



41th Regular Session of the Human Rights Council (24 June- 12 July 2019)

ITEM 3: Clustered ID with the Special Rapporteur on rights of migrants and the Independent Expert on human rights and international solidarity

Joint oral statement delivered by: Associazione Comunità Papa Giovanni XXIII (APG23)

“Migration and Criminalization of Solidarity”

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Mr President,

APG23 and other 10 co-signing NGOs welcome the report of the Independent Expert on human rights and international solidarity, and would like to express their concern about the alarming criminalization of individuals, communities or groups expressing solidarity towards migrants, that have become the target of toxic campaigns aimed at delegitimizing and denying the humanitarian nature of their activities.

In this historical moment, it is fundamental to acknowledge the key role of civil society actors in welcoming migrants, since they seem to be often the only ones willing to respect and promote the enjoyment of human rights of these people, often taking a more progressive stance than national governments. For this reason, we want to stress and restate that irregular migration is not a crime¹, nor are criminals those who act in a spirit of solidarity, unity and humanity.

Human rights issues at stake cannot be further neglected: rescue at sea, in deserts and in mountainous regions must be ensured, as well as democratic principles and the foundations of law and rights

¹ “Criminalizing illegal entry into a country exceeds the legitimate interest of States to control and regulate irregular immigration and leads to unnecessary detention” (Working Group on Arbitrary Detention, A/HRC/7/4, para. 53).

against an arbitrary use of power. There is no alternative but to save those who risk dying at sea, or in the Libyan hell, it is a humanitarian, legal and ethical duty that can never be considered a crime.

By promoting existing best practices, especially those adopted by some faith-based actors in Italy in relation to the concrete possibilities of welcoming migrants and integrating them in the social fabric, we want to demonstrate that another present and another future are possible. The narrative on migrants and refugees has to shift now, from one based on fear to positive narrative based on evidence and shared values of solidarity and empathy. It is pivotal to foster the creation of safe pathways for migration, as demonstrated by the virtuous example of humanitarian corridors, which provide legal channels that guarantee the dignity of the person in accordance with international law, international human rights law and International Solidarity.

Mr Okafor, how can we reverse the course undertaken also by those countries that consider themselves human rights champions but who are actually implementing policies of non-reception, closed ports, pushbacks and criminalization of solidarity? and how can we put an end to all this widespread indifference?

Thank you!