

45th
SESSION OF THE
PERMANENT PEOPLES TRIBUNAL
PPT TPP ON THE
VIOLATIONS WITH IMPUNITY OF THE
HUMAN RIGHTS OF MIGRANT AND REFUGEE PEOPLES

JOIN US in the Work Groups

**Towards strengthening our alliances to converge a new era of
Transnational Action and Solidarity**

As Co-Convenors of the 45th session of the Permanent Peoples' Tribunal, we are aware of the challenges raised by the strategies of resistance and the alternatives that migrant and refugee peoples are building, despite their exclusion in "non-rights zones". We will continue working on the demands formulated during the PPT hearing process and strengthening our alliances to converge towards a new era of transnational action and solidarity.

1. **Working Group 1. Extension of the process to other regions**(Goals: Continue the process in Europe/Germany-Spring 2020; Tunis/Maghreb (proposed September); Africa; Latin America)
2. **Working Group 2: Juridical** (Goals: To explore the Judicial trajectory, the creation of jurisprudence and the presentation of demands before international Courts. Evaluate legislative changes at national and European level)
3. **Working Group 3: Communication** (Goals: **1)** Disseminate, communicate the contents of the TPP ruling; **2)** Promote the change of discourse and narrative and popularise in the society based on the experience and results of the PPT; **3)** Develop communication strategy and tools)
4. **Working Group 4: Mobilisation** (Goals: Use the results of the PPT to propose alternatives. Use the PPT to reinforce resistances and promote mobilization. Strengthen fronts, alliances, and networks. At the organizational level, and the city networks. Promote actions of disobedience to current regulations at national and international level)

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Further information: PPT Hearings documents <http://transnationalmigrantplatform.net/migrantppt/>



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BACKGROUND

From the Palermo to the London Hearings, contradiction in the European Union and its Member States clearly emerged: on the one hand, they proclaim the universality, indivisibility and interdependence of fundamental rights, and the other hand, they are adopting policies which ignore or violate these refugees' and migrants' rights. **The right to migrate, *ius migrandi***, which was used to justify the conquest of America, is now being denied to the people migrating from the global South to the global North. The right to come and go, enshrined in article 12.2 of the International Covenant on Civil and Political Rights, and the right to work, provided by article 6 of the International Covenant on Economic, Social and Cultural Rights are in reality being denied by closing Europe's borders. Migration is an existential and political act. ***ius migrandi*** should be accompanied by the duty to receive migrants, but this duty clashes with State sovereignty over their territorial domain.

It is illegal to transform Europe into a fortress by closing ports and borders and refusing to rescue and assist those in need, because it violates binding International law and is unlawful because adopted using measures issued without any discussion and approval of the European Parliament and the national Parliaments.

VENUES AND THEMES

In solidarity with the Permanent Peoples' Tribunal, the Transnational Migrant Platform-Europe (TMP-E) and the Co-Convenor organisations preparing each Hearing, more than 500 organisations have worked together in organizing the 45th session of the PPT. This 45th session of the PPT offer: *1) a comprehensive map of the approach, 2) the scope and the specific nature of the investigations, 3) the complementarity of its findings with regard both to the factual documentation and to the eyewitness testimonies, 4) as well as the types of crimes being committed, and the liability for their commission.* The venues and themes during this 45th session of:

- [Barcelona opening of the 45th Session](#), July 2017
- [Palermo Externalisation of Borders & Mediterranean](#), December 2017;
- [Paris](#) on Internal Borders, January 2018;
- [Barcelona on Southern Borders, Gender and Minors](#), July 2018 and
- [London on Hostile Environment](#), November 2018
- [Brussels](#) - European Parliament presentation concluding statement of the Session, April 2019

Even when no specific individuals have been personally identified as the authors of the tens of thousands of deaths and other victims to satisfy the necessary level of evidence required under criminal law, ***they are the foreseeable and foreseen product of "system crimes" according to the definition adopted by the PPT to categorise the tragic effects of economic policies and decisions that sacrifice fundamental rights.*** Tragedies that – as the United Nations High Commissioner for Refugees said on 22 March this year – *"have indelibly shamed our continent"*, recalling that *"in 2018 six people were drowned every day in the Mediterranean"*.



PPT CONCLUSIONS AND RECOMMENDATIONS

Based on its findings and judgments, the PPT has concluded that taken together, the immigration and asylum policies and practices of **the EU and Member States constitute a total denial of the fundamental rights of people and migrants, and are veritable crimes against humanity:** even though they may not be personally ascribable to individual perpetrators according to commonly agreed criminal law definitions they must be recognised as “**system crimes**”.

This definition requires the European Union to take responsibility for simultaneously changing its economic and asylum and migration policies and regulations, on a strictly interactive basis, and to adopt public and transparent procedures for concluding treaties and conventions, fully involving the European Parliament. Secondly, being **system crimes** does not relieve the EU and each of its Member States of their specific liability for failure to comply with the obligation to offer assistance; for complicity in murder, torture and inhumane and degrading treatment, and for the other serious violations of human rights resulting from pushback.

It is urgently necessary to impose a moratorium on all the agreements which, like the EU-Turkey and Italy-Libya agreements, lack any public oversight and render the parties jointly liable for violations of the fundamental human rights of migrants. These agreements must be radically renegotiated and amended.

The PPT deems it essential to put an end to any hostilities and criminalization against the organisations engaged in rescuing shipwrecked persons and migrants in difficulty. To ensure compliance with the duty to protect paramount human rights, any measures designed to obstruct any individual and collective actions by civil society solidarity organisations, in any way whatsoever, must also be suspended. And decisive action must be taken to counter any practices that fuel xenophobia and hatred and create a hostile environment.

PPT INITIATING CO-CONVENORS

Platform of Filipino Migrant organisations in Europe (Commission for Filipino Migrant Workers (CFMW), Geneva Forum for Filipino Concerns, Centro Filipino-Barcelona, Kasapi-Hellas), *MDCD (Moroccan Platform in Europe)* (Euro-Mediterranean Centrum Migratie & Ontwikkeling (EMCEMO), Al Maghreb, CODENAF, IDD, Khamsa, Migration et Developpement, Na'oura) Social Development Cooperative-Ghana, Africa Roots Movement, Kromantse Foundation, *RESPECT Network Europe*, ECVC – Coordinadora Europea de Via Campesina, Associació Catalana per la integració d'homosexuals, bisexuals i transexuals immigrants (ACATHI), Carovane Migranti, Comitato Verità e Giustizia per i Nuovi Desaparecidos, Entrepueblos/Entrepobles/Entrepobos, Espacio del Inmigrante, Fotomovimiento, Institut de Drets Humans de Catalunya, IRIDIA, Jo Sí, Sanitat Universal, Mujeres Pa'lante, NOVACT, Observatorio de Multinacionales en América Latina (OMAL), Pasucat, Sindicato Popular de vendedores ambulantes, Stop Mare Mortum, SOS Rosarno, SUDS, Tanquem els CIEs Barcelona, Transnational Institute (TNI), Tras la Manta, Unitat contra el feixisme i el racisme (UCFR).



DEMANDS OF THE PPT CO-CONVENORS

- We demand the cancelation of bilateral agreements with countries that violate the rights of migrant persons: Turkey, Libya, Morocco, Sudan and Niger.
- We demand that the search and rescue capacity in the central Mediterranean be strengthened, restrictions on NGOs be eliminated and all types of humanitarian assistance and rescue at sea, on land and within EU borders be eliminated.
- We demand that we equip ourselves with tools and better forms of protection and assistance for accompanied and unaccompanied foreign minors, survivors in general and survivors of sexual and gender violence, trauma and torture.
- Open humanitarian corridors and other safe routes to protection and authorise embassies and consulates to issue visas.
- Fulfill commitments on relocation and resettlement.
- Put an end to illegal deportations to the borders of Ceuta and Melilla, for example, and to Libya.
- Eliminate the European Border and Coast Guard Agency (Frontex) and, where appropriate, withdraw its operating procedures.
- Demand compliance with the Treaty on the Functioning of the European Union, which guarantees that border, control respects and protects fundamental human rights.
- End the so-called “Dublin Agreement”.
- End the detention of migrants and refugees.

“It has become dramatically urgent to give an identity and visibility to the migrant people, as one way of sensitising our collective awareness of the close linkage between the fundamental rights of migrants and refugees, and the future of our democracy”. PPT Brussels at EP April 8, 2019

