

Training course on Human Rights at International Borders

Session 7

Wrap-up of training course

Session 7 content

7.1 Key learning points/messages of the training course

7.2 Reflection: Putting learning into practice

Session 7 learning objectives

After this session, learners will be able to:

- Describe the main points of a human rights-based approach to border security and management
- Gather ideas as to how they may be able to implement what they have learned

7.1

Key learning points/messages of the training course

Session 1: Introduction to human rights

- **Human rights are inherent and inalienable:** all people at international borders, including migrants, regardless of their status, are entitled to the same human rights.
- States (as **duty-bearers**) have specific obligations towards individuals (the **rights-holders**) under their jurisdiction.
- The **right to due process** applies in all border governance contexts to ensure that every individual is treated fairly and with respect for their human rights. The tests of lawfulness, necessity and proportionality are crucial in any consideration of limitation to the human rights of individuals at international borders.

Session 1 key messages (contd.)

- Human rights should be at the centre of all border governance measures: migrants must be **protected against any form of discrimination** and priority should be given to providing assistance and protection from harm. That means that human rights obligations take precedence over law enforcement and migration management objectives.
- A **gender-responsive rights-based approach** to border governance is necessary to account for different experiences, views and needs of both migrants and border authorities, taking into account gender, age and other factors.
- International human rights law and the **rule of law** are complementary and both must be respected as they are essential to successful efforts to effectively prevent and combat terrorism.

Session 2: Migrants in vulnerable situations at international borders

- Some migrants need specific human rights protection because of the **situations they left behind**; the **circumstances in which they travelled**; the **conditions** they face on arrival; or because of **personal characteristics** such as age, gender identity, disability or health status.
- Although a migrant who is in or has experienced a vulnerable situation may fall outside the specific legal category of “refugee”, it is important to ensure that their **specific human rights protection needs** are met.
- An individual’s need for human rights protection **can change** in the course of their journey or over time.

Session 3: Ensuring human rights in interception, rescue and immediate assistance

- Border officials play an **essential role in protecting** the lives and safety of all migrants, including those in vulnerable situations, in interception, rescue and immediate assistance.
- **Planning** for interception, rescue and immediate assistance is vital.
- **Avoid dangerous interception** methods.
- Any **use of force** by law enforcement should be **exceptional** and must meet the requirements of legality, necessity, proportionality, non-discrimination, precaution and accountability.
- The **risk of harm** must never outweigh the advantage of using force.

Session 4: Ensuring human rights-based screening and interviewing at international borders

- Human rights-based screening and interviewing should always be based on an **individualised approach and assessment**.
- **Avoiding stereotyping and discriminatory approaches** is essential for a human rights-based approach and for effective border security and counter-terrorism investigations.
- One of the objectives of screening and interviewing is to **identify individuals who may be in vulnerable situations** and facilitate referrals to the appropriate support services.
- The **right to privacy** should be protected throughout screening and interviewing, including with regard to the collection and storage of migrants' personal data.

Session 5: Avoiding detention and inadequate conditions of detention

- **Irregular migration is not a crime**; at most it may be considered an administrative offence.
- **Immigration detention should be avoided**; it should be an exceptional measure of last resort.
- Regarding **children**, immigration detention is never in the best interests of the child and is therefore prohibited.
- There are many human rights-based, non-custodial **alternatives to immigration detention**.
- Detention can create, increase or exacerbate **situations of vulnerability** for migrants.
- **Respect for the dignity** of detained migrants must be guaranteed.

Session 6: Human rights-based return

- Returns must always be based on an **individual assessment** of each case.
- No one shall be returned to a situation where they may be in danger of being subjected **to torture, persecution or other serious human rights violations.**
- States should ensure that returns are **lawful and sustainable** in order to avoid recurring cycles of insecure and irregular migration that carry human rights risks for migrants.
- All returns must follow **due process and procedural safeguards.**
- **Voluntary return, free from any coercion,** should always be promoted in preference to forced return in order to enable migrants to return to their countries with dignity.

7.2

Reflection: Putting learning into practice

What have you learned during the training course?

→ *First of all, think about what you have learned:*

- New knowledge about human rights...
- New perspective on gender, discrimination, vulnerability...
- New information, concepts, analyses, ideas...
- New understandings...
- New ways of looking at migrants...
- New ways of communicating...

How can you put what you have learned into practice?

1. What learning points/messages can you incorporate into your work?
2. What areas of work will you approach differently after this course?
3. What learning points would you like to discuss further with colleagues/senior officials – to secure their support in relation to making changes?
4. What areas do you want to learn more about in order to make changes? How can you do that?
5. What changes can you make immediately? What changes do you want to make by a certain time?

It is good practice to set targets/time frames.

Training course on Human Rights at International Borders [PLACE, DATE]

THANK YOU!