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**Annual report of the United Nations High Commissioner
for Human Rights and Reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.

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COVID-19, migration and protection of all human rights

The spread of COVID-19 has had a noticeable impact on vulnerable people, especially migrants, refugees and internally displaced persons. The protection measures adopted by States, such as isolation and confinement of migrants in detention centres and physical removal, have exacerbated a pattern of State violence that has been previously applied especially to the persons on the move. Since the beginning of the implementation of these measures, detention, illegal pushbacks and collective expulsions have been recorded showing that illegal removal practices have not stopped. These acts of violence have operated in increased silence, far from the sight of monitors, with human rights observers and organizations unable to work in the field due to health restrictions. More than ever, the police used acts of violence to instil fear in transit populations and discourage crossings through the threat of physical and psychological abuse such as death threats.¹ The border violence monitoring network, an independent network of non-governmental organizations and associations who monitors human rights violations at the external borders of the European Union (EU) and advocates to stop the violence exerted against people on the move, covered in July 2020 the pushback along the borders of the Balkan route of 389 people. The reports account for a whole demographic of people including men, women and minors.² The variety of cruel and abusive acts by officers represents at least eight different national authorities.

In this regard, Mr Felipe González Morales, the Special Rapporteur on the human rights of migrants, concluded in his report submitted to the 44th regular session of the Human Rights Council that “security concerns can be legitimate grounds for States to adopt pertinent measures, provided that the fundamental rights of all, including migrants, are respected”.³ In addition to that, the Special Rapporteur also recalls that “media, especially local media outlets, play an important role in forming the public discourse on migration” and encourages to “use humane and protection-sensitive language when portraying migrants, asylum seekers and refugees and refrain from spreading anti-immigrant statements and rhetoric or contributing to xenophobia and hatred of people on the move.”

However, after a momentaneous stop due to the focus on the pandemic, xenophobic discourse restarted to rise. Far-right and populist politicians and media took advantage of the current health crisis to blame immigrants for spreading the virus,⁴ even though in several countries immigrants are far more controlled, tested and forced to quarantine than any other citizen or tourist. Public health interest is used as an additional argument to stop immigration, despite statistics and procedures proving the low incidence of contagions due to migrants.

Migrants became the scapegoat of increasing contagions in some countries, especially in Europe, even though borders have been opened for several months for any type of travel and tourism across countries. Borders are called to be closed only for desperately poor people looking for better living, meanwhile, they should stay open for wealthy people that deserve holidays after months of lockdown.

That is why Mr. Felipe Gonzalez, with regards to the pervasive anti-migration discourse in the official sphere, urges politicians at all levels to refrain from advocacy of “hatred and xenophobia that constitutes incitement to discrimination, hostility or violence”.⁵

Furthermore, the outbreak of the pandemic has considerably exacerbated the already precarious situation of thousands of migrants stranded beyond European borders: the case in many camps and detention centres is often inadequate. The lack of food, water supplies, health care and safe social distance cannot guarantee migrants’ rights. Structures are overcrowded, tests and protective devices are not enough when absent, increasing the risk of coronavirus hotbeds among migrants and locals.

¹ <https://www.borderviolence.eu/violence-reports/february-22-2020-0500-katinovac-croatie/>.

² https://www.meltingpot.org/Respingimenti-illegali-e-violenze-ai-confini-un-rapporto-di-25440.html?fbclid=IwAR3Jb1uZd-BOMS2-NCZt8Xhd_ZKQBDLKbzZpLXFPj2uAUPGqkxxD5x2YInQ#.XzuzFehKg2z.

³ A/HRC/44/42/Add.1.

⁴ <https://balkaninsight.com/2020/03/09/serbian-anti-migrant-protest-condemned-as-disgrace/>.

⁵ Ibid.

In Italy, at their arrival migrants are tested for COVID-19 and put in quarantine in locked facilities, in which living conditions favour riots and disorders that exacerbate the existing xenophobic attitude of the general public towards migrants. Since May 2020, the emphasis has again been placed on the execution of numerous rejections within the framework of the bilateral agreement between Italy and Slovenia. In fact, the Italian Ministry of the Interior implemented a policy that provides the deployment of the army at the border.⁶

At the same time, during the lockdown, several European countries faced the consequences of not having migrant workers. Almost the entire agricultural sector in Europe relies on seasonal migrant workers, who could not move to farmlands due to travel restrictions. During spring months, Europeans faced the risks of not having workers for harvesting fruit and vegetables, as most of them come from East-European countries.⁷ The risk of no harvests, and seeing food getting spoiled in fields for the lack of workforce, momentarily raised consciousness about one of the fundamental roles that migrants play. This situation boosts political procedures to facilitate working permits: for instance, in May the Italian government passed a law paving the way for around 200,000 undocumented workers to apply for six-month legal residency permits. Nevertheless, estimates report that some 560,000 of the 6.2 million migrants living in Italy in 2019 still did not have any work or residency paper.⁸

As the right to freedom of movement is a fundamental human right enshrined in article 13 of the Universal Declaration of Human Rights, we strongly believe that States, instead of approaching migration through a security-oriented lens, should give greater prominence to a rights-based approach, thus eschewing additional barriers to migrants' freedom of movement and residence within the borders of each State.

Many "irregular" economic migrants with their children are barred access to the borders since they do not qualify for international protection and assistance and are often repatriated with no adequate guarantees for minors. Also, the International Organization for Migration reiterates its concern for the fate of several thousand migrants stranded by COVID-19 at the borders and who often do not have access to healthcare.⁹

Yet, migrants are exposed to a triple vulnerability - as children, as migrants and as irregular migrants - and are therefore holders of special rights and protection. Despite the fact that European countries have adopted policies supporting the right to education, health and housing for undocumented children, the implementation of such policies varies broadly from country to country and often within the country itself. For example, restrictive immigration policies have sometimes prevailed over child protection. Moreover, practical difficulties and the lack of a legal status interfere with the protection of their rights.

Finally, we recommend to speed up the investigations on the latest reports of horrifying police violence against migrants and asylum-seekers¹⁰ as well as requiring the States to recommit themselves to protect, respect and fulfil the human rights of all migrants moving from one country to another. We can no longer remain silent and wilfully ignore the violence and abuses perpetrated on the EU external borders allowing and even encouraging, the perpetrators of these abuses to continue without repercussions.

⁶ https://www.asylumineurope.org/reports/country/italy/asylum-procedure/access-procedure-and-registration/access-territory-and-push#_ftn55.

⁷ <https://www.avvenire.it/economia/pagine/poche-braccia-nei-campi-deuropa>.

⁸ <https://www.reuters.com/article/us-health-coronavirus-italy-politics/migration-issue-opens-rift-in-italys-coalition-amid-covid-19-crisis-idUSKBN22O2IY>.

⁹ <https://news.un.org/fr/story/2020/05/1068332>.

¹⁰ <https://www.amnesty.org/en/latest/news/2020/06/croatia-fresh-evidence-of-police-abuse-and-torture-of-migrants-and-asylumseekers/>.