

# The Istanbul Commitments

on

## the Silk Routes Partnership for Migration

WE, the Ministers responsible for migration and migration-related matters from the Budapest Process participating and observer<sup>1</sup> countries ... [alphabetical list of participating countries] and in the presence of the European Commissioner responsible for migration and representatives of relevant organisations;

Gathered in Istanbul on 20 February 2019 at the Budapest Process 6th Ministerial Conference;

Thanking the Chair, Turkey, for its timely initiative and for hosting the conference and the preparatory meetings, and Hungary acting as Co-chair for its support and the Secretariat, ICMPD, for its administrative and substance preparations;

Recognising the unique role and strong impact of the Budapest Process and the Silk Routes Partnership for Migration and the substantial progress made regarding migration cooperation with and migration management within the Silk Routes region;

Reaffirming the continued need to implement, consistently and in a planned and balanced manner the six priority goals of the 2013 Ministerial Declaration on a Silk Routes Partnership for Migration;

Noting that many countries are at the same time countries of origin, transit and destination;

Conscious that the countries of the Silk Routes Region historically are affected by largescale movements of refugees and irregular migrants and host some of the largest refugee populations in the world putting an additional responsibility on public authorities and delivery of services;

Taking into account and building upon lessons learnt of the recent migration and refugee crisis and the role of the European Union and its Member States in managing migration in partnership with countries of origin and transit

Affirming the need of a renewed political commitment in light of major migration flows in the last years affecting different regions of the Budapest Process;

Noting also the importance of the Black Sea Region and the South East European Region in addressing refugee and migration flows;

Commending Turkey, the Silk Routes countries and other involved countries for their constructive role in finding solutions to managing the major migration flows of the past years;

Recognising that the countries of the Silk Routes region have historic experience and important knowledge to share regarding the management of largescale movements of refugees and migrants<sup>2</sup>;

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<sup>1</sup> Bangladesh, as observer to the Budapest Process, is no formal party to the Istanbul Commitments and Call for Action. At the same time, Bangladesh recognises the value of the Process and the related activities and will participate its events.

<sup>2</sup> Refugees and migrants are governed by separate international legal and political frameworks and this declaration reaffirms this distinction between status of refugees and migrants under international law

Noting, in this regard, the need to exchange information and experience and continue to increase the capacities of the countries of the Silk Routes Partnership for Migration to manage such movements;

Affirming the need to take a holistic view of migration and look at the whole migration chain, including drivers of migration, and on-going migratory movements, the aftermath of such movements including integration as well as safe and sustainable return and reintegration, ensuring that rights of refugees and human rights of migrants are protected;

Acknowledging that forced displacement, including internal displacement, can have an effect on migration flows and should be handled in accordance with relevant UN guiding principles;

Recognising that since the previous Ministerial Conference in 2013 important international frameworks and instruments have been adopted which affect the governance of migration at national, regional and global level including: the 2030 Agenda for Sustainable Development adopted in September 2015 containing the ground-breaking sustainable development goals (SDGs), of special relevance here SDG 10.7 and 8.7, as well as the commitments made at the World Humanitarian Summit in 2016;

Highlighting the role of the New York Declaration for Refugees and Migrants adopted in September 2016 leading to the two global compacts, the “Global compact for safe, orderly and regular migration” and the “Global compact on refugees”, without prejudice to states’ varying positions regarding the compacts;

Emphasising that the Budapest Process has the knowhow, tools and outreach to play an important role, through years of dialogue and operational activities in Europe and Asia specifically in the Silk Routes Region, for the translation of global commitments and frameworks to regional realities;

Aware that the Budapest Process should endeavour - including through exchanging information and furthering a common understanding - to build clear, comprehensive and transparent, national legal frameworks for all aspects of migration and mobility, taking into account national policies and competencies in this regard and to continue capacity building in the Silk Routes Region, including through furthering the development of holistic migration policies, institutional capacity and cooperation;

Recognising that an open and free debate contributes to a comprehensive understanding of all aspects of migration;

Underlining the positive impact of well-managed regular migration on development, while recognising at the same time the negative effects of irregular migration and therefore committing to make migration a choice rather than a necessity;

Recognising the severe risks posed by organised criminal networks involved in irregular migration to internal security and the security of citizens and migrants alike;

Affirming that this non-legally binding declaration applies as appropriate for each participating country in accordance with applicable international law and without prejudice to national legislation and especially noting that within their sovereign jurisdiction, states may distinguish between regular and irregular migration status;

Highlighting the importance of strengthening international cooperation and solidarity in the field of migration;

Recalling the following elements of international law of relevance for migration management, (while noting that accession status differs among participating states):

- The Universal Declaration of Human Rights which ensures the respect by states of human rights of all individuals on their territory, including refugees, beneficiaries of subsidiary or complementary forms of protection and migrants
- That everyone has the right to leave any country, including his or her own, and to return to his or her country, in line with Article 13 of the Universal Declaration of Human Rights (1948), That everyone has the right to seek and to enjoy asylum in line with Article 14 (2) of the Universal Declaration of Human Rights (1948),
- That each State has a sovereign right to determine whom to admit to- and to allow to stay on- its territory, subject to that State's international obligations,
- That states have rights and responsibilities to manage and control their borders, and to implement border management procedures in conformity with applicable obligations under international law,
- That states must readmit their nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation and customary international law and readmission agreements where applicable,
- The United Nations Convention against Transnational Organized Crime, the supplementing 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,
- That the term "international protection" as used in this Declaration includes the refugee status according to the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, as well as complementary or subsidiary or temporary forms of protection as applicable,
- The principle of non-refoulement in international refugee and international human rights law as a non-derogable right
- The Convention on the Rights of the Child highlighting the significance of always protecting the best interests of the child.

HAVE AGREED

**To take concerted action to endorse and implement the attached five-year plan "a Call for Action" following the priority goals of the Istanbul Ministerial Declaration each having equal weight:**

- Prevent and counteract irregular migration, facilitate return and readmission of irregular migrants, and combat criminal networks involved in smuggling of migrants,
- Better organize and improve conditions for legal migration and mobility,
- Support the integration of migrants and counteract discrimination, racism and xenophobia,
- Strengthen the positive impact of migration on development, both in countries of origin and of destination,
- Prevent and combat trafficking in persons, address its root causes and provide adequate protection and support to trafficked persons,
- Promote international protection and the respect of the rights of refugees, in line with international standards

And

**To apply key commitments to ensure safe, orderly and regular migration along the Silk Routes:**

A commitment to partnership

- Successful migration and protection policies can only be attained through cooperation and partnership among countries of origin, transit and destination of migratory flows.
- A partnership approach will be applied on global, regional and local levels when designing and implementing migration policies with relevant stakeholders.
- Cooperation amongst Budapest Process participating countries will promote joint solutions to regional issues of common interest regarding migration.
- Sustain and operationalise existing well-established migration partnership frameworks.

A commitment to comprehensive migration governance

- Migration and asylum governance should be comprehensive, over-arching, human rights-sensitive and inclusive.
- The development of comprehensive migration and asylum policies and strengthening whole of government and society approaches will be supported using as relevant a multi-stakeholder approach through continued capacity building, regional cooperation, and exchange of best practices.
- Pursue a people-centered approach in policy development and implementation of activities.

A commitment to respect, protect and fulfill international human rights and fundamental freedoms

- Human rights of migrants, asylum seekers and refugees are crucial for the development and functioning of sustainable migration, asylum and protection policies. Human rights and fundamental freedoms of all migrants, asylum seekers and refugees and persons in need of protection, regardless of status, shall be protected as shall the rights of all unaccompanied minors and those separated from their families in need of international protection. Primary consideration will be given to the best interests of the child.
- Furthermore, the special needs of all migrants and refugees in vulnerable situations will be safeguarded, in accordance with national laws and relevant obligations under international law, while ensuring dignified protection policies and while considering gender-specific aspects of migration.

A commitment to support and solidarity

- The principles of support and responsibility sharing should guide the work of the Budapest Process and the Silk Routes Partnership for Migration.
- Solidarity and international cooperation are essential elements to ensure safe, orderly and regular migration, to address refugee situations, including protracted, irregular movements and sudden inflows and to enforce border control and enhance law enforcement cooperation and to combat migrant smuggling and trafficking in persons.
- Respond efficiently to crises including contingency planning and early warning systems.

A commitment to knowledge

Without sufficient knowledge and communication on all levels – for policy makers, societies, migrants, asylum seekers and refugees - the design, implementation and proper follow-up of migration policies is compromised. Consequently, there is a strong commitment to enhance the knowledge base through gathering data, analysis and dissemination on all levels also using the already existing structures and information.