



# ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS  
IN 23 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights  
No Racism Peace No Torture No War  
Self-Determination of Peoples Democracy  
Human Rights Rights of Migrants

Bologna, Donostia, Düsseldorf, Vienna, 16/06/2026

## ELDH Statement on migration

In recent years, the expansion of racist and xenophobic policies, combined with the increasing dominance of national security rhetoric, has placed the right to migrate and to seek asylum under growing pressure. This is taking place in a context where wars, genocide, postcolonial capitalism, and the climate catastrophe continue to drive mass forced displacement and migration across the world.

As the EU Pact on Migration comes into force this month, we believe it is important to reaffirm the position of the European Association of Lawyers for Democracy and World Human Rights (ELDH) in support of freedom of movement and the right to migrate. As a network of European lawyers we remain committed to the principles that have always guided our work: the defense of human rights, civil liberties, social and economic rights for all, and accountability for human rights violations. We do this in opposition to all forms of discrimination and racism.

The EU Pact on Migration and Asylum and European states' migration policies represent an antithesis to these principles. Instead of responding to displacement with protection and solidarity, the Pact solidifies a system based on detention, deportation, and externalisation. It introduces mandatory screening of asylum seekers that will perpetuate legalised discrimination based on nationality — a screening that constitutes the first step of the procedure and will be decisive for the outcome of applications and for people's rights throughout the entire process, while in most member states it will be carried out by police or border guards whose capacity to identify vulnerabilities is doubtful. It expands the collection of biometric data including facial recognition raising serious concerns regarding privacy rights, broadens grounds for detention of people on the move including of children — a tendency aggravated by member states that, in implementing the

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Pact, have chosen a selectively punitive approach, going beyond its requirements on detention while ignoring their fundamental rights obligations and failing to invest in safeguards such as guarantees for children or vulnerability assessments. It creates new mechanisms for return and deportation, including transfers to third countries with which people have no connection. The Pact treats migration as a security problem instead of a human rights issue, focusing on control and removal rather than safety, dignity, and protection.

The dismantling of safeguards is compounded by the absence of independent oversight. The independent monitoring mechanisms intended to oversee screening and border procedures have been delayed in every member state and will not be operational when those procedures take effect, and civil society organisations have been excluded from them altogether. At the same time, the new legal counselling provided for under the Pact remains undefined, unevenly organised, and structurally compromised where the same state authorities that manage the procedures are also tasked with advising on them — a conflict of interest that directly concerns the role and independence of the legal profession.

The EU Pact on Migration forms part of a broader and deliberate trend towards restricting fundamental rights of people on the move in order to expand state control over people's lives and weaken democratic safeguards. This is not only about migration policy. It reflects a wider political shift in which power is exercised through fear, exclusion, and restriction rather than rights and accountability. It concerns all of us, because when rights are weakened for some, democratic protections are weakened for everyone.

The rights of people on the move are being stripped legally through reforms like the EU Pact on Migration, but in parallel migrants are criminalised simply for crossing borders, and widespread and systematic attacks against migrants through pushback policies (amounting to crimes against humanity) are being committed at Europe's borders with complete impunity. The result is family separation, labour exploitation, violence, and death, while obscuring the structural causes of displacement and migration. The attacks against migrants in Europe are not occurring in isolation. They form part of the broader nationalist and fascist policies of exclusion and discrimination designed to preserve existing economic, political, and postcolonial power structures. European states are not only complicit in these developments, but a driving force behind them.

In this context, it is unsurprising that impunity prevails for the state crimes committed against people on the move in Europe. We are witnessing a wider crises in international accountability: ICC arrest warrants are selectively executed, the genocide in Palestine has continued with the political and financial support and complicity of European and North American powers, and wars are waged without any pretence of adhering to the laws of war.

The policies and practices that restrict the rights of migrants are rooted in racism, fear, and ignorance, and are reinforced by the growing influence of far-right movements across Europe and

globally. Violent attacks against ethnic and religious minorities by far right groups are rising, fueled by political rhetoric demonising migrants.

In contrast, as European lawyers we will continue to work towards a world where all people enjoy freedom of movement; where those who choose to or are forced to migrate are able to do so with dignity; where migration policies do not discriminate based on nationality; where all people can live freely and build stable lives; and where systems of protection and inclusion replace criminalisation, detention, and exclusion.

Our objective remains the dismantling of a system built on detention, deportation, and externalisation, not its refinement. Yet for as long as that system remains in force, the application of every available safeguard can no longer be deferred. The procedural guarantees, vulnerability and special-needs assessments, the right to an effective remedy with suspensive effect, genuinely independent monitoring open to civil society, and independent legal counselling free from conflicts of interest are not concessions to be phased in over time: they are binding obligations under EU and international law, owed now, to every person subject to these procedures. Demanding their immediate and full application is not an endorsement of the Pact; it is the minimum the law already requires while we work to overturn it.

As lawyers and organisations committed to these principles, we will continue strengthening transnational networks of solidarity to build the capacity required to defend the human rights of people on the move and to challenge the systems that undermine them.

This work is urgent. The erosion of rights at borders and within migration systems reflect a broader political shift that must be confronted together, through litigation, collective action, and cooperation. As lawyers, we have both the responsibility and the capacity to resist these developments and to defend the principles of dignity, equality, justice, and freedom on which our work is based.