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From:	General Secretariat of the Council
To:	Working Party on External Aspects of Asylum and Migration (EMWP)
Subject:	Working Party on External Aspects of Asylum and Migration (EMWP) - presentation

Delegations will find enclosed the presentation given by The Danish Institute for Human Rights in relation to Item 4 of the agenda of EMWP on 10 September 2025: Human rights-based approach to migration cooperation.

Protecting and promoting the human rights of migrants

Towards a human rights based approach to migration governance.

By Mette Thygesen, International Director, Danish Institute for Human Rights

Danish Institute for Human Rights

The Danish Institute for Human Rights is the
National Human Rights Institution of Denmark.

We promote and protect human rights in
Denmark, Greenland and internationally.

 humanrights.dk





While exercising border control, states have to comply with international and EU law. These rights and obligations are stemming from the rich body of case law of the European Court of Human Rights (ECtHR). The Court acknowledged that states enjoy an “undeniable sovereign right to control aliens’ entry into [...] their territory”, but it emphasised that they must exercise this right in line with the provisions of the European Convention on Human Rights (ECHR).

European Union Agency for Fundamental Rights (FRA)

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When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951 ('the Geneva Convention'), obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights.

Article 4, Schengen Border Codes

The external dimension



From push-back



To pull-back

A Human Rights Based Approach to Migration Governance?

Embedding Human Rights

- HRBA integrates human rights principles into migration policies and practices for systemic impact.

Promoting Accountability

- The approach fosters transparency and accountability in migration governance.

Capacity Building and Reform

- HRBA supports legal reforms, capacity building, and institutional strengthening for long-term change.

Inclusive Participation

- It encourages participatory processes that amplify migrants' voices and protect their rights.

We are not there yet!

MediRights

- Project from 2024-2029 as part of Danish MFA's Regional Migration Governance program
- Aim: Integrate human rights and gender perspectives into migration governance
- Focus countries: Egypt and Tunisia
- Two-track approach
 - Direct support to state actors
 - Knowledge and support hub
- Builds on many years of experience from working with state actors in difficult contexts.



Benefit of a human rights based approach to migration governance - and risks....

Opportunities:

- Direct impact on what human rights knowledge security agencies/border management will receive – and being able to track that knowledge
- Stronger leverage, when international actors work together (in a highly fragmented field)
- A precautionary measure to prevent radicalization, crime and social upheaval
- Safeguards legitimacy of actions, manages reputation, and contributes to a more sustainable and effective migration governance

Risks:

- Very complex political dynamics
- Weak institutional grounding, lack of resources
- Risk of being used for “human rights washing”



Conclusion

- Human rights should be at the heart of migration governance
- A need for initiatives on rights-based migration across all EU Member States
- EU can lead by example
- Existing resources and instruments should be implemented, and strategies should be informed by the lived realities of migrants

Thank you

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Find more information