Saving migrant lives is imperative but what next? – UN human rights experts ask EU leaders

UN independent human rights experts on migrants, François Crepeau, and on trafficking in persons, Maria Grazia Giammarinaro, react to the announcement made at the end of the emergency European Union summit on migrants yesterday.

GENEVA (24 April 2015) – “The decision made yesterday by EU leaders overwhelmingly continues to focus on the securitization of borders. Increasing repression of survival migration has not worked in the past and will not work now. Destroying boats is only a very short-sighted solution to combating smuggling. Smugglers continue to skillfully adapt, as long as there is a market to exploit.

The decision to strengthen the capacity of transit countries to stop irregular migration on their territory, without offering long-term solutions and without adequate human rights guarantees, will only compound the abuse of migrants.

Such measures will likely only result in an increase in financial and human costs for migrants needing to make the journey, and thus result in more exploitation of the victims themselves. Europe will continue to find it difficult to defeat smuggling rings unless it destroys their business model, which was created when barriers and prohibitions to mobility were erected, and which thrives by evading the restrictive migration policies of EU Member States.

The tripling of Triton’s budget in order for it to save lives is a step in the right direction, although this budget might prove insufficient in responding to the increasing numbers of migrants and asylum seekers arriving by boat.

The question remains: what happens once those lives are rightfully saved? What will be done about the lack of proper individual assessments of one’s protection needs, about the inadequate reception facilities and poor conditions for those rescued, about the lack of an agreed refugee resettlement policy, and about the forced returns of irregular migrants, which could also include potential victims of trafficking.

The EU needs to move beyond emergency mode and to pilot projects towards more comprehensive and innovative regulated mobility avenues, including a massive resettlement policy over the coming five to six years to welcome all those in need of international protection and offer durable solutions for themselves and their children. Instead of prohibition measures which feed the smuggling market, the EU must develop more harm-reduction policies, taking as a central concern the human rights of migrants, and create innovative regulated mobility options that will incentivize migrants to avoid having recourse to smugglers.

The decision made at the EU summit acknowledges the push factors that contribute to the arrival of irregular migrants by sea, but continues to turn a blind eye to a key pull factor for many migrants. The EU must acknowledge the needs of its low-wage labour market and should quickly open many more legal migration avenues for more migrants at all skills levels.

Moreover, the decisions of yesterday continue to leave frontline states to shoulder the overall responsibility of dealing with the irregular migrants that arrive in Europe. These states are already shouldering much of this responsibility. They require additional support in order to be able to effectively safeguard the human rights of migrants and asylum seekers who arrive irregularly by boat, inter alia through more mobility within Europe.

Europe must bank on mobility across the Mediterranean and within its territory as a dynamic factor of economic and social development. Only then will it be able to truly reclaim the control of its borders from criminal smuggling rings.”

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Crepeau will present a report on his visit to Italy and a thematic report on EU border management to the UN Human Rights Council in June 2015. At the same session, Giammarinaro will present a thematic report which includes emerging trends and challenges on trafficking in mixed migration.

François Crépeau (Canada) was appointed Special Rapporteur on the human rights of migrants in June 2011 by the UN Human Rights Council, for an initial period of three years. As Special Rapporteur, he is independent from any government or organization and serves in his individual capacity. Mr. Crépeau is also Full Professor at the Faculty of Law of McGill University, in Montréal, where he holds the Hans and Tamar Oppenheimer Chair in Public International Law and is scientific director of the Centre for Human Rights and Legal Pluralism. To learn more, visit: http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx

Maria Grazia Giammarinaro (Italy) was appointed as Special Rapporteur on trafficking in persons, especially women and children by the UN Human Rights Council in June 2014, to promote the prevention of trafficking in persons in all its forms, and to
encourage measures to uphold and protect the human rights of victims. Ms. Giammarinaro has been a Judge since 1991 and currently serves as a Pre-Trial Judge at the Criminal Court of Rome. She was the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the OSCE, and served in the European Commission’s Directorate-General for Justice, Freedom and Security in Brussels, where she was responsible for combating human trafficking and sexual exploitation of children. She drafted the EU Directive on preventing and combating trafficking in human beings and protecting its victims. To learn more, visit:
http://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx

Read the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families:
http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx

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