

HUMAN RIGHTS COUNCIL - 50th SESSION

Interactive dialogue with the Special Rapporteur on the human rights of migrants

24 June 2022

During his opening remarks, **the Special Rapporteur on the human rights of migrants, Felipe González Morales** addressed the Council to the contents of his previous report. He urged States to put an end to pushback practices, to respect fully the prohibition of collective expulsion and to uphold **the principle of non-refoulement**. In the present report, he presented the thematic study on recent developments in migration and border governance affecting the human rights of migrants, with a particular emphasis on **trends, prevention and accountability** for human rights violations at international borders. He also shared his **concerns** about recent developments in migration and border governance affecting the human rights of migrants. This results in failure to ensure the safety and dignity of migrants. In particular, he mentioned: 1) the regrettable trend of **“normalization” of pushback practices** through the introduction of legislation and government executive orders; 2) the imposition of **state of emergency measures in violation of international law and standards**; 3) the impact of **pandemic-related measures on border and immigration management**, which have disproportionately impacted on the rights of migrants through border closures and emergency measures; and 4) initiatives to expand the **use of the “safe third country” concept**, resulting in violations of the prohibition of collective expulsions, the principle of non-refoulement, and limiting access to asylum and other protection procedures. In addressing these, he offered a set of recommendations. In particular, he reiterate the call to put an **end to pushback practices**, and urge Member States to suspend initiatives directed to legalize pushbacks, and to respect fully the prohibition of collective expulsion and uphold the principle of non-refoulement. He called on States to ensure adequate State-led search and rescue capacity on land and at sea, to stop criminalising or restricting **search and rescue services and life-saving humanitarian assistance** taken by civil society organizations and other private actors, and to designate **truly safe ports of disembarkation**. He urged States to refrain from entering into **bilateral and multilateral return and readmission agreements** that do not fully respect procedural guarantees to provide an individualized assessment, including those based on the **safe third country concept**. Lastly, he called on States to establish **effective independent monitoring mechanisms**. The participation of **civil society organizations** without obstacles should be encouraged and protected from threats or retribution.

Further, extending his gratitude to those Member States that have provided inputs to the report on the **impact of climate change and the protection of the human rights** of migrants and for those States that have accepted country visits, he presented positive developments, including decisions at national and regional institutions and courts regarding the **accountability of State authorities and other actors for pushback practices**; the **Frontex reform**, improving transparency and accountability of its operations, and reforming the agency’s Fundamental Rights Office; and the progress made in terms of **independent border monitoring mechanisms** at the regional and national levels. National human rights institutions and NGOs have developed significant expertise in human rights monitoring.

Interactive dialogue

53 country delegations took the floor during the interactive dialogue. While sharing with the Council national normative frameworks and policies, situations and activities, Member States affirmed that all migrants, regardless of their migration status, are human rights holders. They shared their responsibility to create conditions for migration to be safe, orderly, regular and humane, for the benefit of all. The **EU, Ukraine, Moldova and a few other European countries**¹ reported on the situation of migrants, refugees and asylum-seekers following the beginning of the Ukrainian war. They focused on efforts made to activate temporary protection directives and to give all eligible persons access to the labour market, adequate housing, social protection, health, and education. **China, Bangladesh and Mexico, on behalf of A group of Countries**², focused on the negative impact that Covid-19 has on migrants. Migrants also continue to be left out of national health and recovery plans. They also frequently suffered from the lack access to essential services. **Ecuador and Senegal** reiterated that the application of the principle of non-refoulement and the prohibition of collective expulsions are essential: the human rights of migrants should be respected, regardless of their migration status.

NGOs echoed the SR concerns about widespread and persistent policies and practices of pushbacks and collective expulsion of migrants and asylum seekers at international borders. They reported data and figures. They called on the international community and Member States to remove barriers to externalize border control or to outsource asylum processes. This will enable them to relocate asylum seekers in countries that do not meet international protection standards, thus undermining their dignity and human rights. In particular, **Defence for Children International** called on Member States to provide comprehensive procedural safeguards for all children in decision making affecting them, including in any screening, border, asylum, anti-trafficking and return instruments. In order to remove violations of the international protection rights of children.

¹ Lithuania (on behalf of Latvia Lithuania Poland), Germany, France, and Hungary.

² List of co-sponsors of the joint statement: Argentina, Armenia, Bangladesh, Bosnia and Herzegovina, Canada, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Fiji, Georgia, Guatemala, Honduras, Ireland, Luxembourg, Mexico, Montenegro, Morocco, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Sri Lanka, Thailand, Türkiye, Uruguay and United States of America.

Delegations that took the floor during the Interactive Dialogue (53 country delegations):

Afghanistan, Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire (on behalf of Group of African States), Costa Rica, Cyprus, Ecuador, Egypt, EU, France, Gambia, Germany, Greece, Holy See, Hungary, India, Indonesia, Iran, Iraq, Libya, Lithuania (on behalf of Latvia Lithuania Poland), Luxembourg, Maldives, Mali, Mauritania, Mexico (on behalf of A group of countries, Argentina, Uruguay), Morocco, Nepal, Pakistan, Paraguay, Philippines, Portugal, Republic of Moldova, Russian Federation, Sierra Leone, Senegal, Sovereign Order of Malta, Spain, Sudan, Switzerland, Thailand, Tunisia, Türkiye, Ukraine, United States, Venezuela (Bolivarian Republic of)

NHRIs and NGOs that took the floor (10):

Action Canada for Population and Development, Caritas Internationalis (International Confederation of Catholic Charities), Centro de Estudios Legales y Sociales (CELS) Asociación Civil, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Asociación Civil, Conectas Direitos Humanos, Defence for Children International, Edmund Rice International Limited, Franciscans International, Friends World Committee for Consultation, International Bar Association

International organizations (2): UN Women and United Nations Children's Fund

To watch full meeting refer to [UN Web TV](#).