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***Statement delivered on the occasion of the General Discussion on the Draft Revised General Comment on the implementation of article 3 of the Convention in the context of article 22***

*28 April 2017*

Thank you. ISHR’s submission focuses on the important role of migrant rights defenders and the opportunity to recognize and protect them in the CAT revised General Comment. Migrant rights defenders are exposed to a wide range of threats, assaults and intimidation related to their work to provide assistance to and advocate for migrants and refugees, including in Europe. Their work to provide legal aid in Serbia is called into question; they face restricted access to funding and targeting by far-right groups in Hungary; they have been prosecuted for seeking to aid transiting migrants in France; and they have been threatened with arrest by police along the border between Greece and Macedonia.

Many international human rights bodies have acknowledged the importance of migrant right defenders and the need to ensure their protection. For instance, in 2011, the Committee on Migrant Workers has requested Mexico to adopt “concrete and adequate measures to guarantee the life, liberty, and integrity of … defenders of the human rights of migrant workers and members of their families”.

Human Rights Council Resolution 29/2 of 2 July 2015 calls on states to “facilitate the work of all actors providing humanitarian assistance to and defending the human rights of irregular migrants” and to “create a safe and enabling environment in which individuals and organisations that provide such attention can operate free from hindrance and insecurity”. The UN Special Rapporteur on Human Rights Defenders has raised concerns about the treatment of migrant right defenders in various country visits, including in Australia, Hungary and Mexico.

ISHR recently welcomed the draft OHCHR *Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations*. Draft principle 18 recommends that States “respect and support the activities of human rights defenders and others working to rescue and provide assistance to migrants.” Finally, the ISHR submission makes reference to relevant statements of the Council of Europe Commissioner on human rights and national human rights institutions on migrant right defenders.

Against this background, ISHR recommends that:

* The draft General Comment be revised to include a new and separate paragraph which recognises 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. This paragraph should reaffirm 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. The paragraph could also include references or citations to the jurisprudence and comments of the UN and regional human rights bodies mentioned above;
* Paragraph 14 of the draft General Comment be expanded to recognise that, in addition to not “cutting funds for assistance programs to asylum seekers”, States should also avoid other measures or policies, including legislative restrictions, which have the purpose or effect of restricting the activities of migrant rights defenders and the support and assistance they can provide.