

*Original version*

## **Almaty Declaration**

*Adopted by Participating States at the Regional Conference on Refugee Protection and International Migration held in Almaty, Kazakhstan, 16 March 2011*

1. The Central Asian region has a long history of complex and multi-layered migratory movements, which continue to shape current migration dynamics. Today's movements include people with different profiles, motivations, and protection needs. While some of them are people driven by the search for better economic and social opportunities, others are forced to leave their homes in order to seek and find asylum. Environmental degradation can be in certain circumstances an additional factor which may impact the movement of people. Irrespective of their underlying causes, such population movements can give rise to protection and assistance needs, particularly if they take place in an irregular manner.
2. Irregular migration is a common concern for all Governments in the region. It can create a number of problems, lead to migrant smuggling, human trafficking, render people stateless or place them in other high risk situations. Participants reiterate the importance of enhancing cooperation to control irregular migration, secure borders, and stem terrorist threats. However, they also draw attention to the importance of border security measures being implemented in a manner which preserves the asylum space and is consistent with international law, notably the principle of *non-refoulement*.
3. Participants recognize that, when possible, timely differentiation between various categories of persons on the move is important and can help to identify individuals who may pose security risks as well as those who need support - such as asylum-seekers, refugees, stateless persons, trafficked persons or people with specific needs. Participants underline the necessity of developing national migration policies which should be in line with international standards as well as bilateral and regional agreements, including fair and efficient asylum procedures and establishing sustainable frameworks to assist countries in need to manage mixed migration on their territories.
4. Participants also underline the importance of establishing appropriate national legal frameworks to assist and/or protect people forming part of mixed movements. Relevant international legal instruments which could provide guidance include the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, the 1951 Convention relating to the Status of

Refugees and its 1967 Protocol, the International Statelessness Conventions, and the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families. The ratification of or accession to these instruments and their incorporation into national law can promote the development of national legal frameworks to address mixed movements.

5. In accordance with the 2000 United Nations Convention against Transnational Organized Crime and its Supplementary Protocols<sup>1</sup> (for those countries which are signatory) and in cooperation with relevant international organizations, Participants call for measures to prevent and combat trafficking in persons. They also call for measures to provide effective protection to the victims of this crime, including, where appropriate, through the granting of refugee protection. Participants also called for ensuring that smuggled migrants shall not become liable to criminal prosecution.
6. Participants draw attention to the importance of finding solutions to mixed population movements, including through addressing the root causes of irregular migration, the stabilization of populations, the re-integration of returning migrant workers and measures to facilitate durable solutions for refugees and stateless persons. In this regard, and in order to assist to prevent irregular movements, Participants may also consider the creation of legal migration opportunities.
7. Building on the recommendations of this Regional Conference and with a view to establishing enhanced regional cooperation, Participants deem it appropriate to consider creating a regional cooperation framework on mixed migration with the aim of harmonization. This framework would be based on the participation of all stakeholders, including countries of origin, transit and destination, international organizations, and civil society. It could be a starting point for further dialogue between interested States, provide a platform for the establishment of cooperative mechanisms to facilitate better data collection and exchange of information on population movements and invite the active support of UNHCR, IOM, and other relevant organizations. UNHCR's 10-Point Plan of Action on Refugee Protection and Mixed Migration adopted in 2006 and the IOM Strategy adopted in 2007 could provide guidance for the development of such a framework.

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<sup>1</sup> The 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