

## **Written proposals from the Permanent Observer Mission of the Holy See to the United Nations as of 20 - 21 July 2016**

It should be noted that the proposals included below are specific to the revised draft outcome document as circulated by the co-facilitators on 13 July 2016. We presented the rationale for these proposals and made comments on the suggestions of other delegations during our various general statements from the floor. Please refer to those statements as well.

### **Proposals:**

**Para 1.13:** Its targets deal with issues of specific concern such as education, labour standards, **[ADD: the elimination of]** human trafficking **[ADD: and the]** exploitation of children, access to justice and the building of self-reliance and resilience.

**Para 1.19:** We welcome regional initiatives and practices, such as the Bali Process **[DELETE: and the Brazil Plan of Action]**, which seek solutions to the challenges posed by large movements of refugees and migrants.

**Para 2.2:** We recognize, and will address, the special needs of **[ADD: all]** people in vulnerable situations who are travelling within large movements of refugees and migrants, including women and children at risk; older persons; persons with disabilities; **[DELETE: LGBTI persons;]** and victims of exploitation and abuse in the context of trafficking and smuggling.

**Para 2.4:** We will take measures to prevent violations of the human rights of all persons in transit and after arrival. We will ensure that the immediate needs of persons who have been exposed to physical or psychological danger while in transit are addressed on their arrival, without discrimination and without regard to legal status or means of arrival. **[ADD: We will screen and identify those who are trafficked or at risk of human trafficking.]**

**Para 2.6:** We express our profound concern at the large number of people who have lost their lives at sea trying to reach safety. We will intensify international

cooperation on the strengthening of search [**ADD: , protection**] and rescue mechanisms. We will also work to improve the availability of accurate data on the whereabouts of people and vessels who are stranded at sea. And we will strengthen support for rescue efforts over land along dangerous or isolated routes.

**Para 2.7:** We recognize the particular vulnerabilities of women and children during the journey from country of origin to country of arrival. This includes their potential exposure to discrimination and sexual and physical abuse, violence and exploitation. [**ADD: We will also develop special protections for all children, women and girls in this regard.**]

**Para 2.8:** We will ensure that our responses to large movements of refugees and migrants promote gender equality and the empowerment of women and girls and fully respect the human rights of women and girls. We will combat sexual and gender-based violence in every way possible. We will [**DELETE: tackle the multiple and intersecting forms of discrimination**] [**ADD: eradicate all forms of violence and discrimination**] to which migrant and refugee women and girls are subject. And at the same time, recognizing the significant leadership role being played by women in refugee and migrant communities, we will work to ensure their full and equal participation in the development of local solutions and opportunities.

**Para 2.9:** We will protect the human rights of migrant and refugee children, particularly unaccompanied children and those separated from their families; and we will provide [**ADD: access to health care, education, and create conditions that facilitate psychosocial development**] [**DELETE: for their health, education, psychosocial development**] and birth registration.

**Para 2.10:** Reaffirming that all individuals seeking to cross international borders are entitled to due process in the assessment of their legal status, entry and stay, we will [**ADD: prevent unnecessary immigration detention while considering**] [**DELETE: consider**] alternatives to detention. Furthermore, we commit never to detain children for this purpose.

**Para 2.11:** We will, with full respect for the rules of international law, vigorously combat human trafficking and migrant smuggling, including through targeted measures [**DELETE: to**] [**ADD: such as strengthened screening protocols and increased training for border patrols designed to better**] identify victims of trafficking within large movements of refugees and migrants and to provide temporary and longer-term protection to victims of such crimes. With a view to disrupting the criminal networks involved, we will review our national legislation and criminal justice provisions to ensure conformity with international standards on [**DELETE: migrant**] smuggling, human trafficking, maritime safety and border management. We will establish or upgrade, as appropriate, national and regional anti-human trafficking policies. We note initiatives such as the African Union Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants. Reaffirming the importance of the UN Convention against Transnational Organized Crime and the two relevant Protocols thereto, we encourage ratification of, accession to and implementation of relevant international instruments on preventing and combatting trafficking in persons and [**DELETE: the**] smuggling [**DELETE: of migrants**].

**Para 2.13:** We will take steps to combat discrimination in our societies against refugees and migrants and to strengthen their inclusion in all spheres of life. National policies will be developed to this end in conjunction with civil society, [**ADD: including faith-based organizations,**] the private sector, employers' and workers' organizations and other stakeholders. We also note the obligation on refugees and migrants to observe the laws of their host countries.

**Para 3.3:** We will address the conditions that create, or exacerbate, large movements of migrants. We will analyse, and respond to, the factors which lead to, or contribute to, these movements. [**DELETE: We will respect and safeguard, in the first instance, the right of people to remain in safety in their homes.**] [**ADD: We will employ, in the first instance, every means to ensure that individuals and communities remain in their homelands and enjoy the fundamental right to live in peace and security.**] We will take measures, inter alia, to implement the 2030 Agenda for Sustainable Development, whose objectives include eradicating extreme poverty and inequality, promoting peaceful and inclusive societies, creating conditions for balanced economic growth and

employment, combatting environmental degradation and ensuring effective responses to natural disasters and climate change. In the latter respect, we will support efforts by Member States at risk to mitigate, and adapt to, the effects of climate change.

**\*\*NB: We also suggest the possibility of moving this language to section 2, addressing commitments for both refugees and migrants rather than only migrants, since this right applies to all persons.**

**Para 3.14:** We will foster more opportunities for safe, orderly and regular migration, including employment creation, labour mobility at all skill levels, **[DELETE: circular migration]**, family reunification and education-related opportunities. We will be sensitive to the needs of fragile states and countries and areas which are in crisis. We will pay particular attention to issues such as the ethical recruitment of migrants, the **[DELETE: reduction]** **[ADD; elimination]** of recruitment and other migration-related costs, the facilitation and productive use of remittance flows, enhanced transfers of skills and knowledge and the creation of employment opportunities for young people.

**Para 4.1:** Recognizing that conflict and instability are among the factors which give rise to large refugee movements, we will work to prevent or resolve conflict. We will tackle the root causes of conflict situations. Early response to human rights violations and abuses is critical and we note in this respect the Secretary General's valuable "Human Rights Up Front" initiative. We will also promote **[ADD: integral human development,]** good governance and the rule of law at the international, regional and national levels. Recognizing that violations of international humanitarian law are a further contributory factor, we renew our commitment to uphold humanitarian principles and international humanitarian law. We confirm also our respect for the norms which safeguard civilians in conflict.

**Para 4.3:** We reaffirm respect for the institution of asylum and for the right to seek asylum. We reaffirm also respect for the fundamental principle of *non-refoulement* **[ADD: and that irregular migration is a legitimate, and sometimes necessary, means of seeking asylum.]**

**Para 4.6:** We will not implement restrictive refugee admission policies [ADD: , policies meant to deter the irregular migration of asylum-seekers,] or [ADD: other] arrangements which may curtail [ADD: their human rights and fundamental freedoms]. We wish also to see administrative barriers eased with a view to accelerating refugee admission procedures to the extent possible. [ADD: We commit to avoid engaging in bilateral or multilateral agreements that may directly or indirectly pose a threat to the right to seek asylum.]

**Para 4.9:** We recognise that refugee camps should be the exception and, to the extent possible, a temporary measure in response to an emergency. [ADD/MOVE FROM BELOW: We underline the civilian and humanitarian character of refugee camps and settlements.] Further, we will actively promote durable solutions, particularly in protracted refugee situations [ADD: with a focus on voluntary return] [DELETE: with a focus on sustainable and timely return where possible]. [ADD: In this case, Member States should ensure that any return fully complies with the principle of *non-refoulement*, international law and standards and best interest of the child, while also providing reintegration assistance where appropriate. Special protection should be granted to particularly vulnerable refugees, such as children, the elderly, persons with disabilities, and victims of trafficking and smuggling.] [DELETE: We underline the civilian and humanitarian character of refugee camps and settlements.]

**Para 4.11:** We will expand the number and range of legal pathways available for refugees to be admitted to, or to be relocated or resettled in, third [ADD: countries] [ADD: in a manner that meets their need for protection and social inclusion]. In addition to easing the plight of refugees, this has benefits for countries already hosting large refugee populations and it also assists receiving countries to meet, for example, labour market needs.

**Para 4.13:** [ADD: In addition to resettling all refugees in need of resettlement or at least 10% of the refugee population, we] [DELETE: we] will pursue [DELETE: this target through] measures such as the expansion of [DELETE: existing] humanitarian admission programmes[ADD: ; the introduction or expansion of humanitarian visa schemes]; [DELETE: possible]temporary

evacuation programmes (including evacuation for medical reasons); flexible arrangements to assist **[ADD: , expedite and expand]** family reunification; private sponsorship for individual refugees; and opportunities for **[DELETE: refugees with particular skill sets, for]** labour mobility (including through private-sector involvement) and for education (e.g. scholarships and student visas). We will increase substantially the opportunities for skills training and vocational education for refugees.

**Para 4.14:** We commit to providing humanitarian assistance to refugees so as to ensure essential support in key life-saving sectors, e.g. **[ADD: protection, health care,]** food, water and sanitation, shelter.

**Para 4.15:** We commit to providing quality primary and secondary education for all refugee children and to do so within **[ADD: 30 days]** **[DELETE: one month]** **[ADD: of crossing an international border.]** **[DELETE: a few months of the initial displacement. We recognize that a]** **[ADD: Access to quality education allows children to learn and]** gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.

**Para 4.19:** To meet the challenge posed by large movements of refugees, close coordination will be required between a range of **[ADD: human rights and fundamental freedoms,]** humanitarian and development actors. Host Governments and communities will require support from relevant UN agencies, local authorities, international financial institutions, regional development banks, bilateral donors, the private sector and civil society. We strongly encourage joined-up responses involving all such players, which would strengthen the nexus between the humanitarian and development dimensions, facilitate cooperation across institutional mandates and, by helping to build self-reliance and resilience, lay a basis for sustainable solutions. In addition to meeting direct humanitarian and development needs, support will be needed to assist with environmental and infrastructural rehabilitation in areas affected by large movements of refugees. for refugees.