

Human Rights Council 45th session

ITEM 3 – GENERAL DEBATE

Statement by the International Service for Human Rights

Speaker: Sarah M Brooks

Madame President,

As the High Commissioner recognised in her opening remarks to this session, States have a responsibility to ensure that migrants' lives are protected and their human rights upheld; she made clear that the dire precarity of migrants in camps on Lesbos, and the risks to life of migrants facing collective pushback and expulsions, underscored 'the need for solidarity and shared responsibility among EU Member States'.

Her statement follows on the heels of timely and incisive reporting by the Special Procedures – including of course the report of the SR on Migrants to HRC44, but also those by mandates addressing human rights defenders, freedom of association and assembly, and international solidarity.

For the human rights of migrants to be fully protected, the right of individuals and organisations to defend migrants' rights – whether through humanitarian assistance and search-and-rescue, legal aid, policy advocacy, or civil disobedience – must also be fully protected. This should no longer be up for discussion.

And yet, the concerns – and calls to action – have fallen on deaf ears.

In Europe, the work of think tanks and NGOs such as the ReSOMA project has led to the documentation of at least 171 individuals in 60 cases of criminalisation of migrant rights defenders over the period 2014-2019. The 'crimes' of which they stand accused are based on simple acts of human kindness: giving someone a ride in their car in a mountainous area so that they won't get hypothermia; saving someone who is drowning at sea; giving someone food or shelter; or lending a cell phone.

While rarely involving sentencing, the cases show a worrying trend of abuse of short-term detentions (with police often failing to substantiate charges) or, where charges are brought, lengthy and expensive judicial proceedings that put peoples' lives on hold and their livelihoods at risk. This has a deeper chilling effect on defenders who are themselves migrants, and whose work may put their residence permits, homes and jobs in jeopardy.

The EU and many Member States at this Council can and do speak out in support of human rights defenders, which is an important contribution, but we must be clear: these practices can and often do constitute judicial harassment. This is not something that happens only 'abroad', nor a practice that can be excused if it happens within your borders.

ISHR and the co-signatories to this statement have grown increasingly concerned about the reluctance of this Council to contribute meaningfully to advancing the protection of the human rights of migrants in multilateral, regional and national spaces. We urge all

governments to fully apply the OHCHR Guidelines on Migrants in Vulnerable Situations, including by providing a safe and enabling environment for all migrant rights' defenders.

And we urge members and observers of the Human Rights Council to model a rights-based approach for other intergovernmental bodies, by bringing the voices of migrants and their supporters to speak to the serious, often life-altering impacts to which their border policies give rise.

Thank you.