

TIRANA DECLARATION

8 September 2016

WE, Ombudsmen and Mediators of different countries and regions of the world, in our capacity as members of the four Ombudsmen and Mediators Associations, as follows:

Association of Mediterranean Ombudsmen and Mediators (AOM),
Association of Francophone Ombudsmen and Mediators (AOMF),
Federation of Ibero-American of Ombudsman (FIO), and
International Ombudsman Institute (IOI)

Gathered at the High Level Conference "Challenges of Ombudsman Institutions with respect to Mixed Migratory Flows", 7-8 September 2016, in Tirana, Albania:

RECALLING THE FOLLOWING INTERNATIONAL COMMITMENTS OF STATES:

1. Numerous international and regional instruments demand the protection of the fundamental rights and liberties of migrants and refugees, and protected from any forms of discrimination, including that based on nationality;
2. The Universal Declaration of Human Rights provides that "Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations."
3. The Convention on the Status of Refugees, signed in Geneva on 28 July 1951, and the Protocol On the Status of Refugees, signed in New York on 31 January 1967;
4. The Recommendation No.16 of the European Commission against Racism and Intolerance (ECRI) of 16 March 2016 on protecting irregularly present migrants from discrimination in Council of Europe member countries;
5. Resolution No. 69/168 (18 December 2014), 67/163 (20 December 2012), 65/207 (21 December 2010) and 63/169 (18 December 2008), adopted by the General Assembly of the United Nations on "The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights";

CONSIDERING:

1. That States have the responsibility to promote and protect the rights of migrants and refugees, as well as to create the necessary conditions for national human rights institutions to carry out their mandate in this field;
2. That States have the responsibility to implement international obligations regarding human rights as noted in the above, notably with reference to the application of appropriate asylum seeking

procedures and the recognition of the right to asylum, as well as to create adequate reception conditions for migrants and refugees, pursuant to the principle of "non-refoulement";

3. That Ombudsmen and Mediators are institutions of active democracy under the rule of law in each country, and in view of the close partnership, regionally and globally, among the four associations undersigning this Declaration;
4. That Ombudsman and Mediator institutions and other national human rights institutions have already been articulate and engaged on matters concerning migrants in the context of mixed migratory flows by endorsing several statements and declarations.

WE COMMIT TO:

At large:

1. Engaging in exercising continuous positive pressure on states to fulfill their obligations towards human rights and international norms, especially with regard to the rights of migrants and refugees.
2. Developing concrete cooperation among members institutions in countries of origin, transit and destination of migrants and refugees, with a view to strengthening the protection of their rights throughout the migratory itinerary, including their return, to their countries of origin, if applicable.

In particular:

3. With respect to the handling of cases involving the rights of migrants and refugees, ensuring the respect of the universal and inalienable character of their right, as well the respect of the international norms in the field of human rights, with a view to adopting an effective approach vis-a-vis these rights, while condemning the inhumane consequences of the current migratory crisis.
4. Intensifying the ex-officio investigations, strengthening our presence in border crossing points, reception and accommodation centers and centers of detention, as well as maximizing the utilization of legal instruments in exercising our mandate;
5. Providing and guaranteeing migrants, asylum seekers and refugees the maximum access to complaints procedures and/or the handling of pertinent cases.
6. Coordinating actions for jurisdiction transfer of cases between Ombudsmen institutions, so as to ensure a quick and effective response to the complaints with an international and cross-border context.
7. Intensifying our interaction with all stakeholders, in particular the civil society, in order to strengthen safeguards and mobilize resources available in addressing the needs of persons in vulnerable position, especially due to their age, gender, health, sexual orientation, as well as the needs of the victims of torture and trafficking.
8. Engaging widely in awareness-raising campaigns on the rights of migrants, asylum seekers and refugees, strongly condemning such phenomena as xenophobia hate speech and discrimination, while promoting intercultural dialogue and tolerance.

CALL UPON THE STATES:

1. To welcome in solidarity and humanism all persons in need of international protection.
2. To adopt a deeply humane approach to political decision-making in relation to all migratory crisis situations, based on respect for human rights; as well as to address the diverse root causes including political, economic, social and environmental causes of migratory flows.
3. To register migrants and refugees in order for them to be lawfully identifiable and eligible for a range of administrative processes related to their status in the territory of respective States.
4. To guarantee all migrants full and effective access to the asylum procedure, free from any kind of discrimination and notwithstanding financial considerations, including the provision of full information and adequate translation services.
5. To respect the principle of non-refoulement of all persons coming from countries considered safe but are nonetheless at a situation of risk.
6. To fight through a multidimensional approach against hate speech, racism and xenophobia, which not only negatively affect the situation of migrants and refugees, but also cause the erosion of fundamental values and principles of diversity, tolerance and coexistence of our societies.
7. To commit to providing special treatment of unaccompanied minors amidst migrant and refugees, with a view to safeguarding their fundamental rights in full accordance with their special needs; and to facilitating family reunion processes.
8. To raise awareness among police and security forces regarding persons in need of international protection who are irregularly present in their national territory;
9. To guarantee access at transit centers and detention centers by civil society, and to enable the control and inspection by institutions independent from the government, such as Mediator and Ombudsmen institutions, as well as international organizations operating in the field of human rights protection.
10. To develop policies enabling the integration of migrants in the life of their host countries, notably through access to decent housing, education for children, health services and the labor market, as well as to create the conditions supporting the learning of language of the host societies and their fundamental values.

In our capacity as members of the four regional/international associations of Ombudsmen and Mediators from different countries of the world,

In witness thereof, fully endorse this Declaration.

Tirana, 8 September 2016

Igli TOTOZANI
AOM President

Marc BERTRAND
AOMF President

José DE FARIA COSTA
FIO President

John R. WALTERS
IOI President