

IOM – International Dialogue on Migration
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Geneva, 14 September 2012

Chair,

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Distinguished members of the Panel,

The International Committee of the Red Cross welcomes the opportunity to participate in this Workshop and bring its perspective to this important debate. The ICRC, together with the Red Cross and Red Crescent Movement, have long acknowledged the increasing volume of humanitarian needs associated with migration. Five years ago, it undertook, since 2007, to support the work of the Movement to alleviate the suffering of vulnerable migrants, irrespective of their legal status, in a more consistent way.

The ICRC's action on behalf of vulnerable migrants mostly takes place in areas affected by armed conflict or other situations of violence. It nevertheless remains available to advice and support Red Cross and Red Crescent National Societies working on behalf of migrants in those fields in which it has an expertise, notably the restoration of family links, the missing, detention and other protection-related issues.

In conflict situations, international humanitarian law (IHL) guarantees migrants the general protection granted to civilians who are not, or no longer, participating in hostilities. In practice, however, we have observed that migrants have specific vulnerabilities that may differ considerably from those of other people affected by armed conflict and violence. Approaches taken to help them have to be adapted accordingly.

Indeed, along the migratory journey many **migrants** pass through areas subject to conflict or violence or may be expelled and trapped in hostile environments which put them at risk of facing violence or other forms of abuses. They are often the first potential victims of all kinds of actors, including armed groups, criminal groups, political or ethnic militias, that seek to

take advantage of their vulnerability. In the face of all these dangers, they are also often without community and family support and victims of xenophobia.

- When a conflict erupts, one important task is to assist people fleeing the hostilities. We observe that due to the specific conditions of foreigners, some migrants may face particular difficulties to leave the country, either because they lack the proper documents that would allow them to return home or because they lack the network and the means to organize their departure. As embassies progressively decrease their activities or close down, the need of assistance for evacuation increases. In Libya in the past as in Syria now, IOM's work has been instrumental in dealing with such cases. Generally operating within the borders of the affected country, the ICRC has been coordinating with IOM and UNHCR, supporting the logistic of the evacuations where necessary but also providing consular missions with information in order for them to establish travel documents for their nationals. For the persons who were in a critical situation of not getting the proper documents because no country would issue them, we have also directly established travel documents.
- In some situations, the vulnerability of some migrants may be greater because they are directly targeted by the parties to the conflict for the simple fact of being foreigners. We have even been informed that some seeking consular protection to return to their home country may be placed in detention (e.g. Syria). In these cases, not only is it important to ensure a rapid evacuation of these particularly vulnerable groups but it is also necessary to address these grave concerns with the concerned actors.

I also would like to take this opportunity to underline the distress that the **families of the migrants** trapped in a crisis may face. Whether there are in the country of origin or in the diaspora, the relatives are anxious of receiving information about the fate of their loved ones. Here, the Red Cross and Red Crescent Movement Network plays an important role in restoring and maintaining family contacts. During the conflict in Libya, and together with National Societies, we offered more than 120.000 phone calls at the borders between Libya and Tunisia, Egypt, Algeria, Chad and Niger. In order to facilitate the contact with the families, the ICRC in partnership with the respective Red Cross and Red Crescent National

Societies, also helped to receive the migrants voluntarily repatriated in about 15 countries of origin (among other, Sudan, Chad, Niger, Mali, Guinea, Gambia, Turkey, Bangladesh and the Philippines). Emergency assistance and services allowing restoring family contacts were offered at the borders and airports.

Unfortunately, for thousands of cases the uncertainty about the fate of the migrant who go missing will remain. African, Asian and European National Societies and ICRC delegations have received hundreds of tracing requests from families in various countries of origin and Europe who seek to ascertain the fate of migrants disappeared in Libya during the conflict. Once a disappearance has occurred, both international humanitarian law and international human rights law recognise a right for the families to be informed of the missing person's fate. In order to uphold this right, it is acknowledged that the concerned authorities have a duty to search for the person reported missing. We have to admit though, that the challenges facing States and other actors involved are enormous. To adequately answer the families' requests is a challenge particularly in case of missing migrants, given the geographical scope where the searches should be carried out. Very often, bodies are not found, making therefore any inquiry to provide meaningful answers to the families much more difficult to carry out. The ICRC is ready to work with the concerned stakeholders and share its expertise on restoring family links or on the proper management of human remains, as it is doing in several parts of the world such as Central America and Mexico but also in Libya still today.

Mr/Mrs Chair,

Allow me to conclude by stating that the ICRC continues to seek ways to strengthen the humanitarian assistance and protection for the most vulnerable individuals affected by armed conflicts and violence, and to prevent suffering at the earliest stage possible. In this endeavour it remains concerned by the specific vulnerabilities many migrants may face during crisis and stands ready to pursue all efforts to better address them together with the other components of the Red Cross and Red Crescent Movement and the other actors of the humanitarian community.

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