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|  |  | A/HRC/AC/24/2 |
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**Human Rights Council**

**Advisory Committee**

**Twenty-fourth session**

17–21 February 2020

Agenda item 5

**Report of the Advisory Committee on its twenty-fourth session**

 Report of the Advisory Committee on its
twenty-fourth session[[1]](#footnote-2)\*

*Rapporteur*: Ion **Diaconu**

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 I. Action taken by the Advisory Committee at its twenty-fourth session

 24/1. National policies and human rights

 *The Human Rights Council Advisory Committee*,

 *Recalling* Human Rights Council resolution 35/32 of 23 June 2017, in which the Council requested the Advisory Committee to prepare a study that could help States to implement the 2030 Agenda for Sustainable Development by integrating human rights into national policies on the basis of a compilation prepared by the United Nations High Commissioner for Human Rights, and to present it within its regular reporting cycle to the Council at its forty-fifth session, on the occasion of the fifth anniversary of the adoption of the 2030 Agenda,

 *Recalling also* that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Milena Costas Trascasas, Ion Diaconu (Rapporteur), Ludovic Hennebel, Ajai Malhotra, Mona Omar, Javier Palummo, Elizabeth Salmón, Dheerujlall Seetulsingh, Changrok Soh (Chair) and Cheikh Tidiane Thiam,

 1. *Takes note with appreciation* of the draft study on implementing the 2030 Agenda for Sustainable Development by integrating human rights into national policies submitted by the drafting group to the Advisory Committee at the twenty-fourth session;[[2]](#footnote-3)

 2. *Adopts* the draft study ad referendum and entrusts the Rapporteur with its finalization, with a view to presenting the final study to the Human Rights Council at its forty-fifth session, on the occasion of the fifth anniversary of the adoption of the 2030 Agenda.

*7th meeting
21 February 2020*

[Adopted without a vote.]

 24/2. Importance of a legally binding instrument on the right to development

 *The Human Rights Council Advisory Committee*,

 *Recalling* Human Rights Council resolution 39/9 of 27 September 2018, in which the Council requested the Advisory Committee, while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development, to present an oral update on the preparation of the report to the Council at its forty-second session, and to present the report to the Council at its forty-fifth session,

 *Recalling also* that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Lazhari Bouzid, Milena Costas Trascasas, Ion Diaconu, Ludovic Hennebel (Chair), Xinsheng Liu, Ajai Malhotra (Rapporteur), Elizabeth Salmón and Cheikh Tidiane Thiam,

 1. *Takes note with appreciation* of the draft report on the importance of a legally binding instrument on the right to development submitted by the drafting group to the Advisory Committee at its twenty-fourth session;[[3]](#footnote-4)

 2. *Welcomes* the input received from Member States and other stakeholders, including intergovernmental organizations and non-governmental organizations, on the importance of a legally binding instrument on the right to development;

 3. *Adopts* the draft report ad referendum and entrusts the Rapporteur with its finalization, with a view to presenting the report to the Human Rights Council at its forty-fifth session.

*7th meeting
21 February 2020*

[Adopted without a vote.]

 24/3. A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

 *The Human Rights Council Advisory Committee*,

 *Recalling* General Assembly resolutions 72/157 of 19 December 2017 and 73/262 of 22 December 2018, in which the Assembly requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in that regard requested the Council, through the Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps,

 *Recalling also* General Assembly resolution 74/137, in which the Assembly welcomed the efforts undertaken by the Human Rights Council, through its Advisory Committee, in preparing a study on appropriate ways and means of assessing the situation regarding racial equality, while identifying possible gaps and overlaps,

 *Recalling further* that, at its twenty-first session, the Advisory Committee established a drafting group, currently composed of Ion Diaconu, Ludovic Hennebel (Rapporteur), Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves, Ajai Malhotra, Itsuko Nakai, Mona Omar, Elizabeth Salmón and Dheerujlall Seetulsingh (Chair),

 1. *Takes note* of the preliminary outline of the study submitted by the drafting group to the Advisory Committee at its twenty-fourth session;[[4]](#footnote-5)

 2. *Welcomes* the input received from Member States and other stakeholders on appropriate ways and means of assessing the situation regarding racial equality in the world;

 3. *Notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;

 4. *Welcomes* the participation of external experts in the discussion and notes that the discussion has provided valuable input that will assist the drafting group in its task;

 5. *Encourages* stakeholders to contribute to the work already under way;

 6. *Requests* the drafting group to submit the draft study to the Advisory Committee at its twenty-fifth session, taking into account the above-mentioned input from stakeholders and the discussions held at the current session;

 7. *Decides* to submit the final study to the Human Rights Council at its forty-seventh session, to be brought to the attention of the General Assembly at its seventy-sixth session.

*7th meeting
21 February 2020*

[Adopted without a vote.]

 24/4. Current levels of representation of women in human rights organs and mechanisms

 *The Human Rights Council Advisory Committee*,

 *Recalling* Human Rights Council resolution 41/6 of 11 July 2019, in which the Council requested the Human Rights Council Advisory Committee to prepare a report, in close cooperation with the Working Group and the Committee on the Elimination of Discrimination against Women, on current levels of representation of women in human rights organs and mechanisms such as the Advisory Committee, the treaty bodies and the special procedures established by the Council; the report, to be presented to the Council at its forty-seventh session, was to include good practices by States in nominating, electing and appointing candidates to ensure balanced gender representation, in line with the system-wide strategy on gender parity, and recommendations to assist the Council and Member States in that regard,

 *Recalling also* that the Human Rights Council requested the Advisory Committee to seek the views, inputs and meaningful participation of relevant stakeholders in an inclusive manner, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures, national human rights institutions, civil society and academic institutions, when preparing the above-mentioned report,

 *Recalling further* that, at its twenty-third session, the Advisory Committee established a drafting group, currently composed of Milena Costas Trascasas, Ion Diaconu, Ludovic Hennebel, José Augusto Lindgren Alves, Ajai Malhotra, Itsuko Nakai, Mona Omar (Chair), Javier Palummo, Elizabeth Salmón (Rapporteur) and Changrok Soh,

 1. *Takes note* of the preliminary outline of the report submitted by the drafting group to the Advisory Committee at its present session;[[5]](#footnote-6)

 2. *Notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;

 3. *Welcomes* the input received from Member States and other stakeholders in response to the questionnaire circulated after the twenty-third session;

 4. *Decides* to recirculate the questionnaire to seek additional views from stakeholders, including Member States, international and regional organizations, national human rights institutions, civil society and academic institutions, that have not yet responded to the questionnaire, and to invite them to submit their input by 29 May 2020;

 5. *Requests* the drafting group to submit a draft report to the Advisory Committee at its twenty-fifth session, taking into account the input received from stakeholders and the discussions held at the current session;

 6. *Encourages* stakeholders to contribute to the work already under way.

*7th meeting
21 February 2020*

[Adopted without a vote.]

 24/5. New and emerging digital technologies and human rights

 *The Human Rights Council Advisory Committee*,

 *Recalling* Human Rights Council resolution 41/11 of 11 July 2019, in which the Council requested the Advisory Committee to prepare a report on the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, including mapping of relevant existing initiatives by the United Nations and recommendations on how human rights opportunities, challenges and gaps arising from new and emerging digital technologies could be addressed by the Council and its special procedures and subsidiary bodies in a holistic, inclusive and pragmatic manner, and to present the report to the Council at its forty-seventh session,

 *Recalling also* that the Council, in its resolution 41/11, also requested the Advisory Committee, when preparing the above-mentioned report, to seek input from and to take into account the relevant work already done by stakeholders, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Council, the treaty bodies, other relevant United Nations agencies, funds and programmes within their respective mandates, the Secretary-General’s High-level Panel on Digital Cooperation, national human rights institutions, civil society, the private sector, the technical community and academic institutions,

 *Recalling further* that the Council, in the same resolution, decided to convene a panel discussion at its forty-fourth session on the impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, and also decided that the discussions would be fully accessible to persons with disabilities, and requested the Advisory Committee to present an oral update on its preparation of the above-mentioned report during the panel discussion,

 *Recalling* that, at its twenty-third session, the Advisory Committee established a drafting group, currently composed of Milena Costas Trascasas, Ludovic Hennebel, Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves, Xinsheng Liu, Ajai Malhotra, Mona Omar, Javier Palummo, Elizabeth Salmón (Chair), Dheerujlall Seetulsingh and Changrok Soh (Rapporteur),

 1. *Takes note* of the draft preliminary outline of the report on new and emerging digital technologies and human rights submitted by the drafting group to the Advisory Committee at its twenty-fourth session;[[6]](#footnote-7)

 2. *Welcomes* the input received from Member States and other stakeholders in response to the note verbale and questionnaire circulated after the twenty-third session of the Advisory Committee;

 3. *Encourages* stakeholders to contribute further to the work already under way;

 4. *Notes* that the drafting group and the full Advisory Committee held meetings to discuss the topic;

 5. *Welcomes* the participation of external experts in the discussion and notes that the discussion has provided valuable input that will assist the drafting group in its task;

 6. *Designates* Mr. Soh, in his capacity as Rapporteur, to present an oral update on the preparation of the report on new and emerging digital technologies and human rights during the panel discussion on the impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, to be held at the forty-fourth session of the Human Rights Council;

 7. *Requests* the drafting group to submit the report to the Advisory Committee at its twenty-fifth session, taking into account the above-mentioned input from stakeholders and the discussions held at the current session, with a view to presenting the report to the Human Rights Council at its forty-seventh session.

*7th meeting
21 February 2020*

[Adopted without a vote.]

 24/6. Negative effects of terrorism on the enjoyment of human rights

 *The Human Rights Council Advisory Committee*,

 *Recalling* Human Rights Council resolution 34/8 of 23 March 2017, in which the Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, and to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in that regard, and to present the report to the Council at its thirty-ninth session, to be discussed during the interactive dialogue,

 *Recalling also* that, at its nineteenth session, the Advisory Committee established a drafting group, currently composed of Lazhari Bouzid, Alessio Bruni (Chair), Milena Costas Trascasas, Ion Diaconu, Ludovic Hennebel, Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves, Xinsheng Liu, Ajai Malhotra, Mona Omar (Rapporteur) and Elizabeth Salmón,

 *Noting* that, at its thirty-eighth and forty-second sessions, the Human Rights Council decided, respectively, to extend the time for the Advisory Committee to complete the study and submit the report thereon to the Council at its forty-second and subsequently at its forty-fifth sessions,

 1. *Takes note* of the draft report on the negative effects of terrorism on the enjoyment of human rights;[[7]](#footnote-8)

 2. *Notes* that the drafting group and the Advisory Committee held meetings to discuss the topic and the different views expressed thereon by Member States and other stakeholders in those meetings;

 3. *Reaffirms* the highly specific and complex character of the mandate, and that it requires further thorough discussions;

 4. *Requests* the drafting group to continue its work with a view to finalizing in the intersessional period, if possible, the report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms for submission to the Human Rights Council at its forty-fifth session.

*7th meeting
21 February 2020*

[Adopted as orally revised without a vote.]

 24/7. Research proposal

 *The Human Rights Council Advisory Committee*,

 *Recalling* paragraph 77 of the annex to Human Rights Council resolution 5/1 of 18 June 2007, as well as resolution 16/21 of 25 March 2011,

 1. *Decides* to submit for the Council’s consideration the research proposal entitled “Study on practices negatively affecting the human rights of migrants.”

 2. *Decides* to also include, pursuant to rule 17 of the its rules of procedure, the concept paper for the above-mentioned research proposal in the annex to its report on its twenty-fourth session.

*7th meeting
21 February 2020*

[Adopted without a vote.]

 II. Adoption of the agenda and organization of work

 A. Opening and duration of the session

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-fourth session at the United Nations Office at Geneva from 17 to 21 February 2020. The session was opened by the Chair of the twenty-third session, Elizabeth Salmón.

2. At its 1st meeting, on 17 February 2020, the President of the Human Rights Council, Elisabeth Tichy-Fisslberger, made an opening statement.

3. At the same meeting, the Director ad interim of the Human Rights Council and Treaty Mechanisms Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) made a statement on behalf of the High Commissioner.

4. Also at the same meeting, participants observed a minute of silence for the victims of human rights violations around the world.

 B. Composition of the Advisory Committee

5. The membership of the Advisory Committee is as follows:[[8]](#footnote-9) Ibrahim Abdulaziz Alsheddi (Saudi Arabia, 2021); Mohamed Bennani (Morocco, 2020); Lazhari Bouzid (Algeria, 2022); Alessio Bruni (Italy, 2021); Milena Costas Trascasas (Spain, 2022); Ion Diaconu (Romania, 2020); Ludovic Hennebel (Belgium, 2020); Iurii Kolesnikov (Russian Federation, 2022); José Augusto Lindgren Alves (Brazil, 2021); Xinsheng Liu (China, 2022); Ajai Malhotra (India, 2020); Itsuko Nakai (Japan, 2022); Mona Omar (Egypt, 2022); Javier Palummo (Uruguay, 2022); Elizabeth Salmón (Peru, 2020); Dheerujlall Seetulsingh (Mauritius, 2020); Changrok Soh (Republic of Korea, 2020); and Cheikh Tidiane Thiam (Senegal, 2021).

 C. Attendance

6. The session was attended by members of the Advisory Committee and observers for States Members of the United Nations, as well as an intergovernmental organization and non-governmental organizations.

7. All members of the Advisory Committee participated in the session, with the exception of Mr. Thiam, who was excused.

 D. Meetings

8. At its twenty-fourth session, the Advisory Committee held seven plenary meetings and 18 closed meetings. The drafting groups held private meetings on the negative effects of terrorism on the enjoyment of human rights, national policies and human rights, the importance of a legally binding instrument on the right to development, a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, new and emerging digital technologies and human rights, and current levels of representation of women in human rights organs and mechanisms. The Advisory Committee also held a private meeting to exchange views with the Bureau of the Human Rights Council and with regional and political group coordinators.

 E. Election of officers

9. In accordance with rule 103 of the rules of procedure of the General Assembly and rule 5 of the rules of procedure of the Advisory Committee, the following officers were elected by acclamation at the first meeting of the twenty-fourth session, held on 17 February 2020:

Chair: Lazhari Bouzid

Vice-Chairs: Ludovic Hennebel

 Ajai Malhotra

 Elizabeth Salmón

Rapporteur: Ion Diaconu

 F. Adoption of the agenda

10. At its 1st meeting, on 17 February 2020, the Advisory Committee adopted its agenda (A/HRC/AC/24/1) (for the list of documents issued for the twenty-fourth session, see annex I).

 G. Organization of work

11. At its 1st meeting, on 17 February 2020, the Advisory Committee adopted the draft programme of work prepared by the secretariat.

 III. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration

 A. Negative effects of terrorism on the enjoyment of human rights

12. At its 1st and 2nd meetings, on 17 February 2020, the Advisory Committee held, pursuant to Human Rights Council resolution 34/8, a discussion on the negative effects of terrorism on the enjoyment of human rights. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States and a representative of a non-governmental organization (see annex II).

13. At its 7th meeting, on 21 February 2020, the Chair of the drafting group on negative effects of terrorism on the enjoyment of human rights, Mr. Bruni, introduced a draft text (A/HRC/AC/24/L.6) and introduced an oral revision to its operative paragraph 4. The draft text as orally revised was adopted without a vote (for the text as adopted, see sect. I, action 24/6, above).

 B. National policies and human rights

14. At its 2nd meeting, on 17 February 2020, the Advisory Committee held, pursuant to Human Rights Council resolution 35/32, a discussion on national policies and human rights and the Sustainable Development Goals. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States and a representative of an intergovernmental organization (see annex II).

15. At its 7th meeting, on 21 February 2020, the Chair of the drafting group on national policies and human rights, Mr. Soh, introduced a draft text (A/HRC/AC/24/L.1). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 24/1, above).

 C. Importance of a legally binding instrument on the right to development

16. At its 3rd meeting, on 18 February 2020, the Advisory Committee held, pursuant to Human Rights Council resolution 39/9, a discussion on the importance of a legally binding instrument on the right to development. In that context, the Secretary of the Working Group on the Right to Development of the Human Rights Council, Richard Lapper, gave a presentation on the work of the Working Group on this topic. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States, a representative of an intergovernmental organization and a representative of a non-governmental organization (see annex II). Mr. Lapper made concluding remarks.

17. At its 7th meeting, on 21 February 2020, the Chair of the drafting group on the importance of a legally binding instrument on the right to development, Mr. Hennebel, introduced a draft text (A/HRC/AC/24/L.2). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 24/2, above).

 D. A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

18. At its 3rd meeting, on 18 February 2020, the Advisory Committee held, pursuant to General Assembly resolutions 72/157 and 73/262, a discussion on the situation regarding racial equality in the world, and on ways and means of assessing the situation while identifying possible gaps and overlaps. In that context, the Chief of the Anti-Racial Discrimination Section of OHCHR, Yury Boychenko, gave a presentation on the work of the Office on that topic. A further presentation on the discussion topic was given by Niraj Dawadi, an OHCHR officer supporting the Anti-Racial Discrimination Section. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States and a representative of an intergovernmental organization (see annex II). Mr. Dawadi made concluding remarks.

19. At its 7th meeting, on 21 February 2020, the Chair of the drafting group on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of a follow-up to the Durban Declaration and Programme of Action, Mr. Seetulsingh, introduced a draft text (A/HRC/AC/24/L.3). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 24/3, above).

 E. New and emerging digital technologies

20. At its 4th meeting, on 18 February 2020, the Advisory Committee held, pursuant to Human Rights Council resolution 41/11, a discussion on new and emerging digital technologies and human rights. In that context, the Director of the Global Health Centre project on the International Digital Health & AI Research Collaborative (I-DAIR) at the Graduate Institute in Geneva, Amandeep S. Gill, gave a presentation on the work of the research centre on this topic. A further presentation was given by Ilcheong Yi, Senior Research Coordinator in the Social Policy and Development Programme and in the Social Dimensions of Sustainable Development Programme at the United Nations Research Institute for Social Development. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States and a representative of an intergovernmental organization (see annex II). Mr. Yi made concluding remarks.

21. At its 7th meeting, on 21 February 2020, the Rapporteur of the drafting group on new and emerging digital technologies, Mr. Soh, introduced a draft text (A/HRC/AC/24/L.5). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 24/5, above).

 F. Current levels of representation of women in human rights organs and mechanisms

22. At its 4th meeting, on 18 February 2020, the Advisory Committee held, pursuant to Human Rights Council resolution 41/6, a discussion on the current levels of representation of women in human rights organs and mechanisms. In that context, a member of the Committee on the Elimination of Discrimination against Women, Lia Nadaraia, gave a presentation on the work of the Committee on that topic. During the ensuing discussion, statements were made by members of the Committee, representatives of observer States and a representative of an intergovernmental organization (see annex II).

23. At its 7th meeting, on 21 February 2020, the Chair of the drafting group on current levels of representation of women in human rights organs and mechanisms, Ms. Omar, introduced a draft text (A/HRC/AC/24/L.4). The draft text was adopted without a vote (for the text as adopted, see sect. I, action 24/4, above).

 G. Reports submitted to the forty-third session of the Human Rights Council

24. At the 5th meeting, on 19 February 2020, Mr. Seetulsingh, in his capacity as Rapporteur of the drafting group, presented the final report of the Advisory Committee on its study on utilizing non-repatriated illicit funds with a view to supporting the achievement of the Sustainable Development Goals (A/HRC/43/66), submitted to the Human Rights Council for its consideration at its forty-third session.

25. At the same meeting, Mr. Bouzid, in his capacity of Rapporteur of the drafting group, presented the final report on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights (A/HRC/43/31), submitted to the Human Rights Council for its consideration at its forty-third session.

 IV. Implementation of sections III and IV of the annex to
Human Rights Council resolution 5/1 of 18 June 2007,
and of section III of the annex to Human Rights Council resolution 16/21 of 25 March 2011

 A. Review of methods of work

26. On 21 February 2020, the Advisory Committee held, in a closed meeting, a discussion on its methods of work in relation to its engagement with non-governmental organizations, national human rights institutions and academic friends of the Committee.

 B. Agenda and annual programme of work

27. At its 6th meeting, on 20 February 2020, the Advisory Committee held a discussion on new priorities. Members of the Committee presented the following reflection papers to be considered by the Committee:

* A global investigation of practices that cause or exacerbate human rights violations and abuses against migrants (Ms. Costas Trascasas);
* Right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law (Mr. Hennebel).

28. During the ensuing discussion, statements were made by members of the Advisory Committee (see annex II).

29. At the same meeting, Ms. Omar recalled the decision taken by the Committee at its twenty-third session to merge the reflection paper by former Committee member Jean Ziegler, entitled “Possible human rights violations in the European Union hotspot camps”, and her own reflection paper, entitled “Refugees’ and internally displaced persons’ human rights”, given their overlapping nature. Ms. Omar further informed the Committee that certain elements of these two papers had been integrated into the reflection paper presented by Ms. Costas Trascasas.

30. Also at the same meeting, the Committee requested Ms. Costas Trascasas to present a revised version of the concept paper based on the comments made by Committee members for its approval by the Committee, with a view to submitting it to the Human Rights Council as a research proposal.

31. At its 7th meeting, on 21 February 2020, the Advisory Committee took note of the revised version, entitled “Study on practices negatively affecting the human rights of migrants”, and decided to submit it as a research proposal to the Human Rights Council for its consideration (see annex III).

 C. Intersessional activities

32. At its 5th meeting, on 19 February 2020, the Advisory Committee held a discussion on the intersessional activities of its members. In that context, Ms. Salmón, Mr. Seetulsingh and Mr. Soh shared information about their participation in panel discussions, workshops, conferences and other events relevant to the work of the Advisory Committee.

 V. Report of the Advisory Committee on its twenty-fourth session

33. At the 7th meeting, on 21 February 2020, the Rapporteur of the Advisory Committee presented the draft report of the twenty-fourth session of the Committee. The Committee adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

34. At the same meeting, Mr. Diaconu made closing remarks. Following the usual exchange of courtesies, the Chair made final remarks and declared the twenty-fourth session of the Advisory Committee closed.

Annex I

 Documents issued for the twenty-fourth session
of the Advisory Committee

 Documents issued in the general series

| *Symbol* | *Agenda item* |  |
| --- | --- | --- |
| A/HRC/AC/24/1 | 1 | Provisional agenda and annotations  |
| A/HRC/AC/24/2 | 5 | Report of the Advisory Committee on its twenty-fourth session |

 Documents issued in the limited series (actions)

| *Symbol* | *Agenda item* |  |
| --- | --- | --- |
| A/HRC/AC/24/L.1 | 3 (e) | National policies and human rights |
| A/HRC/AC/24/L.2 | 3 (g) | Importance of a legally binding instrument on the right to development |
| A/HRC/AC/24/L.3 | 3 (f) | Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action |
| A/HRC/AC/24/L.4 | 3 (h) | Current levels of representation of women in human rights organs and mechanisms |
| A/HRC/AC/24/L.5 | 3 (i) | New and emerging digital technologies and human rights |
| A/HRC/AC/24/L.6 | 3 (d) | Negative effects of terrorism on the enjoyment of human rights |

 Documents issued in the non-governmental organizations series

| *Symbol* | *Agenda item* |  |
| --- | --- | --- |
| A/HRC/AC/24/NGO/1 | 3 (d) | Joint written statement submitted by International Commission of Jurists (Special 1957), Amnesty International (Special 1964), Article 19 – International Centre Against Censorship, and Rights Watch (UK) non-governmental organizations in special consultative status  |

Annex II

**14**

 List of speakers

| *Agenda item* | *Meeting and date* | *Speakers* |
| --- | --- | --- |
|  |  |  |
| 3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions |  |  |
| (d) Negative effects of terrorism on the enjoyment of human rights | 1st and 2nd meetings 17 February 2020 | Members: Alessio Bruni, Milena Costas Trascasas, Ion Diaconu, Ludovic Hennebel, José Augusto Lindgren Alves, Xinsheng Liu, Ajai Malhotra, Mona Omar (Rapporteur), Elizabeth Salmón, Dheerujlall SeetulsinghObserver States: Algeria, China, Egypt, India, Mexico, Russian Federation, Switzerland, Venezuela (Bolivarian Republic of)Intergovernmental organization: European UnionNon-governmental organization: International Commission of Jurists |
| (e) National policies and human rights | 2nd meeting17 February 2020 | Members: Ion Diaconu (Rapporteur), Ludovic Hennebel, José Augusto Lindgren Alves, Ajai Malhotra, Javier Palummo, Dheerujlall Seetulsingh Observer States: Ecuador, Russian Federation, Venezuela (Bolivarian Republic of)Intergovernmental organization: European Union |
| (g) Importance of a legally binding instrument on the right to development | 3rd meeting18 February 2020 | Members: Milena Costas Trascasas, Ion Diaconu, Ludovic Hennebel, Xinsheng Liu, Ajai Malhotra (Rapporteur), Dheerujlall SeetulsinghObserver States: Azerbaijan, Cuba, Egypt, India, Namibia, Russian Federation, Venezuela (Bolivarian Republic of)Intergovernmental organization: European UnionNon-governmental organization: Comunità Papa Giovanni XXIII |
| (i) New and emerging digital technologies and human rights | 4th meeting18 February 2020 | Members: Alessio Bruni, Ludovic Hennebel, Xinsheng Liu, Ajai Malhotra, Mona Omar, Elizabeth Salmón, Changrok Soh (Rapporteur)Observer States: India, Panama, Russian Federation Intergovernmental organization: European Union |
| (h) Current levels of representation of women in human rights organs and mechanisms | 4th meeting18 February 2020 | Members: Milena Costas Trascasas, Ludovic Hennebel, Mona Omar, Elizabeth Salmón (Rapporteur)Observer States: Mexico, Russian FederationIntergovernmental organization: European Union |
|  Reports submitted to the forty-third session of the Human Rights Council | 5th meeting19 February 2020 | Members: Lazhari Bouzid (Rapporteur), Dheerujlall Seetulsingh (Rapporteur)Observer State: Egypt |
| 4. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21 |  |  |
| (b) Agenda and annual programme of work, including new priorities | 6th meeting20 February 2020 | Members: Milena Costas Trascasas, Lazhari Bouzid, Alessio Bruni, Ion Diaconu, Ludovic Hennebel, Iurii Alexandrovich Kolesnikov, Mona Omar, Elizabeth Salmón, Dheerujlall Seetulsingh, Changrok Soh |
|  Intersessional activities | 5th meeting19 February 2020 | Members: Elizabeth Salmón, Dheerujlall Seetulsingh, Changrok Soh |

Annex III

 Research proposal

 Study on practices negatively affecting the human rights of migrants

 I. Introduction

1. The human rights situation of people fleeing from their country of origin constitutes one of the most pressing human rights issues today. Large movements of forced and irregular migrants over the past years have made evident the precarious and vulnerable situation of those seeking shelter abroad as well as the inadequacy of the response given to this challenge.[[9]](#footnote-10) The numbers reveal the magnitude of the problem. According to the Department of Economic and Social Affairs, forced international migration grows faster than voluntary migration. In the period 2010–2017, the number of refugees and asylum seekers increased at an annual average rate of over 8 per cent (13 million people) compared with less than 2 per cent for those who migrate voluntarily. As of 2017, over 83 per cent of refugees and asylum seekers lived in the less developed regions of the Global South.[[10]](#footnote-11)

2. Over the past years, increased numbers of migrants have sought to reach Europe through two main routes: the Eastern Mediterranean and Balkan land route, mainly used by migrants coming from Afghanistan, Iran (Islamic Republic of), Iraq, Pakistan and the Syrian Arab Republic; and the Central Mediterranean route that reaches Europe by sea, crossing from Libya, and mainly transited by migrants coming from West Africa and the Horn of Africa. It is estimated that out of the 1.6 million persons who have tried crossing the Mediterranean since 2015, a total of 16,000 have perished along the way, with 9,000 having died in the period 2015–2016 alone.[[11]](#footnote-12) In the same period, one million migrants arrived in Europe.

3. There is no doubt that the sudden massive influx of irregular migrants poses a challenge to States. However, the lack of a satisfactory solution to this tragedy continues to shake the human conscience and the values upon which international human rights protection is built. Humanitarian organizations present in the field insist that the whole set of policies that are being implemented are inadequate. They blame political leaders for turning a blind eye to such a dramatic situation while sending the message that the drowning of people is “an acceptable price to pay in order to stem the flow in the Central Mediterranean”.[[12]](#footnote-13) The oversecuritization of borders leads to the normalization of restrictive measures and practices that are very questionable from a human rights perspective. Likewise, the approach of criminalizing irregular migration has a great impact on the work of humanitarian organizations, who find themselves unable to deploy normally their role as providers of assistance and monitors of public policies.

4. In fact, the critical situation in the Mediterranean Sea has made evident the existing protection gaps, not only in relation to people seeking asylum but, most importantly, in cases where migrants fall outside the specific legal category of “refugee”.[[13]](#footnote-14) Not in vain, human rights experts and monitoring bodies have repeatedly drawn attention to the serious concerns posed by the policies and practices States are deploying on the ground.

5. In 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) carried out a series of field missions to assess the policies deployed by some States in response to the increasing migratory pressure on their borders. In its report on the global issue of unaccompanied migrant children and human rights (A/HRC/36/51), the Human Rights Council Advisory Committee found important shortcomings in the assistance and protection provided to migrants,[[14]](#footnote-15) particularly the most vulnerable ones: that is, unaccompanied minors. It shows how migration policies are mainly oriented to respond to the increasing migratory pressure from a security-oriented approach. States have implemented measures such as: deterring the entry of migrants into their territory by the use of force and other dangerous border control practices, which implies reinforcing police and military powers in the context of migration; the criminalization of irregular entry or stay; arbitrary and prolonged immigration detention in contravention of national and international law; and favouring the expulsion of those who have managed to enter into the country (swift return proceedings). The joint application of these measures, particularly in border areas, exacerbates the already vulnerable situation of migrants who are ultimately stripped of their rights and too often left with no meaningful means to claim them.

6. Particularly worrying is the extensive use by States of detention in border management as a deterrence tool against migrants, too often as a means of preventing their access to justice.[[15]](#footnote-16) The European Union, for example, is pursuing the policy of establishing reception and identification centres (so-called “hotspots”) to assist member States confronted by large numbers of irregular migrants.[[16]](#footnote-17) Human rights organizations and experts claim that these premises, particularly those established on five Greek Aegean islands, are de facto detention centres, where people are basically kept in violation of their most fundamental right to liberty and deprived of a number of other human rights, including the right to health, housing, family, prohibition of torture and ill-treatment, and the right to asylum or any other protection under international human rights law.[[17]](#footnote-18)

7. Such measures constitute barriers to the full enjoyment of human rights and hinder the access of migrants to protection in blatant disregard of international human rights obligations and commitments.[[18]](#footnote-19) In the long run, ignoring the human rights approach to the issue of forced and irregular migration will contribute to further erode the sense of humanity and the protection system. Marginalization, unattended basic needs and a lack of accountability for human rights violations may also trigger a great sense of injustice and of frustration: the breeding ground for radicalization and terrorism.

 II. Proposed study

8. Even if the causes of mass migrant movements are outside the scope of the proposed study, the main drivers pushing people to leave their home countries today have an impact on their protection and, therefore, cannot be completely ignored.[[19]](#footnote-20) International refugee law has traditionally provided protection to people fleeing from persecution and armed conflict.[[20]](#footnote-21) However, such protection cannot be extended to most present-day cases of massive exodus, which are the result of poverty and increasing economic inequalities. Human rights are at the core of such movements: people on the move are seeking a safe and dignified life; a minimum protection for their economic, social and cultural rights; and increased levels of respect of their most fundamental civil and political rights.

9. International standards aimed at enhancing the protection of the most vulnerable migrants, namely those who do not have the status of refugees, are still to be developed.[[21]](#footnote-22) The work done by the Special Rapporteur on the human rights of migrants is contributing to shape the scope of State obligations. In addition, OHCHR has drafted a series of principles and guidelines on the treatment of migrants aimed at fostering human rights-compliant practices.[[22]](#footnote-23) However, the situation on the ground reveals the absence of a right-based approach in the implementation of national migration policies.[[23]](#footnote-24)

10. The issue of the human rights of migrants has been on the agenda of the Human Rights Council for a number of years.[[24]](#footnote-25) In this connection, the United Nations High Commissioner for Human Rights recently suggested that the Council should undertake a more systematic and proactive approach on this topic, among other things, by requesting that the Advisory Committee undertake a global investigation of practices that cause or exacerbate violations and abuses against migrants.[[25]](#footnote-26)

11. The proposed research could therefore analyse, from a human rights perspective, some of the most worrying contemporary trends, in order to assess to what extent current laws, policies and practices may lead or facilitate human rights violations. Some examples include:

 a) *Criminalization of solidarity*. Some countries have introduced the offence of “solidarity” by means of which they seek to dissuade their nationals from helping irregular migrants by imposing fines in the event of the provision of any kind of help.[[26]](#footnote-27) The penalization of civil society organizations deploying rescue vessels in the central Mediterranean is an example of this.[[27]](#footnote-28)

 b) *Push-back policies*. Such measures are used to force refugees and migrants back over a border, generally immediately after they crossed it. This includes incidents of dangerous interception practices at sea.

 c) *Collective expulsions*. These are measures that ignore the prohibition of collective expulsions, since they do not take into account the individual circumstances of migrants left without any possibility of applying for asylum or putting forward their case against expulsion. The prospect of indefinite detention, or detention in deplorable conditions, may lead to coercive return processes that ignore any meaningful consent given.

 d) *Bilateral agreements*. Such agreements erode the principle of non-refoulement, allowing for the return of anyone to a country where they could be at risk of torture, cruel, inhuman and degrading treatment.[[28]](#footnote-29)

12. Given the importance of mixed migratory movements within and around the European Mediterranean region, it is important to examine from a global perspective the complex issues of border control and management within the European Union as implemented by its member States. The study thus shall address the implications of European Union policies and practices on countries of transit of migrants en route to European Union countries, and more specifically the policy of setting-up the so-called “hotspots”, notwithstanding that such reception centres placed within European Union external border member States have led to criticism due to the legal vacuum in which migrants are left.

13. Organizations present in the field consider unacceptable the generalization of situations of deprivation of freedom without a clear and precise legal basis, particularly asylum procedures being extremely slow: migrants are often held against their will for months in hotspots, while awaiting a decision from the appeal committees.[[29]](#footnote-30) The European Union Agency for Fundamental Rights has recently concluded that the hotspot approach does not conform to the European Union Charter on Fundamental Rights. In its view, human rights shortcomings were not being addressed through concerted legislative, policy and operational response at both the European Union and national levels.[[30]](#footnote-31)

14. The progressive normalization of all these measures encompasses leaving aside human rights considerations from the legislative and policymaking processes. As a result, laws and policies instead prioritize security and other aspects, such as efficiency and fast-track returns.[[31]](#footnote-32) In this regard, the Special Rapporteur has called attention to the current difficulties to develop more-efficient evidence- and human rights-based policies in a context where negative perceptions of migrants are prompted by a rise in nationalist populist parties and tragic terrorist attacks around the world.[[32]](#footnote-33)

 III. Methodology

15. The aim of the study is to identify policies, practices and national legislation of concern as well as possible avenues to adequately address the protection gaps. Host States, by default, must ensure that human rights are respected, protected and fulfilled; however, the capacity of receiving States to do so may be overstretched, particularly in cases of sudden or prolonged movements. Bearing this in mind, the question is how human rights-based approaches can be effectively promoted in emerging global migration governance policies, and to what extent existing frameworks and mechanisms allow for a meaningful protection of migrants’ rights.

16. In this regard, the study must address the question of the effective access of migrants to justice. This requires an assessment of the existing national mechanism and procedures in providing meaningful redress and remedies to migrants for violations, together with an analysis of the role and decisions of relevant human rights-monitoring bodies.[[33]](#footnote-34)

17. As a first step, it is envisaged to undertake a review of all the relevant reports published on the subject matter over the past few years, including the work of the treaty bodies. Contact would be established with the Special Rapporteur on the human rights of migrants and OHCHR staff advising on this theme. Other relevant information would be systematically gathered from international organizations, including OHCHR, the International Organization for Migration, the African Union, the Organization of American States and the European Union, as well as from States, non-governmental organizations and other relevant stakeholders.

18. The applicable human rights framework must be read in line with the political commitments undertaken by States under the Global Compact for Safe, Orderly and Regular Migration, the first multilateral and non-legally binding cooperative framework on migration.[[34]](#footnote-35) In the New York Declaration for Refugees and Migrants, adopted by the General Assembly in its resolution 71/1 in December 2018, States reaffirmed their commitment to protecting the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, at all times. They indicated that they would consider reviewing policies that criminalized cross-border movements, and would pursue alternatives to detention while assessing the legal status of the migrant. They also indicated that any type of return must be conducted in keeping with the best interest of children and with the right to a due process of law. More generally, States agreed to consider reviewing migration policies with a view to examining their possible unintended negative consequences.[[35]](#footnote-36)

19. The study will also foster interlinkages and synergies with the objectives of the Global Compact for Safe, Orderly and Regular Migration and targets 8.8 and 10.7 of the 2030 Agenda for Sustainable Development. Development strategies must ensure that migrants are not further marginalized, disempowered, excluded or left behind. They cannot be seen merely as commodities or instruments for the economic development of others.[[36]](#footnote-37) This requires a reflection on ways to enhance international cooperation to ensure non-discriminatory access to economic, social and cultural rights and associated services (in particular education and health). It also requires regular pathways for safe and orderly migration and the protection of the labour rights of migrants, as well as support for reintegration policies and programmes, among other things. In this connection, the Special Rapporteur on the human rights of migrants has proposed the development of a human rights- and evidence-based governance framework for international migration and mobility (the “2035 agenda for facilitating human mobility”) that deserves to be analysed.[[37]](#footnote-38)

 IV. Way forward and challenges

20. The mandate to elaborate a report on this topic could be included in the operative part of:

 a) A specific Human Rights Council resolution dealing directly with the issue of the protection of the human rights of migrants or any other draft resolution connected with this topic;

 b) The annual Human Rights Council resolution renewing the mandate of the Special Rapporteur on the human rights of migrants.

21. The study will underscore that the integration of the human rights perspective is an essential aspect in the process towards a sustainable global migration governance system. Our research seeks in that sense to support States in shaping their migration policies in accordance with human rights standards, bearing in mind the difficulties they face in confronting an increasing influx of migrants in certain areas. The aim is to provide a broader overview of the protection shortcomings and worrying trends that need to be faced in the long run, without overlooking the concerns of States that are hosting or have received the largest numbers of forced and irregular migrants over the past years.

 V. Timeline

22. The Human Rights Council could consider adopting a resolution providing for the mandate. Such a resolution could be passed in the course of the forty-fourth session, to be held from 15 June to 3 July 2020. The report could then be submitted to the Human Rights Council for consideration at its forty-eighth session, to be held in September 2021. This proposed timeline would enable the Advisory Committee to discuss the topic and work on the content of the report during its twenty-fifth, twenty-sixth and twenty-seventh sessions.

1. \* The annexes to the present report are being circulated in the language of submission only. [↑](#footnote-ref-2)
2. A/HRC/AC/24/CRP.2. [↑](#footnote-ref-3)
3. A/HRC/AC/24/CRP.3. [↑](#footnote-ref-4)
4. A/HRC/AC/24/CRP.6. [↑](#footnote-ref-5)
5. A/HRC/AC/24/CRP.4. [↑](#footnote-ref-6)
6. A/HRC/AC/24/CRP.5. [↑](#footnote-ref-7)
7. A/HRC/AC/24/CRP.1. [↑](#footnote-ref-8)
8. Years in parentheses indicate the expiry of the terms of office (terms of office end on 30 September). [↑](#footnote-ref-9)
9. For the purpose of the present report, the term “migrant” includes: refugees and asylum seekers, international migrants in an irregular situation, trafficked persons, smuggled migrants, and other categories of non-citizens, including stateless persons. It does not cover regular flows of migrants from one country to another. [↑](#footnote-ref-10)
10. A total of 3.5 per cent of the global population (over 272 million people) are migrants. This number includes regular and irregular migration. See United Nations, Department of Economic and Social Affairs, “Population facts”, No. 2019/4 (September 2019). [↑](#footnote-ref-11)
11. For more information, see International Organization for Migration, *Fatal Journeys: Missing Migrant Children*, volume 4, 2019, pp. vii and 10. The International Organization for Migration reports that more than 32,000 migrants around the world have lost their lives since 2014, while stressing that the true number of fatalities is unknown, since some bodies may never be found and many migrants may be never identified. [↑](#footnote-ref-12)
12. Joanne Liu, “Europe must act now to end preventable deaths in Libya and at sea”, Médecins Sans Frontières, 6 August 2019. [↑](#footnote-ref-13)
13. The study will analyse the migration and refugee crisis taking place all over the world. [↑](#footnote-ref-14)
14. OHCHR, “In search of dignity: report on the human rights of migrants at Europe’s borders”, 2017. The report identifies the following human rights concerns: (1) criminalization of irregular entry or stay; (2) procedures related to the prohibition of arbitrary or collective expulsion and non-refoulement; (3) identification of vulnerabilities; (4) access to services; (5) the right to information; (6) the rights to liberty, due process and a fair trial; (7) conditions in detention; (8) conditions in settlements, camps or other locations; (9) the protection of children; (10) xenophobia, incitement to hatred and violence against migrants; and (11) human rights monitoring. [↑](#footnote-ref-15)
15. A/HRC/35/25, para. 58; and A/HRC/23/46, paras. 47–54 and 77. [↑](#footnote-ref-16)
16. The European Union “hotspot” approach was conceptualized in the European Agenda on Migration in April 2015 to assist frontline member States confronted with large numbers of migrants in registering those who come, addressing initial reception needs, identifying vulnerabilities and undertaking security checks. It applies to all disembarkations of persons rescued at sea and to non-authorized landings in the eastern Aegean islands (Lesbos, Kios, Samos, Kos and Leros) and in certain areas of southern Italy. Asylum and return procedures also take place in the hotspots. [↑](#footnote-ref-17)
17. OHCHR, “In search of dignity: report on the human rights of migrants at Europe’s borders”, 2017, pp. 11–13. [↑](#footnote-ref-18)
18. Ibid., p. 41. [↑](#footnote-ref-19)
19. Flows may be of refugees and/or migrant workers in regular or irregular situations. [↑](#footnote-ref-20)
20. In this regard, it must be underlined that State practice shows a worrying trend by means of which the fundamental principles underlying international refugee law are being progressively eroded. [↑](#footnote-ref-21)
21. See, for example, E/C.12/2017/1; Committee against Torture general comment No. 4 (2017) on the implementation of article 3 in the context of article 22, para. 18 (g); OHCHR and Global Migration Group, *Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations* (2014); and A/HRC/33/67, addenda. [↑](#footnote-ref-22)
22. See A/HRC/36/42; the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (2018); *Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations*; and A/HRC/33/67, addenda, and A/69/277, addenda. [↑](#footnote-ref-23)
23. See OHCHR, “In search of dignity: report on the human rights of migrants at Europe’s borders”, 2017; and the Recommended Principles and Guidelines on Human Rights at International Borders. [↑](#footnote-ref-24)
24. Human Rights Council resolutions 32/14, 35/17 and 41/7. [↑](#footnote-ref-25)
25. See keynote address by the United Nations High Commissioner for Human Rights, Michelle Bachelet, at the Human Rights Council Retreat (21 October 2019). Available at www.ohchr.org. [↑](#footnote-ref-26)
26. Paul Hockenos, “Europe has criminalized humanitarianism”, Foreign Policy, 1 August 2018. [↑](#footnote-ref-27)
27. See Caritas Europa, “The ‘criminalisation’ of solidarity towards migrants”, 20 June 2019; and Solidar, “Italy is now formally criminalizing solidarity”, 6 August 2019. [↑](#footnote-ref-28)
28. A/HRC/29/36, para. 39. [↑](#footnote-ref-29)
29. Non-governmental organizations in the field and international bodies, including OHCHR, the Special Rapporteur on the human rights of migrants, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, have repeatedly warned of the numerous human rights violations; reception conditions marked by overcrowding; insecurity, insalubrity and lack of hygiene; sexual violence; repeated abuse of children’s rights; failure to take into account situations of vulnerability; limited or non-existent access to information and rights; and the denial of the right of asylum. [↑](#footnote-ref-30)
30. The European Union Agency for Fundamental Rights concluded in 2019 that the situation in the hotspots set up in Greece and Italy had little improved, since most of the 21 recommendations made in 2016 had not been implemented. See European Union Agency for Fundamental Rights, “Update of the 2016 FRA Opinion on fundamental rights in the ‘hotspots’ set up in Greece and Italy”, 11 March 2019; and European Union Agency for Fundamental Rights Opinion 5/2016, Vienna, 29 November 2016. [↑](#footnote-ref-31)
31. Allegedly, the fight against human smuggling and trafficking is used as a migration management tool for stricter migration regimes, the protection of victims often being only a secondary concern. See Caritas Europa, “The ‘criminalisation’ of solidarity towards migrants”. [↑](#footnote-ref-32)
32. A/HRC/35/25, para. 22. [↑](#footnote-ref-33)
33. In a recent case, for example, the European Court of Human Rights concluded that remedies proposed to detained migrants in emergency reception centres in Greece were neither accessible nor sufficient. See European Database of Asylum Law, “Kaak and others v Greece: lack of an effective remedy constitutes a violation under Article 5 § 4”, 3 October 2019. [↑](#footnote-ref-34)
34. The migration compact was adopted at an intergovernmental conference in Marrakech on 11 December 2018 and adopted by the General Assembly on 19 December 2018 in its resolution 73/195. The United Nations High Commissioner for Refugees presented the global compact on refugees as part of his 2018 annual report to the General Assembly (A/73/12 (Part II)). [↑](#footnote-ref-35)
35. See annex I to General Assembly resolution 71/1, which contains a comprehensive refugee response framework. [↑](#footnote-ref-36)
36. A/HRC/36/42, para. 23. [↑](#footnote-ref-37)
37. A/HRC/35/25. The agenda would translate the 2030 Agenda for Sustainable Development into eight achievable human mobility goals, together with targets and indicators, aimed at facilitating human mobility over the next 15 years. [↑](#footnote-ref-38)