

Migration and human rights | Judicial harassment of defenders must stop

05.04.2017

Those who defend migrants play a crucial role for society as a whole. They deserve support and protection, not restrictions or attacks. Unfortunately, migrant right defenders are under increased pressure and judicial harassment in several regions of the world as the migration crisis rages. UN human rights bodies should make it clear that attacks and threats against migrant rights defenders are not compatible with international human rights standards.



ISHR has submitted a contribution to the UN Committee against Torture (CAT) as part of the preparation of a [new General Comment](#) on the implementation of the Convention's Article 3, which prohibits the expulsion (or *refoulement*) of asylum seekers to places where they risk torture. The contribution focuses on the key role played by migrant rights defenders in protecting and promoting the rights of asylum seekers, refugees and other migrants. The submission analyses the jurisprudence and work of international and regional human rights bodies with regards to the issue of migrant right defenders.

ISHR's Director of Treaty Body Advocacy, Vincent Ploton, said the recognition of migrant right defenders was all the more needed at a time when they are criminalised and prosecuted for providing support or legal counselling to migrants.

'Migrant rights defenders providing humanitarian assistance and safe passage to asylum seekers in France's *Vallée de la Roya* are being prosecuted as we speak', said M. Ploton. 'That form of judicial harassment is not compatible with the spirit of the Convention against Torture, particularly Article 3'.

The ISHR contribution notes that several international and regional human rights bodies have acknowledged and recognised the vital work of migrant rights defenders and the need to protect them. For instance, during the 2011 review of Mexico, the UN Committee on migrant workers urged Mexico to "guarantee the life, liberty, and integrity (...) of defenders of the human rights of migrant workers and members of their families". The Human Rights Council in a 2015 resolution asked States to 'facilitate the work of all actors providing humanitarian assistance to and defending the human rights of irregular migrants, including by avoiding any criminalisation, stigmatisation, impediments, obstructions or restrictions thereof contrary to international human rights law'.

The Special Rapporteur on human rights defenders Michel Forst has also highlighted risks and assaults on migrant right defenders following his official visits to Mexico (January 2017), Australia (October 2016) and Hungary (February 2016). In a recent proposed set of 'Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations', the UN High Commissioner for Human Rights requests States to 'respect and support the activities of human rights defenders and others working to rescue and provide assistance to migrants'. Finally, the Council of Europe Commissioner on Human Rights has also made strong declarations on migrants, notably saying 'It is not acceptable to intimidate and attack defenders of migrants' rights' in December 2012.

ISHR calls for the recognition of the vital role of human rights defenders in protecting the rights of refugees, asylum seekers and migrants and in promoting and monitoring State compliance with the Convention, including Article 3. "The obligation of States to provide a safe and enabling environment for the work of migrant rights defenders and to protect them from any instances of intimidation or reprisal should be reaffirmed" says M. Ploton.

[Read ISHR's submission here](#)

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