

**Oral Statement of the International Commission of Jurists in General Debate item 3**

**THE ROLE OF JUDGES AND LAWYERS IN PROMOTING AND PROTECTING THE HUMAN RIGHTS OF MIGRANTS AND REFUGEES IN THE CONTEXT OF LARGE MOVEMENTS**

16 September 2016

As the report of the High Commissioner for Human Rights on Promotion and protection of the human rights of migrants in the context of large movements (UN doc A/HRC/33/67), recognises, all such persons must have “access to justice”, including effective access to courts and lawyers.

This includes fair and effective individualized procedures in relation to key decisions such as: entitlement to refugee status or other international protection; detention or criminal proceedings based on entry or presence in the country; and expulsion or onward transfer.

The roles of the executive, legislature and judiciary in such situations has been debated in many countries. In some cases, governments have invoked the concept of “crisis” or “emergency” to justify radical departures from ordinary procedures, including reducing effective access to independent judges and lawyers.

In the experience of the International Commission of Jurists (ICJ), over many decades and in all regions of the world, the role of judges and lawyers in securing human rights and the national and international rule of law is in fact even more important in times and circumstances perceived to be “exceptional”, or of “crisis” or “emergency”. The ICJ is therefore deeply concerned about any reduction of the role of judges and lawyers in relation to large-scale movements of refugees and migrants.

The seventh annual ICJ Geneva Forum of Judges & Lawyers, 17-18 November 2016, will bring together judges, lawyers, and refugee and migration experts from around the world, as well as relevant UN, regional, and other agencies, to discuss the role of judges and lawyers in situations of large-scale movement of refugees and migrants. Based on the discussion, the ICJ will produce and disseminate guidance on the important role of judges and lawyers to protect human rights and the rule of law in all such circumstances.

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