

“ENNHRI’s Comparative Report on Migrants’ Rights at Borders”

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High Level Meeting on Ensuring Respect for the Human Rights of Migrants at Borders: The Role of NHRIs

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ENNHRI's Asylum & Migration Working Group

Chair: Greek National
Commission for Human Rights

Over 30 ENNHRI Members: from
Armenia, Azerbaijan, Belgium (Myria),
Bosnia and Herzegovina, Bulgaria, Croatia,
Cyprus, Czech Republic, Denmark, Estonia,
Finland, France, Georgia, Germany, Great
Britain, Greece, Hungary, Kosovo*, Latvia,
Luxembourg, Montenegro, North
Macedonia, Northern Ireland, Norway,
Portugal, Poland, Romania, Serbia,
Slovenia, Spain, Sweden and Ukraine.

The Working Group acts as **hub of experts** in this area and a platform to exchange knowledge, good practices and challenges their NHRIs face when working on migration. It also coordinates engagement with regional actors at the levels of the European Union and Council of Europe.



exchange

global perspective
information requests
coordinated advocacy
exchange good practices
strengthening nhri work
cooperation
like minded people
exchange of good practice
monthly updates
be up to date
dynamism
better results
good practice
sharing experiences
better performance
exchange of ideas
developing ideas
exchange of best practice
connecting nhris
hope
exchange of experience
share common problems
share knowledge
learning
productivity
good practices

motivation
knowledge



Thematic priority 2019-2021: the human rights of migrants at borders

NHRIs across the region exchange on their work in relation to 4 main areas:

- Returns and violence at borders
- Access to relevant procedures at borders
- Reception conditions and deprivation of liberty at borders
- Human rights accountability at borders

Publications:

- ❑ Protecting human rights of migrants at the borders: **evidence and work** of European NHRIs, January 2020
- ❑ **Guidance** - Monitoring human rights of migrants at the borders: building on the mandate and functions of NHRIs, March 2020
- ❑ **Complementary Guidance** - Monitoring human rights of migrants at borders during the COVID-19 pandemic, October 2020
- ❑ Protecting the rights of migrants during the pandemic: **how have NHRIs responded?**, October 2020

Upcoming in June 2021:

- National reports from NHRIs in France, Greece, Serbia, Croatia and Slovenia reporting on the situation at borders and their recent work.
- Comparative Regional Report on the human rights of migrants across the region.
- Report on human rights scrutiny of public funds for migration and asylum: role, opportunities and challenges for NHRIs
- Ongoing joint advocacy through ENNHRI.



<http://ennhri.org/rights-at-borders/>



Comparative regional report on migrants' rights at borders: main findings

- **Violations of migrants' rights at borders** still persist while states seem unwilling to effectively tackle the widespread violations, a fact that has led to an overall **climate of impunity**.
- **Access to asylum, identification of vulnerable groups and referrals** of unaccompanied minors, victims of torture or shipwreck survivors to appropriate channels are found to be **insufficient** and not in compliance with human rights standards.
- **Intensified border controls and entrapment national and EU policies** result in a widespread use of the detention measure.
- A generalised **crackdown on civil society** providing humanitarian assistance at borders has been noted with great concern by NHRIs.

Comparative regional report on migrants' rights at borders: lessons learned

NHRIs use their strong mandates and special standing, as state bodies but independent from governments, to **fill protection and accountability gaps**.

- NHRIs assist States to meet their human rights obligations on migration protection
 - ✓ Follow up on NHRIs recommendations: a State's obligation
 - ✓ Strong and independent national human rights institutions: the role of regional actors
- NHRIs form an integral part of a human rights accountability system at borders
 - ✓ Cooperation with INGOs, NGOs and other monitoring bodies
 - ✓ Enabling space for human rights defenders