



**UN Human Rights Council, 56th Session
Geneva, June 26th 2024**

**Item 3: Interactive Dialogue with the Special Rapporteur
on the human rights of migrants.**

Oral statement delivered by War Resisters International, in collaboration with Connection e.V.

Mr President,

War Resisters International (WRI) thanks the Special Rapporteur for his report¹ and for clearly reminding that “migrants are rights holders”, and that the international human rights framework applies to them, regardless of status.²

We second the Special Rapporteur’s concern that the narratives “surrounding migrants in irregular situations and asylum-seekers have become hostile”³ and that refugees frequently face legal uncertainties.⁴ These individuals very often are in a condition of severe vulnerability, affecting their safety and dignity.

In Lithuania, as reported by Our House, refusal of political asylum application of Belarusian has increased since 2022 of 6.5 times⁵. [Those whose asylum has been denied are currently irregular and lost medical care and other basic rights.] Some of these cases concern conscientious objectors and deserters like Vitali Dvarashin and Nikita Svirid, the journalist Aleh Barshcheuski [whose examination for a temporary resident permit has been just suspended]⁶, and his wife Olga Karatch, a human rights defender whose temporary residence permit expires on August 23rd. They all [have been denied asylum and] are at imminent risk of deportation to Belarus.

In Germany, Russian conscientious objectors have been denied asylum⁷ -such as Nikolai Goriachev on February 9th - on the ground that there is not a real risk for them returning back home. This does not reflect the actual reporting from the ground as highlighted also in the Annual report of the European Bureau for Conscientious Objection⁸.

Conscientious objectors to military service are eligible for refugee status if they are at risk of persecution

¹ <https://documents.un.org/doc/undoc/gen/g24/069/76/pdf/g2406976.pdf?token=S6x4t1iA0Z2a0gfB7l&fe=true>

² A/HRC/56/54, par. 49.

³ A/HRC/56/54, par. 113.

⁴ Ibidem, par. 62 : “Refugees frequently face legal uncertainties due to laws and administrative procedures that delay or complicate the attainment of regular status.”

⁵ from 8.33% (August, 2022) to 76.19% (March, 2024)

⁶ "Pursuant to Article 33(5) of the Law of the Republic of Lithuania "On the Legal Status of Aliens" the time limit for the examination of his application for a temporary residence permit is suspended.

⁷ For instance, Administrative Court of Berlin decided on November 24th 2023: [...] Chamber is convinced that, in light of the above, there is no significant probability the time of the court's decision, there is no significant probability that the plaintiff will be forcibly mobilised in the near future and then deployed to the front in Ukraine. [...] Chamber is convinced that currently and for the time being, the Kremlin's political guidelines indicate that the (coercive) mobilisation campaign of September 2022 will not be continued either openly or covertly and there are currently no reliable indications that a further partial or even general mobilisation will be ordered in the near future.

⁸ https://ebco-beoc.org/sites/ebco-beoc.org/files/2024-05-15-EBCO_Annual_Report_2023-24.pdf

in their own country as stated by UNHCR⁹.

WRI, together with its partner Connection e.V., calls on the Council to ensure the those whose human right to conscientious objection is violated in the country of origin receive asylum and protection.

We call on European countries to consider the risk assessment, included in the concerned EU Directive¹⁰, accordingly to the refugee convention [which by its very nature encourages broad interpretation¹¹ to ensure those who are at risk of persecution are afforded international protection].¹²

Thank you.

⁹UNHCR, Guidelines on International Protection No.10: Claims to refugee status related to military service within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees.

<https://www.unhcr.org/sites/default/files/legacy-pdf/529efd2e9.pdf>

¹⁰ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>

¹¹ “The refugee convention does not define what persecution is because: The impossibility of enumerating in advance all the forms of mal-treatment that might legitimately entitle a person to benefit from international protection.”

Najmah Ali (2021) Conscientious Objection to Military Service and Refugee Status Determination (Quaker United Nations Office, Geneva), p. 6.

https://quno.org/sites/default/files/timeline/files/2021/QUNO%20-%20Conscientious%20Objection%20to%20Military%20Service%20and%20Refugee%20Status%20Determination_14_05.pdf

¹² Ibidem, p. 7.