

Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

Statement done on behalf of the International Committee of the Red Cross (ICRC)

Bali, Indonesia, 7 August 2018

Co Chairs, Excellencies, Distinguished Delegates,

Please allow me to express my condolences for the victims of the earthquakes in Lombok, and their relatives. In coordination with local and national authorities, the Indonesian Red Cross has started its response efforts, with the support of the International Red Cross Movement.

One aspect of the response, on which I will come to speak again, is the Restoration of Family Links – as some people now living outside Lombok, may not know of the whereabouts of their loved ones on the island, whether they are alive or not.

With regards to migration, as my esteemed colleague from the IFRC has mentioned before, the International Movement of the Red Cross and Red Crescent stands ready, in countries of origin, transit, and destination, to work with you to address the humanitarian consequences of migration.

The ICRC, an independent organisation within the Red Cross/Red Crescent family, works with many of you already, on a bilateral and discrete basis, notably on aspects of migration and the respect of International Humanitarian Law.

We recognize that States can be challenged by the political, social and economic dimensions of migration and that these movements and their management raise difficult questions. How should migration be regulated and governed? How can vulnerable people be best protected when the reasons for their migration falls into “grey zones” between current legal categories?

The ICRC recognizes that States have legitimate concerns about the impact of migration on their security, economy and social cohesion, and have the sovereign right to regulate migration. But State policies, regulations and practice must always reflect international law and relevant standards.

We should particularly reaffirm the importance of non-refoulement. It does not contradict my comment, recognising the right of States to regulate migration; nor does it mean that no migrant shall, under any circumstances, be returned to their country of origin. But it is equally important to recall that *non-refoulement* applies to migrants irrespective of their legal status.

Excellencies,

In line with its specific mandate, the ICRC approaches migration from a humanitarian perspective. Our aim is to respond to humanitarian needs and reduce suffering. We urge States to consider the humanitarian dimension of movements of migrants and refugees in their policies.

Some of these are reflected in the final draft of the Global Compact on Migration, which was referred to yesterday, including in some areas in which the ICRC has

experience and expertise developed over the years, namely, detention, humanitarian forensics and the Restoration of family links,.

On the restoration of family links, some migrants find themselves in countries in conflict, or may be coming from such countries. Some have lost all contacts with their families. The ICRC stands ready to assist them, and to facilitate the restoration of family links, in collaboration with the respective National Societies of the Red Cross or Red Crescent.

The fate of migrants going missing and consequences for their loved ones is also an area of concern for us. We have shared recommendations in this regard. The ICRC can - and does support - work on identifying and ensuring the dignified management of the dead, including migrants, given its experience in humanitarian forensics.

On the issue of Detention of migrants, the ICRC has a long-standing expertise in monitoring conditions of detention. WE are doing so in some of the countries present here today, also in immigration detention facilities. Generally speaking, immigration detention should be a matter of last resort. In addition to the humanitarian consequences on those detained, the costs incurred by States are considerable. The detention of children, and separation of families, should be avoided by all means.

As Co-chair Ambassador Shaw mentioned yesterday, the Bali Process has been more active than ever before. In addition to continuing our work with you, and with the National Societies in your respective countries, we are also ready to continue, and expand, our work with you on other areas.

We already work to facilitate the restoration of contact between family members, notably of detained migrants, either through telephone calls or the exchange of messages, in full transparency with the authorities. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is, to a large extent, focused on law enforcement. In some of your countries, we have been working for years to advise law enforcement agencies, border- and coastguards, notably on such aspects as rules regulating the use of force, and the rules and practices surrounding the arrival of migrants on your borders, or shores.

We stand ready to expand that work, on areas of common interest, including with the Regional Support Office and the relevant Working Groups and Taskforces of the Bali Process. That way, we can cooperate to ensure that, in your legitimate pursuit of measures to ensure your State's sovereignty, and address criminal activities, the dignity and rights of migrants are also respected.

Thank you.
