**Written statement: Interactive Dialogue with the Special Rapporteur on the Human Rights of Migrants**

**‘A Lethal Disregard’**

Friends World Committee for Consultation (Quakers) thanks the Special Rapporteur for his important report on Right to freedom of association of migrants and their defenders. We thank him for his unwavering commitment to the protection and promotion of the human rights of all migrants, and for the timely attention given in this report to the impacts of security-oriented approaches on the lives of migrants, including on their right to life.

As the Special Rapporteur highlights in his report, far too often civil society actors defending the human rights of migrants are prevented by States from delivering lifesaving interventions to those in urgent need. This has been seen to lead directly to increased death rates among migrants in certain regions.[[1]](#footnote-1) With this in mind, we wish to draw attention to the thousands of migrants who continue to die and suffer serious injury in transit all over the world.

In the year since the Special Rapporteur last reported to the Human Rights Council, at least 4348 migrants have died in transit.[[2]](#footnote-2) These numbers represent thousands of individual human lives and experiences of intense suffering. These are lives lost as a result of the ‘lethal disregard’[[3]](#footnote-3) for the rights of migrants, identified by the High Commissioner. The people behind these numbers have drowned, starved, suffocated, died in vehicle accidents, of sickness and lack of access to medicine, of dehydration, of lack of adequate shelter, of hypothermia, and from violence. They were of all ages, all professions, all walks of life, and they came from countries all over the world. They had families, hopes, and ambitions. They were all equal in dignity and rights to all other members of the human family, and their deaths were avoidable.

In Mozambique in March of this year, shortly after the suspension of the 43rd session of the Council, 64 Ethiopian nationals died of asphyxiation in a shipping container while attempting to reach South Africa. Their remains were discovered when the vehicle in which they were hidden was stopped at a check point. The surviving 14 people also travelling in the lorry are reported to be deeply traumatised by the horror they experienced.[[4]](#footnote-4)

Over the Easter weekend in 2020, 12 people lost their lives after being stranded in a dinghy between Libya and Malta. Their boat departed Qarapoli in Libya on the 9 April with 63 people on board. During the night of the 10-11 April, the NGO Alarm Phone[[5]](#footnote-5) received a distress call from the boat. Four days later, those on board were eventually rescued by a fishing vessel. During the course of the rescue, the bodies of five men were found: they had died of dehydration. The survivors informed rescuers that in total, 12 of their fellow passengers had died, as seven others had drowned during the time the vessel was floating at sea. Eleven of those who died were from Eritrea, and one was from Ethiopia.[[6]](#footnote-6)

All of those who lost their lives in these incidents had names and shared the inherent dignity and equal and inalienable rights of all members of the human family. We hold in our memories the stories of the following individuals, a miniscule fraction of all those whose lives have been lost in migration in this past year.

**Laurent Barthélémy Ani Guibahi** was a 14-year-old from Cote d’Ivoire who was found dead in the undercarriage of a plane after it landed at Charles de Gaulle airport in Paris in January this of year. The cause of Laurent’s death was identified as asphyxia or hypothermia. The previous day, Laurent had skipped school and walked 30km from his home to reach the airport before stowing away.[[7]](#footnote-7)

**Pham Thi Tra My**, 26 years old from Ha Tinh, from Viet Nam, was one of 39 Vietnamese people found dead in a lorry in Essex, UK, in November 2019. Pham documented her suffering in a message sent to her mother from the lorry, which read ‘I’m sorry Mum. My journey abroad hasn’t succeeded. Mum, I love you so much! I’m dying because I can’t breathe.’[[8]](#footnote-8)

In early March 2020, 43-year-old **Muhammad Gulzari** from Pakistan, was attempting to cross the border from Turkey into Greece when he was shot in the chest: he was pronounced dead in a Turkish hospital shortly afterwards. Five others were injured by gunshots in the same incident.[[9]](#footnote-9)

In January 2020 a newborn baby, whose name was not yet given, died shortly after being born on a makeshift boat carrying 43 passengers and heading for the Canary Islands. The cause of the infant’s death is believed to be a lack of medical assistance. The boat on which the baby was born had been drifting without assistance for several days after running out of fuel.[[10]](#footnote-10)

At some time in late 2019, **Mustafa Ramadan**, a 33-year-old Syrian, died of hypothermia on the Sharr mountains in Macedonia. Mustafa was trying to join his family members in the Netherlands when he became lost alone in the mountains. It was several weeks before his body was recovered, and his family learned what had happened to him.[[11]](#footnote-11)

Sisters **Juana Santos Arce**, 35 years old, **Paula Santos Arce**, 29 years old, and **Margarita Santos Arce**, 33 years old died together of hypothermia in February this year. The sisters died at the US border in Mount Laguna, San Diego County, California, during a period of heavy snow. Following their deaths, their family struggled to afford the costs of repatriating their bodies, asking for donations from their community.[[12]](#footnote-12)

The risk to migrants in transit of death or serious injury has been devastatingly high for many years. The Covid-19 pandemic is compounding and exacerbating this deadly risk. It has been repeatedly observed, by many voices both inside and outside of the UN, that the pandemic is having a disproportionate effect on communities and individuals already in situations of vulnerability, including migrants.[[13]](#footnote-13) Migrants in transit are exposed to a particular range of risks during the pandemic.

Migrants in transit are exposed to a heightened risk of contracting the virus itself and are more likely than other populations to have underlying health conditions or compromised immunity, increasing the likelihood of severe symptoms. The conditions in which many migrants in transit live further heighten the risk of transmission. Cramped and unsanitary conditions, including camps, slums, shanty towns, situations of homelessness, and immigration detention, render it impossible to follow WHO guidelines. Migrants in transit, as well as many other migrants, lack access to essential health services, for reasons including their migration status, cost, lack of awareness, or other barriers such as language. This lack of access to services makes the likelihood of suffering severe and potentially fatal symptoms of Covid-19 significantly higher.

The economic impact of the pandemic is also having deadly consequences for migrants in transit: many people on the move have no savings and thus no economic safety net. For those who have lost the work they had, often in the informal sector, or who are no longer receiving money from relatives who have lost jobs during the pandemic, the result can be starvation.

The closure of borders has left many migrants in transit trapped in precarious and dangerous situations. These situations, compounded by the lack of ability to leave, exacerbate the risk to the lives of migrants. Those stranded are at higher risk of the dangers of exploitation and trafficking, as well as being more likely to turn to dangerous solutions out of desperation.[[14]](#footnote-14) At least 99 countries have closed their borders to asylum seekers during the pandemic, in violation of their international obligations, further exacerbating the risks to the lives of people on the move.[[15]](#footnote-15)

In order for the possibility of a post Covid-19 change in the future of human mobility, as laid out by the Secretary General in his Policy Brief on Covid-19 and People on the Move,[[16]](#footnote-16) it is time for this Council to raise its voice and take meaningful action in the face of repeated and grave violations of the human rights of migrants. The lives of Laurent, of Pham Tri, of Mustafa, of Muhammad, of Juana, Paula and Margarita, as well as all of those whose names we may never know, serve as a reminder to this Council of its duty to the protection of the rights of all people, wherever they are and whatever their migration status.

We look to the Human Rights Council to take a focused, systematic and more concrete approach to addressing serious and widespread violations of the human rights of migrants, in particular in transit, at borders and in the context of border enforcement. Looking across the range of tools at the Council’s disposal, steps towards this could include:

* Creating a committee of experts to undertake a global investigation of policies and practices that cause or exacerbate the risk of deaths in transit or torture or cruel, inhuman or degrading treatment or punishment of migrants, including:
	+ the impact of criminalization of irregular entry;
	+ criminalization and suppression of humanitarian assistance and human rights defenders;
	+ actions that undermine the right to seek asylum.
* Mandating a panel of experts to review migration policies in the States that make up one migration corridor from each region to assess their implementation of relevant international law and standards.
* Creating an annual forum on human rights and migrants (similar to the Forum on Minority Issues) ensuring sustained attention to the issue and a process where the development of recommendations is grounded in migrants’ experiences.
* Requesting a report from the High Commissioner assessing implementation of Human Rights Council recommendations (including from resolutions, Special Procedures, and OHCHR guidance), highlighting the range of tools available for protection and promotion of migrants' rights and detailing the varied level of implementation.
* Following up on the Global Migration Group’s Principles and Guidelines on migrants in vulnerable situations by mandating a series of regional consultations to examine good practices and ongoing human rights violations.
* Holding a migrant voices Panel incorporating a range of migrant experiences to highlight the breadth and severity of human rights violations experienced by migrants and inform further action by grounding the discussion in migrants’ experience of the rights violations.
1. Right to Freedom of association of migrants and their defenders, Report of the Special Rapporteur on the Human Rights of Migrants, A/HRC/44/42(13 May 2020). [↑](#footnote-ref-1)
2. International Organization for Migration, Missing Migrants Project, <https://missingmigrants.iom.int/> [↑](#footnote-ref-2)
3. Global update at the 42nd session of the Human Rights Council, Opening statement by UN High Commissioner for Human Rights Michelle Bachelet (9 September 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24956&LangID=E>. [↑](#footnote-ref-3)
4. IOM, ‘Dozens of Migrants Died in a Shipping Container in Mozambique’ (24 March 2020) <https://www.iom.int/news/dozens-migrants-died-shipping-container-mozambique> [↑](#footnote-ref-4)
5. Alarm Phone are an NGO who operate a telephone service to provide support to migrant rescue operations in the Mediterranean <https://alarmphone.org/en/> [↑](#footnote-ref-5)
6. ReliefWeb, ‘Mediterranean Migrant Arrivals Reach 16,724 in 2020; Deaths Reach 256’ (24 April 2020) <https://reliefweb.int/report/greece/mediterranean-migrant-arrivals-reach-16724-2020-deaths-reach-256> [↑](#footnote-ref-6)
7. France24, ‘Friends and family of teenage Ivorian stowaway struggle to grasp his death’ (14 January 2020) <https://www.france24.com/en/20200114-friends-and-family-of-teenage-ivorian-stowaway-struggle-to-grasp-his-death>. [↑](#footnote-ref-7)
8. Amelia Gentleman, ‘Essex police release names of Vietnamese lorry death victims’ (Guardian, 8 Nov 2019) <https://www.theguardian.com/uk-news/2019/nov/08/police-release-names-of-39-people-found-dead-in-essex-lorry> [↑](#footnote-ref-8)
9. Amnesty International, ‘Greece/Turkey: Asylum-seekers and migrants killed and abused at borders’ (3 April 2020) <https://www.amnesty.org/en/latest/news/2020/04/greece-turkey-asylum-seekers-and-migrants-killed-and-abused-at-borders/> [↑](#footnote-ref-9)
10. Harriet Brewis, ‘Newborn baby found dead on migrant boat near Canary Islands’ (Evening Standard, 8 Jan 2020) <https://www.standard.co.uk/news/world/newborn-baby-found-dead-migrant-boat-canary-islands-lanzarote-a4329796.html> [↑](#footnote-ref-10)
11. Legis, ‘The funeral of the Syrian refugee Mustafa Ramadan’ (22 Feb 2020) <http://www.legis.mk/news/2762/the-funeral-of-the-syrian-refugee-mustafa-ramadan> [↑](#footnote-ref-11)
12. Juan Carlos Zavala, ‘Mueren 3 hermanas oaxaqueñas en su intento de cruzar a EU’ (17 Feb 2020) <https://archive.ph/X8qqK#selection-2173.159-2173.170> [↑](#footnote-ref-12)
13. Including: United Nations Secretary General, ‘Policy Brief: Covid-19 and People on the Move’ (June 2020); United Nations Network on Migration, ‘Covid-19 Does Not Discriminate, Nor Should Our Response’ (20 March 2020) <https://migrationnetwork.un.org/statements/covid-19-does-not-discriminate-nor-should-our-response>; United Nations Office of the High Commissioner for Human Rights, ‘Covid-19 and the Rights of Migrants: Guidance’ (7 April 2020) <https://www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance_COVID19_Migrants.pdf>; Platform for Undocumented Migrants, ‘Covid-19 and Migrants in Europe’ <https://picum.org/covid-19migrantsineurope/>. [↑](#footnote-ref-13)
14. Steven Grattan, ‘Coronavirus pushes biggest migration in the American underground’ (OZT, 1 April 2020) <https://www.ozy.com/around-the-world/the-coronavirus-is-driving-the-biggest-migration-in-the-americas-underground/291984/> [↑](#footnote-ref-14)
15. United Nations Secretary General, ‘Policy Brief: Covid-19 and People on the Move’ (June 2020). [↑](#footnote-ref-15)
16. United Nations Secretary General, ‘Policy Brief: Covid-19 and People on the Move’ (June 2020). [↑](#footnote-ref-16)