

CHECK AGAINST DELIVERY



**Statement by Mr. François Crépeau,
Special Rapporteur on
the human rights of migrants**

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Distinguished delegates,

Ladies and Gentlemen, dear Friends,

Many thanks for inviting me to share the ideas developed during the course of the four and a half years of my mandate.

Today, I wish to address the precarious effects that the securitisation of borders has on migrants in transit, using some examples from my work on the EU.

Although my focus is on migrants in transit in or to Europe, similar shortcomings exist in other regions in the world. Across the world, more and more people are on the move, embarking on perilous journeys in search of dignity, safety and a better life. Stopping this migration isn't possible over the long term, unless human rights violations are at play. We have the DNA of a migratory animal species and our trying to seal borders will not change our DNA.

The risks that migrants are prepared to take to reach safer soil show that prohibition policies enforced through repressive mechanisms are not an effective disincentive when people face situations of war, insecurity, violence and extreme poverty.

On the contrary – trying to enforce stringent border controls without offering legal avenues for migration leads to large-scale violations of the right to life, as well as significant human rights abuses at all stages of the migratory process. It only makes the journey of migrants unnecessary long, causes tremendous suffering and leaves migrants in most precarious circumstances in countries in transit. Their irregular or precarious status leaves them exposed to all sorts of exploitation, be it in accessing housing, health care, education, or in finding decent employment opportunities to further finance their journey.

Migrants traveling through the Sahara are subjected to horrific treatment, including rape and other forms of violence. During sea crossings, they often end up in unseaworthy boats, without sufficient water and food, fuel, safety kits and life jackets. Migrants in transit knowingly risk death and often experience physical and sexual violence, theft and extortion by corrupt officials or by criminal gangs, or prolonged detention for long periods in degrading conditions.

As a response to the increased migration movements into Europe, we have seen EU member states' focus on securitisation also increase. Their focus has been to enforce their borders by building fences, to use violence to stop irregular migrants from entering their country, to practice long term detention as a deterrent and perform arbitrary and collective expulsions of irregular migrants, sometimes simply based on their nationality. All this, without any proper individual assessments, and especially no assessment of the best interest of the child when children are concerned.

In the name of securing borders, we have reached a point where States think it is legitimate to resort to military means in a context of unarmed migrants. What will NATO do that Frontex didn't do? When intercepting a migrant boat, what will the procedure be? Will they embark migrants on their ships as the Italians did in Mare Nostrum? How will they treat the migrants on board? How will they identify protection needs? And more crucially, how will we know what NATO forces are doing? What civilian oversight mechanisms will be in place to ensure the protection of the rights of the migrants during the operation? How will returns to Turkey be legitimated when returns to Greece were deemed inappropriate by the ECtHR? What is in store when smugglers adapt their operations? These questions still remain largely unanswered.

Organized smugglers take advantage of the lack of regular migration channels, staying ahead of border control initiatives. They have displayed a remarkable adaptability to changing circumstances, as well as a remarkable disregard for the dignity and rights of migrants.

Sadly, in the context of increased border control and a focus on securitisation, smugglers are the only ones who provide the mobility solutions that migrants need. As the CCR said 20 years ago, "smuggling is a nasty business, but it saves lives". The vast majority of migrants who used smuggling services last year can consider that they have made the right investment, in that their migration strategy allowed them to reach Germany thanks to the smugglers.

Rather than "combatting" smugglers, I call on all States to provide safe, secure and regular channels for migration, thus taking over the market of mobility from the hands of the smugglers and destroying their business model. If desperation is taken out of the equation, smugglers have no market to exploit and all the resources that migrants invest in their smuggling could go to their integration and to the creation of businesses.

My long term proposals for mobility, found in my June 2015 report to the HRC, result from my belief that maintaining the status quo and trying to restrict the mobility of those who desperately need mobility solutions is unsustainable, as the human and resource costs associated can only grow.

If the world is to witness a significant reduction of human suffering in transit countries, it must bank, not on strict closure and repression, but on legalized, regulated and taxed mobility, as an unavoidable consequence of globalization.

Banking on mobility means that the overall goal is to have most migrants using official channels and thus to reduce considerably the size of the underground market. The idea is not to diminish border controls. On the contrary, it is to increase them and make them more effective. By offering most foreigners easy access to appropriate travel documents, through an array of migration statuses including refugee, skilled worker, family, student or visitor visa, we would incentivise them to come to the border guard to check their papers, and we

would be able to control their identity. This would allow States to concentrate their deterrence and intelligence efforts on the minute percentage of foreigners who really need to be identified for exclusion.

I urge all States to grasp this opportunity, reduce the suffering at their borders and to adopt a different approach to enhance the control of their borders, by banking on regulated mobility.

I thank you for the attention given my presentation.