CLOSING THE DOOR?

HOW VISA POLICIES IN EUROPE'S SCHENGEN AREA FAIL HUMAN RIGHTS DEFENDERS

AMNESTY INTERNATIONAL

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GLOSSARY

EU AND THE SCHENGEN AREA	The **European Union (EU)** is a political and economic union of 27 member states comprising Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. The **Schengen area**[1] is a region comprising 29 European countries that have abolished internal border controls, allowing for passport-free movement across their territories. States member of the Schengen area and the European Union mostly overlap, with some distinctions: Iceland, Norway, Switzerland, and Liechtenstein are non-EU states which are part of Schengen; Ireland is not part of the Schengen area; Cyprus cooperates with the Schengen area but controls at its internal borders remain in place. Freedom of movement allows citizens of Schengen countries and their third-country national family members (under certain conditions) the right to travel in the Schengen area. This freedom of movement is predicated upon control of the external borders of the Schengen area. Not all nationals of third countries are required to obtain a visa to enter the area, just the citizens of 104 countries, encompassing the majority of countries in the Middle East, Africa and Asia.
HUMAN RIGHTS DEFENDERS	A human rights defender (HRD) is someone who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels, without using or advocating hatred, discrimination or violence. HRDs can experience repression and threats to their activities and themselves as they stand up to powerful actors violating human rights, advocate for rights and raise awareness, or confront discriminatory practices and harmful social norms. The risk of being attacked depends on the activities and issues they focus on, but also, importantly, on *who they are*. This is because risk is compounded by the discrimination, oppression and marginalization they face.
INTERSECTIONAL DISCRIMINATION	Intersectionality is a way of examining how different forms of discrimination can overlap and interact with each other to create a unique and compounding experience of oppression for an individual. It explains how an individual's experience of discrimination based on their belonging to a particular social identity group that suffers oppression because of gender, sexual orientation, race, class, caste, disability, immigration status, religion, ethnicity, Indigenous identity, age or on any other grounds - can work together to make their experience of oppression different from someone else's. It thereby goes further than

[1] The Schengen agreement was first adopted in 1985 by Belgium, Germany, France, Luxembourg and the Netherlands with a view to gradually removing border controls at their internal borders. The Schengen Convention implementing the agreement was signed in 1990 by the same five countries, and it entered into force in 1995, with the addition of Spain and Portugal, which signed the Convention in 1991. Other countries joined the convention in the following years, and the Schengen area has been expanding since then. The Schengen *acquis* (the agreement and the implementing convention) was integrated into EU law in 1999 with the entry into force of Treaty of Amsterdam. European Commission, "Schengen Area", 27 May 2025, home-affairs.ec.europa.eu/policies/schengen/schengen-area_en (accessed on 26 June 2025); European Commission, "History of Schengen", 24 March 2025, home-affairs.ec.europa.eu/policies/schengen/schengen-area/history-schengen_en (accessed on 17 September 2025).

	acknowledging that different forms of oppression exist and examines how together they create a particular pattern of discrimination.
RACIAL DISCRIMINATION	The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as: "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."[2]
RACIALIZATION	Racialization refers to processes through which racial meanings are socially constructed by powerful institutions and groups and used to justify discrimination, stereotyping, violence, and othering of ethnic and religious groups such as Muslims, Black and Asian people, and non-citizens. The person is not self-identified as racialized but is externally defined. This process triggers systemic discriminatory practices by State institutions, private entities, and individuals.[3]
SYSTEMIC RACISM	The United Nations Human Rights Council Advisory Committee has pointed out that racism is a systemic problem that "operates through an interrelated or closely coordinated network of laws, policies, practices, attitudes, stereotypes and biases. It is upheld by a wide range of actors, involving State institutions, private sector and societal structures more broadly. It results not only in express, direct, de jure or intentional discrimination, but also in covert, indirect, de facto or unintentional discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. It is frequently rooted in historical legacies of enslavement, the trade in enslaved Africans and colonialism. And it tends to govern opportunities and outcomes across generations."[4]
VISA-RESTRICTED COUNTRIES FOR THE SCHENGEN AREA	Nationals of the following 104 countries are currently required to obtain a Schengen visa prior to travelling to the area: Afghanistan, Algeria, Angola, Armenia, Azerbaijan, Bangladesh, Bahrain, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Burkina Faso, Burundi, Democratic Republic of the Congo, Cambodia, Cameroon, Central African Republic, Cape Verde, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Guyana, Haiti, Indonesia, India, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, North Korea, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Maldives, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Nepal, Oman, Pakistan, Palestine, Papua New Guinea, Philippines, Qatar, Russia, Rwanda, São Tomé and Príncipe, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, South Africa, South Sudan, Sudan, Suriname, Syria, Togo, Thailand, Tajikistan, Tunisia, Turkmenistan, Turkey, Tanzania, Uganda, Uzbekistan, Vanuatu, Vietnam, Yemen, Zambia, Zimbabwe.[5]
WOMEN HUMAN RIGHTS DEFENDER (WHRD)	Women human rights defenders (WHRDs) is an inclusive term that represents the struggle for recognition of the specific challenges faced by women who engage in the defense of any human right, and people of all genders who defend women's rights or focus on rights relating to gender, sexuality and reproduction.

[2] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 1.
[3] For an overview of the use and meaning of the term, see Adam Hochman, "Racialization: a defence of the concept", 17 October 2018, Ethnic and Racial Studies, Volume 42, Issue 8, doi.org/10.1080/01419870.2018.1527937.
[4] Human Rights Council Advisory Committee, *Report: Advancing racial justice and equality by uprooting systemic racism*, 8 August 2023, UN Doc. A/HRC/54/70, para. 7.
[5] European Union, Consolidated text: Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codification), eur-lex.europa.eu/eli/reg/2018/1806/2025-02-03.

EXECUTIVE SUMMARY

This report highlights the obstacles faced by human rights defenders (HRDs) from visa-restricted countries who want to access the Schengen area to fulfil their right to defend rights. It presents a picture of how racialized HRDs are particularly impacted by visa application processes and procedures.

> **"The most unequal part of visa processes is recognizing that, when travelling to a conference that is taking place in Paris, for example, colleagues who are joining from the UK, or the US, or other European countries, they only need to jump on a plane. We need to do months of preparation. And while I am doing that, while I wait and spend time in embassies, my colleagues are preparing for that conference. I can't be that ready, I had to deal with visa issues in the meantime. So, we are given different amounts of time and resources. We need to remove this inequality that gives some people unfair advantages over others"** – Woman human rights defender, Nigeria

METHODOLOGY

This report is based on primary evidence collected from 42 non-governmental organizations and 32 individual human rights defenders. The Schengen area-based organizations interviewed for this research have accumulated vast first-hand experience of visa processes, having supported thousands of HRDs wishing to travel over the years. HRDs in this report whose names are anonymised did not want to be identified in case of reprisals. In a minority of cases the countries of origin or other details about the HRDs are also not specified to avoid identification.

The report is also built on extensive desk research, which includes relevant European Union (EU) legislation and policy documents, UN documents, academic articles, as well as reports written by civil society organizations. Amnesty International also consulted reports on protection, mobility and access to Schengen visas for human rights defenders, including by the European Union Agency for Fundamental Rights, the European Parliament, and the United Nations Special Rapporteur on the Situation of Human Rights Defenders. Furthermore, the organisation consulted nine academics and practitioners on visa policies and procedures.

Amnesty International wrote to European institutions and individual Schengen governments on two occasions: first to ask whether any data disaggregated by passport nationality, race, ethnicity, gender, age and purpose of travel exists on visa applications, visas granted and visas denied; and secondly to share the main concerns of this research and provide an opportunity for comment.

MAIN FINDINGS: HRDs REGULARLY FACE BARRIERS WHEN APPLYING FOR A SCHENGEN VISA

Human rights defenders, the backbone of the human rights movement worldwide, travel abroad for many reasons, including: to participate in training, research, and advocacy opportunities, to bring forward evidence of human rights abuses at international forums, or to network and connect with other defenders and civil society organizations. HRDs also travel to access temporary protection opportunities which enable them to study and build on their skills and networks, to rest and recuperate, and to find a safe haven when they face violence and threats to their lives. Travel across international borders is therefore key to realizing the right to defend rights.

The Schengen area - comprised of 29 European countries, which mostly overlap with the EU – offers many opportunities for HRDs' protection, advocacy and human rights activities. For example, many cities and institutions offer temporary relocation placements and fellowships to enable them to study, network, and recuperate. In addition, key international human rights advocacy opportunities take place in cities in the

Schengen area, particularly in Brussels and Geneva, which are major seats for EU institutions and UN human rights mechanisms.

Recognizing the essential contribution of HRDs to the EU's stated aims of furthering human rights across the world, and the huge risks they face, the regional bloc committed to their protection through the adoption of the EU Guidelines on HRDs. These guidelines provide practical recommendations for support and assistance to HRDs outside the EU, including through facilitating the issuing of visas. Other non-EU Schengen states, such as Switzerland and Norway, have adopted national guidelines on HRDs, which also mention visas and their importance for HRDs.

Despite these opportunities and commitments, human rights defenders who are nationals of the 104 countries that require a visa to enter the Schengen area regularly face barriers when applying for one. These are HRDs from countries mainly located in Africa, Asia and the Middle East, many former European colonies, and with majority Black, Asian and/or Muslim populations.

The obstacles documented in this report happen at every step of the visa application journey and include:

- Limited access to diplomatic representations, due to insufficient diplomatic presence, requiring defenders to travel to distant or risky locations, or because defenders are outside their country of origin.
- Long waiting times to secure visa application appointments and to receive a final decision, including decisions received very close to or even after the intended travel date.
- Visas that are very short in duration, for example, just covering exact dates of events, making travel difficult and not allowing any room for manoeuvre for any spontaneous opportunities which may arise for human rights defenders, or to simply accommodate flight delays.
- Vast amounts of supporting documentation that need to be submitted, such as evidence regarding income and property, employment, and family ties.
- The extensive use of external service providers in processing visa applications, their role as gatekeepers and potential privacy risks.
- Complex and opaque appeal processes, which can be navigated only if the HRDs concerned have the support of well-connected and well-resourced organizations.
- Seemingly patchy awareness by visa officers on the needs of HRDs and how to apply the derogations of the EU Visa Code to their visa applications, despite clear examples in the revised EU Visa Handbook.
- High costs of the visa application process, including both monetary cost and the cost of time needed to collect all documentation required, and travel to appointments.

These problems have been raised multiple times in recent years, including by the EU Agency for Fundamental Rights (FRA), the European Parliament, the UN Special Rapporteur on the Situation of Human Rights Defenders, as well as by civil society organizations. All have stressed that there is a disconnect between states' commitments and obligations to those who defend human rights on the one hand, and their failure to provide visas as a key protection tool for defenders on the other.

In response, in June 2024, the European Commission published a revised version of the EU Visa Handbook, which is a set of guidelines, best practices and recommendations providing examples of practical implementation of the EU Visa Code, the legislation governing Schengen visas. This is a welcome development since the revised EU Visa Handbook now explicitly spells out how to better support HRDs through the visa application process and offers key recommendations and examples urging states to be flexible and supportive including as to: when and where HRDs can apply for visas, the use of expedited and fast-track procedures, simplified processes for recognized HRDs and multi-entry visas, and waiving costs.

SYSTEMIC RACISM AND INDIRECT RACIAL DISCRIMINATION

The obstacles that HRDs face when applying for Schengen visas documented in this report must be understood within the broader context of structural racism and the legacy of colonialism. These challenges are not experienced by all HRDs equally, but specifically by those from the 104 countries which are required to obtain a visa to enter the Schengen area, most of which have populations racialized as Black, Asian and/or Muslim. HRDs from these countries must navigate discriminatory systems simply to carry out their human rights work or seek temporary respite, and their experiences provide insight into how Schengen visa restrictions are shaped by the context of systemic racism.

> **"This is not just a travel issue; it is a systemic barrier that reinforces exclusion. Personally, I have experienced this multiple times. Even when fully funded and officially invited by European governments, the visa process was intrusive, overly bureaucratic, and built on mistrust. We are forced to justify our legitimacy over and over again, as though we are attempting to deceive rather than engage. When visas are denied, especially without clear reasons, it silences our voice."** – Woman human rights defender, Nepal

The methodology used in this report is grounded in documenting how the lived experiences of racialized HRDs are a manifestation of systemic racism, rather than attributing discriminatory intent. This means emphasizing how systemic racism shapes the conditions under which the barriers in access to Schengen visas arise and are experienced.

The historical context of systemic racism and colonialism that several scholars have documented for decades, is summarized in the report as it explains the root causes of the barriers that HRDs encounter today when trying to access the Schengen area. The different hierarchies of populations established in colonial times are, to this day, largely reproduced through immigration and visa policies and the different mobility opportunities that nationalities and passports grant their holders, determine an individual's ease of travelling.

Although Schengen visa restrictions are based on provisions that on the face of it are "race-neutral", as they do not explicitly reference race or skin colour, there is a strong correlation between the countries subject to visa requirements and populations racialized as Black, Asian and/or Muslims. This means that, in practice, Schengen visa restrictions based on nationality disproportionately affect racialized applicants. It also means that HRDs who apply for a visa have to fit certain profiles, criteria and stringent requirements, because their nationalities and identities are artificially associated with stereotypes used to justify discrimination and othering.

Amnesty International requested disaggregated data on the characteristics of visa applicants from Schengen governments. The responses received showed that some data is collected by some countries on nationality, age, gender and purpose of travel, but none was available on race and ethnicity. Under international law, the collection and publication of data disaggregated in ethno-racial terms is a component of the right to equality and non-discrimination and the Durban Declaration and Programme of Action calls on states to collect and publish disaggregated data to take measures to address racial discrimination. The absence of such disaggregated data for the Schengen area constitutes a manifestation of structural racial discrimination, because Schengen states cannot understand and address the way systemic racial discrimination manifests without data.

Amnesty International concludes that the barriers documented in this report constitute indirect racial discrimination and negatively affect HRDs' right to defend rights, because Schengen visa policies meet the criteria for indirect racial discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as they:

1. Apply facially neutral rules.
2. Disproportionately impact racialized groups.
3. Lack legitimate, proportionate justification.

This research also used an intersectional justice lens to better understand the diverse impacts of the Schengen visa system on HRDs. Indeed, some of the cases documented are of HRDs who also experience discrimination based on characteristics such as age, gender, socio-economic status, disability and what type of human rights they defend. For example, an Uzbekistani woman human rights defender (WHRD) invited to an international conference in Sweden in 2022 faced many more difficulties in applying for her Schengen visa than two of her male colleagues, invited to the same event. While the male HRDs received their visas upon submitting their applications, the WHRD was asked to provide more supporting documents and was questioned as to her unmarried status. Despite all three applying with exactly the same documents, the WHRD received a visa denial – which was overturned only after the inviting organization intervened.

While these obstacles might apply to all visa applicants coming from visa-restricted countries, this report focuses on the experience of HRDs because they face very specific challenges with the visa process despite existing guidelines to ensure their protection, and because of the different forms of oppression and persecution that they face, based on who they are and the human rights work they do.

RECOMMENDATIONS

Schengen states are entitled to decide who enters their territory. They should, however, ensure their visa system does not put in place barriers that disproportionately impact applicants due to their race and ethnicity, as well as due to their gender, age, disability and socio-economic or other status. Under international human rights law, Schengen states have an obligation to prevent any discriminatory impacts of their visa policies, and addressing its impacts, including by collecting and analysing data disaggregated in ethno-racial terms for all visa applicants.

Human rights defenders are key players in the promotion and protection of our human rights as highlighted not only in the 1998 Declaration on HRDs but also in national and regional guidelines for their protection. It is therefore urgent that the EU, its member states and all Schengen associated states take steps to facilitate the travel of HRDs and ensure they are not impacted by discrimination.

Amnesty International calls on them to:

- Publicly recognize HRDs' mobility needs, and the importance of visas for their protection and their work.
- Fully implement commitments to HRDs, including those outlined in national guidelines on HRDs and in the EU Guidelines on Human Rights Defenders, in particular by issuing visas promptly and providing temporary shelter, which are key protection tools for those who defend human rights.
- Ensure that officials processing Schengen visas worldwide – including staff of external service providers collecting visa applications - are responsive to the situation and needs of HRDs and facilitate visas using the flexibility provided in law and explained in the revised EU Visa Handbook.
- Put in place and implement a facilitated visa procedure for HRDs, which includes the fast-tracking their applications, the full use of the existing flexibility available in EU Visa legislation, and the issuing of both Schengen visas, as well as other types of national visas, as appropriate.
- Adopt specific and concrete measures to ensure that the implementation of visa policies and practices does not have a discriminatory effect. This should include the collection and regular publication of data on visa applications disaggregated on nationality, age, gender, race, ethnicity and religion, country of application, country of travel and number of visas applications accepted and rejected, including grounds for rejections.

METHODOLOGY

This report is based on research investigating the impact of barriers to Schengen visas on HRDs coming from visa-restricted countries and travelling for human rights-related activities.

It is based on dozens of interviews conducted between 2023 and 2025, reflecting the experiences of staff at 42 non-governmental organizations (including Amnesty International) and the personal experiences of 16 individual human rights defenders. A further 16 HRDs provided written evidence through a questionnaire. Some of them shared written evidence, such as visa denials letters. The research team selected the interviewees based on referrals from partner organizations. The report is also built on extensive desk research, which include relevant EU legislation and policy documents, UN documents, academic articles, as well as reports written by civil society organizations. Amnesty International also consulted reports on protection, mobility and access to Schengen visas for human rights defenders, including by the European Union Agency for Fundamental Rights,[6] the European Parliament,[7] and the United Nations Special Rapporteur on the Situation of Human Rights Defenders.[8]

Amnesty International consulted nine academics and practitioners on visa policies and procedures, non-discrimination, and HRDs' protection, including Vasiliki Apatzidou (Queen Mary University London), Evelien Brouwer (University of Utrecht), Mary Ann DeVlieg (PhD), Elspeth Guild (University of Liverpool), Lucy Mayblin (University of Sheffield), Annalisa Meloni (University of East London), Javier Roura Blanco (ProtectDefenders.eu), Niovi Vavoula (University of Luxembourg), and one further expert who did not want to be named. Amnesty International extends its thanks to all of them.

The experiences of the organizations and individual HRDs span all continents and cover a variety of visa-restricted countries, from the Middle East and North Africa to Central America, Africa, Asia and Eastern Europe; as well as Schengen countries. In some cases, HRDs spoke as representatives of the organizations they are working with; in others, they spoke about their personal experiences, or those of their colleagues.

The Schengen area-based organizations interviewed for this research have accumulated a vast first-hand experience of visa processes, having facilitated the travel of thousands of HRDs over the years. These organizations run events for HRDs, such as international conferences, training, advocacy tours, networking and capacity building opportunities. Many offer temporary relocation opportunities for defenders and are part of the EU Temporary Relocation Platform, a network of over 50 organizations.[9]

HRDs in this report whose names are anonymised did not want to be identified in case of reprisals. In a minority of cases the countries of origin or other details about the HRDs are also not specified, for fear of identification. Not all those interviewed have been explicitly quoted or referenced; however, all their testimonies have contributed to formulating the analysis and recommendations. Amnesty International is grateful to all for sharing their time, experiences, and expertise.

Amnesty International shared the findings and the executive summary of this report with the European Commission, the European External Action Service, and with governments in Schengen countries with a request for comment. At the date of publication, the organization had received responses from the European

[6] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk: EU entry, stay and support*, 11 July 2023, fra.europa.eu/en/publication/2023/human-rights-defenders.
[7] Elspeth Guild and others, *Enhancing the protection of human rights defenders (HRDs): Facilitating access to the EU and supporting HRDs from third countries*, 13 December 2023, europarl.europa.eu/RegData/etudes/STUD/2024/754445/EXPO_STU(2024)754445_EN.pdf.
[8] UN Special Rapporteur on the Situation of Human Rights Defenders (Special Rapporteur on HRDs), *Position paper: concerning EU visas as a protection tool for human rights defenders*, December 2023, srdefenders.org/wp-content/uploads/2023/12/EU-Visas-UN-SR-HRDs-Position-Paper-1.pdf.
[9] European Union Temporary Relocation Platform, eutrp.eu/ (accessed on 12 September 2025).

External Action Service and the governments of Austria, Belgium, Czechia, Finland, Latvia, the Netherlands and Sweden.

The European External Action Service reiterated its commitment to supporting human rights defenders through EU delegations in third countries and stated that "EU Delegations are ready to assist human rights defenders, providing general guidance and connecting them with the most relevant diplomatic representation for their situation."

Austria welcomed the revision of the EU Visa Handbook and acknowledged that it includes exemptions for human rights defenders. It further stated that "relevant training courses are held as part of regular joint visits to the field."

Czechia reiterated their commitment to the protection of human rights defenders and explained how specific provisions are granted to visa applications of human rights defenders through specific programmes. Czechia also explained how the submission of application without a personal presence is facilitated whenever possible, for example, when fingerprints are already on file.

Czechia, Belgium and Finland stated that it is difficult for diplomatic representations and officers to know who a human rights defender is; Czechia further stated that this title has been abused in their experience by individuals who are not human rights defenders. Finland committed to "offer consulates more concrete support in addressing these practical challenges."

Czechia rebutted some of the obstacles presented as not directly applying to their experience of facilitating the travel of human rights defenders.

Finland reiterated its commitment to the protection of human rights defenders as an "integral part of Finland's foreign and security policy." It stated that their national guidelines to protect human rights defenders had been updated in 2022 – and translated into English in 2023 - and highlighted that it has "revised the national visa guidelines to include a distinct section dedicated to visa applications from human rights defenders", in line with the revised EU Visa Handbook, and are planning to organize training for consulates on the topic of visas for human rights defenders.

Sweden welcomed the fact that the revised EU Visa Handbook specifically references human rights defenders, and stated that training on the EU Visa Code is ongoing.

The Netherlands recognised the importance of human rights defenders and their mobility, as well as the importance of visas for human rights defenders and stated that they are familiar with the visa issues that human rights defenders may experience.

Belgium also recognised some of the obstacles expressed in the report, highlighting how they apply to all applicants, committed to exploring ways to improve communication and raise awareness on the guidance related to HRDs as expressed in the revised EU Visa Handbook, reiterating that the EU Visa Handbook is not a legally binding document – a view shared by Latvia in their reply as well.

Latvia stated that the use of external service providers is an "efficient mechanism to enhance access to visa services and to ensure the effective use of consular resources, while maintaining the possibility for applicants to apply directly at the embassy in cases justified by humanitarian considerations."

Belgium and the Netherlands refuted the finding that indirect racial discrimination was embedded in visa processes.

No state committed to collecting data disaggregated on race or ethnicity in visa applications; the Netherlands disagreed with the recommendation stating that not collecting this data can help prevent ethnic profiling in the future. The Netherlands also rebutted the report's analysis that the lack of disaggregated data on race and ethnicity is a manifestation of structural racial discrimination, while recognizing that they are bound by the principle of non-discrimination.

ON SYSTEMIC RACISM AND INDIRECT RACIAL DISCRIMINATION

The obstacles documented in this report can only be fully understood when looking at the root causes: a context of systemic racism, embedded in visa and migration policies,[10] which manifests in discriminatory outcomes for HRDs from visa-restricted countries.

[10] UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (UN Special Rapporteur on Racism), Report: *Racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration*, 25 April 2018, UN Doc. A/HRC/38/52; World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration and Programme of Action (Durban Declaration), 31 August – 8 September 2001, UN Doc. A/CONF.189/12;

Amnesty International consulted several academic and policy experts on the history of European colonialism and slavery, and its impact on mobility rights, which are shaped by racialized global hierarchies. As summarized in chapter 3, European colonialism created and reproduced different ways of organizing territories and populations in hierarchical terms, creating internal and external differentiated areas of racial exclusion and inclusion. The different hierarchies of populations established in colonial times are, to this day, largely reproduced through immigration and visa policies, including the visas systems in the Schengen area.

This research documented how that systemic racism manifests in the barriers faced by HRDs accessing Schengen visas to exercise their right to defend rights. The methodology is grounded in documenting the lived experiences and impacts of the restrictions on racialized HRDs, rather than attributing discriminatory intent. This means emphasizing how racism shapes the conditions under which the barriers in access to Schengen visas arise and are experienced.

International human rights law and standards spell out how racism is the product of unequal power relations, which lead to human rights violations and barriers to accessing rights. Definitions of systemic racism recognize that racial biases and inequality are ingrained in society, excluding "certain minority groups from participation in economic, political, and social institutions."[11] The Human Rights Council Advisory Committee noted that:

> "'Systemic racism' operates through an interrelated or closely coordinated network of laws, policies, practices, attitudes, stereotypes, and biases. It is upheld by a wide range of actors, involving State institutions, private sector and societal structures more broadly. It results not only in express, direct, de jure or intentional discrimination, but also in covert, indirect, de facto or unintentional discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. It is frequently rooted in historical legacies of enslavement, the trade in enslaved Africans and colonialism. And it tends to govern opportunities and outcomes across generations."[12]

Furthermore, this report also makes an analysis of indirect discrimination, grounded in the framework provided by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which recognizes that policies and practices may be discriminatory in practice or effect even if not explicitly based on race. In line with ICERD, the research focuses on documenting disproportionate impacts on racialized HRDs of policies that on the face may look "neutral".

The Committee on the Elimination of Racial Discrimination (CERD) has stated that states party to ICERD must ensure that the implementation of any legislation does not have discriminatory effects on non-citizens,[13] including immigration and visa policies, laws and practices.[14] In the case of visas, distinctions, restrictions, exclusions, or preferences based on nationality "must be construed so as to avoid undermining the basic prohibition of discrimination".[15]

The ICERD definition of racial discrimination covers not only direct discrimination but also instances of indirect racial discrimination.[16] Visa policies may not be aimed or intended to affect a certain group but may inadvertently do so: they may have an "unjustified disparate impact on a group" and thereby constitute discrimination.[17] Indirect racial discrimination occurs when a seemingly neutral provision, criterion, or practice entails a particular disadvantage for persons belonging to a specific group based on a prohibited ground or puts them at a disadvantage unless that provision, criterion, or practice has some legitimate objective or justification and is proportional under international law.[18] Visa restrictions, policies and decision-making processes can result in indirect racial discrimination when all the three following conditions take place:

UNESCO, Declaration on Race and Racial Prejudice, 27 November 1978, unesco.org/en/legal-affairs/declaration-race-and-racial-prejudice; Organization of American States, Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance, 5 June 2013, oas.org/en/sla/dil/docs/inter_american_treaties_A-68_racism.pdf.

[11] Luiza Lodder, "Understanding Structural racism", February 2019, ted.com/talks/luiza_lodder_understanding_structural_racism.

[12] Human Rights Council Advisory Committee, *Report: Advancing racial justice and equality by uprooting systemic racism*, 8 August 2023, UN Doc. A/HRC/54/70, para. 7.

[13] UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation 30 on Discrimination Against Non-Citizens, 5 August 2004, UN Doc. CERD/C/64/Misc.11/rev.3, para 7.

[14] CERD, General Recommendation 30 (previously cited), para. 9.

[15] CERD, General Recommendation 30 (previously cited), para. 2.

[16] Racial discrimination is "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 1.1.

[17] CERD, General Recommendation 14 on Article 1 Paragraph 1 of the Convention, 15 September 1993, UN Doc. A/48/18, para. 2.

[18] CERD, General Recommendation 30 (previously cited); UN Special Rapporteur on Racism, *Racial discrimination in the context of in the context of laws, policies and practices concerning citizenship, nationality and immigration* (previously cited), para. 14.

a. The visa policies and decision-making processes, on their face, apply equally regardless of race, skin colour, descent, or national or ethnic origin.

b. The visa policies and decision-making processes *disproportionately disadvantage* individuals of a particular group based on race, skin colour, descent, or national or ethnic origin.

c. The differential impact lacks a legitimate aim or justification and, if there is a legitimate aim, the means of achieving it are not proportional.[19]

Due to the absence of official disaggregated data by race and ethnicity, Amnesty International used nationality as a methodological proxy to examine racialized impacts. In the Schengen area there is a correlation between countries subject to visa restrictions and populations racialized as Black, Asian and Muslim. The report draws on qualitative evidence from interviews and questionnaires with HRDs, all of whom are racialized in the context of the Schengen area based on their nationality. Their lived experiences provide insight into how Schengen visa restrictions are shaped by the context of systemic racism. Therefore, the research included analysis of how the obstacles documented for HRDs to obtain Schengen visas impose a significant disadvantage on racialized HRDs.

Publicly available data on visa applications is not disaggregated by race and ethnicity, contrary to international human rights law and standards. The European Commission publishes on its website quantitative data regarding visa approvals and denials, showing the number of visa applications, and how many visas were granted or denied by Schengen country consulates present in each of the visa restricted countries (for more details, see section 3.3).[20] This data however does not specify characteristics of visa applicants such as nationality, age, gender, race, ethnicity or religion, nor information on the grounds for visa rejections.

To check whether this data may be available elsewhere, Amnesty International wrote directly to the European Commission and to 27 Schengen associated states (Bulgaria and Romania were not contacted as they joined the Schengen area in March 2024), requesting data on visa applications, visas issued, visas denied and grounds for denials, disaggregated by passport nationality, race, ethnicity, gender, age, and purpose of stay, covering the years 2021, 2022, 2023 and 2024. The organization also requested information on the number and outcome of appeals, disaggregated by the above-mentioned criteria, and whether any specific facilitations are applied to visa applications lodged by human rights defenders. Amnesty International asked whether a complaint mechanism to report discrimination exists at national level in the context of visa applications, and if so, how many complaints were lodged in the years 2021, 2022, 2023, and 2024. Letters were sent between June 2024 and May 2025 to individual governments, and in June 2024 to the European Commission.

Responses were received from 17 governments by the time of publication (October 2025). The following governments were able to provide partial data or point to publicly available national data: Belgium, Denmark, Finland, France, Lithuania, the Netherlands, Norway, Poland, Slovakia, Spain, Sweden, Switzerland. The following governments replied but were unable to provide the data requested: Austria, Czechia, Germany, Hungary, Latvia. Responses showed a variety of practices, whereby some countries collect disaggregated data on gender, age, purpose of stay and nationality (or some of these criteria), some have partial data publicly available, and some do not collect and/or publish the data. Data on race and ethnicity is not collected by any government which replied to Amnesty International's requests. Some states provided information about how to file complaints, and about their means of facilitating visas for HRDs.

The European Commission replied that the statistics collected are the ones that Schengen states are required to gather according to the EU Visa Code. This data records the number of visas applied for and granted by consulate, but not the nationality of applicants or other characteristics. The European Commission further acknowledged the revision of the Visa Handbook and emphasised that the revised Visa Handbook "highlights elements contained in the Visa Code that allow visas to be granted to human rights defenders in a quicker and simplified way"[21]; and that it "considers that the flexibility allowed by the Visa Code and the new elements included in the revised handbook provide the necessary tools and guidance to Member States to identify and quickly process short stay Schengen visa applications submitted by human rights defenders."[22]

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[19] This test is elaborated based on: ICERD, Article 1; CERD General Recommendation 14 (previously cited); CERD General Recommendation 30 (previously cited); UN Special Rapporteur on Racism, *Racial discrimination in the context of in the context of laws, policies and practices concerning citizenship, nationality and immigration* (previously cited).

[20] European Commission, "Short-stay visas issued by Schengen countries", home-affairs.ec.europa.eu/policies/schengen/visa-policy/short-stay-visas-issued-schengen-countries_en (accessed on 8 September 2025).

[21] Communication on file with Amnesty International.

[22] Communication on file with Amnesty International.

ORGANIZATIONS INTERVIEWED

The list below includes the dates when Amnesty International interviewed the organizations mentioned. This information is not repeated in the text when mentioning the interviews. The list does not include interviews with individual HRDs or those who have provided information in writing via a questionnaire.

Action des Chrétiens pour l'Abolition de la Torture (ACAT-Burundi); March 2025

Agir ensemble pour les droits humains (France); February 2023

Araminta (Germany / Eurasia); July 2023

Asian Forum for Human Rights and Development - FORUM-ASIA (Thailand / Switzerland); June 2024

Balkan Investigative Reporting Network (Bosnia and Herzegovina / Serbia); July 2023

Child Rights Connect (Switzerland); October 2023

Civil Rights Defenders (Sweden); January 2023, March 2025

Coalition of Somali Human Rights Defenders (Somalia); March 2025

Committee to Protect Journalists – CPJ (Belgium); February 2023

Disabled Welfare Association (Pakistan); April 2023

Diversidad Dominicana (Dominican Republic); June 2024

East and Horn of Africa Human Rights Defenders Project – DefendDefenders (Uganda / Switzerland); May 2024, March 2025

Euro-Mediterranean Foundation of Support for Human Rights Defenders – EMHRF (France); June 2024, March 2025

European Center for Constitutional and Human Rights – ECCHR (Germany); July 2023

European Centre for Press and Media Freedom – ECPMF (Germany); February 2023

Families of Truth and Justice (Syria); March 2025

Fédération internationale des *Actions chrétiennes pour l'abolition de la torture* – FIACAT (France); February 2023, March 2025

Feminist Dalit Organization - FEDO (Nepal); November 2023, May 2024

Gulf Center for Human Rights (Lebanon / Denmark); February 2023, March 2025

Helsinki Foundation for Human Rights (Poland); February 2023

Indigenous Peoples' Centre for Documentation, Research and Information – DOCIP (Switzerland); June 2024, March 2025

Iniciativa para la investigación y la incidencia A.C. (Cuba / Mexico); June 2024

International Cities of Refuge Network – ICORN (Norway); February 2023

International Disability Alliance (Switzerland); November 2023

International Service for Human Rights – ISHR (Switzerland); August 2023, June 2024, March 2025

International Women's Rights Action Watch Asia Pacific – IWRAW-AP (Malaysia); November 2023

Justice & Peace Netherlands; February 2023

Musawah (Pakistan / Malaysia); May 2024

Norwegian Helsinki Committee (Norway); February 2023

One Future Collective (India); June 2024

PEN International (Europe); February 2023

ProtectDefenders.eu (Belgium); September 2023, April 2024, March 2025

Reporters without Borders Germany; February 2023

Restless Development (Zimbabwe / Global); November 2023

Spaces for Change (Nigeria); June 2024

UPR Info (Switzerland); December 2023

WHRD-MENA Coalition (Egypt); June 2024

Youth Coalition for Sexual and Reproductive Rights (Global); November 2023

[Name withheld] (EU country); July 2023

[Name withheld] (Spain); October 2023

[Name withheld] (Yemen); March 2024

1. MOBILITY AND PROTECTION OF HUMAN RIGHTS DEFENDERS

1.1. HUMAN RIGHTS DEFENDERS' MOBILITY

Human rights defenders (HRDs) are all those who, individually or collectively, act to defend and/or promote human rights at the local, national, regional, or international levels, without resorting to or advocating hatred, discrimination, or violence. HRDs come from every walk of life: they may be journalists, lawyers, health workers, teachers, trade unionists, whistle-blowers, farmers, Indigenous People, environmental, women's and LGBTI rights activists, survivors or relatives of victims of human rights violations and abuses. Their activism may be conducted as part of their professional role or be undertaken on a voluntary basis.

HRDs are the backbone of the human rights movement. They denounce discrimination, expose human rights violations, and demand change and accountability. They develop new human rights concepts and organize to make human rights a reality for all. Because of what they do, powerful actors often perceive them as a challenge to be silenced. As such, HRDs are targeted by state and non-state actors, including armed groups and businesses.[23]

Some of the most common tactics used to harass, threaten, and attack defenders include: smear campaigns and stigmatizing efforts to delegitimise their work; surveillance; threats of and actual physical violence against them, their families and communities; misuse of the criminal justice system, including false charges and arbitrary detentions; criminalisation of their work; restrictions on the rights to freedom of expression, association and assembly. In the most extreme cases, defenders are forcibly disappeared or killed. According to data collected by civil society organization Front Line Defenders, at least 324 HRDs were killed in 2024 across 32 countries.[24]

The role of defenders in advancing human rights is recognized by the Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also known as the Declaration on HRDs), which was adopted

[23] For more analysis on how HRDs are targeted, see: Amnesty International, *Human Rights Defenders Under Threat: A Shrinking Space for Civil Society* (Index: ACT 30/6011/2017), 2017, amnesty.org/en/documents/act30/6011/2017/en/; Amnesty International, *Deadly but Preventable Attacks: Killings and Enforced Disappearances of Those who Defend Human Rights* (Index: ACT 30/7270/2017), 2017, amnesty.org/en/documents/act30/7270/2017/en/; Amnesty International, *Laws Designed to Silence: The Global Crackdown on Civil Society Organizations* (Index: ACT 30/9647/2019), 2019, amnesty.org/en/documents/act30/9647/2019/en/; Amnesty International, *Challenging Power, Fighting Discrimination: A Call to Action to Recognise and Protect Women Human Rights Defenders* (Index: 30/1139/2019), 2019, amnesty.org/en/documents/act30/1139/2019/en/; Amnesty International, *Ending the Targeted Digital Surveillance of Those who Defend our Rights: A Summary of the Impact of the Digital Surveillance Industry on Human Rights Defenders* (Index: ACT 30/1385/2019), 2019, amnesty.org/en/documents/act30/1385/2019/en/; Amnesty International, *Daring to Stand Up for Human Rights in a Pandemic* (Index: 30/2765/2020), 2020, amnesty.org/en/documents/act30/2765/2020/en/; Amnesty International, *Silenced and Misinformed: Freedom of Expression in Danger during Covid-19* (Index: POL 30/4751/2021), 2021, amnesty.org/en/documents/pol30/4751/2021/en/; Amnesty International, *Punishing Compassion: Solidarity on trial in Fortress Europe* (Index EUR 01/1828/2020), 3 March 2020, amnesty.org/en/documents/eur01/1828/2020/en/.

[24] Front Line Defenders, *Global Analysis 2024/25*, May 2025, frontlinedefenders.org/sites/default/files/1609_fld_ga24-5_output.pdf. The organization specifies that the data is to be considered incomplete as it could not verify information in many more cases.

by consensus by the United Nations General Assembly in 1998.[25] In 2024, a civil society initiative, including Amnesty International, with the support of human rights experts and HRDs from around the world, reasserted the role of HRDs and elaborated the Declaration on HRDs +25, supplementing the original declaration with evolving analysis and international standards over the past 25 years.[26]

The Declaration on HRDs codifies the right to defend rights, and specifies that defenders have, among others, the right to form associations and civil society organizations, the right to peaceful assembly, to seek and receive information relating to human rights, to engage with governmental bodies and agencies, to monitor and attend trials, and to have "unhindered access to and communication with international bodies"[27].

Within this framework, travelling across borders is a crucial part of HRDs' activities and is a key protection strategy. Defenders travel to participate in advocacy and information sharing opportunities, to denounce and bring forward evidence of human rights abuses and represent their communities, to meet with governments and multilateral bodies, to connect with other defenders and civil society organizations, to participate in events and share their knowledge and skills. HRDs also travel to access short- and medium-term relocation opportunities, designed to address their protection and wellbeing needs.

This has been widely recognized including by the EU Agency for Fundamental Rights (FRA)[28] and the UN Special Rapporteur on the Situation of Human Rights Defenders.[29] Both have highlighted that HRDs need to travel due to immediate or anticipated risks, burnout, advocacy, networking and learning.

ProtectDefenders.eu, the EU protection mechanism for HRDs, has also stressed how the ability to travel at short notice and visas are an essential part of a "comprehensive security strategy" for HRDs,[30] and that participation in international and regional advocacy activities is key to defenders' safety, as it strengthens their legitimacy and influence back home, raising the political cost of attacking them. Visas – and especially long-term, multiple-entry visas, are a protective and agency-enhancing mechanism for HRDs, allowing them to carry out their work in their countries with more peace of mind, knowing that they can leave temporarily if the need arises, giving them a degree of control over "the level of risk that they face [..], and to continue to work in their communities without forcing them to resort to permanent asylum".[31]

> **"When the situation of risk arises for HRDs, then it's already too late to apply for a visa. Having a multiple-entry long-term Schengen visa really helps. It's also less work for diplomats if this already is in place. It makes sense for everyone, for civil society, for HRDs, and for diplomatic communities." –** FORUM-ASIA

EU countries and Schengen associated states are key destinations for HRDs. They offer opportunities for advocacy, including at EU level - in Brussels and other capitals - and at UN level - as the Human Rights Council and many UN agencies, treaty bodies, and international organizations are based in Geneva. The area also offers opportunities to further their studies, as well as for networking, rest and recuperation. In addition, many temporary relocation programmes run by civil society organizations, universities, local and regional authorities, and national governments, are available in the region.[32]

Visas for Schengen countries are thus central for protecting and enabling HRDs. However, visa restrictions imposed on nationals of 104 countries outside the Schengen area – most of these countries with majority population racialised as Black, Asian and/or Muslim – have a particular negative impact on HRDs' ability to travel if they come from those countries. The obstacles within visa processes, which will be analysed in detail in chapter 2 result in discriminatory outcomes, disproportionately hindering the travel of racialized HRDs and, especially those facing additional and intersectional forms of discrimination based on gender, age, ethnicity, occupation, disability and socio-economic status.

This can have very serious consequences for human rights defenders at risk. For example, in 2015, Bangladeshi journalist and HRD Ananta Bijoy Das was invited by the Swedish chapter of *PEN* – an

[25] UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on HRDs), 1998, UN Doc. A/RES/53/144.
[26] International Service for Human Rights, "Declaration +25", ishr.ch/defenders-toolbox/resources/declaration-25/ (accessed on 15 September 2025).
[27] UN Declaration on HRDs, Article 9.4.
[28] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited).
[29] UN Special Rapporteur on HRDs, *Position paper* (previously cited).
[30] ProtectDefenders.eu, *Joint Statement: International Civil Society Organisations call for an effective and enabling EU Visa framework for At-Risk Human Rights Defenders*, October2022, protectdefenders.eu/wp-content/uploads/2022/09/Visa4HRD-ProtectDefenders.eu-Joint-Statement-October-2022.pdf.pdf.
[31] ProtectDefenders.eu, *Joint Statement* (previously cited).
[32] For an overview of temporary relocation practices, see European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), Chapter 4.

international organization protecting writers at risk – to speak at an event in Stockholm for World Press Freedom Day. He had received numerous death threats, and his name had been included in the assassination list of an armed group. The trip was meant to be a protective measure for the journalist. His visa application, however, was denied by the Swedish embassy in Dhaka, on the ground that there was concern that he might not leave Sweden at the end of the visa validity and stay on irregularly. Ananta Bijoy Das was killed approximately 15 days after his visa was refused.[33]

Even when travel constraints do not have such tragic consequences, visa restrictions imposed on certain nationalities negatively and disproportionately hinder the travel of racialized HRDs from visa-restricted countries, especially those facing additional and intersectional forms of discrimination based on gender, age, ethnicity, occupation, disability and socio-economic status.

In the case of countries in the Schengen area, these barriers are in direct contradiction with numerous obligations and commitments to ensure non-discrimination and the protection of HRDs. For example, several programmes for temporary relocation and participation in human rights activities offered within the Schengen area remain out of reach for many racialized defenders, despite many being funded by the European Commission, individual EU member states and other Schengen associated states. Visa obstacles and denials show the contradiction between states' notional human rights commitments to protect human rights around the world, and their actual practices that risk closing the door on people who dedicate their lives to promoting and protecting these values.

1.1.1. COMMITMENTS BY EU AND SCHENGEN COUNTRIES

> **"[B]eing an HRD is a badge of honour, a status which merits respect and protection on account of the importance which is accorded to those who defend human rights and democracy."[34]**

The Schengen area[35] is comprised of 29 European countries, mostly overlapping with member states of the European Union. Additionally, Iceland, Norway, Switzerland, and Liechtenstein are non-EU states which are part of Schengen, while Ireland is an EU country which is not part of the Schengen area. Cyprus is part of the EU and cooperates with Schengen, but controls at its internal borders remain in place.[36]

Support for HRDs is one of the main priorities in the foreign policy of the EU, which considers HRDs "natural and indispensable "allies" in the promotion of human rights and democratization in their respective countries."[37] To put in practice their commitments, EU countries have adopted a series of policies and practices to support, promote and protect HRDs from across the world.

The EU Guidelines on Human Rights Defenders,[38] adopted in 2004 and revised in 2008, set down the EU's commitment to defenders in its foreign policy. They are a direct response to the challenges faced by HRDs across the world and propose practical actions for their support. Amongst other measures, the Guidelines recognize that issuing emergency visas and providing temporary shelter for HRDs are key protection tools, and encourage EU member states to monitor and report on discrimination against HRDs.[39] An internal Guidance note for EU Missions on the implementation of the Guidelines on HRDs calls for the strengthening of temporary relocation opportunities within the EU and in the regions of origin of HRDs, with specific consideration for their family members and dependents.[40]

In 2015, the EU established ProtectDefenders.eu, the EU HRDs Protection Mechanism, tasked with providing assistance to HRDs globally, both through grants to respond to immediate safety and security

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[33] International Bar Association Independent High Level Panel of Legal Experts on Media Freedom, Report on Providing Safe Refuge to Journalists at Risk, 2020, ibanet.org/Safe-Refuge-report-launch-2020, p. 17; Amnesty International, Bangladesh: One year since secular blogger Ananta Bijoy Das was killed and still no justice (Index: ASA 13/4021/2016), 11 May 2016, amnesty.org/en/documents/asa13/4021/2016/en/.

[34] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 6.

[35] See Glossary for more information.

[36] European Commission, "Schengen Area" (previously cited).

[37] European Union, *EU Guidelines on Human Rights Defenders*, eeas.europa.eu/sites/default/files/02_hr_guidelines_defenders_en_0.pdf. See also, Council of the European Union, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 25 June 2012, consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/131181.pdf.

[38] European Union, *EU Guidelines on HRDs* (previously cited).

[39] "[P]roviding measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, issuing emergency visas and facilitating temporary shelter in the EU Member States," European Union, *EU Guidelines on HRDs (previously cited),* p. 8.

[40] Council of the European Union, *EU guidelines on human rights defenders – Guidance note 2020*, COHOM 56, COPS 253, CFSP/PESC 635, p. 17. This guidance note is not public but is referenced by the European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), pp. 11-12.

needs in their countries of residence, as well as through temporary relocations at regional level, in EU countries, or elsewhere.[41]

The 2020-2024 (extended to 2027) EU Action Plan on Human Rights and Democracy explicitly mentions the need to support HRDs and their families and provide assistance and makes commitments towards non-discrimination.[42]

Several European countries have also adopted HRD-specific guidelines. This is the case of EU member state Finland,[43] and of Schengen associated states Norway[44] and Switzerland.[45]

The Norwegian guidelines explicitly mention visas, recognizing defenders' varied reasons for obtaining one. They also mention that "diplomatic missions may in exceptional cases request that persons are granted an entry permit to Norway", provided "the person concerned is in danger, they meet Norwegian criteria for asylum, and that the case is of significance to Norwegian interests".[46] The Swiss guidelines mention visas for HRDs as well, recognizing that in some cases, issuing a Swiss humanitarian visa may be a protection mechanism for HRDs.[47]

In 2014, the Organization for Security and Co-operation in Europe (OSCE)[48] – of which all EU and Schengen states are members - published its own set of Guidelines on the protection of HRDs,[49] stating that:

> "visa regimes and procedures should not impose undue obstacles for human rights defenders to travel to another state for the purpose of their human rights work and should be simplified as much as possible. […] Furthermore, visa applications must be considered duly and without discrimination on any ground such as race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, age or other status."[50]

1.1.2. CONCERNS WITH THE IMPLEMENTATION OF THE EU GUIDELINES AND VISA PRACTICES FOR DEFENDERS

> **"From my conversations with defenders around the world, one of the most frequently repeated requests relating to their security is that visas are made more accessible to them. There is currently a disconnect between States stressing their support for the work of human rights defenders on the one hand, yet failing to implement one of the protective measures most commonly cited by HRDs themselves on the other."** – UN Special Rapporteur on Human Rights Defenders[51]

In late 2022, the European Parliament invited the EU Agency for Fundamental Rights (FRA) to prepare a report on practices in support of relocating defenders, including visas, across EU member states. The report, published in July 2023, found that:

> "[t]here are many hurdles in obtaining a visa [which] can be particularly difficult for human rights defenders to overcome in certain situations. […]. Several of the challenges are common to anyone applying for an EU visa; however, some challenges are specific to human rights defenders. In practice, these obstacles are such that human rights defenders are often deterred from making applications or seeking temporary relocation as part of their protection strategies."[52]

It also noted that:

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[41] ProtectDefenders.eu, "About Us", protectdefenders.eu/about-us/ (accessed 16 September 2025).
[42] European Union, *EU Action Plan on Democracy and Human Rights 2020-2024*, eeas.europa.eu/sites/default/files/action-plan_ddh_democracy_2020-2024.pdf. Commitments to non-discrimination are woven throughout the document, and more at the forefront in section 1.1., p. 12.
[43] Ministry for Foreign Affairs of Finland, *Supporting Human Rights Defenders Together: Guidelines of the Finnish Foreign Service*, 28 April 2023, julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164904/UM_2023_11.pdf?sequence=4&isAllowed=y.
[44] Norwegian Ministry of Foreign Affairs, *Norwegian guidelines for support to human rights defenders*, regjeringen.no/contentassets/3b4a9f25aae749aea555677ae81bf7a9/en-gb/pdfs/guidelines-on-supporting-human-rights-defenders.pdf.
[45] Schweizerische Eidgenossenschaft, Federal Department of Foreign Affairs FDFA, *Swiss Guidelines on human rights defenders*, 2019, eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD_EN.pdf.
[46] Norwegian Ministry of Foreign Affairs, *Norwegian guidelines for support to human rights defenders* (previously cited), pp. 26-28.
[47] Schweizerische Eidgenossenschaft, *Swiss Guidelines on human rights defenders* (previously cited), pp. 18-19.
[48] OSCE, "Participating States", osce.org/participating-states (accessed 16 September 2025).
[49] Organization for Security and Co-operation in Europe (OSCE), *Guidelines on the Protection of Human Rights Defenders*, 10 June 2014, osce.org/files/f/documents/c/1/119633.pdf.
[50] Organization for Security and Co-operation in Europe (OSCE), *Guidelines on the Protection of Human Rights Defenders* (previously cited), para. 81.
[51] UN Special Rapporteur on HRDs, *Position paper* (previously cited).
[52] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited).

> "[o]verall, human rights defenders face a high degree of uncertainty when applying for Schengen visas as it is not known in advance whether any given Member State (or official) will exercise the discretion and flexibility possible in the Visa Code to their benefit."[53]

In a March 2023 resolution, the European Parliament noted that the implementation of the EU Guidelines on HRDs was "uneven, largely focusing on reactive measures, lacking a consistent overall implementation of the strategy and being characterized by insufficient visibility of EU action and channels of support for HRDs".[54] It found that because of "the voluntarist nature of the Guidelines, the intensity and quality of EU delegations' engagement with and on HRDs varies considerably from country to country and is in practice largely dependent on the local political context or the individual dedication and political will"[55] of officials.

On the topic of visas and relocation for HRDs, the European Parliament highlighted that visas are an important protection tool and urged the Commission to establish "an EU-wide multi-entry visa scheme for HRDs."[56] In particular, it encouraged Member States to:

> "[F]acilitate the issuance of visas 1) procedurally, by ensuring that their embassies' and consulates' processes are swift, comprehensible, accessible and achievable, and 2) structurally, by creating a specific category in the EU Visa Code for HRDs at risk and including dedicated instructions in the EU Visa Code Handbook on granting facilitation procedures to HRDs and their family members."[57]

It further affirmed "the need to make visa requirements and conditions less stringent for HRDs in need of emergency evacuation"[58] and encouraged member states to increase temporary relocation opportunities for HRDs and their families, and to "facilitate the issuance of short-term, multiple-entry visas for HRDs seeking to travel to Europe for advocacy or professional training purposes."[59]

A study published in January 2024 and commissioned by the European Parliament provided a detailed analysis of measures to support access and stay of HRDs in the EU, including recommendations for changes to the EU Visa Code and the EU Visa Handbook to provide easier access to visas for HRDs. This study also proposed recommendations for legal changes to allow longer stays for HRDs in EU countries.[60]

Amnesty International also assessed the implementation of the EU Guidelines on HRDs in 2007 and in 2019 and highlighted many of the same shortcomings. The organization's 2007 report[61] identified difficulties with the issuing of visas for HRDs at grave risk and noted that the validity periods of visas were becoming shorter. The 2019 report[62] highlighted that support for emergency relocation for HRDs was mixed across the five countries surveyed (Burundi, China, Saudi Arabia, Honduras, Russia) and that often HRDs lacked the information as to what support was available from the EU – and that was especially the case if HRDs were removed from capitals.

1.1.3. CHALLENGES WITH ACCESSING THE UN HUMAN RIGHTS MECHANISMS IN GENEVA, SWITZERLAND

> **"It is completely unacceptable to tell defenders who are coming to Switzerland to work with the UN that they are at risk of overstaying their visas."** - International Service for Human Rights

> **"Whether intentional or not, the message is sent that in order to go to the UN in Geneva, Global South activists must have access to a high income and/or own property."** - International Women's Rights Action Watch Asia Pacific[63]

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[53] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 31; CEELI Institute, *Human Rights Defenders in EU Visa Policy: Recommendations for Reform*, October 2020, ceeliinstitute.org/assets/resources/ceeli_hr_defenders_digital.pdf, pp. 43-44.
[54] European Parliament, *Resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders*, europarl.europa.eu/doceo/document/TA-9-2023-0086_EN.html, para. 4.
[55] European Parliament, *Resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders* (previously cited), para. 10.
[56] European Parliament, *Resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders* (previously cited), para. 42.
[57] European Parliament, *Resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders* (previously cited), para. 42.
[58] European Parliament, *Resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders* (previously cited), para. 42.
[59] European Parliament, *Resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders* (previously cited), para. 45.
[60] Elspeth Guild and others, *Enhancing the protection of human rights defenders* (previously cited).
[61] Amnesty International, *Ensuring protection? The European Union and human rights defenders* (Index: EUR 01/007/2007), 10 May 2007, amnesty.org/en/documents/eur01/007/2007/en/.
[62] Amnesty International, *Defending Defenders? An Assessment of EU Action on Human Rights Defenders* (Index: IOR 60/0995/2019), 25 September 2019, amnesty.org/en/documents/ior60/0995/2019/en/.
[63] International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific), *Shadow Report to the 83rd Session of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Switzerland as Gatekeeper: The Impact of Visa Application*

Geneva is one of the largest seats of the United Nations system worldwide, and it hosts key human rights mechanisms and UN institutions. In addition, a wide range of international organizations and NGOs have a presence in Geneva, making Switzerland a key destination for HRDs from all over the world. HRDs regularly take part in meetings and advocacy opportunities, organized both by civil society organizations and by UN institutions. Sessions of the UN Human Rights Council and many UN Treaty Bodies, as well as preliminary meetings, are also regular occurrences for attendance of HRDs. Engaging with these mechanisms is essential for HRDs, it's where they can discuss and bring to light important human rights issues. In fact, without their active participation, the work of these mechanisms would be undermined and, in some cases, outright impossible. Despite this, Switzerland offers no specific or facilitated visa procedure for HRDs, who have to go through the normal visa procedure, deeply affecting their ability to participate in high-level human rights activities. Further, many UN Human Rights Council sessions do not provide invitations, and even when there is an official invitation, it is no guarantee of an easier visa process – as will be shown by numerous cases throughout this report.

The Geneva-based *International Service for Human Rights (ISHR)* reported to Amnesty International how their collaboration with the Swiss government and diplomatic representations to secure visas for HRDs is usually successful; however, that changes when there is no Swiss representation in the countries of residence of HRDs. Having to go through a different Schengen country's diplomatic representation means that visa officers may not be aware of the significance of being able to easily travel to Geneva for HRDs.[64]

Countries which host UN or other international human rights institutions should ensure equal, non-discriminatory access to them and ensure that other Schengen countries which process their visa applications are aware of the importance of facilitating the access of HRDs.

During 2024, some Geneva-based organizations interviewed by Amnesty International noticed increasing difficulties in securing visas from all embassies, particularly for African defenders, with visa appointments becoming scarcer and with longer waiting times, and visas being given only for the exact duration of an event.[65]

In addition, the timelines of some UN-organized events can be incompatible with visa and organizational processes. Some are announced at relatively short notice, making it very difficult for HRDs to get organized (especially when they represent resource poor organizations that need to apply for funding), and obtain a visa in time.[66]

> **"In Geneva there is no other option, the UN mechanism is there, and you don't choose the date, this is imposed by the UN, and the UN doesn't make it easy. If the visa system worked better, it would be better for the UN as well, we would be able to submit in advance names of participants and so on."** – International Disability Alliance

> **"For events organized by the UN, they always say that they are not able to support with visa processes, that they can only give a letter of support. Spaces end up being monolithic because of this lack of support. If it is announced that an event is going to take place in one month, this is unfeasible for visa processes – so grassroots activists, the ones who really should be at the table, are not there."** – Youth Coalition for Sexual and Reproductive Rights

The timelines of certain meetings, particularly confidential ones such as the pre-sessions of the Committee on the Rights of the Child, can be even more challenging. In these cases, the exact dates of the events are not publicly shared, which makes it very hard for those having to apply for visas as they need to wait for their written invitation. In the case of events open to the public, HRDs have to obtain support and invitations from partner civil society organizations in Geneva, excluding HRDs without international connections.[67]

> **"The opportunity to participate in the work of international organisations is threatened by Schengen visa processes which hinder and block access to the United Nations in Geneva. This barrier is**

Processes on Global South Civil Society Representation at the United Nations, September 2022, iwraw-ap.org/wp-content/uploads/2022/10/IWRAW-AP-shadow-report-on-Switzerland-and-visa-issues.pdf, p. 5.

[64] This issue may be exacerbated when Schengen countries use external service providers to collect and process visa applications, as will be explored in more detail in section 2.1.3.

[65] Interviews with International Service for Human Rights and DefendDefenders.

[66] Interview with International Disability Alliance.

[67] Interview with Child Rights Connect.

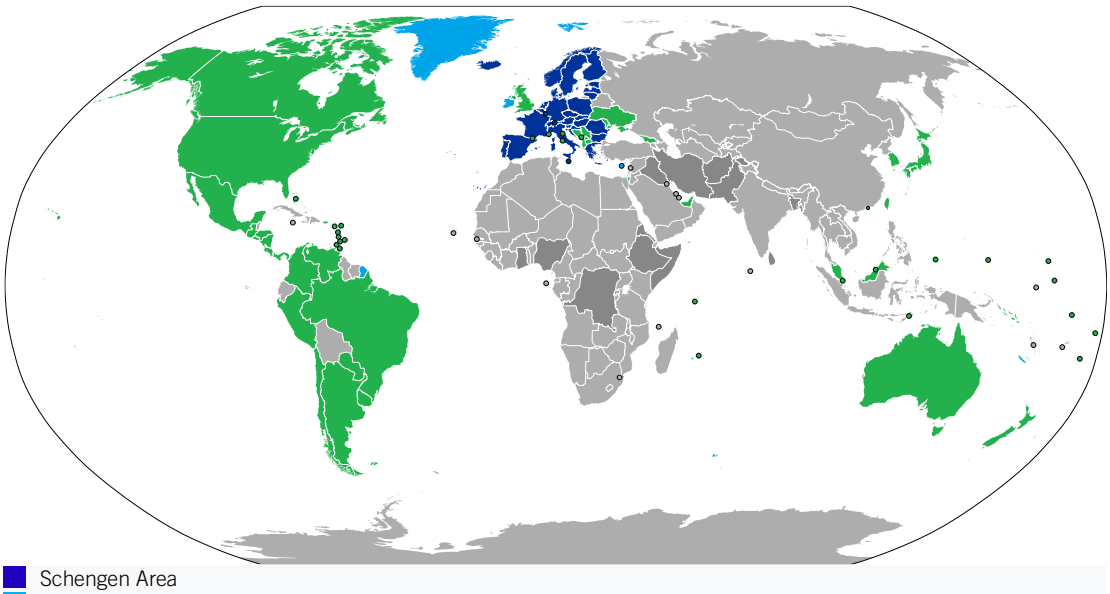
implemented both by Switzerland itself and by other EU countries which handle visa applications in the absence of a Swiss embassy."- International Women's Rights Action Watch Asia Pacific[68]

"In terms of human rights work, I can't properly support our local partner organizations in the region if I am not able to travel to Geneva and participate in CEDAW Committee meetings. We want Concluding Observations that are relevant to our work, and there is much less possibility for that to happen if we can't engage. The impact is just not there. Countries are not being held accountable for their human rights non-compliance if we can't give CEDAW the proper information." - WHRD, Pakistan

Although in some cases participation can be arranged virtually, this has limitations. Virtual participation is also not accessible to all HRDs, whether because of lack of connectivity, or because it may not be safe for them to join online. Further, it precludes deeper connections and spontaneous advocacy opportunities.

"Even if an alternative can sometimes be found in terms of having an online meeting, it does not compare with being in the room. When people come to Geneva for an in-person meeting they also have a full agenda, organize many other meetings. Maybe they can still participate in the meeting online, but they miss other opportunities. If some HRDs are in the room and some online, it's an unbalanced participation." - Child Rights Connect

1.2. SCHENGEN VISAS



Schengen Area
Other EU members and Schengen countries' territories outside the Schengen Area (freedom of movement in the Schengen Area)
Visa not required for short stays in the Schengen Area, usually 90 days in any 180-day period
Visa required to enter the Schengen Area, and to transit some Schengen countries in some cases
Visa required to enter or transit any Schengen country
Source: Wikipedia, Visa policy of the Schengen Area, Creative Commons CC0 1.0 Universal Public Domain Dedication.

The 29 European countries that are part of Schengen area have agreed to be bound by common legal regulations (such as the EU Visa Code), covering border controls and the issuing of visas and related matters, to abolish internal border controls and enable passport-free movement across their territories.

A key requirement for Schengen states is the application of "the common set of Schengen rules [..] regarding border controls, visa issuance, police cooperation" and the "responsibility for controlling the external borders on behalf of other Schengen countries".[69] This means that the internal freedom of

[68] IWRAW Asia Pacific, *Switzerland as Gatekeeper* (previously cited), p. 3.
[69] European Council, "The Schengen area explained", consilium.europa.eu/en/policies/schengen-area/ (accessed 16 September 2025).

movement is predicated upon control of the external borders, which includes, among other measures, the imposition of visas for nationals of 104 countries.

HRDs coming from those 104 countries, which are the vast majority of countries in Africa, Asia and the Middle East, have to apply for a visa to enter the Schengen area to carry out their human rights activities or seek respite. Despite HRDs' specific mobility needs, there is no tailored visa procedure for them. They have to go through the regular procedure as all other applicants – with the many obstacles that this entails, as will be shown in chapter 2.

1.2.1. TYPES OF SCHENGEN VISAS

There are three main types of visas to access countries in the Schengen area:

- Short-term visas (C-type): which allow access to the Schengen area for up to 90-days in any 180-days period. They can be valid for all Schengen states or be limited to the territory of one or more states.
- Airport-transit visas (A-type): which allow for transit through an airport on the territory of a member state. They currently apply to citizens of 12 countries,[70] however, in cases of "mass influxes" transit visas may be imposed on nationals of other states.[71]
- Long-term national visas (D-type): which allow for longer stays – from over 90-days up to a maximum stay defined by individual states – and are usually restricted to the territory of the issuing state. They are regulated by national legislation, at individual state level.[72]

C-type and A-type visas are regulated by the EU Visa Code,[73] which binds EU member states that are part of the Schengen area and non-EU countries that are part of Schengen. Non-EU Schengen states, such as Iceland, Lichenstein, Norway and Switzerland, apply the Visa Code through formal association agreements with the EU. The EU Visa Code sets out the procedures and conditions for issuing short-stay Schengen visas. It specifies which member state is responsible for deciding on an application, what an application should consist of, where and when to lodge an application, the amount of the visa fee, how to decide on an application's admissibility, deadlines for decision-making and what decisions can be taken on a visa application. It also provides a standardized application form for a Schengen visa, a non-exhaustive list of supporting documents required, and a standard form for a visa denial.

This report focuses on the importance of C-type Schengen visas for HRDs. These visas can allow single, double or multiple entry into the Schengen area and can be valid for a period of one, three or five years.

1.2.2. FLEXIBILITY OF SCHENGEN VISAS

While the EU Visa Code[74] does not mention HRDs specifically, it includes a level of flexibility that can be relevant to HRDs. For example, it allows for:

- Appointments to be given immediately, or applications to be lodged without an appointment, "in justified cases of urgency" (article 9.3), and the processing of applications "without delay in justified individual cases of urgency" (article 23.2.a).
- The waiving of the requirement that the travel document be valid for at least three months after departure from the Schengen area "in a justified case of emergency" (article 12.a) and the waiving of one or more supporting documents in case the applicant's integrity and reliability is known to the consulate (article 14.6).
- The reducing or waiving of the visa fee, for several categories of applicants, as well as "when to do so serves [..] interests in the field of foreign policy, development policy and other areas of vital public interest, or for humanitarian reasons or because of international obligations" (article 16.6).

[70] These countries are: Afghanistan, Bangladesh, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Iran, Iraq, Nigeria, Pakistan, Somalia and Sri Lanka. European Union, Consolidated text: Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (EU Visa Code), eur-lex.europa.eu/eli/reg/2009/810/2024-06-28, Annex IV.
[71] EU Visa Code, Article 3.2.
[72] European Commission, "Visa policy", 23 June 2025, home-affairs.ec.europa.eu/policies/schengen/visa-policy_en (accessed on 17 September 2025).
[73] EU Visa Code.
[74] EU Visa Code.

- The processing of applications that do not meet all the requirements, "on humanitarian grounds, for reasons of national interest or because of international obligations" (article 19.4).
- The examination of visa applications lodged by individuals who are "legally present but not residing" in a country other than their country of nationality, if sufficient justification is provided (article 6.2).
- The issuing of a multiple entry visa with up to five-years' validity when the applicant illustrates the need to travel frequently and proves their integrity and reliability (article 24.2c).[75]
- The issuing of limited territorial validity visas in exceptional cases "when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations" (article 25.1.(a)).

The EU Visa Handbook[76] is an accompanying set of guidelines, best practices and recommendations which provides examples of practical implementation of the EU Visa Code. The EU Visa Handbook is meant to help officials applying the Schengen legal framework to interpret and apply the provisions of the EU Visa Code by using real life scenarios. Until the Handbook's revision in 2024, it did not mention HRDs specifically; however, it still had recommendations regarding flexibility and referred to civil society representatives as a type of traveller who would benefit from multiple-entry visas.[77]

The EU Visa Handbook was revised in June 2024[78] after sustained advocacy from civil society organizations and experts in HRD protection,[79] and now spells out how to better support HRDs through the visa application process.[80] Some key suggestions include:

- Flexibility regarding where to apply for visas: including for HRDs who are legally present but not residing within a consulate's jurisdiction, or how to apply at consulates of other member states, where this is justified by practical or security reasons
- Timing: flexibility and expedited processes and decision for urgent cases and fast-track procedures for HRDs
- Costs: the possibility to waive or reduce visa fees
- Documentation: which should be simplified for "bona fide" HRDs who are known to be trustworthy or recognized by a trusted third party
- Fair assessment: information from trusted civil society organizations and specific circumstances should be taken into account when assessing the risk of irregular migration
- Multiple-entry and long validity visas: to be given to HRDs who travel frequently in relation to their work.[81]

The flexibility in the EU Visa Code, which its accompanying EU Visa Handbook points to, allows for it to be applied in a manner that is consistent with EU and Schengen states commitments to HRDs, and that takes into consideration their specific circumstances. The level to which this happens, however, is unclear, and as the many examples in the following chapter highlight, the practice is uneven.

[75] "[T]he possibility of temporarily relocating to the EU, facilitated through long-life multi-entry visas in particular, may form part of a HRD's broader protection strategy and empower them to continue their work back home in the long-term," UN Special Rapporteur on HRDs, *Position paper* (previously cited).
[76] European Commission, Annex to the Commission Implementing Decision amending Commission Decision C(2010) 1620 final as regards the replacement of the Handbook for the processing of visa applications and the modification of issued visas (Visa Code Handbook I) (hereinafter: 2024 EU Visa Handbook), 26 June 2024, home-affairs.ec.europa.eu/document/download/1d79f44d-49ba-4847-951e-129f924b1051_en?filename=Commission+Implementing+Decision+C%282024%29+4319-annex_en.PDF.
[77] European Commission, Annex to the Commission Implementing Decision amending Commission Decision C(2010) 1620 final as regards the replacement of the Handbook for the processing of visa applications and the modification of issued visas (Visa Code Handbook I), 28 January 2020, para. 8.4.3.2.
[78] 2024 EU Visa Handbook.
[79] ProtectDefenders.eu, *Joint Statement* (previously cited).
[80] ProtectDefenders.eu, *Guidance note for civil society organisations - Empowering Human Rights Defenders with the Latest EU Visa Code Handbook Updates*, 2024, protectdefenders.eu/wp-content/uploads/2020/07/CSOs-PROTECTDEFENDERS.EU-GUIDANCE-NOTE-EU-VISA-HANDBOOK-2024.pdf.
[81] ProtectDefenders.eu, *Guidance note for EU Member States, Consular Authorities, and Border Officials - Enhancing Visa Processing for Human Rights Defenders: Key Updates to the EU Visa Code Handbook*, 2024, protectdefenders.eu/wp-content/uploads/2020/07/EU-MEMBER-STATES-CONSULAR-AUTHORITIES-AND-BORDER-OFFICIALS-PROTECTDEFENDERS.EU-GUIDANCE-NOTE-EU-VISA-HANDBOOK-2024.pdf; 2024 EU Visa Handbook, paras. 1.8., 1.9., 2.2., 3.4.3., 5.2.3., 6.13, 8.4.3.2.

2. SCHENGEN VISAS: OBSTACLES FOR HRDS

> **"The procedures under the Visa Code can be extremely onerous. When confronted in the intense, repressive and insecure contexts in which HRDs often find themselves, they can present insurmountable barriers to successful visa applications."** - UN Special Rapporteur on Human Rights Defenders[82]

This chapter provides an overview of the hurdles that HRDs applying for Schengen visas have to contend with, including 48 real-life examples documented through interviews with HRDs and NGOs arranging travel for them.[83]

These barriers are well known in the human rights sector, and have also been identified by organizations such as *CEELI Institute*[84] and the *EU Agency for Fundamental Rights (FRA)*.[85] They include: restrictions on applications from outside HRDs' country of residence; the risks and costs involved with filing applications; the risks due to visa services being outsourced to external service providers; inadequate time frames for making visa applications; difficulties in gathering the required support documents; criminalization by the countries of origin.

While these obstacles do not always result in a visa denial, every time an HRD starts the process of applying for a Schengen visa, the outcome is unpredictable. Submitting a visa application is akin to engaging in an obstacle course, where the journey may end before it even begins. This has a significant negative impact on their activities, lives, and wellbeing, particularly for those at risk and marginalized. Further, these barriers run contrary to EU and national guidelines and international instruments for the protection of HRDs, and risk obstructing their right to defend rights.

As will be explained in chapter 3, these obstacles are manifestations of systemic racism embedded in visa and migration systems which result in disproportionate negative impacts on racialized HRDs.

Many of the obstacles outlined in this chapter could be overcome if all officials responsible for handling visa applications applied the flexibility and discretion powers they have per the EU Visa Code and as explained in the revised EU Visa Handbook when they receive and process applications by HRDs. The fact that these barriers persist, however, represents a failure and contradiction on the part of Schengen states which have publicly committed to protecting HRDs.

2.1. LOCATION

Visa applications usually need to be submitted through the diplomatic representation (consulate or embassy) of the Schengen country where one is intending to travel to. However, many Schengen states do not have diplomatic representations in every visa-restricted country. In some cases, defenders may have to travel to

[82] UN Special Rapporteur on HRDs, *Position paper* (previously cited).
[83] The number refers to the cases included in the report. Many more have been reported by civil society organizations and individual human rights defenders, but they have not been included. The cases included in the report were selected on a geographical basis, because they showcase different aspects of visa obstacles, and to avoid repetition.
[84] CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited).
[85] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), pp. 29-30.

another country in the region to lodge their application to the relevant Schengen consulate, which may put defenders at risk. In addition, for HRDs who are already outside their country of origin, diplomatic representations are not always willing to accept their visa applications. In many cases, Schengen countries use external service providers (companies providing visa processing services) to receive applications, and this can add another layer of difficulty and risk for HRDs.

In November 2023, the Council of the EU adopted a regulation to create a digital visa application portal, which would make visits to the embassies and consulates unnecessary, unless the collection of biometric data is needed.[86] The digital visa application process is set to start operating in 2028.[87] A digital application process may offer a solution to many of the obstacles listed here as well as in the sections below. However, the digitalisation of visa processes can also create further barriers, and the impact of this development will need to be assessed once it is implemented.

2.1.1. NO DIPLOMATIC REPRESENTATIONS

When submitting a visa application, individuals must attend in person, as they have to be fingerprinted.[88] Applicants may also be required to attend a second time in case an interview is deemed necessary.[89]

However, finding an accessible location where to lodge a visa application can be a challenge. Despite provisions in the EU Visa Code allowing states to collect and process visa applications on behalf of other member states that lack diplomatic representations in certain countries,[90] this does not happen all the time.

This means that in certain cases, HRDs simply cannot submit a visa application or are forced to travel abroad to do so. While this implies time and costs for all visa applicants, for HRDs this requirement can also imply security risks, which may be so great as to outweigh the potential benefits of traveling.

Civil Rights Defenders told Amnesty International that the lack of Swedish diplomatic representation in Kyrgyzstan and the lack of arrangements with other Schengen states made it impossible for Kyrgyzstani defenders to submit their visa applications for travel to Sweden. They were invited to a conference that was to take place in October 2022. At the time, arrangements which had been in place previously with the German embassy were no longer effective. HRDs were also unable to apply from neighbouring countries (such as Uzbekistan or Tajikistan, where Sweden had diplomatic arrangements with other Schengen countries' embassies) because they needed to provide proof of long-term residency in those countries. The inviting organization contacted the diplomatic representatives of Sweden in other countries, and of other Schengen countries in Kyrgyzstan and the region, but a solution to accommodate the HRDs was not found. It was suggested that they travel to Moscow, which would present higher costs and security risks. This meant that Kyrgyzstani defenders were not able to travel to Sweden.[91]

International Disability Alliance reported that a delegation of its members from Liberia were required to travel to the Ivory Coast to apply for a visa to Switzerland. Long waiting times for appointments and having to travel to a country where a different language is spoken, resulted in the delegation deciding not to apply.

Gulf Centre for Human Rights wanted to invite a Yemeni HRD to an event in an EU country in 2025.[92] As this EU country had no diplomatic representation in Yemen, and there were no agreements with other member states, the only available option was to submit the visa application through that country's consulate in Jordan. This meant that the HRD would have needed funds for travel, accommodation and living expenses in Amman for up to one month – the time needed to submit the visa application and processing -

[86] European Council, "Council gives green light to the digitalisation of the visa procedure", 13 November 2023, consilium.europa.eu/en/press/press-releases/2023/11/13/council-gives-green-light-to-the-digitalisation-of-the-visa-procedure/.
[87] European Commission, "Everything you need to know on the Schengen visa digitalisation", 1 December 2023, home-affairs.ec.europa.eu/news/everything-you-need-know-schengen-visa-digitalisation-2023-12-01_en.
[88] EU Visa Code, Article 10.1.
[89] 2024 EU Visa Handbook, para. 2.3.1.
[90] "A Member State may agree to represent another Member State that is competent [..] for the purpose of examining and deciding on applications on behalf of that Member State. […] Member States lacking their own consulate in a third country shall endeavour to conclude representation arrangements with Member States that have consulates in that country," EU Visa Code, Article 8. However, this is not an obligation, and so far, proposals introduced by both the European Parliament and the European Commission with a view to solving this problem and introducing such mandatory diplomatic arrangements, have not been accepted, as reported by CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), p. 28.
[91] Since July 2024, the Hungarian embassy started handling Schengen visas applications for Sweden, as reported by Embassy of Sweden, Sweden & Kyrgyzstan, "Visiting Sweden", swedenabroad.se/en/about-sweden-non-swedish-citizens/kyrgyzstan/going-to-sweden/visiting-sweden/.
[92] Country is withheld to protect the identity of the HRD.

without any guarantee that the visa would be issued. This resulted in the Yemeni HRD not being invited due to the high costs involved.

International Service for Human Rights (ISHR) recalled two cases of visa denials for WHRDs invited to their training programme in Geneva, Switzerland, in 2023, who had to apply for a visa through the Swedish and French embassies, due to a lack of Swiss diplomatic representations in their countries of origin. Both WHRDs were of a similar age and had no dependents. One of them came from a **Middle Eastern** country, and the other from a **sub-Saharan African** country.[93] The denials claimed that their intention to leave the territory of Switzerland before the expiry of the visa could not be ascertained. In one case, *ISHR* was then able to appeal and reverse the denial by reaching out to diplomatic contacts at the UN, although this meant that the WHRD's travel was delayed, and she missed a full week of training.

ISHR also reported that for HRDs coming from **Fiji**, the lack of a Swiss diplomatic representation means that they either have to travel to New Zealand to submit their visa applications – bearing in mind that they would also require a visa to enter New Zealand – or they have to travel to another Pacific Island country, with very high travel costs involved. This results in very few HRDs from Fiji being able to participate in human rights-related activities in Geneva.

A delegation of activists from **Guinea**, scheduled to participate in an INGO global event which took place in August 2023 in Brussels, Belgium, had to try different avenues to secure a visa. The closest Belgian embassy was in the Ivory Coast, so the delegation decided instead to apply through the French embassy in Conakry, Guinea, to avoid having to travel out of the country. However, there were no appointments available there, so they applied through the German embassy. Although they managed to secure the visa, the entire delegation had to travel first to Germany, and then onwards to Belgium, to respect the terms of the visa.

A **Sudanese** WHRD was invited to Geneva, Switzerland, in September 2023 to participate in a session of the UN Human Rights Council and a training programme organized by *ISHR* and other NGOs, including Amnesty International. She applied approximately one month in advance of the envisaged travel. The WHRD got an appointment two days after requesting it in Nairobi, Kenya. While such quick availability may seem positive, it would have taken her 15 hours of travel by land to reach an airport in Sudan. Besides, finding an available seat on one of the few planes heading to Kenya would have been a challenge at such short notice. She reached out to the Swiss embassy in Nairobi to explain the situation and request a later appointment, but no provisions were made. In the end the WHRD was not able to submit her application.

These obstacles mean that HRDs and their inviting organizations have to spend a lot of time on overcoming visa-related obstacles, such as researching the best and most cost-efficient options to submit visa applications and analysing the chances of getting a visa with different embassies. This also means that marginalized HRDs who are in the "wrong" locations, and who do not have the time, means, knowledge and the "right" contacts to engage with the complexities of the system, are more likely to be excluded.

2.1.2. APPLYING FROM THIRD COUNTRIES

The EU Visa Code allows individuals to apply for visas from a third country if they are "legally present"[94] there. The revised EU Visa Handbook provides examples of how applications by HRDs in these situations could be facilitated.[95] However, when an HRD is outside their country of origin, this can negatively impact their chances of getting a visa, because assessing their intention to "return home" is a key factor in the visa decision making, as will be examined more in detail below, in section 2.3.3.

A **Sudanese** WHRD living in Uganda after leaving Sudan for her safety was invited to participate in a session of the UN Human Rights Council on Sudan in September 2023 in Geneva, Switzerland, and a training programme organized by several NGOs, including by *the International Service for Human Rights*. She was able to secure an appointment at the Swiss embassy in Nairobi, Kenya, and travelled there to submit the application. After waiting 14 days in Nairobi for the result of her application, she collected her passport at the embassy on a Friday, but without the visa, and was asked to come back on the following Monday, when she

[93] Countries are withheld to protect the identity of the WHRDs.
[94] "A consulate of the competent Member State shall examine and decide on an application lodged by a third-country national legally present but not residing in its jurisdiction, if the applicant has provided justification for lodging the application at that consulate," EU Visa Code, Article 6.2.
[95] 2024 EU Visa handbook, para. 1.8. Two examples in the paragraph explicitly mention HRDs who are outside their countries of origin. The previous version of the EU Visa Handbook also clarified that if an applicant is legally present in the territory of a third country, and "can justify why the application could not be lodged at a consulate in his/her place of residence", the application "may be accepted," Visa Code Handbook I, para. 1.8.

received her rejection letter on the grounds that considering the war in Sudan, they did not believe she would return to her country.

Three HRDs living in exile in Thailand were invited by a civil society organization based in a Schengen country to participate in an advocacy activity in October 2024.[96] All three visa applications were denied on the grounds that they might not leave after their visa expired. HRDs living in exile in Thailand do not have access to long-term residence permits; they rely on yearly permits, which can be renewed only one week before their expiration. This affects the timing of when HRDs can submit their visa applications and requires careful strategic planning. One of the HRDs who received the denial had their yearly permit expiring before the travel date and they believed this may have been a factor in the decision. They then waited for the renewal of their yearly Thai permit, submitted another Schengen visa application, and received their visa in a short time. The other two HRDs did not appeal the denial or submit another application; their yearly Thai visa permits were valid until after the intended travel date when they submitted their visa application. All other documents (return flights, proof of accommodation, insurance, financial guarantees) were the same for all three HRDs. They could not work out why there were different outcomes in the process.

Another HRD in exile in Thailand, who submitted their visa application for the same activity, had to wait 45 days for the decision, and their passport was held during the entire time it took for the decision to be made. At the end of the 45 days, they received a denial of their visa application. Non-Thai citizens living in the country on a yearly permit are required to report to the local immigration offices every 90 days with their passports, which further complicates the timing of their visa applications. Further, going without a passport for such a long time is troublesome because passports are often required for administrative tasks in the country.

2.1.3. EXTERNAL SERVICE PROVIDERS

Many Schengen states use external service providers to support with visa processing.[97] These are private companies that provide information on visa processes and collect visa fees, applications and supporting documents. The decision remains with the specific country's diplomatic representation.

> **"In Nepal, we cannot go to the embassy, we have to go to the visa service centre. But if we have direct interviews with the people in the embassy, I can explain properly who I am, what I am going to do, why I am going to a specific event. When we meet face to face, we can explain about our work and our role."** – WHRD, Nepal

> **"When external service providers are involved, the process is more complex because there is a risk of losing the nuance. There seems to be less understanding of what defenders are coming to do in Geneva, and it is not clear for external service providers what range of activities defenders can engage in at the United Nations, so there is a risk of closing that space for participation"** – International Service for Human Rights

As highlighted by the *EU Agency for Fundamental Rights* (*FRA)*, the use of external service providers to collect and handle visa applications can be problematic because it may result in "privacy risks, increased costs and administrative inflexibility around support documents".[98] *CEELI Institute* also mentioned that the lack of flexibility by external providers in receiving visa applications may result in applications being dismissed and failing to reach the diplomatic representation of a Schengen state if any documents are missing or if not all requirements are met.[99]

The EU Visa Code provides for the consideration of applications which do not meet all requirements "on humanitarian grounds, for reasons of national interest or because of international obligations."[100] However, it appears external service providers are not always aware of the needs of HRDs nor of available derogations on visa applications for specific categories of applicants, which results in applications being dismissed before they reach the decision-making stage. The role of external service providers as "gatekeepers" is also

[96] Details are withheld to protect the identity of the HRDs.
[97] EU Visa Code, Article 43.
[98] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 39.
[99] See also CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), pp. 28-29.
[100] EU Visa Code, Article 19.4.

problematic considering the lack of accountability surrounding them, and the monopoly they hold on collecting and processing visa applications.[101]

> **"Third-party (visa) agencies see black and white, while most HRDs' situations are in a grey area that requires careful assessment, so it is better for HRDs to go to the embassy directly and not through the third-party agency."** - FORUM-ASIA

In addition, since service providers employ local staff, human rights defenders may fear being exposed or spied on if their application and invitation letter specifically mentions their human rights work.[102] Privacy concerns also include the collecting, processing and storing of sensitive personal information, such as available funds, family relationships, and employment, especially when it is not entirely clear who will have access to these data.[103]

> **"I prefer to work directly with the consulate, or with the embassy. With a private agency, it's risky, I do not know how secure the process is"** – HRD, Morocco

Concerns about the role of external service providers were also raised by EU institutions themselves, including regarding the large quantity of personal data handled.[104]

2.2. TIMEFRAMES

Timeframes for appointments, decision-making processes and the duration of visas, are yet another step in the obstacle course for HRDs. Real life timeframes can be very different from the maximum waiting times set in the EU Visa code and can make travel impractical or impossible. Lengthy visa processes can be especially concerning for defenders who find themselves in immediate danger, as also has been raised by the *EU Agency for Fundamental Rights (FRA)*.[105]

2.2.1. SECURING AN APPOINTMENT

As mentioned above, to submit a visa application, applicants must secure an appointment to hand in all the required documentation and provide fingerprints, if not already on file. Waiting times for an appointment should not exceed two weeks[106] and the revised EU Visa Handbook suggests that states should take measures to ensure consulates have the capacity to handle visa applications to "avoid systematic and excessive deadlines for obtaining an appointment."[107] The revised EU Visa Handbook also suggests setting up a "fast-track" application procedure for certain categories of travellers, including HRDs.[108] Further, both the EU Visa Code and revised EU Visa Handbook provide exceptions in "justified cases of urgency".[109] Despite this, Amnesty International documented numerous cases which show that securing an appointment in a reasonable amount of time is one of the first obstacles encountered by defenders.

European Center for Constitutional and Human Rights (ECCHR) reported the case of a South Asian HRD based in Turkey,[110] who was invited to a workshop in Germany in June 2022. The HRD tried to secure an appointment with the German embassy in Ankara, first by unsuccessfully contacting the embassy directly, and then through an external service provider. The first appointment available, within four weeks, was one day before the expected travel date. The HRD was told that it would not be possible to secure a visa in a day.

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[101] See for example, María-Luisa Sánchez-Barrueco, "Business as usual? Mapping outsourcing practices in Schengen visa processing", March 2017, Journal of Ethnic and Migration Studies, Volume 44, Issue 3, tandfonline.com/doi/full/10.1080/1369183X.2017.1301814; Portugal News, "Portuguese visa application "monopoly"", 22 October 2022, theportugalnews.com/news/2022-10-22/portuguese-visa-application-monopoly/71425.
[102] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 30.
[103] CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), p. 29; European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 30.
[104] This was mentioned in an unpublished discussion document obtained by civil society organization Statewatch, based on an evaluation carried out in 2022 of visa processing in Riyadh, Beirut, Dakar, Istanbul, and New Delhi. Statewatch, "Schengen visas: Private contractors follow "lax" approach and "enjoy wide and unmonitored access" to applicant data", 20 June 2023, statewatch.org/news/2023/june/schengen-visas-private-contractors-follow-lax-approach-and-enjoy-wide-and-unmonitored-access-to-applicant-data/.
[105] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 30.
[106] EU Visa Code, Article 9.2.
[107] 2024 EU Visa Handbook, para. 2.2.2.
[108] 2024 EU Visa Handbook, para. 2.2.3.
[109] "In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately," EU Visa Code, Article 9.3.; 2024 EU Visa Handbook, para. 2.1.
[110] Country is withheld to protect the identity of the HRD.

A delegation of four HRDs with disabilities from Mauritania was scheduled to participate in the country's review under the UN Committee on the Rights of Persons with Disabilities (CRPD) in Geneva, Switzerland, in August 2023 – the first time the country was reviewed under the mechanism. The delays with appointments were so long that in fact all four HRDs decided to not even apply, forfeiting their chance to participate. Civil society organization *International Disability Alliance (IDA)*, which invited the four HRDs, reached out to French embassy officials, as France was handling visa applications on behalf of Switzerland in the country, to explain the importance of the CRPD Committee review in Geneva for the national disability movement. This did not change the situation, however. In the words of *IDA*:

> **"Public officials were clearly unaware of the UN human rights system and kept their very rigid position about long timeframes for visa appointments."**

A young WHRD from Zimbabwe, invited to an event focused on youth organized by Amnesty International in Brussels, Belgium, in August 2023, was unable to find an appointment with the Belgian embassy, despite trying about two months before the intended travel date. The first appointment available was for a date after the event was due to take place. Amnesty International tried to secure an appointment in South Africa instead but encountered similarly long waiting times. The WHRD could not travel.

> **"We wanted to invite a leading Iraqi HRD to a side event in Geneva in June 2024. Visas for Switzerland are handled in Amman, Jordan, but we were told he could apply to the French representation in Baghdad. We could not even get an appointment. We were told to call a certain office, but we never got a response. Meanwhile, I know of many rich businesspeople who can easily get visas to Europe. How is that fair for HRDs?"** - Gulf Centre for Human Rights

Child Rights Connect reported the case of a child HRD from an African country who was invited to participate in the UN Universal Periodic Review pre-session in Geneva, Switzerland.[111] They tried to find an appointment with the Swiss embassy but the first one available was five months after the pre-session. They could not contact the embassy and the HRD could not participate.

A representative of *Restless Development*, from Zimbabwe, was invited to participate in an event organized by *Hivos* and the *Centre for Feminist Foreign Policy* in the Netherlands in September 2023. The WHRD tried to get an appointment with the Dutch embassy in June of the same year, but none were available before her intended travel date, despite direct communication with the embassy. The same WHRD had been able to travel before and highlighted how the situation may be very different for those HRDs who have less or no international connections. She reflected:

> **"For me, perhaps other times when I got the visa it was because I come from a place of privilege, working with a global agency and so on, but what about local organizations, what about those who don't have that privilege?"**

The same difficulty with securing appointments applies to HRDs who have relocated and reside in EU countries which are not part of the Schengen area, and who may need to travel to Schengen countries. For example, civil society organization *Araminta* reported this problem for Russian HRDs who have settled in Ireland, which is outside the Schengen area, meaning they have to apply for a visa if they want to travel to Schengen countries. They reported appointments are sometimes only available when requested six months in advance.

There are, however, also positive examples when it comes to securing a visa appointment in certain countries, showing that some embassies do apply flexibility to support HRDs. For example, a delegate from Mongolia, scheduled to participate in an Amnesty International global event in Brussels, Belgium, in August 2023, reported that when they tried to secure an appointment for the visa application, no dates were available until after the event. However, Amnesty International Mongolia contacted the embassy of another Schengen state, and they were able to secure a much earlier appointment and managed to get their visa in time for the event.

2.2.2. LENGTHY PROCESSING TIMES, UNTIMELY OUTCOMES

Despite provisions for maximum processing times for visa applications - 15 days from when they are deemed admissible, and up to 45 days if they require more scrutiny, but "without delay in justified individual cases of urgency"[112] - these processes remain lengthy and uncertain. HRDs at risk and those needing to attend

[111] Details are withheld to protect the identity of the HRD.
[112] EU Visa Code, Article 23.

specific events, may not be in a position to wait for long periods for a decision, especially if they already waited a long time to get an appointment in the first place.

Lengthy visa procedures have been highlighted by *FRA*[113] and others, including civil society organization *Statewatch*. The latter obtained an unpublished discussion document prepared by the European Commission which highlighted how visa application deadlines were "systematically not complied with" and "that obtaining a Schengen visa has become "unpredictable" and can take many months, even for frequent travellers."[114]

The revised EU Visa Handbook urges consulates to "take account of duly justified urgency claimed by the applicant (on humanitarian grounds, for instance in the case of dissidents at actual risk of harm) in which case the decision should be taken without delay."[115]

A further concern is the issuing of visas shortly before the defenders' intended travel date, making last-minute arrangements more challenging, particularly if they are invited to specific events. One delegate from an **African** section of Amnesty International,[116] scheduled to attend a global event in Belgium, Brussels, in August 2023 received the visa less than three hours before the scheduled flight, despite having applied over one month in advance.

Such delays also have cost implications for booked transport tickets, accommodation and insurance. For example, flight dates may need to be changed several times and flight cancellations often need to be made 48 hours in advance of the intended departure to receive some compensation. If a flight needs to be booked (or re-booked) last minute, the only seats available at short notice are often business class, making the travel unaffordable.

In some cases, visas are even issued too late for defenders to use them, a concern raised by the UN Special Rapporteur on HRDs[117] as well as by *Gulf Centre for Human Rights* and *Araminta*. They note that on several occasions visas were issued to HRDs after the conferences they had been invited to had already taken place.

This was also the case for two delegates invited to an Amnesty International global event in Brussels, Belgium, in August 2023. A delegate from **Pakistan** received her visa denial two days after the event had ended, despite having submitted her application on 12 June. Another activist, Malachi Dzidula Dorwu, a young HRD from **Ghana**, received a denial the day before the same event started, despite applying over three weeks in advance. The late negative response meant that it was not possible to appeal the decision.

Civil Rights Defenders told Amnesty International how even when defenders are granted visas, the long wait, the uncertainty of the process and last-minute decisions, add to the stresses HRDs already face and take a psychological toll on their wellbeing.

2.2.3. DURATION OF VISAS

When HRDs are invited to participate in events or activities taking place on specific dates, inviting organizations usually ask or recommend asking for visas that are longer than the duration of the main event to accommodate travel, rest and other spontaneous activities.

The EU Visa Code and EU Visa Handbook provide for a "period of grace" to be included in the validity of single entry visas when these are issued for less than 90 days.[118] In normal circumstances this period of grace should be 15 days, and is meant "to allow for a certain room for manoeuvre for the visa holder."[119] The revised EU Visa Handbook also recommends as best practice that "[c]onsulates should consider granting a period of stay with a few days more than the intended stay in order to allow the visa holder to slightly prolong the stay in the Schengen area in case of unforeseen circumstances (e.g. flight cancellations or sudden illness) and to avoid the need for extension of the visa."[120]

However, as reported by interviewed organizations, in most cases short-term Schengen visas are granted for exactly the dates of an event. *Civil Rights Defenders* reported recommending to all HRDs from visa-restricted

[113] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 30. In the same report (p. 30), FRA also noted that emergency visas have been issued in some cases for defenders by Schengen states in a short time frame.
[114] Statewatch, "Schengen visas" (previously cited).
[115] 2024 EU Visa Handbook, para. 7.1.
[116] Country is withheld to protect the identity of the HRD.
[117] UN Special Rapporteur on HRDs, *Position paper* (previously cited).
[118] EU Visa Code, Article 24; 2024 EU Visa Handbook, para. 8.2.1.
[119] 2024 EU Visa Handbook, para. 8.2.1. However, "Member States may decide not to grant such a 'period of grace' for reasons of public policy or because of the international relations of the Member States," EU Visa Code, Article 24.1.
[120] 2024 EU Visa Handbook, para. 8.3.

countries invited to an international gathering in Sweden in October 2022, that they ask for a few extra days of validity on their visas, to allow ease of travelling in and out of the country. However, most defenders received visas matching the exact dates of the conference. For HRDs who have to travel long distances, short-term visas are impractical, and they may need to start travelling the day before the visa's validity, risking being denied boarding by airlines. And at the end of the trip, flight delays may put HRDs at risk of overstaying their visas.

> **"Sometimes I got a visa for one year, two years, it depended on the person in the visa section, maybe, and on the person who is applying. But for those people who are less well-known HRDs, they will get a visa only for the days of the event. This short duration of the visa is very difficult, it's a very long process for a 2,3-day visa. There are many countries part of the EU, part of Schengen, if you get the visa from one country, you should get it for a little bit longer, so you can go to a meeting in Geneva and maybe another in Norway. Sometimes I can arrange meetings in other countries also, so why should I ask for a visa every single time and get the visa for just two days. It would be best to receive at least a two-week Schengen visa, so I can easily go to another country in the area"** – WHRD, Nepal

> **"Whenever the visa is issued, the dates are those specific dates that I need to be there for – there is no flexibility for me, I can't schedule meetings around that time, and that leaves me worried about what happens if there is a flight delay. My flight leaves the day my visa expires, then if I don't leave on that day, that damages my visa reputation and I would have to justify why I overstayed. This is a big worry for me, I stress about this very much. How much could potential flight delays impact my future visa applications?"** – WHRD, Pakistan

DefendDefenders reported the case of a sub-Saharan WHRD who was granted a visa to participate in the Human Rights Council in Geneva in March 2024.[121] The WHRD was later invited to a meeting in Poland following the Human Rights Council but had to decline participation because her visa strictly covered the dates of the Geneva meeting.

The revised EU Visa Handbook suggests solutions to this by, for example, offering multiple-entry visas for HRDs who are supported by trusted inviting organizations, who "may be treated as bona fide applicants and [for whom] consulates may issue multiple-entry visas with long validity if the entry conditions are fulfilled."[122] In such cases "consulates may waive the requirement to present documents regarding the purpose of the journey, accommodation and the means of subsistence"[123] or offer visas with limited territorial validity,[124] including without prior consultation with other states if there is no time to do so.[125]

2.3. VISA APPLICATION ASSESSMENT

> **"We only get to see the results, if a visa has been issued or denied, we don't see the process, and have little input in it. We are only on the receiving end of it"** - HRD, Nigeria

While the specific parameters and decision-making process used to assess visa applications are not public, the supporting documents required for a visa application provide some hints.[126] For example, criteria used to consider whether an applicant fulfils the entry conditions include their intention to leave the Schengen territory before the visa expires and whether they pose a risk of irregular migration, or present a security or public health risk.[127]

According to the revised EU Visa Handbook, "the depth of the examination depends on the risk presented by the applicant according to his/her nationality, local circumstances, his/her profile and personal history. Consulates should take account of the individual applicant's 'visa history' which includes the correct use of visas issued by other Member States irrespective of the purpose of earlier trips."[128] In addition, the Handbook instructs consulates on how to "define 'profiles' of applicants presenting a specific risk".[129]

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[121] Country is withheld to protect the identity of the WHRD.
[122] 2024 EU Visa Handbook, para. 8.4.3.2.
[123] 2024 EU Visa Handbook, para. 5.2.3.
[124] 2024 EU Visa Handbook, para. 8.5.1.
[125] 2024 EU Visa Handbook, para. 8.5.2.
[126] A non-exhaustive list of supporting documents which the consulate may request from the applicant is set out in EU Visa Code, Annex II and in 2024 EU Visa Handbook, para. 5.2.
[127] 2024 EU Visa Handbook, para. 6.1.
[128] 2024 EU Visa Handbook, para. 6.1.
[129] 2024 EU Visa Handbook, para. 6.13.

> **"You are also asked to which countries you have travelled to. If you mention Kenya, or Dubai, then they will tell you, okay, but have you really travelled? Unless I say I have been to the United States, to Europe or Canada, my travel history doesn't really count. I consider it unfair that certain countries are regarded as less than others, that visa officers consider that visa regimes in other countries are not strict enough, that you have not been screened enough."** - WHRD, Nigeria

Provisions in the EU Visa Code[130] and the revised EU Visa Handbook[131] which could potentially accommodate the needs of defenders do not seem to be applied consistently, as seen in the cases below. Interviewed organizations mentioned several factors that may be helpful in getting visas: how well-known defenders are to the diplomatic representations; whether visa officers are well-versed in HRDs' specific situations and needs; how trusted the inviting organization is; and personal and professional contacts with embassies and foreign affairs ministries. Even so, this research has brought to the surface examples of defenders who had previously travelled without issues or who were supported by trusted organisations - and were still denied visas.

2.3.1. PROFILING OF APPLICANTS

The revised EU Visa Handbook advises consulates to prepare sets of:

> "'profiles' of applicants presenting a specific risk, according to local conditions and circumstances which also take account of the general situation in the country of residence (e.g. politically unstable areas, high level of unemployment and wide-spread poverty). 'Profiles' could be based on the stability of the applicant's socio-economic situation, but each individual application shall be assessed on its own merits irrespective of possible 'profiles' having been drawn up."[132]

The criteria for these "profiles" include family links, marital status, employment, level and regularity of income, socio-economic status and possession of property.[133]

Grouping individuals into categories with a lower or higher migration risk calls into question to what extent individual circumstances are valued when assessing a visa application.[134] These criteria could lead to prejudice and disproportionate impacts against individuals that are young, single, students, those who do not have property or a formal job and come from countries that are poor or experiencing instability, with disproportionate effects on racialized HRDs. Moreover, criteria such as having a stable socio-economic situation can be particularly difficult for HRDs, whose life circumstances (often connected to their role as activists) may mean they have less access to stable income or formal work, or may live in a country in a situation of conflict or crisis, or in exile.

Norwegian Helsinki Committee expressed concern that visa requirements can discriminate against certain groups. For example, the requirement to prove that a visa applicant has a spouse or children may be impossible for LGBTI defenders living in countries where same-sex partnerships are not legal. Disclosing a same sex relationship may also put both defenders and their partners at risk.[135]

Civil Rights Defenders invited three Uzbekistani defenders to an international conference in Sweden in October 2022 and assisted them in applying for a Schengen visa at the German embassy, which was processing visas on Sweden's behalf. The three defenders, two men and a woman, applied with exactly the same documents. While the men had no issues with the visa application processes, the woman was asked to provide more supporting documents and was questioned as to her unmarried status. Her visa application was rejected. *Civil Rights Defenders* intervened with the embassy, and only through this intervention was she later granted a visa.[136]

In August 2023, a young WHRD from Morocco, invited to an Amnesty International global event in Brussels, received a visa denial based on the alleged insufficient justification of the purpose of her stay. The WHRD applied for her visa together with a group of four other Amnesty International activists from Morocco, all of whom had the same documentation provided by Amnesty International, including assurance that their costs

[130] See section 1.2.2.
[131] 2024 EU Visa Handbook, para. 3.7.
[132] 2024 EU Visa Handbook, para. 6.13.
[133] 2024 EU Visa Handbook, para. 6.13. On the use of algorithms to profile visa applicants, see also section 2.7.1.
[134] There may also be an inconsistency with the application of the EU Visa Code itself, especially Article 1.4 which states that "When applying this Regulation, Member States shall act in full compliance with Union law, including the Charter of Fundamental Rights of the European Union. In accordance with the general principles of Union law, decisions on applications under this Regulation shall be taken on an individual basis."
[135] See also, CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), p. 33.
[136] The intersectional impacts of visa processes on women HRDs will be further discussed in section 2.4.

for the duration of the event were fully covered. The WHRD was the only one of the group who did not receive the visa. The WHRD was a student at the time, unlike the other delegates who were working. The decision on her visa application came after the event had already taken place. One of her colleagues, said:

> **"I think one of the reasons I did not have issues with the visa is because I'm working and have enough savings in my bank accounts. My friend who is still studying was not granted the visa to the same event."**

2.3.2. SUPPORTING DOCUMENTS

> **"Justifying the visa application can be at odds with protecting HRDs"** - Child Rights Connect

The EU Visa Code provides an overview of the supporting documents which may be required,[137] though each individual Schengen state has discretion to request more. Each Schengen state can also require different documentation for different countries of application, making it very difficult for both HRDs and organizations supporting them to know in advance what is required of them when making a visa application, as was also noted by *CEELI Institute*.[138] The consequence of these differences mean that, while the format of the visa and the legislation applying to its use are harmonised across Schengen states, the visa process itself can be a completely different administrative procedure depending on which consulate is issuing it.

The non-exhaustive list of documents provided in the EU Visa Code includes: documents showing the purpose of the journey; information about accommodation, or proof of financial means to cover accommodation and subsistence for the duration of the intended stay and for the return home, for example proof of booked accommodation or letters from hosting individuals, and insurance. In addition, applicants are required to provide information enabling the assessment of their intention to leave the Schengen area when the visa expires, for example, return tickets, proof of financial means and employment, and family ties.[139]

The EU Visa Handbook explicitly states that the list of supporting documents required should be made "available to the public";[140] but also allows diplomatic representations to request "in justified cases, [..] additional documents [..] not mentioned in the harmonised list published locally".[141]

Both the breadth of documentation required, and the wide variation across consulates results in many difficulties for HRDs applying for their Schengen visas. For marginalized HRDs in particular, these requirements often fail to account for socio-economic inequalities that may limit access to such documentation. The lack of consistency, and absence of flexibility disproportionately disadvantage applicants from marginalized groups, reinforcing existing discrimination and inequalities, as will be shown below, in section 2.4.

The EU Visa Code specifies that requirements for supporting documents may be waived "in the case of an applicant known to the consulate or the central authorities for his [sic] integrity and reliability, in particular as regards the lawful use of previous visas".[142] It also states that applications which do not meet the requirements "may be considered admissible on humanitarian grounds, for reasons of national interest or because of international obligations."[143] This derogation is key for those defenders who may not be able to meet all application requirements, such as proof of formal employment. The extent to which this flexibility is applied specifically to HRDs is however uneven, as highlighted by *FRA*[144] and *CEELI Institute*.[145]

International Disability Alliance reported that a delegation of its representatives from **Malawi** had to travel to South Africa to submit their visa application to Switzerland in 2023. Upon arrival, they were told that the travel insurance document was not clear enough about its coverage of the Schengen area. The embassy refused to accept the delegation's application until the document was made clearer. The organization was able to work quickly and solve the issue in little over one hour, while the HRDs were still in the embassy. Yet, when the delegation approached the officials again, they were told that the embassy's service for visas was

[137] EU Visa Code, Article 14.1.
[138] CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), p. 33.
[139] EU Visa Code, Article 14.1; EU Visa Code, Annex II.
[140] 2024 EU Visa Handbook, para. 6.11.
[141] 2024 EU Visa Handbook, para. 6.11.
[142] EU Visa Code, Article 14.6; 2024 EU Visa Handbook, para. 5.2.3.
[143] EU Visa Code, Article 19.4.
[144] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 31.
[145] CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), p. 34.

closed before the normal closing time because of an event, and that they would have to wait the weekend and come back on Monday. The applicants could not stay until then and did not submit the applications.

A young WHRD from Pakistan, scheduled to attend an Amnesty International global event in Brussels, Belgium, in August 2023, received a denial on her visa application, for the alleged insufficient justification of the purpose and conditions of her intended stay, and insufficient means of sustaining herself during the trip. The denial came despite the WHRD providing Amnesty International's supporting letter and proof of funding for the trip, and despite providing copies of her own and her parents' salaries and bank account statements.[146] This WHRD had already received a Schengen visa before. She observed:

> **"If I was asked to make another visa application, I don't know what else I could do to have a better chance at obtaining a visa or meeting these requirements. I felt that I provided more than ample documentation for every single thing listed, documentation that was well organised, with labels and highlights to facilitate even a quick scan."**

The requirement to present proof of regular income and employment can be a burdensome and challenging requirement for HRDs, many of whom conduct their human rights activities on a voluntary, unpaid basis and may not be in formal employment with a regular income.[147]

> **"They ask for bank statements for those who want to visit a Schengen state. Imagine what this means for people who live in a situation where they can't even earn a daily livelihood. How are they going to have an amount of money in their bank account? And for some of the people who want to advocate at the international level, they might not have this because they are human rights defenders, and most of the advocacy they do is on a voluntary basis, so they don't earn a huge amount of money and they can't show this amount in their accounts."** – WHRD, Nepal

> **"This focus on capital as a measure of eligibility for admission perpetuates inequality and impedes the presence at the [UN] of working-class and low-income activists, reducing the likelihood that their communities' issues will be sufficiently represented. Those working in informal economies and/or without access to formal banking are among the groups at risk of exclusion. These include sex workers, Indigenous people, and nationals of states targeted for economic sanctions. […] If property ownership is considered to be eligibility criteria for access to the [UN], this additionally raises questions about the inclusion of women and marginalised groups affected by unequal property laws and practices."** – International Women's Rights Action Watch Asia Pacific[148]

The research for this report surfaced how visa applicants from Pakistan are required to hand in their tax returns with the visa application.[149] In the words of a WHRD from the country:

> **"As a young WHRD, sometimes our salary is lower than the lowest income bracket that would legally require us to file tax returns. So, what do we do, do we file tax returns even if we are not required to do so legally? I myself have had to do it, I now have two years of filing tax returns, but I only did it because of visa applications, I would not have had to do it otherwise."**

2.3.3. ASSESSMENT OF THE INTENTION TO LEAVE THE SCHENGEN AREA

Avoiding irregular stay and asylum claims are key concerns for countries in the Schengen area, amidst an increasingly toxic public debate on immigration and asylum and increasing xenophobia and racially discriminatory rhetoric in public discourses and political agendas.[150] This debate happens in a broader context of systemic racism and discrimination, and has particular negative effects for racialized HRDs.

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[146] The total amount of funding available, as shown through documentation for the visa process, was approximately 50,000 USD. Information on file with Amnesty International.
[147] An aspect that was also highlighted by the EU Agency for Fundamental Rights: "[h]uman rights defenders often do not have regular official income or an official employer and therefore find it difficult to provide proof of work and stable financial means in the visa application", European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 30.
[148] IWRAW Asia Pacific, *Switzerland as Gatekeeper* (previously cited).
[149] Notably, tax returns are not listed as examples of supporting documents to be required in the EU Visa Code (the list is non-exhaustive), neither in the 2024 EU Visa Handbook. See EU Visa Code, Annex II; 2024 EU Visa Handbook, para. 5.2.1.
[150] See, for example, EU Agency for Fundamental Rights, "Black people in the EU face ever more racism", 25 October 2023, fra.europa.eu/en/news/2023/black-people-eu-face-ever-more-racism; EU Agency for Fundamental Rights, "Muslims in Europe face ever more racism and discrimination", 24 October 2024, fra.europa.eu/en/news/2024/muslims-europe-face-ever-more-racism-and-

"Embassies fear that if they give visas, defenders are then going to apply for asylum. Those who are at risk, those who need medical treatment abroad, those who want to attend a conference, everybody is punished because of the fear of getting more asylum seekers" - Gulf Centre for Human Rights

"There is extreme refugee-phobia. These are systematic policies, part of regulations and part of practices. The practices against HRDs entering is the first example of refugee-phobia by European countries. It's very contradictory of the EU to have all these commitments and all this money to protect HRDs. Being a refugee is a right. This is not just colonialism; this is basically discrimination against people who are actually in need of protection. You are claiming that you are trying to protect them, but you are defining for them how they should protect themselves and that they should stay in their geographical areas." – WHRD, Sudan

The requirement of providing evidence that an applicant will leave the Schengen area upon the expiry of their visa is a central part of the assessment and one of the most common reasons given in visa denials, among the cases documented in this report. In this context, when such assessments rely on applicants' profiles – often based on nationality and socio-economic status - there is a high risk of discriminatory impacts against applicants. While nationality or socio-economic status may appear neutral indicators, they are often informed by broader structural patterns, including implicit assumptions, stereotypes and biases linked to race, ethnicity or religion. Nationality, in particular, is often used as an identity marker associated with those characteristics, especially in contexts where certain nationalities are predominantly associated with racialized individuals, as is the case in Schengen countries. Similarly, socio-economic status can reflect systemic inequalities that disproportionately impact racialized groups. When visa assessments use nationality and socio-economic status to assess "risk", they can perpetuate discriminatory outcomes, even in the absence of explicit intent, by associating applicants' assumed behaviour, intentions or characteristics to their nationality and socio-economic status.[151] This can lead to indirect discrimination against racialized applicants.

Applicants from certain nationalities, socio-economic backgrounds, or specific countries often face the burden of rebutting presumptions about their intentions, which might be shaped by broader structural biases. This is particularly problematic for HRDs who may not able to do so, especially if they are at risk in their home countries,[152] as "they may be refused for fear among decision makers that they would not return to their country of residence, given the risks they face."[153] This means that HRDs who come from situations of instability, conflict or high risk are more likely to be denied visas.

Many organizations interviewed reported this as one of the common reasons for visa denials. For example, a Sudanese WHRD living in Uganda said that the ongoing conflict in her country of origin was cited as reason to believe that she would overstay her Schengen visa.

HRDs may also face obstacles proving sufficiently strong ties to their home countries when visa officers are instructed to use as indicators such as married status, having children, being in secure and gainful employment, or owning property.[154]

Civil Rights Defenders reported several cases of visas denied to HRDs invited to an international gathering of defenders in Sweden in October 2022. Two of the organization's own staff members, from Ethiopia, received a rejection letter which mentioned the war in the country and the belief that they would not return. For another HRD from Turkey, the denial cited the bad economic situation in Turkey. For others it was about lack of family – usually assessed on whether they were married, or the lack of an employment contract.

FIACAT organized the travel of two HRDs from the Ivory Coast to France to present the final study of a project led by academic institutions in France and the Ivory Coast, in September 2022. When applying for their visas, *FIACAT* assisted in providing proof of accommodation and travel, letters from the universities involved, the published study and other relevant documents to prove the purpose of the travel. Further, both HRDs had families in the Ivory Coast. Their visas were denied three times in a row. *FIACAT* reached out to

discrimination. For some examples of xenophobic rhetoric of European leaders, see: El Pais, "The racism scandals rocking Finland", 3 September 2023, english.elpais.com/international/2023-09-03/the-racism-scandals-rocking-finland.html; BBC, "Italian outcry over Lollobrigida 'ethnic replacement' remarks", 19 April 2023, bbc.co.uk/news/world-europe-65324319; The Guardian, "'Vicious cycle': how far-right parties across Europe are cannibalising the centre right", 1 February 2025, theguardian.com/world/2025/feb/01/vicious-cycle-far-right-parties-across-europe-are-inspiring-imitators. See also, Amnesty International, *Submission on the strategic vision for the fulfilment of the mandate of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (Index: IOR 40/6567/2023), 21 March 2023, amnesty.org/en/documents/ior40/6567/2023/en/.

[151] Olivier de Schutter, *Links between migration and discrimination*, 2009, op.europa.eu/en/publication-detail/-/publication/918dfff1-581b-48e7-8169-2b4e2165797e.

[152] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 30.

[153] UN Special Rapporteur on HRDs, *Position paper* (previously cited).

[154] EU Visa Code, Annex II.

their contacts both at the French delegation in the Ivory Coast and at ministerial level, to no avail. The reasons given were that the information submitted regarding the justification of reason and purpose of the trip was not reliable, and there were grounds to believe they would not return home.

In 2023 a child HRD was invited to participate in a high-level event in Geneva, Switzerland, attended by high-ranking UN officials, including the UN High Commissioner for Human Rights. The event was an opportunity for the child HRD to connect with UN officials, governments, CSOs representatives, and other child HRDs. While the accompanying adult of the child was granted a visa, the child's visa was refused on the basis of the lack of justification and risk of non-return.[155]

Gulf Centre for Human Rights reported a pattern of visa denials for defenders coming from Middle Eastern countries, even for high profile, well-known defenders and academics, based on the belief that the defenders would not return to their home countries. Similarly, *EU Agency for Fundamental Rights* (*FRA)* highlighted how defenders from Middle East and North Africa "seem to be refused visas more frequently than those from other regions, even in cases in which short-term stays are envisaged for attending events organised by EU institutions or EU civil society organisations."[156]

2.3.4. APPEALING A NEGATIVE DECISION

> **"There is no clarity as to what the actual reason for the denial is. Often HRDs end up spending a lot of money for nothing."**- Araminta

> **"When you want to challenge the decision, if you receive a visa denial, the reasons for the denial must be clear, as need to be the parameters for appeal. The possibility to appeal is here but I think it's only for appearances and not really to function in practice."** – WHRD, Zimbabwe

This report includes examples of 24 specific visa denials, though interviewees referred to many more as part of their wider experiences with visa processes.[157]

Though applicants have a right to appeal a visa denial, processes can be long and unclear. Sometimes they were able to appeal and reverse the decision, but that required a very high investment of capacity and time, with uncertain results. Appealing a negative decision can be difficult because of the scarce information that is provided in the rejection letter. Visa denials do not need to be carefully justified, and visa officers can simply tick a box in the response form, with the selected reason for the denial. These reasons include: failure to provide "justification for the purpose and conditions of the intended stay"; failure to provide "proof of sufficient means of subsistence, for the duration of the intended stay or for the return to the country of origin or residence, or for the transit to a third country"; unreliable "information submitted regarding the justification for the purpose and conditions of the intended stay"; "reasonable doubts as to your intention to leave the territory of the Member States before the expiry of the visa".[158] These are generic reasons and lack specificity as to why visas are denied, making it harder to appeal the rejection.

While the EU Visa Code states that information about the appeal process needs to be provided together with the letter specifying the reasons for the denial,[159] in practice, *FRA* have reported that it "seems often unclear to applicants how to exercise their right to appeal."[160] Instead, according to *CEELI Institute*, "the common wisdom is that it is more effective to avoid the appeals process altogether and just reapply for a visa, even though this entails paying the consular fee again."[161]

FIACAT reported that a well-known African HRD was invited to Brussels, Belgium, for a European Parliament event. Despite his 25-year human rights track record and having been invited by EU institutions, his visa was denied. Through FIACAT's intervention, involving contact with high-level officials, the appeal was successful just a week prior to the event and he was able to travel. A Burundian HRD living in a third country who was also invited to the same event had his visa denied, and the appeal was unsuccessful.

A Kenyan WHRD working for a grassroots NGO was invited to an international conference organized by *Civil Rights Defenders* in Sweden in October 2024. Her visa was denied, with the justification that, because she

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[155] Interview with Child Rights Connect. Country is withheld to protect the identity of the HRD.
[156] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 31.
[157] The number refers to the denial cases included in the report. Many more have been reported by civil society organizations and individual human rights defenders, but they have not been included. The cases included in the report were selected on a geographical basis, because they showcase different aspects of visa denials, and to avoid repetition.
[158] EU Visa Code, Annex VI.
[159] EU Visa Code, Article 32.5; 2024 EU Visa Handbook, para. 11.4.
[160] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), p. 31.
[161] CEELI Institute, *Human Rights Defenders in EU Visa Policy* (previously cited), pp. 38-39.

marked "single" on the application form, and she did not have children or any other dependents in her country of residence, she had no strong ties to her home country that would guarantee her return. The denial also stated that her visa application did not show enough justification of the purpose and intentions of the visit. *Civil Rights Defenders* had supported the WHRD in the visa application providing proof of registration to the conference, and a letter of invitation stating that all expenses were covered by the organization, with proof of accommodation, return tickets, and travel insurance. The WHRD appealed the denial; three days later she received another denial. The second denial stated that she did not have a well-established economic situation in her home country due to her NGO position being unpaid, not owning any property or having family ties. Other Kenyan HRDs invited to the same conference were granted visas to travel; all of them were in formal employment and had provided additional documentary evidence that they were married and owned property. Additionally, the WHRD whose visa was denied was the youngest among the applicants and did not have any Schengen travel history.

Visa denials are registered in the applicant's file in the Visa Information System.[162] The EU Visa Handbook states that a denial of a visa "shall not lead to the automatic refusal"[163] if a new visa application is lodged. It also specifies as a good practice that "[i]n the event of an earlier refusal being recorded in VIS [Visa Information System], the consulate should, if appropriate, contact the Member State that took that decision [...] to learn more about the specific case and circumstances."[164] However, in some cases a former visa denial may negatively influence decision-making and lead to repeated future denials, as can be seen in the case of a Burundian WHRD in section 2.6.

2.3.5. TRAINING AND AWARENESS OF VISA OFFICERS

Schengen states' visa officers have wide discretion when adjudicating visa applications. This is a potential advantage for HRDs, and it is reflected in the revised EU Visa Handbook, which brings examples of how visa decision-makers can make allowances to respond to the challenging circumstances HRDs confront.

Organizations and HRDs interviewed for this report confirmed that who processes a visa application, and how trained or well-informed they are on HRDs' situations and risks, mattered a great deal in terms of outcomes.

DefendDefenders noted that they had a good working relationship with the Swiss embassy in Nairobi and that the HRDs they invited to Geneva, Switzerland, were usually able to get a visa. However, for a period in 2024, several of their partner HRDs were denied visas. *DefendDefenders* were left wondering if this might have been due to a change in personnel or the way visas were processed. Visas were granted again to *DefendDefenders*' sponsored partners in early 2025.

If visa officers are ill-informed, they may revert to applying assumptions and stereotypes of "immigration risks" to HRDs based on typical profiling of nationality, socio-economic status, gender, or age. This can lead to delays, requests for additional information, and denials.

On the other hand, having a direct relationship with the national ministries of foreign affairs, or specific consulates or embassies, can facilitate the issuing of visas for HRDs. This is of course positive but only works for those with the inside knowledge, time, resources and capacity to develop these relationships. It means that those without these connections are substantially disadvantaged and more susceptible to facing application barriers and denials. This can result in facilitating well-connected or more visible HRDs but also in excluding discriminated and marginalized HRDs, despite commitments to ensure that all HRDs are able to access the Schengen area and carry out their human rights activities. It also affects the diversity and richness of the human rights debates and exchanges that take place in the Schengen area.

> **"Whenever there's a global activity we always talk about the missing majority. If you want to bring people from the majority world to the table, you need to deliberately create conditions that enable them to be at the table"** – WHRD, Zimbabwe

> **"HRDs who have travelled to the Schengen area before have a better chance of getting a visa, as they can demonstrate that they went to, and returned from, the Schengen area. This creates a gate-keeping**

[162] EU Visa Code, Article 32.5.
[163] 2024 EU Visa Handbook, para. 6.1.
[164] 2024 EU Visa Handbook, para. 6.2.

effect, as HRDs who had the opportunity to travel before also have a greater chance of traveling again – and those who have never been to the Schengen area are disadvantaged." - DefendDefenders

This is why visa regulations and processes need to be fairer, more predictable, transparent, and accessible, and it is also essential that visa officers are fully trained on how they can facilitate visas for all HRDs. They should be made aware of and compensate for the higher hurdles faced by discriminated and marginalized HRDs. [165]

2.4. INTERSECTIONAL DISCRIMINATORY IMPACTS

"This lack of reliable, predictable, and coherent access for human rights defenders to EU visas unnecessarily aggravates the risk, isolation, and vulnerability they face as a result of their work – which is exacerbated for those defenders belonging to particularly threatened groups – such as women human rights defenders, LGBTI rights defenders, or Indigenous rights defenders; for those facing spurious criminalisation processes aimed at impeding their mobility, or for those without secure access to basic travel documents." - ProtectDefenders.eu[166]

Visa procedures can result in racially discriminatory impacts on racialized HRDs – as will be explored in more detail in chapter 3 – and they can also create intersectional discriminatory effects based on their gender, age, disability, ethnicity, occupation, social and economic status.

For example, the lengthy and intrusive visa processes may be more challenging for Women Human Rights Defenders (WHRDs), who in certain contexts face additional hurdles in submitting visa applications. This is the case of WHRDs who live in countries with high levels of gender-based discrimination, who may be forced to rely on male family members to obtain documentation regarding finances or travel documents, or who may have additional care responsibilities impacting their time and finances. Sometimes the information required by visa decision-makers can be highly intrusive and the type of questions is revealing of gender stereotypes and assumptions behind them.

"They ask how many kids you have, are you married, where are your kids, where do you work, can we see your pay slips. The questions themselves tell you that only those with children will be allowed travel because they will allegedly come back." – WHRD, Zimbabwe

ISHR also noted that in their experience, many visa denials were for young, unmarried women defenders, as reported in section 2.1.1. The *Global Network of Sex Work Projects* has found that gender-based prejudice and stereotypes impacts the mobility of women, especially if they are young and from disadvantaged socio-economic backgrounds: "[p]oor women from the Global South are the focus of increasing xenophobic concern about illegal employment, border security, and 'trafficking', and increasingly restrictive immigration policy limits their freedom of movement."[167]

Those interviewed for this report noted that securing visas for young HRDs was particularly difficult.[168] A key hurdle is the requirement to demonstrate a secure source of income or show a certain amount of available funds in a bank account, as discussed above. This is compounded by the prejudice against racialised young people as potential "troublemakers", "economic burdens", sometimes even "terrorist" threats and the discriminatory stereotype that all African, Middle Eastern and Asian people, particularly young ones, want to emigrate to Europe.[169] A WHRD from Zimbabwe also remarked on the inequality this creates:

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[165] "[T]he least protected regarding international mobility are HRDs who work for national or sub-national bodies or associations where relations with state authorities are strained. This group may include, for instance, lawyers working as self-employed persons, journalists, artists and others. These HRDs are also likely to be poorly remunerated or indeed may be volunteers, which may make access to cross-border mobility exceedingly difficult, if not impossible. This group needs specific attention and facilitation in EU law to prevent discriminatory access to visas, borders and stays in the EU", Elspeth Guild and others, *Enhancing the protection of human rights defenders* (previously cited), p. 3.

[166] ProtectDefenders.eu, *Visa for Defenders: International civil society organisations call for an effective and enabling EU Visa Framework for at-risk Human Rights Defenders*, 7 September 2022, protectdefenders.eu/projects/visa-for-defenders/.

[167] Global Network of Sex Work Projects Promoting Health and Human Rights, *Policy Brief: Sex Workers and Travel Restrictions*, 9 December 2019, nswp.org/sites/default/files/sex_workers_and_travel_restrictions_-_nswp_2019_0.pdf, p. 4.

[168] Interviews with Restless Development, Child Rights Connect, Youth Coalition for Sexual and Reproductive Rights.

[169] See Amnesty International, *Regional Overview of Islamophobia in Europe* (Index: EUR 01/5659/2022), 1 June 2022, amnesty.eu/wp-content/uploads/2022/09/PACE-submission-Islamophobia-1-June-2022.pdf.

> **"Young people from Europe, from the minority world, they have it much easier to come to our countries, why are they good enough to come here, but why can't young people from the global majority travel with the same ease?"**

Further, visa denials can be a serious blow to the personal and professional development of young racialized HRDs.

> **"The impact of getting a visa denied is not the same on an adult than for a child HRD. For children and young people, when they are invited to a UN conference, they have huge expectations, sometimes it's the first opportunity for them to travel out of the country. I think the denial is also about having their expectations really put down"** - Child Rights Connect

The situation is even more challenging for children and adolescent defenders who need to travel with a guardian. This means that two separate visa applications need to be filed, with no guarantee that they will be treated jointly and the possibility that one of the applications may be denied, as seen with a case described in section 2.3.3.[170]

For HRDs with disabilities, *International Disability Alliance* observed that visa application forms and processes present accessibility challenges and there tend to be no special arrangements to make them more manageable for the applicant or those supporting them.

An HRD with disabilities who needs to travel with a personal assistant, must submit two separate visa applications, with the risk that one of them will be denied. For example, a delegation of HRDs from grassroots organization *Disabled Welfare Association* in Pakistan was scheduled to participate in a pre-sessional working group with the Committee on the Rights of Persons with Disabilities in March 2024 in Geneva, Switzerland. The delegation was composed of four HRDs and two assistants. Out of the six visa applications, only two HRDs with visual impairments were approved and had to travel without an assistant. Representatives from the organization commented:

> **"Our two colleagues had to travel by themselves, they did it in the end, but it was very difficult. They were able to find helpful people along the way, but we were worried that something could go wrong. Visa officers have to consider that for people with disabilities, assistants must travel together. We work with people with severe disabilities, who cannot work or travel without the support of personal attendants or assistive devices. If people with disabilities cannot raise their voices, they will feel discouraged, more discriminated against. We feel that only those from very rich backgrounds can come forward, while for those from rural areas, we have lots of difficulties, we do not feel encouraged to participate."**

HRDs coming from marginalized communities also experience the rejection of visas in profound ways. A WHRD from the Dalit community in Nepal highlighted the toll of a visa rejection:

> **"Last year, we nominated a promising young Dalit leader to participate in an UN-led global forum, a rare opportunity to gain exposure to international advocacy and diplomacy. But their visa was arbitrarily denied. The emotional toll was profound: they felt humiliated, demoralized, and excluded. This is not just a travel issue; it is a systemic barrier that reinforces exclusion. Personally, I have experienced this multiple times. Even when fully funded and officially invited by European governments, the visa process was intrusive, overly bureaucratic, and built on mistrust. We are forced to justify our legitimacy over and over again, as though we are attempting to deceive rather than engage. When visas are denied, especially without clear reasons, it silences our voice. Dalit human rights defenders are already structurally marginalized; we are not just under-represented; we are actively excluded. The same platforms that celebrate inclusion and equality are inaccessible to us. Meanwhile, upper-caste individuals face far fewer hurdles in similar circumstances. We urge embassies and visa authorities to recognize this as a barrier to global equity. Denying visas to already-marginalized defenders is a denial of our right to participate, to speak, and to be seen. This must change. If international systems are serious about inclusivity, then access must be equitable."**

[170] Interviews with Child Rights Connect, Amnesty International youth rights expert, Youth Coalition for Sexual and Reproductive Rights. See, for example case in section 2.3.3.

Indigenous HRDs also face exclusion and rejections of visas.[171] Due to systemic marginalization and discrimination, they often live in remote areas with poor travel connections, may not have easy access to travel documents, and may have limited financial means or official documents to prove their means. *DOCIP*, an organization that supports Indigenous HRDs in accessing training and advocacy opportunities at the UN in Geneva and the EU in Brussels, told Amnesty International that often, despite wanting to invite people who would otherwise be excluded from those spaces, the difficulties are too great to overcome as there are no special considerations in place:

> **"In 2024 we wanted to invite defenders from Guyana and Suriname for a training in Geneva and the Expert Mechanism on the Rights of Indigenous Peoples in July. When we worked out the process, we had to give up: one of them would have had to travel 48 hours to get to the visa centre in Suriname to apply for the visa and it was too long a trip, too expensive. We then selected three defenders from Morocco and one from Tunisia, living in Egypt, who had never been to a UN event before. For the HRD living in Egypt, there simply were no appointments available. For the HRDs in Morocco, we had to push really hard to even get appointments. In the end, out of the three, the two youngest got rejected – they were unmarried, had no children and could not give evidence of regular income even though one of them owned land."**[172]

The type of human rights work defenders engage in can also have a significant impact on their chances of getting a visa. For example, sex worker HRDs are often significantly hindered in their travels because of the need to demonstrate formal employment or a certain amount of available funds. The criminalization of sex work in many countries also means that these defenders may need to withhold information about their work in the application process. These barriers limit the ability of sex worker defenders to access international spaces where policy discussions relevant to them are held, deepening their exclusion and marginalization.[173]

The exclusion of discriminated and marginalized HRDs negatively affects not only the HRDs themselves, who miss important opportunities to carry out their human rights activities, receive protection, rest, connect and network with others, but also the quality of civic space in the Schengen area. Indeed, "inhospitable visa regimes"[174] have been identified as barriers to civic space and the exercise of the right to freedom of expression and peaceful assembly by former Special Rapporteur Maina Kiai.[175]

Thus, while EU and Schengen countries have committed to the protection of HRDs, the disproportionate impacts of the barriers in Schengen visas can result in the exclusion of HRDs not only along racial lines, but also on the basis of gender, age, disabilities, Indigenous identity, socio-economic status, and other prohibited grounds of discrimination. This results in HRDs otherwise praised for their bravery and commitment, being left out, especially when they belong to mostly racialized, marginalized and unwanted communities.

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[171] The issue of visas for participation of Indigenous Peoples in UN-related meetings was raised by the Permanent Forum on Indigenous Issues of the Economic and Social Council in 2023 and 2024: "[t]he dialogue highlighted the challenges Indigenous Peoples from Africa face in participating in United Nations meetings, including logistical obstacles in obtaining visas and a lack of financial resources," UN Permanent Forum on Indigenous Issues, Report on the twenty-third session (12-26 April 2024), UN. Doc E/2024/43-E/C.19/2024/8, para. 76; "The Permanent Forum requests the host country to promptly issue entry visas for its members, Indigenous Peoples and civil society observers […] In addition, the Permanent Forum encourages other Member States hosting United Nations meetings with Indigenous Peoples' organizations to expedite visa processing [and] also suggests that host countries consider waiving visa fees for participants involved in the Permanent Forum's work and associated events. Addressing these issues is essential for promoting accountability, responsibility and inclusiveness in Indigenous Peoples' decision-making processes," UN Permanent Forum on Indigenous Issues, Report on the twenty-second session (17-28 April 2023), UN Doc. E/2023/43-E/C.19/2023/7, para 98.

[172] The organization was ultimately able to invite HRDs from Guyana, Suriname and French Guiana for a UN event in November 2024. For the delegates from Guyana, this involved traveling to Suriname for a few days to attend their visa appointment at a Schengen state embassy. Fortunately, they received their visa in time for their trip to Geneva.

[173] "The intersection of criminal and immigration laws imposes substantial limitations on sex workers' movement that violate their human rights as outlined in human rights instruments. Sex workers are affected by restrictions on migration generally, and they are also affected by policies and practices that ostensibly target human trafficking, illegal workers or 'undesirables'. These restrictions disproportionately affect the most marginalised sex workers. This prevents them from participating in advocacy on an international level – where their voices are most needed." Global Network of Sex Work Projects, *Policy Brief: Sex Workers and Travel Restrictions* (previously cited).

[174] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Report*, 1 September 2014, UN Doc. A/69/365, para. 84.

[175] UN Special Rapporteur on the rights to freedom of assembly and association, *Report* (previously cited).

2.5. OTHER POTENTIAL BARRIERS

2.5.1. PASSPORTS

The requirement to present a passport that has at least three months' validity after the intended return from the Schengen area and with at least two empty pages,[176] may seem harmless and justified. However, this is a specific challenge for HRDs who may not be in a position to easily obtain or renew a passport.

Many HRDs may not have access to or may be denied national documentation for a range of reasons, including because they are discriminated and marginalized, displaced, or face repression from their own government. Sometimes this includes HRDs who have been flagged in international law enforcement databases - which is a method some governments use to target defenders - even when they are outside their countries of origin.[177] Having to renew a passport under these conditions can increase the security risk for defenders who are in exile or in hiding due to repression from their governments.[178]

Araminta mentioned the case of exiled Belarusian HRDs who cannot get in touch with their embassies to renew their passports due to the risk this entails.[179] Similarly, *Helsinki Foundation for Human Rights* reported the case of a Russian HRD in Armenia without the possibility to renew their passport and who could not travel to Poland as a result.

The EU Visa Code provides for the waiving of the passport validity requirement "in a justified case of emergency".[180] However, *Civil Rights Defenders* mentioned that passport validity requirements is one of the reasons preventing HRDs from travelling.

The revised EU Visa Handbook does not give examples of how to facilitate visa applications for those who cannot easily renew their travel document. It does, however, point to the possibility of accepting passports that have been issued more than 10 years before the visa application, in cases of "humanitarian grounds or for reasons of national interest", and suggests that a consulate could accept a travel document with less than 3 months validity.[181]

> **"I am a highly visible WHRD in the country, and there is almost always some threat against me. If I find myself suddenly in a situation of high risk, I have no way of leaving the Dominican Republic. The requisite of having a passport with several months' validity, or to even have a valid passport, it's a huge obstacle. If I am persecuted by authorities, do you think they are going to give me a passport?"** - WHRD, Dominican Republic

Passports are also required to have at least two blank pages, one for the visa sticker and one for the border control stamp.[182] Considering how Schengen visas are often issued with short-term validity, this can result in passports full of Schengen visa stickers. According to *Araminta*, some defenders avoid travel simply to keep their passports usable for emergencies. This is another aspect that highlights the importance of multiple-entry, long-term visas. As mentioned by *FORUM-ASIA*:

> **"When the situation of risk arises for HRDs, then it's already too late to apply for a visa. Having a multiple-entry long-term Schengen visa really helps. It's also less work for diplomats if this already is in place. It makes sense for everyone, for civil society, for HRDs, and for diplomatic communities."**

Somali HRDs face some of the toughest challenges in getting a Schengen visa because their passports are not accepted as valid travel documents by many states.[183] In July 2024 the European Commission also

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[176] EU Visa Code, Article 12.
[177] See for example, Fair Trials, "Interpol", fairtrials.org/campaigns/interpol/ (accessed 16 September 2019); Rasmus H. Wandall and others, *Misuse of Interpol's Red Notices and impact on human rights*, 17 January 2019, europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf.
[178] European Union Agency for Fundamental Rights, *Protecting human rights defenders at risk* (previously cited), pp. 30-31.
[179] See also, Council of Europe Parliamentary Assembly, *Information note: Situation of human rights defenders and whistleblowers in Europe*, 24 January 2025, rm.coe.int/as-jur-inf-2025-03-situation-of-human-rights-defenders-and-whistleblow/1680b3f719, pp. 5-6.
[180] EU Visa Code, Article 12.a. "Justified cases of urgency are situations (need to travel) which could not have been foreseen by the applicant and who could therefore not in time have obtained a travel document with the required validity", 2024 EU Visa Handbook, para. 3.1.1.
[181] 2024 EU Visa Handbook, paras. 3.1.1, 3.1.3.
[182] 2024 EU Visa Handbook, para. 3.1.2.
[183] "Currently six Member States do not recognise any travel document issued by Somalia, and a further seven only recognise diplomatic or service passports", European Union, Proposal for a Council implementation decision on the suspension of certain provisions of Regulation (EC) 810/2009 of the European Parliament and of the Council with respect to Somalia, COM/2024/324 final/2, 23 July 2024, eur-

proposed the tightening of visa rules for Somali, on account of "Somalia's failure to cooperate sufficiently on readmission [and] forced returns".[184] For organizations like the *Coalition of Somalia Human Rights Defenders*, this means they have been unable to access relevant human rights mechanisms at the UN in Geneva, Switzerland, despite holding a UN Economic and Social Council (ECOSOC) Special Consultative Status since August 2023. According to the organization:

> **"We have not been able to engage properly with the UN human rights mechanisms. As ECOSOC status holder you are expected to regularly attend. We make do by asking allies based in Europe to attend on our behalf, but none of us based in Mogadishu have been able to get a Schengen visa from the Swiss authorities as they don't recognize our passports. However, with a bit of good will it is possible. For example, in December 2024 one of us miraculously managed to attend a session at the International Criminal Court in the Netherlands. After an initial denial, the Dutch Ministry of Foreign Affairs and the International Commission of Jurists intervened. Instead of a Schengen visa sticker, we were given a "laissez passer" document to go with the passport, not ideal, but at least we could travel. Somali HRDs operate in highly dangerous environments, where impunity prevails, yet they receive little international support. A tragic example is the recent brutal assassination of WHRD Amun Abdullahi.[185] This is why we need access to these mechanisms"**

2.5.2. COSTS

Visa applications costs can represent a barrier for many HRDs, especially for the most marginalized defenders, who may not have connections with international organizations which can fund their travel, nor the means to pay for the visa application.

A regular fee for a visa application is currently 90 EUR[186] and external service providers may charge an additional fee.[187] The EU Visa Code provides options for reducing or waiving the visa fee, and the revised EU Visa Handbook explicitly mentions HRDs as a category of visa applicants for whom visa fee waivers or reductions may be applied.[188] Few of those interviewed mentioned receiving a waiver or reduction of the fees.

Another source of cost is the proof of purchase of travel medical insurance, with minimum coverage of 30,000 EUR.[189] Further, civil society organization *Gulf Centre for Human Rights* highlighted how collecting the large number of documents needed for a visa application has considerable time and money implications, as well as missing out on study or work which may result in the loss of wages. These costs, coupled with travel expenses to physically attend appointments, add up to an expensive and time-consuming process, especially when visas are only granted for a short amount of time – and without the certainty to receive them.

Visa application fees are not reimbursed if a visa is denied,[190] resulting in the potential loss of substantial amounts of money for HRDs and inviting organizations. Small, resource-poor organizations are unable to invest the amount of time and money required to support HRDs through these complex and discretionary processes. Engaging professional support through specialized travel agencies may lead to more positive results but this can be expensive.[191]

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lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024PC0324. The 2024 EU Visa Handbook, para. 3.1.4, addresses the treatment of travel documents not recognized by some member states, and provides for solutions for granting a visa – with territorial limitations - regardless. It does also state, however, that "[i]f a travel document is not recognised by any Member State, the application may be declared inadmissible"

[184] European Union, Proposal for a Council Implementing Decision with respect to Somalia (previously cited).

[185] IPI, "Somalia: IPI demands a thorough investigation into the killing of journalist Amun Abdullahi Mohamed", 8 November 2024, ipi.media/somalia-ipi-demands-a-thorough-investigation-into-the-killing-of-journalist-amun-abdullahi-mohamed/.

[186] EU Visa Code, Article 16.1.

[187] EU Visa Code, Article 17.

[188] EU Visa Code, Article 16.6, 2024 EU Visa Handbook, para. 3.4.3. Optional visa fee waiver can be applied to "[p]articipants aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations", 2024 EU Visa Handbook, para. 3.4.3.1., or "in individual cases on the basis of particular interests […] as well as interests in the field of foreign policy, development policy and other areas of vital public interest or for humanitarian reasons (e.g. in case of visa applicants from a disadvantaged background, dissidents and/or human rights defenders) or because of international obligations", 2024 EU Visa Handbook, para. 3.4.3.2.

[189] EU Visa Code, Article 15. Not all insurance companies are accepted by states as part of the visa application. "[I]nformation on insurance companies offering adequate travel medical insurance, including verification of the type of coverage, should be shared and regularly updated" among Schengen associated states, 2024 EU Visa Handbook, para. 5.3.2.

[190] EU Visa Code, Article 16.7.

[191] For example, Amnesty International engaged the services of visa experts to support with visa applications of delegates to their event in Brussels, but this entailed a steep cost for the organization.

It has been estimated that the Schengen visa system brought in some 130 million euros in 2023 for rejected visas, 90% of which are from applicants from African and Asian countries.[192] In 2024, that amount rose to 145 million euros, according to analysis carried out by the LAGO Collective.[193] Citizens from African countries alone lost over 60 million euros in denied visa applications.[194] These estimates highlight the financial burden placed on individuals from the Global South, which can have disproportionate impacts on racialized and marginalized HRDs.

2.6. NEW HANDBOOK, SAME CHALLENGES

Despite the welcome revision of the EU Visa Handbook in June 2024, Amnesty International has continued to receive reports of HRDs facing difficulties in obtaining a Schengen visa.

For example, *Gulf Centre for Human Rights* and *Euro-Mediterranean Foundation for the Support of Human Rights Defenders* told Amnesty International how HRDs from Yemen, Syria, Libya, Egypt, Sudan, and Iraq who they work with, have continued to regularly receive visa denials. The *Gulf Centre for Human Rights* stated that, in their experience, the rate of visa rejection in 2025 was more than 90% for applications submitted by HRDs nationals of the countries mentioned above.

In November 2024, a well-known Yemeni HRD was denied a Schengen visa. During 2024 he was forced to relocate to another country due to an intensification of repression against civil society members and was legally residing in that country.[195] He had previously received visas to travel to the US and the Schengen area, including when applying from outside Yemen, as most embassies do not operate in the country. On this occasion, he had been invited to Brussels, Belgium, to participate in a high-level human rights event organized by the European Parliament, the UN Office of the High Commissioner for Human Rights and *ProtectDefenders.eu*. He presented all the required documentation – return tickets, proof of accommodation, travel insurance, bank statements, residence documents, letters of invitation - to the visa centre in his current country of residence, an external service provider located far away from the city centre. His visa was denied with the reasoning that the information he had submitted "regarding the justification for the purpose and conditions of stay was not provided".[196] An appeal by the inviting organizations was fruitless. He told Amnesty International:

> **"When I picked up the passport, I was in shock. Then I thought perhaps they would give me a visa just for Belgium, but no. I was invited for a high-level event, I had all the paperwork, and still I was rejected. I am relatively privileged compared to other defenders, yet even I am seriously affected in my ability to conduct my advocacy work, and to talk about what's happening in Yemen."**

A Syrian HRD residing in Turkey and representing the Syrian group *Families of Truth and Justice*, was invited to attend the World Congress on Enforced Disappearances taking place in Geneva, Switzerland, in January 2025. This was a high-level event co-organized and sponsored by UN bodies, state institutions, and international NGOs. His visa request was denied in December 2024, on the grounds that "the information submitted regarding the purpose and conditions of the stay was not reliable." He had previously received a Schengen visa to visit France earlier that year.

In September 2024, a South African WHRD with grassroots organization *Abahlali Women's League*, was denied a visa to enter Switzerland. She had been invited by *ISHR* and other organizations to participate in trainings, events and meetings with officials at the autumn session of the Human Rights Council. Despite her trip being completely covered by *ISHR* (including accommodation, travel insurance and per-diem), the denial was grounded on the fact that the WHRD was required to show she had enough funds in her bank account and to present proof of regular income in the form of pay slips, which, as a grassroots activist, she could not provide. *ISHR* stressed that the revised EU Visa Handbook provides for flexibility in this respect,

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[192] EUObserver, "EU cashes in on €130m in rejected visa applications", undated, euobserver.com/eu-and-the-world/ar1aabb08b
The article is based on primary data analysis carried out by the LAGO Collective. See LAGO Collective, "Short Term Visa Data", undated, lagocollective.org/material/f/visas/rejected-by-gdp/.
[193] CNN, "Africans lost nearly $70M to denied visas applications to Europe in 2024", 21 May 2025, edition.cnn.com/2025/05/21/travel/africans-europe-schengen-denied-visas-applications. The article is based on primary data analysis carried out by the LAGO Collective. See LAGO Collective, "Short Term Visa Data" (previously cited).
[194] Semafor, "Rejected visa application to Europe cost Africa $68M", 26 May 2025, semafor.com/article/05/26/2025/rejected-visa-application-to-europe-cost-africa-68m. The article is based on primary data analysis carried out by the LAGO Collective, "Short Term Visa Data" (previously cited).
[195] Country is withheld to protect the identity of the HRD.
[196] Document on file with Amnesty International.

however, the consular authority insisted that their decision was also based on "the visa directives issued by the State Secretariat for Migration in Switzerland."[197]

A Burundian WHRD living in exile in Rwanda since 2017 and working with *FIACAT* affiliate *ACAT-Burundi*, an anti-torture organization whose members have been imprisoned and persecuted by the Burundian authorities, was denied a Schengen visa repeatedly over the past three years. This has happened despite the WHRD being in regular employment, having presented the required documents, and having previously received visas to travel to the UN in Geneva, Switzerland, for her advocacy activities. She was due to attend a session of the Committee Against Torture reviewing Burundi between 29 October and 2 November 2023. The visa was denied on 13 November 2023 on the grounds of not having provided "justification for the purpose and conditions of the intended stay" because the date of the event had already passed, and without recognising that the delay in the visa process was not the applicant's fault. She was rejected again in September 2024, when she was due to attend a UN Human Rights Council session where the mandate of the UN Special Rapporteur on Burundi was up for renewal; on the grounds of failing to provide "proof of sufficient means of subsistence, for the duration of the intended stay" and doubts about her "intention to leave the territory of the Member States before the expiry of the visa". Finally, she was denied a visa she requested to attend the World Congress on Enforced Disappearances in January 2025 in Geneva. She applied in September 2024 and was denied within two days, again with the same grounds, and additionally for "lack of evidence of sufficient economic ties in the country of residence". Every time her application was handled by the Belgian embassy on behalf of the Swiss authorities. She said:

> **"I presented the same documentation as in previous successful applications. I have travelled repeatedly and complied with the visa rules. All of a sudden, I am not considered trustworthy, and nor are ACAT-Burundi and FIACAT. I think they will just continue rejecting my applications unless someone in the Belgian embassy makes an effort to understand what's really going on for us human rights organizations and our needs."**

2.7. DIGITAL TECHNOLOGY AND VISAS

2.7.1. AUTOMATED DECISION-MAKING

Governments, including those in the Schengen area, are increasingly using digital technologies in migration and border management, for example using algorithmic risk assessments and tools to profile applicants in decision-making processes.[198] Algorithmic decision-making exacerbates the lack of transparency within visa processes and can lead to racial and ethnic profiling and discriminatory denial of visas, based on real or perceived ethnicity, race, national origin, descent, religion, and other characteristics, often on assumptions based on racist and xenophobic ideologies, discourses and structures.[199] These reflections were shared by Tendayi Achiume, former UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, who stated that algorithms are "at their core 'systems of discrimination'" as technologies designed to "differentiate, rank, and categorize".[200]

> **"There can no longer be any doubt that emerging digital technologies have a striking capacity to reproduce, reinforce and even to exacerbate racial inequality within and across societies."** – Former UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance[201]

The use of heavily biased algorithms has already been exposed in Schengen visa decision-making. For example, in 2023, *Lighthouse Reports* published a report documenting how the Dutch government used a

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[197] Official communication seen by Amnesty International.
[198] Lenart J. Kucic, "Automating Society 2019, Slovenia", algorithmwatch.org/en/automating-society-2019/slovenia/ (accessed 16 September 2025); Derya Ozkul, *Automating Immigration and Asylum: The Uses of New Technologies in Migration and Asylum Governance in Europe*, 2023, rsc.ox.ac.uk/files/files-1/automating-immigration-and-asylum_afar_9-1-23.pdf; Amnesty International, *Primer: Defending the rights of refugees and migrants in the digital age* (Index: POL 40/7654/2024), 5 February 2024, amnesty.org/en/documents/pol40/7654/2024/en/.
[199] As explained in Chapter 3. See also, UN Special Rapporteur on Racism, *Report: Racial and xenophobic discrimination and the use of digital technologies in border and immigration enforcement,* 22 September 2021, UN Doc. A/HRC/48/76; Amnesty International, *Primer* (previously cited), p. 19.
[200] UN Special Rapporteur on Racism, Racial discrimination and emerging digital technologies, (previously cited).
[201] UN Special Rapporteur on Racism, *Report: Racial discrimination and emerging digital technologies: a human rights analysis*, 18 June 2020, UN Doc. A/HRC/44/57, para. 12.

secret algorithm to score Schengen visa applicants.[202] The algorithm ethnically profiled visa applications using variables like nationality, gender and age, allocating high risk scores to applicants from countries such as Morocco and Suriname.[203]

The direction of travel for Schengen immigration and visa systems is to become increasingly digitalised and automated. The Visa Information System (VIS), the database where information about Schengen visa applicants is stored and exchanged by all member states,[204] has become progressively more interoperable with other information systems.[205]

Automated data processing will be a major feature of the **European Travel Information and Authorisation System (ETIAS)**, scheduled to be introduced in late 2026.[206] ETIAS will introduce the obligation for all third country nationals who are currently visa-exempt to apply for a travel authorization and to provide personal information, including name, gender, occupation, and educational level.[207] ETIAS will then screen applicants based on security, irregular immigration, or high epidemic risks defined on the basis of statistics and information generated by a range of databases.[208] This system will also be interoperable and will cross-check data from existing border and law enforcement databases,[209] which introduces the risk of disproportionate and unnecessary mass surveillance against, in particular, vulnerable (migrant) communities. This is particularly concerning for HRDs who currently do not require a visa to access the Schengen area: they may also soon face obstacles similar to those outlined in the sections above, resulting in increased difficulty in carrying out their advocacy and human rights activities.

The main concern with both ETIAS and VIS relates to how they will flag "risky" applicants to officials reviewing their visa or travel authorization applications. According to the VIS and ETIAS legislation and accessory regulations, the European Commission has margins to define risks around irregular immigration, security and health, based on statistical data collected from a wide variety of databases (for example related to overstaying, refusal of entry or travel authorizations, crossed with data related to age, gender, nationality, residence, education and occupation) to help elaborate profiles, or "sets of characteristics of specific groups of travellers associated with security or illegal immigration or high epidemic risks."[210]

Experts have raised concerns that the methodology used for setting risk indicators for these profiles is fundamentally opaque and could lead to bias and discrimination when using automated processing.[211] In addition, they have stated that human decision making may be negatively influenced by an automated system that is highly opaque. This means that officials reviewing applications are ultimately "unable to scrutinise and challenge the merits of an automated outcome", and therefore the "outcome is likely to be the decision itself and hence lead to a prejudice."[212]

More transparency in how risk profiles are defined, as well as how algorithms are used will be necessary to enable fairer decision making by officials. Less reliance on automation and more on personalized

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[202] Lighthouse Reports, "Ethnic Profiling", 24 April 2023, lighthousereports.com/investigation/ethnic-profiling/ (accessed 25 September 2025).
[203] See also, Amnesty International, *Etnisch profileren is overheidsbreed probleem – Nederlandse overheid moet burgers beschermen tegen discriminerende controles*, 21 March 2024, amnesty.nl/content/uploads/2024/03/Amnesty-2024-Rapport-Etnisch-profileren-is-overheidsbreed-probleem-2.pdf?x29196; Amnesty International, "Buitenlandse Zaken gaat willens en wetens door met discrimineren", 2 May 2024, amnesty.nl/actueel/buitenlandse-zaken-gaat-door-met-etnisch-profileren (accessed 22 October 2025).
[204] European Commission, "Visa Information System (VIS)", home-affairs.ec.europa.eu/policies/schengen/visa-information-system_en (accessed 16 September 2025).
[205] Interoperability means that different databases communicate with each other through, for example, automated search and flagging of "risk" criteria, see European Commission, "Interoperability", home-affairs.ec.europa.eu/policies/schengen/interoperability_en.
[206] European Union, "ETIAS official website", travel-europe.europa.eu/en/etias (accessed 16 September 2025).
[207] European Commission, "European Travel Information Authorisation System", 13 May 2025, home-affairs.ec.europa.eu/policies/schengen/smart-borders/european-travel-information-authorisation-system_en (accessed 25 September 2025).
[208] European Union, Consolidated text: Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of information between Member States on short-stay visas, long-stay visas and residence permits (VIS Regulation), eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008R0767-20231227, Article 9j; Amnesty International, *Primer* (previously cited), p. 16.
[209] European Commission, "Interoperability" (previously cited).
[210] European Commission, Commission Delegated Decision of 23 November 2021 on further defining security, illegal immigration or high epidemic risks, eur-lex.europa.eu/legal-content/EN/TXT/?uri=intcom:C(2021)4981.
[211] Lorenzo Gugliotta and Abdullah Elbi, "Will AI "subtly" take over decision-making in the EU migration context? Warnings and lessons from ETIAS and VIS", 2024, European Papers, Vol. 9, no. 3, europeanpapers.eu/en/system/files/pdf_version/EP_eJ_2024_3_SS1_6_Lorenzo_Gugliotta_Abdullah_Elbi_00797.pdf.
[212] Lorenzo Gugliotta and Abdullah Elbi, "Will AI "subtly" take over decision-making in the EU migration context?" (previously cited). See also, Evelien Brouwer, "EU's AI Act and Migration Control. Shortcomings in Safeguarding Fundamental Rights", 12 December 2024, verfassungsblog.de/eus-ai-act-and-migration-control-shortcomings-in-safeguarding-fundamental-rights/; Evelien Brouwer, "Ligue des droits humains and the validity of the PNR Directive: Balancing individual rights and State powers in times of new technologies", 2023, Common Market Law Review, Vol. 60, research-portal.uu.nl/ws/files/172928407/COLA2023054_CMLR_2023_Ligues_des_droits_humains.pdf.

assessment of individuals will reduce the risk of discriminatory or arbitrary denials,[213] and particularly for human rights defenders, provided that visa decision-makers are duly trained in both non-discrimination and the EU Guidelines on HRDs.

2.7.2. SCHENGEN INFORMATION SYSTEM ALERTS

The Schengen Information System (SIS) is an information sharing system used by governments for the purposes of security and border management in the EU and Schengen associated countries.[214] According to the EU Visa Code, when a visa application has been submitted and considered admissible, the diplomatic representations or central authorities should consult whether an alert exists in SIS for the purpose of refusing entry.[215]

An alert in SIS "contains information about a particular person or object together with instructions for the authorities on what to do when the person or object has been found."[216] All individuals that are subjected to a SIS alert have the right to access the data related to them and to bring legal proceedings to "correct inaccurate data or erase data unlawfully stored in the system".[217] However, this right is not always respected in practice, as the case below illustrates.

The impact of SIS alerts on HRDs cannot be overstated. HRDs are often harassed by governments in various ways, including through the use of spurious charges which can hinder their ability to travel. SIS alerts, if unchecked, can be a useful tool for governments to do just that. Alerts in SIS can be inserted by a large number of diverse authorities, such as law enforcement, the judiciary and border authorities, and "intelligence agencies and bodies from non-EU countries".[218]

In 2018, Saharawi HRD Mohamed Dihani, active in defense of the rights of Saharawi people – and persecuted by the Moroccan authorities because of his human rights activities - applied for a visa to Italy, where he was meant to receive medical attention after human rights violations he suffered while in arbitrary detention, including torture. He was supported in his visa application by Amnesty International. The Italian consulate in Morocco denied his visa application due to an alert in SIS.[219] Despite multiple attempts – by both Amnesty International and Dihani himself - to seek information from Italian authorities on the content of the alert, the authorities refused to disclose any information, reiterating that the alert was based on a secret file.[220]

While appealing the decision, and attempting to have the SIS alert removed, Dihani relocated temporarily to Tunisia where he also faced severe risks, including deportation. In May 2022 an Italian court recognized the risk he faced and his right to enter the country to apply for international protection and ordered the Italian authorities to immediately issue an entry visa. The ruling highlighted the unlawful use of the SIS alert, which it deemed to have been filed "by the Italian authorities on the basis of information linked to the unlawful use of the anti-terrorism law by the Moroccan authorities".[221]

Despite the court's decision, Mohamed Dihani faced many more obstacles before being able to arrive in Italy and claim asylum. [222] Following a decision of the Italian Supreme Court of Cassation in January 2025 that confirmed that he had a right to access the information on the SIS database, its illegitimate use, and to have

[213] Elspeth Guild, *Moving the Borders of Europe, inaugural lecture*, 30 May 2001, cmr.jur.ru.nl/cmr/docs/oratie.EG.pdf, p. 38; Ryszard Cholewinski, *Borders and Discrimination in the European Union*, 2002, migpolgroup.com/_old/wp-content/uploads/2016/10/152.bordersandDiscrimination_exec_summary_01.02.pdf.
[214] European Commission, "Schengen Information System", home-affairs.ec.europa.eu/policies/schengen/schengen-information-system_en (accessed 16 September 2025).
[215] EU Visa Code, Article 21.3.c.
[216] European Commission, "What is SIS and how does it work?", home-affairs.ec.europa.eu/policies/schengen/schengen-information-system/what-sis-and-how-does-it-work_en (accessed 16 September 2025).
[217] European Commission, "What is SIS and how does it work?" (previously cited).
[218] European Union, Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA, 16 May 2018, eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018PC0302, Article 9.a. See also, Statewatch, *Automated suspicion. The EU's new travel surveillance initiatives*, July 2020, statewatch.org/media/1235/sw-automated-suspicion-full.pdf.
[219] Amnesty International, "Italy: Sahrawi human rights defender Mohamed Dihani in Italy to seek international protection" (Index: EUR 30/6015/2022), 7 September 2022, amnesty.org/en/documents/eur30/6015/2022/en/.
[220] The grounds for issuing an SIS alert are listed in European Commission, "Alerts and data in SIS", home-affairs.ec.europa.eu/policies/schengen/schengen-information-system/alerts-and-data-sis_en (accessed 16 September 2025).
[221] Amnesty International, "Italy: Sahrawi human rights defender Mohamed Dihani in Italy" (previously cited).
[222] Amnesty International, "Italy: Sahrawi human rights defender Mohamed Dihani in Italy" (previously cited).

the record removed,[223] the same Supreme Court of Cassation made its final ruling regarding Dihani's international protection, recognizing his refugee status in August 2025.[224]

Similar concerns relate to the abusive use of Interpol red notices as well as alerts in the Interpol Stolen and Lost Travel Documents database, both of which are known to have been used by governments to flag political opponents and HRDs.[225]

[223] Amnesty International, "Mohamed Dihani non è più nella blacklist di Schengen", 24 January 2025, amnesty.it/mohamed-dihani-non-e-piu-nella-blacklist-di-schengen/ (accessed 25 September 2025).
[224] Italy, Corte di Cassazione, Ordinanza n. 23327/2025, ud. 11/06/2025, dep. 15/08/2025.
[225] Statewatch, *Automated suspicion. The EU's new travel surveillance initiatives* (previously cited) p.16; European Parliament Policy Department, *Misuse of Interpol's Red Notices and impact on human rights – recent developments*, January 2019, europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf; Fair Trials, "INTERPOL: New data reveals 1,000 Red Notices and Wanted Person diffusions rejected or deleted each year", 7 November 2022, fairtrials.org/articles/news/interpol-new-data/; Statewatch, "Interpol must halt Turkey's use of databases to pursue dissidents", 6 June 2023, statewatch.org/news/2023/june/interpol-must-halt-turkey-s-use-of-databases-to-pursue-dissidents/.

3. SCHENGEN VISAS AND DISCRIMINATION

> **"It's all coming from a place of colonial legacy, assumptions about Black people, about people from the majority world, which are really around poverty, the perception that all these people are poor, that if they are coming to Europe, they want to come and exploit "our" resources, without realizing that this is not really the case. Issues around the -isms, racism, capitalism, colonialism, they complicate the issue of visas."** – WHRD, Zimbabwe

The obstacles that HRDs face when applying for Schengen visas documented in this report must be understood within the broader context of structural racism and the legacy of colonialism. These challenges are not experienced by all HRDs globally, but specifically by those from the 104 countries which are required to obtain a visa to enter the Schengen area. There is a strong correlation between countries subject to visa restrictions and populations racialized as Black, Asian and/or Muslim. HRDs from these countries must navigate discriminatory systems simply to carry out their human rights work or seek temporary respite.

This chapter analyses in further detail how the obstacles documented above impose a significant disadvantage on racialized HRDs. The methodology is grounded in documenting how the lived experiences of racialized HRDs are a manifestation of systemic racism, rather than attributing discriminatory intent. This means emphasizing how racism shapes the conditions under which the barriers in access to Schengen visas arise and are experienced.

Today, while explicitly racist bans or restrictions are no longer the rule, nationality continues to be the basis for immigration restrictions, often without taking into account the potential for racially discriminatory outcomes,[226] as nationality is often associated with negative stereotypes or assumptions linked to racialized characteristics, especially race, ethnic origin and religion.[227] Nationality-based rules, such as visas, are on their face "race-neutral", because they do not explicitly mention race as a discriminating criteria. However, the use of nationality as a proxy for race points to how these seemingly "race-neutral" rules have racially marked effects, and are, as such, manifestations of the systemic racism embedded in today's societies.

Strict and burdensome visa requirements are a legacy of colonial practices and continue to have discriminatory effects along racial and other grounds, such as nationality, ethnicity, gender, age and socio-economic status, among others. The disproportionate negative effects on racialized HRDs coming from visa-restricted countries show the human cost of these practices, and reveal the extent of the systemic racism underpinning them.

The lack of transparency in visa processes, and the lack of concrete measures to prevent discriminatory impacts further speaks to the entrenched systemic racism in visa and immigration policies, and the

[226] Encarnación Gutiérrez Rodríguez, "The Coloniality of Migration and the "Refugee Crisis": On the Asylum-Migration Nexus, the Transatlantic White European Settler Colonialism-Migration and Racial Capitalism", in Refuge Volume 34, Number 1, 2018, doi.org/10.7202/1050851ar.

[227] Academic Fabian Georgi notes that "[e]ven as the exclusionary practices of the European border regime are no longer openly justified by racist ideologies (and instead are officially based on citizenship), this exclusion is still partially driven by, relies on and reproduces racism. Thus, when EU citizens today implicitly support or openly demand a restrictive expansion of the European border regime to defend their national-social privileges, they inevitably do so in a strongly racialised context, which they then reproduce. This is the structural racism of the European border regime", Fabian Georgi, "The role of racism in the European "migration crisis": A historical materialistic perspective" in *Racism After Apartheid: Challenges for Marxism and Anti-Racism* edited by Vishwas Sargar, 2019, doi.org/10.18772/22019033061, p.109.

unjustified and disproportional unequal treatment within the system. Tendayi Achiume, former UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, highlighted in her academic capacity how "[v]isa applications are typically adjudicated through processes that, by law, are characterized by broad discretion that is barely insulated from both explicit and implicit racially infused decision making."[228]

3.1. HISTORY AND PRESENT CONTEXT

When discussing border control, immigration, and visa policies it is important to recall the history of European colonialism and slavery and their impacts on human rights today. European colonialism created and reproduced different ways of organizing territories and populations in hierarchical terms, creating internal and external differentiated areas of racial exclusion and inclusion.[229] For instance, passports and identity documents were increasingly introduced in Europe from the end of the 19th century and with more speed in the 20th century to distinguish between citizens and non-citizens. Immigration controls or bans were introduced by countries in Europe to prevent specific groups of people from entering and allegedly diminishing the perceived value or moral character of a population or preserving "racial purity".[230] These forms of racialized exclusion are legacies that continue to shape Europe's present, internal politics, and relationships with other countries.

The different hierarchies of populations established in colonial times are, to this day, largely reproduced through immigration and visa policies and the different mobility opportunities that nationalities and passports grant their holders, determining an individual's ease of travelling and their "status within the global mobility regime."[231] Indeed, nationals of a select number of countries hold greater mobility opportunities enabling easy travel to almost anywhere in the world. Global passport rankings clearly show how (aside from a few notable exceptions, particularly in Asia[232]) the passports giving access to most countries on a visa-free basis are those of nationals of the EU, UK, USA, Canada, Australia and New Zealand.[233]

> **"The strength of passports can really take away from being able to do human rights work. As South Asians sometimes the only places we can access are other countries in Asia, because we don't a need a visa. That takes away from the work we are able to do, the communities we are able to meet."** – WHRD, India

> **"Much of the problem is about how people think of other people, it's about how we have been profiled as people from the African continent, because for people from the West, when they want to gain entry into Africa, it's such a smooth process, but the other way around it's very hard. Why are we still profiling people from Africa, why are we not profiling people from Europe and America, why are we making the process so tedious for people from Africa and not from other places, why are we discriminating against people?"** - Amnesty International activist, Kenya

As the Human Rights Council Advisory Committee stated, "[w]here problems are rooted in history, solutions must reckon with the relevant historical legacies. Contemporary structures of racial discrimination, inequality and subordination are among the most salient legacies of enslavement and colonialism and need urgent attention in the context of addressing past wrongs."[234]

Broader manifestations of systemic racism rooted in the legacies of colonialism and slavery continue to impact racialized migrants, non-citizens and minorities in Europe. The UN Working Group of Experts on People of African Descent has found high levels of racial discrimination as manifestations of systemic racism

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[228] Tendayi Achiume, "Racial Borders", *The Georgetown law journal, Vol. 110, Issue 3, 2022,* law.georgetown.edu/georgetown-law-journal/wp-content/uploads/sites/26/2022/05/Achiume_RacialBorders.pdf, pp. 470-471.
[229] UN Special Rapporteur on racism, *Racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration* (previously cited), para 40.
[230] One of the first laws dealing with migration along nationality/racial lines was the US 1882 Chinese Exclusion Act, which severely limited immigration from China to the United States and was only repealed during the Second World War. See John Torpey, *The Invention of the Passport. Surveillance, Citizenship and the State*, Cambridge UP, 2009, cambridge.org/core/books/invention-of-the-passport/92242092DFC0BEEDD5486AA7B858F91B, Chapter 4.
[231] Steffen Mau et al, "The global mobility divide: How visa policies have evolved over time", Journal of Ethnic and Migration Studies, Vol. 41, Issue 8, 2015, tandfonline.com/doi/full/10.1080/1369183X.2015.1005007.
[232] For example, Singapore, Japan and South Korea, ranking respectively 1st and 2nd in the Henley Passport Index; see Henley & Partners, "The Henley Passport Index", henleyglobal.com/passport-index/ranking (accessed 25 September 2025).
[233] Henley & Partners, "The Henley Passport Index" (previously cited).
[234] Human Rights Council Advisory Committee, *Advancing racial justice and equality by uprooting systemic racism*, (previously cited), para. 46.

in Switzerland, Portugal, Belgium, Spain, Germany and Italy.[235] In a 2016 report the *EU Agency for Fundamental Rights (FRA)* found evidence of incitement in media content and political discourse against migrants and refugees, and ethnic, national and religious minorities across Europe.[236]

Some positive developments have been taking place over the past five years.[237] In 2020, the European Commission adopted the EU Action Plan Against Racism[238] and publicly acknowledged structural racism and its impacts on racialized people, the role of colonialism and the slave trade. It urged EU member states to adopt national-level action plans against racism, which include the collection of disaggregated data to better assess, analyse and address the depths of racial discrimination in each context, and devise plans and policies to confront it.[239]

However, in 2023, *FRA* documented the persistence and increase of racism and discrimination in Europe. It found that, despite the existence of anti-discrimination laws across EU states and other policy developments since 2000, there is an alarming "lack of progress" in combating racial discrimination.[240]

3.2. DISCRIMINATORY IMPACT OF SCHENGEN VISAS

> **"The most unequal part of visa processes is recognizing that, when travelling to a conference that is taking place in Paris, for example, colleagues who are joining from the UK, or the US, or other European countries, they only need to jump on a plane. We need to do months of preparation. And while I am doing that, while I wait and spend time in embassies, my colleagues are preparing for that conference. I can't be that ready, I had to deal with visa issues in the meantime. So we are given different amounts of time and resources. We need to remove this inequality that gives some people unfair advantages over others."** - WHRD, Nigeria

PROHIBITION OF RACIAL DISCRIMINATION

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits racial discrimination as any "distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".[241] The prohibition covers direct and indirect racial discrimination. Direct racial discrimination refers to intentional or purposeful distinctions, exclusions, restrictions or preferences based on race, skin colour, descent, or national or ethnic origin affecting human rights. Indirect racial discrimination refers to unintentional or in practice discrimination. Indirect racial discrimination occurs when a seemingly neutral provision, criterion, or practice entails a particular disadvantage for people belonging to a specific group based on a prohibited ground or puts them at a disadvantage unless that provision, criterion, or practice has some legitimate objective or justification and is proportional under international law.[242]

The Committee on the Elimination of Racial Discrimination (CERD) calls on States to ensure that the implementation of any legislation does not have discriminatory effects on non-citizens. This includes immigration and visa policies, laws and practices.[243] In the case of visas, distinctions, restrictions, exclusions, or preferences based on nationality "must be construed so as to avoid undermining the basic prohibition of discrimination".[244]

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[235] Working Group of Experts on People of African Descent, *Report: Visit to Switzerland*, 4 October 2022, UN Doc. A/HRC/51/54/Add.1; Working Group of Experts on People of African Descent, *Report: Visit to Portugal*, 16 August 2022, UN Doc. A/HRC/51/54/Add.2; Working Group of Experts on People of African Descent, *Report: Visit to Belgium*, 14 August 2019, UN Doc. A/HRC/42/59/Add.1; Working Group of Experts on People of African Descent, *Report on its mission to Spain*, 14 August 2018, UN Doc. A/HRC/39/69/Add.2; Working Group of Experts on People of African Descent, *Report on its mission to Germany*, 15 August 2017, UN Doc. A/HRC/36/60/Add.2; Working Group of Experts on People of African Descent, *Report on its mission to Italy*, 12 August 2016, UN Doc. A/HRC/33/61/Add.1.

[236] European Union Agency for Fundamental Rights, *Incitement in media content and political discourse in EU Member States*, 2016, fra.europa.eu/sites/default/files/fra_uploads/fra-2016-media-and-incitement-0_en.pdf, p. 7.

[237] For example, in 2019 the European Parliament adopted a resolution on people of African descent in Europe, acknowledging systemic and structural racism, and a rise in anti-Black racist attacks against non-EU citizens, particularly against refugees and migrants, see: European Parliament resolution of 26 March 2019 on fundamental rights of people of African descent in Europe (2018/2899(RSP)), europarl.europa.eu/doceo/document/TA-8-2019-0239_EN.html. In 2022, another resolution recognized that migrant women are victims of racism and xenophobia throughout the EU and that EU policies have so far mostly focused on individual dimensions of discrimination, downplaying their institutional, structural and historical dimensions, see: European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent (2021/2243(INI)), europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.html.

[241] ICERD, Article 1.1.

Visa restrictions, policies and decision-making processes can result in indirect racial discrimination when the three following conditions take place:

> a. Visa policies and decision-making processes, on their face, apply equally regardless of race, skin colour, descent, or national or ethnic origin.
>
> b. Visa policies and decision-making processes disproportionately disadvantage individuals of a particular group based on race, skin colour, descent, or national or ethnic origin.
>
> c. The differential impact lacks a legitimate aim or, if there is a legitimate aim, the means of achieving it are not proportional.[245]

With regards to EU human rights standards, the **Charter of Fundamental Rights of the EU** states that "[a]ny discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited"[246] and that, "[w]ithin the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited."[247]

The **EU Visa Code** explicitly states in its article 4 that "Member States shall act in full compliance with Union law, including the Charter of Fundamental Rights of the European Union,"[248] directly connecting visa procedures with the non-discrimination principle spelled out above. It also further states that "[w]hile performing their tasks, consular and central authorities' staff shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."[249]

Based on international human rights law and standards, Amnesty International concludes that the barriers documented in this report constitute indirect racial discrimination and negatively affect HRDs' right to defend rights.

Europe's Schengen area visa policies result in indirect discrimination for HRDs, as the three conditions required by ICERD are met:

> **1) The visa policies and decision-making processes, on their face, apply equally regardless of race, skin colour, descent, or national or ethnic origin.**
>
> Europe's Schengen area and the free movement it gives to its members is based on the enforcement of seemingly neutral immigration and visa rules. Schengen visa restrictions are based on facially "race-neutral" provisions as they do not explicitly reference race or other prohibited grounds of racial discrimination.
>
> **2) The visa policies and decision-making processes disproportionately disadvantage individuals of a particular group based on race, skin colour, descent, or national or ethnic origin.**

[239] European Commission, *A Union of equality : EU anti-racism action plan 2020-2025*, 18 September 2020, commission.europa.eu/document/download/beb25da4-e6b9-459e-89f7-bcdbd3a8f0c8_en?filename=a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf.
[240] European Union Agency for Fundamental Rights, *Being Black in the EU – Experiences of people of African descent*, 2024, fra.europa.eu/sites/default/files/fra_uploads/fra-2023-being-black_in_the_eu_en.pdf.
[241] ICERD, Article 1.1.
[242] CERD General Recommendation 30 (previously cited). The former UN Special Rapporteur on racism has also reiterated that this provision "must be interpreted narrowly and in accordance with international human rights law and standards relating to the prohibition of racial discrimination and equality", UN Special Rapporteur on racism, *Racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration* (previously cited), para. 19.
[243] CERD, General Recommendation 30 (previously cited), paras. 7, 9.
[244] CERD, General Recommendation 30 (previously cited), para. 2.
[245] This test is elaborated based on: ICERD, Article 1; CERD General Recommendation 14 (previously cited); CERD General Recommendation 30 (previously cited); UN Special Rapporteur on Racism, *Racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration* (previously cited).
[246] Charter of Fundamental Rights of the European Union, Article 21.
[247] Charter of Fundamental Rights of the European Union, Article 21.
[248] EU Visa Code (previously cited), Article 4.
[249] EU Visa Code (previously cited), Article 39.

The 104 countries whose nationals require a visa to enter the Schengen area are mostly former European colonies in Africa, Asia and the Middle East, and whose populations are predominantly racialized as Black, Asian and/or Muslim.[250]

The barriers that HRDs face in their access to Schengen visas disproportionately affect HRDs from visa restricted countries, who are in their vast majority racialized. As a result, racialized HRDs are overrepresented among those whose right to defend rights is undermined by structural barriers in their application, access and processing of Schengen visas.

3) The differential impact lacks a legitimate aim or, if there is a legitimate aim, the means of achieving it are not proportional.

Schengen states have never demonstrated that the list of countries whose nationals require visas was "grounded in objective and reasonable non-discriminatory justifications."[251] This, combined with the legacy of slavery and colonialism and the ongoing reality of structural racial discrimination in Europe, strongly suggests otherwise.

Many of the countries which are currently visa-restricted have had these restrictions since the inception of the Schengen area as member states had discretion (and confidentiality during the negotiations of the Schengen Agreement) to decide which countries should be put on the so-called "black list" of visa-restricted countries.[252] In the past twenty years, the criteria as to why certain countries should go on the "black list" have been laid down in the regulations and there has been a better understanding of how countries can move from the "black list" to the "white list" (that is, become visa exempt). However, the concern remains for those countries that were originally placed on the "black list" and remain there.[253]

These decisions happen in a specific historical, political and social context where Schengen visa policies are another tool to implement "fortress Europe"[254] and the securitisation and externalization of European borders. When Schengen visa requirements are imposed on individuals of certain nationalities, with majority racialized population, they can result in discriminatory outcomes because they create disproportionate disadvantages for racialized people. Thus, visas can become a tool for racialized exclusion, oppression and control. In this context, while Schengen states claim that every HRD deserves protection, those HRDs who are nationals of visa-restricted countries are by default considered a threat to the Schengen area, and bear the burden of explaining why they should be "worthy of a visa."[255]

These patterns of disproportionate impact are not only shaped by race and ethnicity but also intersect with socio-economic status. Many of the interviewed HRDs come from economically marginalized groups, where limited access to financial resources, travel history and documentation further compounds the barriers to obtaining a Schengen visa. Socio-economic status, like nationality, is often treated as a neutral indicator of an applicant's intentions of over-staying their visa. In practice, socio-economic status is closely linked to structural racial inequalities, as racialized individuals are disproportionately impacted by socio-economic inequalities due to systemic discrimination. Thus, socio-economic status linked to nationality functions to justify assumptions and stereotypes about applicants' migration behaviours and intentions, resulting in discriminatory outcomes for racialized individuals. This is shown in how these strict policies and immigration anxieties can be relaxed for applicants from a high socio-economic status. For example, if visa-restricted citizens are able to demonstrate they are wealthy enough, they are less likely to be profiled as over-stayers or undesirable potential migrants, and more likely to be granted a visa or even citizenship.[256]

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[250] See Glossary for a list of those countries. The list is available in: European Union, Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codification), Annex I, eur-lex.europa.eu/eli/reg/2018/1806/oj/eng.

[251] Maarten den Heijer, "Visas and Non-discrimination", European Journal of Migration and Law, Volume 20, Issue 4, doi.org/10.1163/15718166-12340039. See also Ryszard Cholewinski, *Borders and Discrimination in the European Union* (previously cited).

[252] "Black list" countries are visa-restricted, while "white list" countries are visa exempt.

[253] Maarten den Heijer, "Visas and Non-discrimination" (previously cited).

[254] Amnesty International, "Joint civil society statement ahead of European Parliament vote on EU asylum reforms", 4 April 2024, amnesty.eu/news/joint-civil-society-statement-ahead-of-european-parliament-vote-on-eu-asylum-reforms/.

[255] Tendayi Achiume, "Racial Borders" (previously cited), p. 469; Didier Bigo and Elspeth Guild, "Policing at a Distance: Schengen Visa Policies", in *Controlling Frontiers: Free movement into and within Europe*, edited by Didier Bigo and Elspeth Guild, 2005, routledge.com/Controlling-Frontiers-Free-Movement-Into-and-Within-Europe/Guild-Bigo/p/book/9780754630111.

[256] Socio-economic status can be a way around visa restrictions as explained in S. Mau et al, "The global mobility divide: How visa policies have evolved over time", Journal of Ethnic and Migration Studies, Vol. 41, Issue 8, 2015, tandfonline.com/doi/full/10.1080/1369183X.2015.1005007. Citizenship by investment schemes (the so-called "golden passports") were a clear example of this: in exchange for considerable sums of money, some countries in the EU enabled foreign citizens to gain citizenship of that EU country, and with that, EU passport privileges, until the Court of Justice of the EU found the mechanism illegal in 2025. Residence by investments schemes, however, are still present in many EU countries. See European Parliament Research Service, *Aspects of golden passport and visa schemes in the EU*, September 2024,

This highlights the inextricable link between poverty, inequality, and racism (and other forms of discrimination based on gender, class, age or disability), which are often consequences of historical injustices, prejudice, colonialism and slavery.[257] It is a historical fact that the huge wealth gap between European countries and their former colonies is the result of centuries of exploitation through colonial subjugation,[258] and that resource extraction and economic subordination continue to affect human rights to this day.[259] In addition, the colonial structures used to control the local population can still largely explain the high levels of income inequality that persist within those countries, as descendants of white European settlers, or other ethnic groups favoured by the colonial powers, continue to be reflected in todays' elites,[260] who, by virtue of their wealth and privilege, enjoy a higher level of mobility than the rest of the population of those countries.

3.3. LACK OF DISAGGREGATED DATA

Under international law, data collection disaggregated in ethno-racial terms is a component of the right to equality and non-discrimination. The absence of such disaggregated data collection constitutes a manifestation of structural racial discrimination.[261] The former UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance has stated that:

> "The right to be free from discrimination includes the right of access to information which could be evidence to prove discrimination, and an argument could be made that data disaggregated by ethnicity is part of such information. The State has a duty to ensure equality and that should be interpreted to include the duty to collect and analyse data disaggregated by ethnicity to identify inequality and monitor the effectiveness of measures implemented to remedy imbalances."[262]

To understand and address the way systemic racial discrimination manifests, international human rights standards require states to collect data;[263] and multiple human rights bodies and mechanisms have emphasized the importance of data collection around race.[264] The Durban Declaration and Programme of Action – a political commitment denouncing racial discrimination and calling for measures to address it -

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europarl.europa.eu/RegData/etudes/BRIE/2024/762395/EPRS_BRI(2024)762395_EN.pdf; Reuters, "EU top court rules against Malta's golden passport scheme", 29 April 2025, reuters.com/world/europe/eu-top-court-rules-against-maltas-golden-passport-scheme-2025-04-29/.

[257] UN Special Rapporteur on racism, *Report*, UN Doc. A/68/333, 19 August 2013, paras 20-25.

[258] UN High Commissioner for Human Rights, *Report: Summary of the panel discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights*, 2023, UN Doc. A/HRC/54/4; ENAR, *Europe's original sin. White Supremacy, Colonialism, and the Contemporary Racial Wealth Gap*, 2024, enar-eu.org/europes-original-sin-white-supremacy-colonialism-and-the-contemporary-racial-wealth-gap/.

[259] Oxfam International, *Takers, not makers. The unjust poverty and unearned wealth of colonialism*, 2025, oxfam.org/en/research/takers-not-makers-unjust-poverty-and-unearned-wealth-colonialism.

[260] Luis Angeles, "Income inequality and colonialism", European Economic Review, Vol. 51, Issue 5, July 2007, doi.org/10.1016/j.euroecorev.2006.09.001.

[261] UN Working Group of Experts on People of African Descent, *Report on its twenty-third and twenty-fourth sessions*, A/HRC/42/59, 15 August 2019, para. 99; UN High Commissioner for Human Rights, *Report: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers*, 1 June 2021, UN Doc. A/HRC/47/53, paras 16 and 20; The Durban Declaration and Programme of Action, UN Doc. A/CONF.189/12, para. 92; UN High Commissioner of Human Rights, *A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development*, 2018, ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[261] UN Special Rapporteur on racism, *Report: Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*, A/70/335, 2015, para 18.

[262] UN Special Rapporteur on racism, *Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action* (previously cited), para 18.

[263] UN Working Group of Experts on People of African Descent, *Report on its twenty-third and twenty-fourth sessions* (previously cited), para. 99; UN High Commissioner for Human Rights, *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers* (previously cited), para. 20.

[264] For example, CERD, General recommendation 34, 3 October 2011, UN Doc. CERD/C/GC/34; UN General Assembly, Resolution on the Programme of activities for the implementation of the International Decade for People of African Descent, 18 November 2014, UN Doc A/RES/69/16; UN High Commissioner for Human Rights, *Report: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality*, 25 July 2024, UN Doc. A/HRC/57/67; UN Secretary-General, *Report: Implementation of the International Decade for People of African Descent*, 12 September 2022, UN Doc. A/77/333. Regarding collection of disaggregated data on several grounds, see also: UN Committee on Economic, Social and Cultural Rights, General Comment 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR), 2 July 2009, UN Doc. E/C.12/GC/20; UN Committee on the Rights of the Child, General Comment 5: General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), 27 November 2003, UN Doc. CRC/GC/2003/5; UN Committee on the Rights of Persons with Disabilities, General Comment 6 on the right of persons with disabilities to equality and non-discrimination, 9 March 2018, UN Doc. CRPD/C/GC/6; UN Committee on the Elimination of Discrimination against Women, General Recommendation 9: Statistical data concerning the situation of women, 1989, UN Doc. A/44/38; UN General Assembly, Resolution on the World Conference on Indigenous Peoples, 22 September 2014, UN Doc. A/RES/69/2; UN Permanent Forum on Indigenous Issues, *Report on the 16th Session*, 2017, UN Doc. E/2017/43.

called on states to "collect, compile, analyze, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance."[265]

Within the EU, in 2015 the European Commission set up a High-Level group on non-discrimination, equality and diversity, which developed in 2018 a set of Guidelines on improving the collection and use of equality data.[266] The Guidelines are not legally binding, but they do highlight the importance of equality data, and in particular, the collection of data on racial or ethnic origin as "essential for Member States to assess their compliance with human rights obligations and [to enable] policy makers to design evidence-based measures to address discrimination, inequalities and exclusion."[267] The Guidelines were followed in 2021 by a Guidance Note on the collection and use of equality data based on racial or ethnic origin,[268] which provides practical guidance on how to improve the collection of disaggregated data on race and ethnicity.

In the context of Schengen visas, the European Commission publishes yearly statistics on visa approvals and denials.[269] This publicly available data shows the number of visa applications, and how many visas were granted or denied by Schengen country consulates present in each of the visa restricted countries. However, there is no publicly available information on the characteristics of visa applicants such as nationality, age, gender, race, ethnicity or religion, nor information on the grounds for visa rejections.

To find out if this data was available elsewhere, Amnesty International requested data disaggregated by race and ethnicity (as well as passport nationality, gender, age, and purpose of stay) regarding visa applications, visa approvals and visa denials to 27 countries in the Schengen area. As stated in the methodology sections, several of the governments which replied to Amnesty International stated that data disaggregated on the grounds of race or ethnicity is not recorded in the framework of visa applications, as there is no legal basis to do so, and therefore, they were unable to provide any such data.

Data on gender, age, passport nationality and purpose of stay is variously collected by some governments and not collected by others. Grounds for visa denials are similarly collected by some (also with disaggregated characteristics, excluding race and ethnicity) and not by others. The European Commission stated that the statistics collected are the ones that Schengen states are required to gather according to the EU Visa Code. This data records the number of visas applied for and granted by consulate, but not the nationality of applicants or other characteristics.

Most of the states which replied to Amnesty International further reported about their general complaints' mechanisms for allegations of discrimination or other violations, which is generally available either through their ministries' websites, or the national ombudsperson. None of the governments which replied reported having a specific complaint mechanism in place for allegations of discrimination (racial or otherwise) in visa processes.[270]

The general (although with some exceptions) failure to collect and share disaggregated data on applicants' characteristics, purpose of stay, and why they are denied a visa, leaves the authorities blind as to how discrimination might impact applicants, and without clues as to how to combat and eradicate structural racism. It shows a lack of commitment to the obligation to dismantle racial discrimination. Without data on race and ethnicity, Schengen countries cannot claim that their visa policies and processes are not, in practice, resulting in racially discriminatory outcomes.

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[265] The Durban Declaration and Programme of Action (previously cited), para. 92. See also: UN Working Group of Experts on People of African Descent, *Report on its twenty-third and twenty-fourth sessions* (previously cited), para. 81.

[266] European Commission, High Level Group on Non-discrimination, Equality and Diversity, Subgroup on Equality Data, *Guidelines on improving the collection and use of equality data*, 2021, commission.europa.eu/document/download/8731d6c1-3716-4c9e-a179-6db6de6064a6_en?filename=final_guidelines_4-10-18_without_date_july.pdf.

[267] European Commission, *Guidelines on improving the collection and use of equality data* (previously cited), page 7.

[268] European Commission, High Level Group on Non-discrimination, Equality and Diversity, Subgroup on Equality Data, *Guidance Note on the collection and use of equality data based on racial or ethnic origin*, September 2021, commission.europa.eu/system/files/2022-02/guidance_note_on_the_collection_and_use_of_equality_data_based_on_racial_or_ethnic_origin_final.pdf.

[269] European Commission, "Short-stay visas by Schengen countries", 16 May 2025, home-affairs.ec.europa.eu/policies/schengen/visa-policy/short-stay-visas-issued-schengen-countries_en (accessed 25 September 2025). The legal basis for this data collection is: EU Visa Code, Article 46 and Annex XII.

[270] States should "ensure that a procedure is in place which allows applicants to submit complaints regarding: (a) the conduct of staff at consulates and, where applicable, of the external service providers; or (b) the application process. Consulates or central authorities shall keep a record of complaints and the follow-up given. Member States shall make information on the procedure provided for in this paragraph available to the public", EU Visa Code, Article 38.5.

4. RECOMMENDATIONS

> **"If we want to intentionally shift power to the majority world, we need to create the conditions that allow for this power shift to happen"** – WHRD, Zimbabwe

HRDs' mobility is key to the full realization of their right to defend rights. And the Schengen area offers numerous opportunities for human rights activities and protection of defenders.

Despite Schengen countries having committed to the protection of all HRDs, those who come from the 104 visa-restricted countries, still encounter many obstacles along the whole process of submitting visa applications and receiving a fair response within a reasonable timeframe. In many of the cases documented, the process was inflexible, cumbersome and visas were denied. HRDs were not believed as to why they would want to travel to the Schengen area, despite having relevant documentation to substantiate the purpose of their intended travel. This report brings further evidence that the visa process remains arduous, and for the most marginalized HRDs it is completely inaccessible, despite the fact that legislation and guidelines allow officials to be flexible and accommodating to the needs of defenders. This shows that there continues to be a disconnect between states' commitments and obligations to the protection of HRDs, and their failure to provide visas as a key protection tool for those who defend human rights.

These obstacles surface the human impact of visa policies; a manifestation of the systemic racism embedded in them. While Schengen visa policies and procedures may appear neutral on their face, they have indirect discriminatory and disproportionate effects on racialized HRDs from visa-restricted countries, which are majority Black, Asian and/or Muslim. This is a legacy of colonialism.

Ensuring that HRDs have access to Schengen visas in a reliable, predictable, transparent, and timely manner is indispensable to realize their right to defend rights without discrimination.

Amnesty International urges EU and Schengen associated countries to put their commitments into action - such as the EU and national-level Guidelines on Human Rights Defenders - and ensure that human rights defenders' visa applications are dealt with the urgency and flexibility they have committed to.

TO THIS AIM, AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

TO EU AND SCHENGEN ASSOCIATED STATES

- Publicly recognize the mobility needs and challenges of HRDs, as well as the importance of visas for their protection – including by enabling their activities.
- Fully implement commitments to HRDs, including those outlined in national guidelines on HRDs and in the EU Guidelines on Human Rights Defenders, in particular by abiding by the EU Guidelines' recognition that issuing visas promptly and providing temporary shelter are key protection tools for those who defend human rights.
- Ensure that officials processing Schengen visas worldwide – including staff at external service providers hired to collect visa applications - are fully aware of and implement the flexibility and options available to facilitate visas for HRDs as provided for in the EU Visa Code and explained in the revised EU Visa Handbook, and implement this by:
    - Ensuring flexibility regarding where HRDs can apply for visas;
    - Expediting processes and decisions for urgent cases and fast-track procedures for HRDs;

    - **Waiving or reducing** visa fees;
    - **Taking into account** information from trusted civil society organizations and specific circumstances when assessing visa applications;
    - **Granting multiple entry, long-term visas to HRDs** who travel frequently in relation to their human rights activities.
- Support and implement a **facilitated visa procedure for HRDs**, which includes the fast-tracking of applications of HRDs, the full use of all existing derogations in the EU Visa Code, and the issuing of both Schengen visas, as well as other types of national visas, as appropriate. The procedure should be adapted to the needs of HRDs, and should not put them at risk.
- If external service providers are used in visa application processing, ensure that:
    - They are fully aware and trained on all the policies and procedures in the EU Visa Code and EU Visa Handbook as well as on non-discrimination;
    - HRDs are able to directly communicate with diplomatic representations during the process in case of concerns about privacy, safety and flexibility.
- Ensure that visa refusals include sufficient information on the decision to allow for meaningful appeal procedures.
- Issue **multiple-entry, long-term** Schengen visas to HRDs to allow them to travel frequently to Schengen states to participate in networking, training and capacity building activities, and as a protection tool, enabling them to flee to safety if their security situation deteriorates.
- Ensure that defenders who have been subjected to an undue alert in the Schengen Information System are able to fully exercise their right to access information, and correct and delete it, if it is false or misleading.
- Adopt specific and concrete measures to eliminate and prevent racial discrimination in the context of visa requirements and processes, to ensure that the implementation of visa policies and national legislation does not have a discriminatory effect. A first step in this direction is the collection of disaggregated data on race and ethnicity.
- Enhance transparency in visa applications and assessment, in particular through the collection and publication of regular statistics including anonymised data on visa applications disaggregated on nationality, age, gender, race, ethnicity and religion, country of application, country of travel and number of visa applications accepted and rejected, including grounds for rejections.

TO THE EUROPEAN COMMISSION AND EUROPEAN UNION INSTITUTIONS:

- Commit to improving the situation and mobility needs of HRDs and to actively promoting the importance of visas as key tools to enable the activities and protection of HRDs.
- Disseminate instructions on providing visas to HRDs widely and through reliable channels, both at EU member state level and in EU delegations and individual countries' diplomatic representations in third countries. Ensure that these instructions are adapted to specific contexts and available to HRDs to consult.
- Lead on the development of a facilitated visa procedure for HRDs, which includes the fast-tracking of applications of HRDs, the full use of all existing derogations in the EU Visa Code, and the issuing of both Schengen visas, as well as other types of national visas, as appropriate. The procedure should be adapted to the needs of HRDs, and should not put them at risk.
- Enhance transparency in visa applications and assessment, in particular by adding to the already publicly available data on visa applications anonymized data disaggregated on nationality, gender, race, ethnicity and religion, country of application, country of travel and number of visa applications accepted and rejected, including the disclosure of grounds for visa rejections.
- Develop anti-racism plans, policies and guidelines related specifically to visa application of HRDs and addressing racial discrimination in visa policies, to complement the EU Guidelines on HRDs and the EU Anti-Racism Plan.
- Carry out a study to assess discriminatory effects of visa policies on citizens of visa-restricted countries, paying specific attention to HRDs and how they are impacted by visa requirements and

processes, ensuring an intersectional approach. Address in particular whether the EU Visa Code is compliant with the EU's human rights obligations, especially as regards non-discrimination and the EU Guidelines on HRDs.

- Prohibit automated risk assessment and profiling systems in the context of visa processing, migration management, asylum, and border control. Ensure any use of technology in visa processing does not lead to biases and discrimination against applicants. Review the use of algorithms in visa decision-making to ensure they do not perpetrate discrimination and ensure a more personalised assessment of visa applicants, bearing in mind the particular circumstances of HRDs.
- Adopt mechanisms for HRDs, which specifically address the issue of visas as a key protection and human rights enabling tool. These mechanisms should address entry and stay of HRDs into the EU, providing facilitations for extensions of stay, change of visas and use of national long-term D-visas as well, keeping in mind the specific circumstances and needs of HRDs.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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CLOSING THE DOOR?

HOW VISA POLICIES IN EUROPE'S SCHENGEN AREA FAIL HUMAN RIGHTS DEFENDERS

Travel is crucial for human rights defenders (HRDs), the backbone of the human rights movement, and the Schengen area offers opportunities for human rights advocacy, networking, and for temporary respite for those facing threats and burnout.

This report brings together real-life cases showing the impact of short-stay Schengen visa obstacles on HRDs, such as the need to provide a long list of supporting documentation, difficulties in accessing diplomatic representations, and long waiting times for appointments and visa decision-making. These experiences occur within a broader context of systemic racism, a legacy of colonial practices that shape visa policies and practices to this day, and that affect HRDs who are nationals of the 104 visa-restricted countries, who are in their vast majority racialized as Black, Asian and/or Muslim.

In a welcome development, the importance of mobility for HRDs has been recognised by EU institutions and Schengen states, which, in 2024, improved the guidance aimed at facilitating their travel.

This report calls on authorities to ensure that HRDs are able to fulfil their right to defend rights, including through accessing short-term Schengen visas quickly; and to eliminate and prevent racial discrimination in the context of visa policies and processes.

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