

**OHCHR Panel on Human Rights at International Borders:
A focus on OHCHR's Recommended Principles and Guidelines**

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My thanks to the OHCHR and to the Republic of the Philippines for their sponsorship of this event and their kind invitation to participate.

Again, my name is Catherine Tactaquin and I am the Executive Director of the National Network for Immigrant and Refugee Rights in the US. My organization is a member of the Global Coalition on Migration and Migrants Rights International, and I am also a member of the Women and Global Migration Working Group.

Since the Recommended Principles and Guidelines on Human Rights at International Borders was launched during the General Assembly session last October in New York, we have learned of so many stories of harm, abuse and tragedy at international borders. At land and sea borders, the most tragic instances have included irregular migrants attempting to cross borders – and it is a number that has included men, women, and children – alone or with family members or other adult acquaintances.

While the beauty of the Principles and Guidelines is that they concentrate and restate existing human rights protections that should be applicable for all, it is in the focus and acknowledgement that these protections should exist for irregular migrants, that is most significant and urgent.

According to the IOM report, *Fatal Journeys, Tracking Lives Lost during Migration*, 4,077 migrants globally were reported to have lost their lives under border-related circumstances between January and September of last year. The number was based on available data in specific regions and countries and the undercount could be substantial – there is as yet no unified standard in compiling such statistics. The reality is we just don't know. The US figure of 230 migrants at the US-Mexico border included data from only two regions of the border. We know from reports of groups dedicated to locating migrants and migrant bodies, that the number found is significantly lower than the actual number, accounting for those missing and not yet found. Even when repeatedly canvassing specific quadrants, remnants of remains that had clearly been

present for some time and had been previously missed, will be found. An unknown number of migrants, with no list of names, may load onto a boat, which can capsize with few if any survivors. They could be presumed missing or dead if someone else provided information about them to particular authorities. But many people will simply vanish and their lives and their deaths will remain unregistered. This is certainly suspected to be the case among the majority of migrant dead who have perished in the waters of the Mediterranean, crossing to Europe from Africa.

Since the launching of this document last October, President Obama in the United States announced an increase in border enforcement as part of an executive action that included administrative relief for deportation for some 4 million or more undocumented migrants in the country. While the administrative relief portion of the executive action has been delayed by an opposition lawsuit, plans are proceeding to reinforce border security through our southern border strategy, including what is termed “dis-incentivizing – their words – ‘illegal’ border activity.” The protection and safety of migrants themselves is not on this agenda.

Unfortunately, without new avenues for migrants to make safe and orderly border crossings, we are fearful that this increase in border enforcement efforts will make border crossings more dangerous, with the consequence of rights abuses, harassment and even more fatalities. It is important to note that while the number of apprehensions of undocumented immigrants has fallen over the last five years – and this is often used to draw the assumption that the number of migrants attempting to cross the border without documents has declined – the number of reported border-related deaths has increased. The exception has been the Rio Grande Valley sector in the state of Texas, where there has been a major increase in the last year, accounting for over 50% of all border apprehensions, and which is largely attributed to the major increase in migration of Central American children, either alone or within a family unit.

Just to note – as this has been of particular international interest and concern – a good number of these Central American children who had been apprehended are still waiting for court dates in their pleas for asylum. Many families have been deported back to Central American countries. Some children remain in some form of immigration detention. The government response to this humanitarian crisis has been inadequate, to say the least, and we are very likely to experience another wave of similar migration in the coming months.

In the United States, and no doubt in many other countries around the world, flawed migration policies – broken policies, inadequate policies – however, we may phrase it,

coupled with the continuing and compelling factors driving desperate situations of migration, including the urgent circumstances of crisis migration, underlay the need for the principles and guidelines that we now simply refer to as the “borders document.” I want to acknowledge the challenge before us and to echo the words of a colleague, Michele LeVoy from PICUM, speaking to the Coordination Committee on Migration meeting at the UN in New York last month. Michele called on all of us – states, agencies, civil society – to have courage, and to remind ourselves of the courage of migrants who cross borders under dangerous circumstances for the health and safety of themselves and their families.

At present we see no clear path or commitments to address the current criminalization of irregular migration and the lack of objective and regular channels for migration. Most of the immigration proposals introduced in our current Congress, since the beginning of January, focus not only on increasing border enforcement, but on making absolute control of the border – a report of zero crossings by undocumented migrants – a prerequisite for consideration of any other immigration reforms.

But we believe in the right of mobility, that migrants’ rights are human rights, and that no international border can be a zone of exception when it comes to human rights protections. We would hope that the proposed post 2015 development agenda can contribute to building more equitable and sustainable economies to help make migration a choice and not a necessity.

In the meantime, we urge governments to fulfill their human rights obligations at borders, to provide for the safety and due process of all migrants – men, women and children – and to actively take responsibility to save migrant lives, as a primary and urgent matter. You have heard a description of the guidelines. We would like to emphasize the guidelines pertaining to:

- *monitoring and accountability measures* to help identify and remedy problem areas, particularly in the use of deadly force by border agents;
- *protecting lives, ensuring rights and strengthening rescue capacities*, including the provision of rescue beacons and water stations on land borders, and the deployment of rescue vehicles at sea;
- *avoiding detention and ensuring due process* – and certainly, no detention of children.

It is truly shameful and tragic, that a pre-occupation of so many human rights groups in the border regions of the United States is the recovery and identification of migrant

remains, the work of helping families to locate missing loved ones, and shouldering the responsibility of sharing news that those missing loved ones are among those who have perished crossing the border. While our members along the border are working on policy advocacy, they are also involved in the recovery and identification of remains, and rescue work, including the construction of water stations. They will continue to do this work.

We further urge government support for the popularization of this document, for giving the principles and guidelines due consideration and for their incorporation into national policies concerning borders. As it can be said, where the rubber hits the road, is in national policies and laws – this is where we will see success in the recognition and adherence to these principles. Finally, we pledge our support and cooperation in gathering greater civil society participation and advocacy to help bring life to this critical document.

Finally, if you are tweeting, we encourage you to use the hashtag #justborders to help spread the word about human rights at international borders through social media.

Thank you.