



ΣΥΝΗΓΟΡΟΣ ΤΟΥ ΠΟΛΙΤΗ
ΑΝΕΞΑΡΤΗΤΗ ΑΡΧΗ

Refugee/migrant crisis and human rights Regional joint action plan of Ombudsman institutions

As agreed by the Ombudsmen/National Human Rights Institutions' representatives of
Albania, Austria, Croatia, Greece, Kosovo *, former Yugoslav Republic of
Macedonia, Serbia, Slovenia, and Turkey

**This designation is without prejudice to positions on status and is in line with UNSCR 1244 and ICJ
Advisory opinion on the Kosovo declaration of independence*

Workshop - Thessaloniki, 19th February 2016

Underlying principles

Belgrade declaration

- All states have an obligation to ensure full observance of international and regional human rights instruments, including the UN 1951 Geneva Convention relating to the status of refugees; the European Convention on Human Rights; the UN Convention on the Rights of the Child; and the relevant OSCE Human Dimension Commitments.
- Refugees and migrants are entitled to protection against any discrimination and against any incitement to discrimination.
- Each state has a duty to carry out its respective national commitments in line with international law.

The following Action Plan is focused primarily on joint activities of Ombudsman institutions in the area of protection and promotion of the rights of refugees/migrants. Every participating institution shall plan its respective activities with the aim of fulfilling the agreed goals, mission and tasks in the framework of the Belgrade Declaration, taking into consideration available resources and mandate within each national context.

I. Thematic synergies

a. Access to asylum

- Investigate, establish and explain how the current situation deprives or not potential asylum seekers from the possibility to exercise their right and apply for protection
- Monitor the current state of affairs and recommend state authorities to take measures to guarantee effective and fair access to asylum, including the establishment of an effective individual assessment procedure before a person is returned to the country from which they have crossed the borders or country of origin.
- Comprise comparative study on procedures and rules applied by respective states and make it available by means of user-friendly charts and tables
- Monitor progress, number of applications and protection statuses granted, and publish in annual and special reports respective numbers, trends and indicators
- Develop "asylum guide" in languages refugees understand, and put it in place in refugees/migrants facilities and entry/exit points
- Monitor the availability of asylum related information at entry/exit points
- Monitor the efficient participation of asylum officers to registration/reception procedures
- Propose improvement, adoption and implementation of international and national legal frameworks for regulating the situations of mass influx of displaced persons in Europe

b. Protection of unaccompanied children and other vulnerable persons

- Develop common standard procedures and rules regarding proper screening to all newcomers in order to distinguish the more vulnerable (children, accompanied or not or separated, pregnant women, victims of torture, victims of trafficking, elderly, people with disabilities, people of bad health, people discriminated against because of their gender, sexual orientation or gender identity etc).

- Draft and disseminate group-specific lists of particular needs in order to safeguard their rights in particular with respect to housing, medical and legal needs
- Investigate, establish and explain how the rights of each group are or are not safeguarded and ask states to take group-specific measures
- Launch comparative study on procedures and rules applied by respective states and make it available by means of user-friendly charts and tables with the aim to highlight best practices and formulate common standards
- Encourage states to plan ahead and possibly allocate in advance already existing resources and infrastructure (hospitals, social workers etc) to the protection of vulnerable groups
- Advise on training to be provided to officials likely to come into contact with victims of torture or trafficking
- Develop mechanism to constantly verify that unaccompanied children are not subjected to detention and are promptly escorted to suitable hostels where appropriate treatment according to their age and needs is offered.

**c. Phenomena of ill-treatment and exploitation of migrants/refugees.
Forced return procedures**

- Engage pro-actively in fact finding regarding cases of ill-treatment, exploitation and other violations of human rights which come to the Ombudsman's attention by any means; encourage complaints and launch own initiative investigations
- Encourage and facilitate complaint by making available fiches as well as posters and leaflets on the Ombudsman's work to be available in all refugee-migration camps and reception/registration centres, including hotspots
- Make regular visits by the Ombudsman's staff to ensure visibility, as well as monitoring of the daily operation of such camps
- Allocate sufficient resources and introduce fast-track and efficient investigation of said cases taking into account the mobility of the alleged victims
- Publicize regularly lists of complaints/cases of ill-treatment and exploitation, highlight possible patterns, and emphasize on positive or negative reaction of the competent authorities without prejudice to personal data protection rules
- Info exchange between ombudsman institutions as well as contacts with the volunteers/NGOs involved, to ensure exploitation or ill-treatment phenomena will be thoroughly investigated without prejudice to personal data protection rules
- Advise on training to be provided to state officials and Ombudsman staff about prevention of ill-treatment and improving skills for identification of victims of ill-treatment and exploitation
- Monitor forced returns to the effect that CPT and other human rights standards are applied and observed. Additional safeguards should be defined for the protection of vulnerable groups

d. Hate-speech and xenophobia

- Launch common initiative against most popular myths regarding refugees/migrants' impact on economy/society of the host countries

- Compile common speaking/defensive points and FAQs arranged by sector and subject
- Establish pool of public speakers readily available to engage in public debates when and where needed
- Address cases of verbal abuse and offensive language used by officials
- Encourage complaints and launch own initiative investigations
- Advise on training officials likely to come in contact with refugees and migrants
- Organise public events to raise awareness and share best practices

e. The role of local communities and local administration

Linking the refugees and migrants to the community is crucial for the success of provisional structures of reception and a sine qua non requirement for the integration of refugees and migrants on a more permanent stay.

- Encourage the establishment of network and facilitate regular meetings of representatives of host towns/regions to share practices, problems and coordinate responses, promote understanding of refugee and migrant issues and reach workable solutions for their reception
- Encourage municipal facilitators and social welfare offices to be established in places of acute refugee/migrant segregation
- Comprise and disseminate comprehensive guide for local and regional authorities including basic principles, legislation, best practices, and proposals for coordinated action
- Organise seminars and conferences on migrants' and refugees' integration and their economic and social rights, including adequate shelter, health care, food, water, sanitation, child and family protection

II. Horizontal synergies (relevant to all points above)

f. Cross-border cooperation

- Investigate and highlight typical cases where lack of cross-border cooperation between states amounts to jeopardizing refugees/migrants rights through joint activities of national Ombudsmen
- Establish contact points, early warning mechanisms and standard coordinated rules of reaction/engagement (e.g. complaint mechanisms, fact finding visits on the spot) regarding irregular flows of refugees/migrants, potential humanitarian crisis, and human rights violations within national Ombudsmen offices
- Make data available to the respective Ombudsman institution
- Identify and promote best practices in cross-border cooperation
- Ensure that states provide and put in place common standard procedures and practices regarding border checks and crossings safeguarding human rights and avoiding where possible duplication. The above mentioned procedures and practices should address issues such as identification of vulnerable persons, developing temporary cross-border facilities with effective access to food, water, shelter and basic clothing under any circumstances.
- Identify and investigate in particular phenomena of withholding documents by frontier, police or immigration authorities to be officially registered

g. Campaign/networking (Observatory)

Information to refugees/migrants:

- Comprise a comprehensive list of all Ombudsman services (regarding complaints etc) available at each country including contact details and make that list available (in English, French, Arabic, Farsi, Pashto etc) in the form of a uniform poster at all border crossings and refugee/migrant centres.
- Where not already available, write, edit and publish leaflet/brochures (in English, French, Arabic, Farsi, Pashto etc) offering information on rights of refugees/migrants, national and EU procedures, contact details of institutions/NGOs, and other relevant information. Provide information on applicable local laws and regulations as well as customary and moral norms, as to prevent any misunderstandings and offences arising from differences in legal and cultural context.
- Establish a common call centre and international call number for information regarding complaints in cooperation with the civil society or international organisations active in the area.

Communication to general public (campaigning):

- Launch common radio/TV campaign on rights of refugees/migrants and obligations of national/regional/local authorities
- Encourage research on economic impact of refugees/migrants to host countries to combat misinformation, prejudice and xenophobia
- Engage pro-actively in public debate by means of publishing articles in newspapers/websites, participating in TV/radio discussions etc to combat xenophobia and challenge hate speech

Information sharing/networking (observatory):

- Promote synergies between the Ombudsman institutions
- Participate proactively in Ombudsmen regional networks/observatories to monitor the situation on the ground and provide constant updates on routes, procedures and logistics
- Establish contact persons in every Ombudsman's service to share, coordinate and manage information in the context of the present Action Plan
- Establish data bank and internal website, in English, to facilitate the above

Information to and from national authorities:

- Participate in networks and observatories such as national bodies monitoring refugee/migrant flows, hate speech, racist attacks etc
- Advise on draft legislation and influence change of the existing practices of national authorities
- Establish information channels regarding refugees/migrants number and location of arrivals, reception centres, logistics etc
- Engage in regular contacts and fact finding missions on the spot

Information to and from supranational institutions and NGOs:

- Establish constant information channels regarding refugees/migrants number and location of arrivals, reception centres, logistics etc
- Make available Ombudsman's leaflets, brochures to organizations working on the ground and encourage dissemination

Implementation/follow up

The Ombudsmen shall appoint two contact persons per institution with the aim of coordinating and facilitating joint follow up actions needed to implement the Belgrade declaration as detailed in the Action Plan. The group of contact persons (provisionally called "Action Group") will exchange information on individual Ombudsman activities and discuss regularly by means of mail list messages and live web meetings and other IT assisted tools, all proposals for actions, joint activities and best practices.

The Action Group shall present within three months upon agreement of the Action Plan detailed proposals regarding the logistics of the following priority actions:

- establish a minimum list of requirements with a view to rendering the Action Group operational,
- draft and constantly update a rolling working plan
- launch a comparative study on procedures and rules applied by respective states,
- compile a comprehensive list of all Ombudsman services available at each country of the region,
- launch and maintain data bank and internal website