



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

**United Nations Human Rights Council
20th Regular Session, 18 June –6 July 2012
Agenda Item 3**

ICJ Oral Statement in the Interactive Dialogue on the Report of the Special Rapporteur on the human rights of migrants, Mr François Crépeau (A/HRC/20/24)

21 June 2012

Check against delivery

Distinguished Special Rapporteur,

The International Commission of Jurists (ICJ) applauds your decision to focus on Europe and on EU migration laws. Significant shortcomings in the protection of migrants' human rights in some EU States have been augmented with the large numbers of migrants arriving from North Africa. These are long-term problems that deserve the sustained attention of the Human Rights Council and the EU.

The ICJ shares your concern about the increased use and length of administrative detention for migrants in the EU, as permitted by the Returns Directive, and as aggravated in some States by limited access to legal advice and judicial review. The Dublin Regulation has led to significantly strained reception and asylum conditions in southern EU States.

In Greece and Malta, for example, the detention of asylum seekers is systematic, without provision of adequate reasons, and at times in overcrowded and insanitary conditions. The ICJ remains concerned that detention conditions for migrants in several European countries may violate the prohibition on degrading treatment under the UN Convention against Torture, the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

There are several other pressing issues that we seek to bring to your attention and we ask how you might address these in your enquiries into human rights and migration in the EU. These include:

1. The human rights consequences of apprehension of migrants at borders and accelerated asylum procedures applied to such migrants, which sometimes provide asylum seekers with insufficient opportunities to present their case, and allow only for appeals of decisions which do not have a suspensive effect on deportations;
2. The human rights obligations of States related to the interception of migrants at sea, and "pushbacks" of boats of migrants, without consideration of possible claims for international protection of those on board; and
3. Reception conditions for migrants, that violate the prohibition on inhuman and degrading treatment, either by accommodating migrants in overcrowded, insanitary and unsuitable reception centres, or by leaving them homeless and destitute.

Mr. Rapporteur,

The European Union aims to create a Common European Asylum System for EU Member States by 2013. As negotiations progress on the revision of the instruments that make up this system, how might you be able to engage in this process to ensure that violations of

migrants' human rights in the region can be addressed by strong human rights protections in the legislation that makes up the Common Asylum System?

I thank you.

Statement delivered by: Ms Teresa Lévine (teresa.levigne@icj.org)

Further contacts:

Ms Roisin Pillay, ICJ Europe Regional Programme (roisin.pillay@icj.org)

Mr Alex Conte, ICJ Representative to the United Nations
(alex.conte@icj.org, +41 79 957 2733)