right to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and are consistent with international standards.

(38.1) They condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred.

(38.2) They will adopt appropriate measures that would enable migrant workers to participate in the life of the society of the participating States.

(38.3) They note that issues which concern the human dimension of migrant workers residing on their territory could, as any other issue of the human dimension, be raised under the human dimension mechanism.

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States:

(...)

(36) Reiterate that human rights and fundamental freedoms are universal, that they are also enjoyed by migrant workers wherever they live and stress the importance of implementing all CSCE commitments on migrant workers and their families lawfully residing in the participating States;

(37) Will encourage the creation of conditions to foster greater harmony in relations between migrant workers and the rest of the society of the participating State in which they lawfully reside. To this end, they will seek to offer, *inter alia*, measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State in which they lawfully reside so as to enable them to participate in the life of the society of the host country;

(38) Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.

Budapest 1994 (Decisions: VIII. The Human Dimension)

31. They [*OSCE participating States*] will continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard.

Maastricht 2003 (Decisions: Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council

(...)

11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing

(...)

Sofia 2004 (Decisions: Annex to Decision No. 12/04 on Tolerance and Non-discrimination;

Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The participating States commit to:

(...)

- Take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers;

- Consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers to society;

(...)

Ljubljana 2005 (Decisions: Decision No. 2/05 on Migration)

The Ministerial Council,

Reaffirming the commitments related to migration, and in particular regarding migrant workers, and other relevant commitments (...),

Recognizing the increasing importance of migration, as well as the challenges and opportunities that it presents to participating States,

Further recognizing that migration is becoming a more diverse and complex phenomenon, which needs to be addressed in a comprehensive manner and therefore requires a cross-dimensional approach at the national, regional and international levels,

Recognizing that all States should adopt effective national frameworks in order to manage migration,

Underlining that migration is inherently a transnational issue requiring co-operation between States,

Acknowledging that migration constitutes an important economic, social and human factor for host countries as well as for countries of origin,

Acknowledging also that successful integration policies that include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms are a factor in promoting stability and cohesion within our societies,

(...)

Considering that the OSCE, within its comprehensive approach to security, could contribute, *inter alia*, by:

- Working in synergy and developing a stronger partnership with international bodies having a specific focus on migration,
- Facilitating dialogue and co-operation between participating States, including countries of origin, transit and destination in the OSCE area, as well as the OSCE Partners for Cooperation and Mediterranean Partners for Co-operation,
- Assisting the participating States, upon their request, to develop effective migration policies and to implement their relevant OSCE commitments,
- Inviting participating States to consider becoming parties to relevant international Instruments.

Athens 2009 (Decisions: Decision No. 5/09 on Migration Management)

The Ministerial Council,

Acknowledging the increasing importance of and the benefits stemming from effective migration management for the socio-economic development, social cohesion, security and stability in all countries including those of origin, transit and destination, and fully recognizing the human rights of migrants and their family members,

Underscoring the importance of mainstreaming migration policies into economic, social, environmental, development and security strategies and addressing migration management through co-operative, comprehensive and cross-dimensional approaches,

Underlining the need to facilitate legal migration and fight illegal migration,

Bearing in mind the different approaches to migration issues by the OSCE participating States, and drawing on their experiences and best practices,

Stressing the need to deepen dialogue and co-operation at all levels within and between all States, as well as with all relevant stakeholders, including social partners, business community, civil society and academia, to effectively address the opportunities and challenges related to comprehensive migration management,

Confirming that co-operation, dialogue and exchange of good practices and information on migration management issues remain an important component of the OSCE's comprehensive concept of security, supported as appropriate and within the respective mandates, capacities and resources in all three dimensions,

1. Encourages the participating States to continue to work on migration management by:

- Paying particular attention to addressing the root causes of migration;
- Ensuring that their national migration practices comply with their respective international obligations and OSCE commitments;
- Further elaborating and enhancing implementation of comprehensive and effective national migration policies and action plans as appropriate;
- Improving the collection of comparable data on migration, in order to facilitate dialogue and exchange of best practices at the OSCE level;

(...)

- Respecting the human rights of migrants and increasing efforts to combat discrimination, intolerance and xenophobia towards migrants and their families;

(...)

5. Tasks the Permanent Council, its informal subsidiary bodies and the OSCE executive structures, in accordance with their respective mandates across all dimensions, within the Organization's comprehensive concept of security and within existing resources to *inter alia*:

- Provide a broad regional platform for dialogue on migration and security issues, both among OSCE participating States and between participating States and Partners for Cooperation, with the involvement of other relevant stakeholders in full conformity with the OSCE Rules of Procedure;
- Continue working on gender aspects of migration;
- Assist participating States, upon their request, to improve migration legislation and to elaborate and implement effective national policy frameworks, by providing advice and training, in co-operation with relevant international and regional organizations;

(...)

- Continue to assist the participating States, upon their request, to promote effective migration management, including exchange of best practices, and to facilitate legal migration and fight illegal migration, while paying particular attention to bilateral and multilateral co-operation in this field.

Hamburg 2016 (Decisions: Decision No. 3/16 on OSCE's role in the governance of large movements of migrants and refugees)

The Ministerial Council,

Recognizing that the benefits and opportunities of safe, orderly and regular migration are substantial and often underestimated, whilst noting that irregular migration in large movements often presents complex challenges, and recognizing the substantial economic and social contribution that migrants and refugees can make for inclusive growth and sustainable development,

Recognizing the leading role of the United Nations, Commending efforts made since 2015 by the Serbian and German OSCE Chairmanships to address issues related to the governance of these movements more effectively in the OSCE, Acknowledging the many specific activities linked to migration and refugees already undertaken by OSCE executive structures, within existing mandates, as well as by participating States, based on existing OSCE commitments, relevant United Nations documents and national policies,

Building on in-depth discussions conducted at the OSCE, especially during the hearings of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows in spring 2016 and during a special meeting of the OSCE Permanent Council held on 20 July 2016,

1. Acknowledges the work of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows and the output discussed at the special meeting of the OSCE Permanent Council of 20 July 2016;
2. Encourages the OSCE executive structures, within existing mandates and available resources, to continue their work on the issue of migration, including by reinforcing activities leading to the exchange of best practices and enhancing dialogue and co-operation with Partners for Co-operation, in a manner that complements the activities undertaken by other relevant international organizations and agencies;
3. Encourages participating States also to use the OSCE platform, including appropriate OSCE working bodies, to continue addressing migration-related issues where the OSCE has developed its expertise, and improve dialogue on migration-related matters with regard to developing possible effective measures and common approaches to address them.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).