



Tirana high-level International Conference: The role of the Ombudsman in the migration crisis – Conclusions*

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1. Acknowledgements

Ladies and gentlemen, please allow me to start by expressing my warmest greetings to my fellow colleagues of the Association des Ombudsmen de la Méditerranée, Federación Iberoamericana del Ombudsman, Association des Ombudsmans et Médiateurs de la Francophonie and the International Ombudsman Institute. It is in my capacity as President of the Federación Iberoamericana del Ombudsman and as Portuguese Ombudsman that I have the honour to address you and to share my conclusions regarding this overwhelming issue that is the migration crisis in Europe.

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2. Background

As we all can see, in recent years, the world and in this particular case, Europe, witnessed a constant and increasingly high number of persons that, putting at risk their own lives, seek, for themselves and for their families, peace, shelter and hope for a better present and a better future. Thousands and thousands of men, women, children, and old people have died in their efforts to reach safety, while others, who had the fortune to stay alive, end up in a camp where, not infrequently, the respect for their dignity as human beings is not present.

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Nevertheless, there are thousands of people that reach the Europe's borders, not only through the Mediterranean route, but also from the east. Some have the possibility to enter, others do not, and, in several cases, it is not possible to infer the criteria or the reasons for that difference in treatment.

Moreover, conferring the latest United Nations reports more than fifty million people had to leave their homes or their countries of origin due to war, famine, disease or other circumstances that put in danger their security and wellbeing. This means that we live in an era with the largest displacement of people since World War Two.

3. Stressing points

It is clear that there are still many difficulties and several key issues remain without the adequate answer. In fact there is a strong sense of urgency to tackle fundamental problems like preservation of life and respect for the human rights of migrants; security; sustainability.

Regarding the first – preservation of life and respect for human rights – it is impossible to overlook the fact that the lack of legal entry channels, even in the case of asylum seekers, has promoted human trafficking. In most cases the absurd irony of this is expressed in the fact that a simple (and secure, I might add) airplane, boat or train ticket is much less expensive than the price that people in extreme deprivation have to pay to someone that takes advantage of their situation. To address this issue it is imperative to establish strong links of cooperation within the universal, regional and national mechanisms for the protection of human rights, in order to combat human trafficking, providing safer and legal ways through which people can submit their case.

Another key issue is security. In face of the chaos and drama lived presently in camps and in our borders, it is not possible to assess in a secure and effective way all the claims of asylum. It is an absolute paradox that those who more strongly op-



pose the creation of humane conditions to receive migrants and to assess their situation are the same who have a more security focused speech. As we all know, chaos and disorder do not provide the adequate conditions to reveal the true motivations of a person.

Finally, in regard to sustainability, it is clear that the international community needs to fight the root causes that are creating this large displacement of people, because, otherwise, not only the problems will escalate, but also the resources needed to cope with them will be much higher. Issues like war and conflict, famine, terrorism and climate change are redesigning the world map with consequences not full yet known or even anticipated. For this reason it is vital that human rights institutions assume a leading role in addressing these fundamental problems of our time and of our future.

4. The role of the Ombudsman

Assuming my condition of Ombudsman, allow me express my views on the role that these institutions may play in the work that all the communities and all the States have to undertake to solve the pressing matter of migration.

The international community recognizes the National Human Rights Institutions accredited with A status a key role in the effectiveness of national, regional and international systems for the promotion and protection of human rights, recognizing them as essential partners in international organizations. This importance is especially evident in the United Nations, where, increasingly, has been recognized a specific set of prerogatives that National Human Rights Institutions have and may use in order to achieve a better standard of living for all citizens.

Under the Law, the Constitution or under International Treaties, the Ombudsmen and other National Human Rights Institutions may take a significant part in the fulfilment, by the States and the international institutions, of their obligations



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regarding the respect of migrant's human rights, and simultaneously, contribute to safer and stable community.

In fact, the wide capacity of intervention – nationally, regionally and internationally – combined with the essential features present in the creation of the Ombudsman's institutions and National Human Rights Institutions like their autonomy and independence, set the scenery that can prove to be very important in shaping of new policies and practices. The work developed in close proximity with the people that reach our borders and suffer, and with non-governmental organizations that try to ease their pain, is fundamental to point out the failures of the system and to demand from the authorities a correct behaviour that respects human rights. On the other hand, the regional and international representation provided to the Ombudsmen means that, either individually or jointly, these independent State based institutions have the possibility to encourage policy makers in having a human rights approach to these stressing issues.

In conclusion I would like to stress that it is almost self-evident that, despite the complexity our challenges, the answer can be found in having a human rights approach to the issues underlying them. The respect that we all must have for our common heritage – sustained in the respect for human dignity – will provide us with better paths, better policies and better strategies, not only treat people with respect for their fundamental rights, but also to provide a more secure environment for all citizens.

I end this short commentary by saying that in the face of so much pain, in the face of the anguish of thousands and thousands of people those, like me, like all the Ombudsmen present in this room, who assume public and political responsibilities, have to reaffirm, by our actions, the strong ethical commitment that is the anchor of our oath: the protection of human rights and the preservation of human dignity.