

Breakout Group 1: Human rights of migrants, trafficking and exploitation, stranded migrants

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Recommendations:

1) Criminalization and legalization

- Major concern: criminalization of migration: in all regions (e.g. as manifested in detention, closing of borders, raises human and financial costs, benefits criminal networks)
- Legal migration channels would solve a large part of the problem and would undercut the business of smugglers
- Careful about confusion between human trafficking and migrant smuggling
- Blanket criminalization of anybody helping migrants cross borders is also problematic

2) Clarification / narrowing of international standards

- Confusion about human rights of migrants persists, too spread around other instruments
- Additional / or more systematized and practical standards on human rights of migrants in light of poor ratification of MWC (Need for a protocol on rights of undocumented migrants, including in crisis contexts)
- Principle of non-discrimination and regularization of migrants should be further promoted
- Child migrants – minimum standards need to be defined
- E.g. recent MERCOSUR states in front of Inter American CtHR generated a resolution which establishes criteria for treatment of child migrants)

3) Protection of vulnerable groups

- E.g. European coordination of rescue in Mediterranean and cross-Mediterranean prosecution of smugglers
- E.g. Puebla process acts together on unaccompanied minors from C America
- E.g. Migrants in crisis; example of migrants from South Asia arriving in countries at war without prior knowledge (amounts to trafficking)

4) Role of intergovernmental processes and agencies to promote human rights

- Getting human rights onto as standing agenda items should be the task of RCP chairs
- Increased institutional diversity of those attending RCPs (e.g. not just MOI, law enforcements)
- E.g. US brings officials from very different departments to RCPs depending on topics and expertise needed
- E.g. Mercosur Institute for Public Policy on Human Rights: is supporting regional migration processes, including South American Conference on Migration, with technical assistance on human rights
- International organizations should create coherence between their individual initiatives, reduce duplication (e.g. OHCHR, UNCHR, IOM, ILO...)