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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Human rights of migrants

### Report of the Secretary-General\*

#### *Summary*

The present report is submitted pursuant to General Assembly resolution 74/148 on the protection of migrants, in which the Secretary-General was requested to submit to the Assembly and the Human Rights Council a comprehensive report entitled “Human rights of migrants”, covering all aspects of the implementation of the resolution. The report explores thematic issues related to the protection of the human rights of migrants; summarizes information received from Governments regarding the implementation of the resolution; and presents conclusions and recommendations on respecting, protecting and fulfilling the human rights of migrants.

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\* The present report was submitted after the deadline in order to reflect the most recent information.



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 74/148 on the protection of migrants, in which the Secretary-General was requested to submit to the Assembly and the Human Rights Council a comprehensive report entitled “Human rights of migrants”, covering all aspects of the implementation of the resolution.
2. Thirty-seven written submissions were received from Member States and from intergovernmental and non-governmental organizations in response to a note verbale, sent in April 2020 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on behalf of the Secretary-General, requesting information on the implementation of resolution 74/148.<sup>1</sup>
3. The report explores thematic issues related to the promotion and protection of the human rights of migrants addressed by the General Assembly in resolution 74/148, specifically protecting the human rights of migrants in vulnerable situations, including migrants impacted by the coronavirus disease (COVID-19) pandemic and missing migrants, and implementation of the Global Compact for Safe, Orderly and Regular Migration. The report summarizes information received from Governments regarding the implementation of the resolution and presents conclusions and recommendations on respecting, protecting and fulfilling the human rights of migrants.

## II. Promoting and protecting the human rights of migrants

4. The number of international migrants worldwide reached 272 million in 2019, continuing an upward trend in all regions.<sup>2</sup> Globally, migrants comprise only 3.5 per cent of the global population but make important contributions to societies of origin, transit and destination. The population of international migrants globally is fairly gender balanced, with women and men moving in equal numbers.<sup>3</sup> An increasing number of migrants, 33 million in 2019, are below the age of 18.<sup>4</sup>
5. As recognized by the General Assembly in its resolution 74/148, as well as in the Global Compact for Migration and the 2030 Agenda for Sustainable Development, migration is a complex and multifaceted phenomenon that requires coherent and comprehensive responses and international cooperation involving respect for the human rights of all migrants regardless of their migration status.
6. In its resolution 74/148, the General Assembly reaffirmed the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, and recalled all relevant international instruments, including the core international human rights treaties. In the same resolution, the Assembly called upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, and to address international migration through cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability.
7. Yet, migrants continue to face substantial gaps in the protection of their human rights. The absence of sufficient, safe and regular pathways for migration exposes migrants to increasingly precarious and irregular migration options, which fuels abuse, exploitation and

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<sup>1</sup> The full texts of most submissions are available at:  
<https://www.ohchr.org/EN/Issues/Migration/Pages/ReportGA76.aspx>

<sup>2</sup> Department of Economic and Social Affairs, Population Division, *International Migration Report 2019: Highlights* (ST/ESA/SER.A/439), pp. 1–2.

<sup>3</sup> Ibid.

<sup>4</sup> United Nations Children’s Fund (UNICEF), *Child migration* (<https://data.unicef.org/topic/child-migration-and-displacement/migration/>).

other human rights violations.<sup>5</sup> The criminalization of irregular entry, stay and exit can contribute to unlawful practices, such as racial profiling and arbitrary detention, and has the potential of fuelling anti-migrant narratives.<sup>6</sup> Many States struggle to create welcoming and inclusive communities, as racial discrimination, stigma, xenophobia, hate speech and hate crimes against migrants perpetuate exclusion and marginalization.<sup>7</sup> The interlocking global public health, economic and social, and human rights protection crises caused by COVID-19 have further exacerbated and highlighted existing inequalities and threats to migrants' human rights, including the exclusion of migrants from public health, economic relief and recovery responses.<sup>8</sup> At the same time, these crises have also highlighted the crucial role that migrants play as providers of essential services and valued members of communities around the world, and the importance of building more inclusive and sustainable solutions for migrants and societies at large.

### III. Issues in focus

#### A. Advancing the protection of migrants in vulnerable situations

8. In its resolution 74/148, the General Assembly expressed deep concern at the large and growing number of migrants in vulnerable situations and called upon States to take actions to avoid approaches that may aggravate their vulnerability and to more effectively protect migrants, in line with their international human rights obligations, including by coordinating international efforts to provide migrants with assistance and support. Such actions include preventing, investigating and punishing crimes committed against migrants; adopting and enforcing laws and policies to address smuggling and trafficking; preventing the victimization of migrants and providing effective legal guarantees and protections; ensuring that procedures at borders include adequate safeguards to protect human rights; facilitating family reunification and other programmes to allow the integration of migrants into host communities; adopting systems and procedures to ensure the best interests of the child are a primary consideration; implementing gender-sensitive policies and programmes, including by providing safe and regular migration channels recognizing the skills and education of migrant women; and combating all forms of racism, xenophobia and related intolerance against migrants while promoting a more humane and evidence-based public discourse on migration.

9. Migrants often face particular challenges requiring specific human rights protection interventions, either because of the situations they have left behind, the circumstances they face in transit or at destination, personal characteristics such as their age, gender identity, disability or health status, or because of a combination of these circumstances or characteristics.<sup>9</sup> These challenges are particularly acute for migrants in irregular situations or those with only precarious and irregular migration pathways available to them. Some of these challenges include the accessibility of migration, conditions of precarity or exploitation during transit or upon arrival, and multiple and intersecting forms of discrimination, inequality and structural and societal dynamics that lead to diminished and unequal levels of enjoyment of rights.<sup>10</sup>

10. In the Global Compact for Migration, States committed themselves to reducing the risks and vulnerabilities that migrants face at different stages of migration, including by

<sup>5</sup> Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations (A/HRC/37/34/Add.1).

<sup>6</sup> A/HRC/38/41. See also A/HRC/39/45.

<sup>7</sup> See [www.un.org/sg/en/content/sg/statement/2019-06-18/secretary-generals-remarks-the-launch-of-the-united-nations-strategy-and-plan-of-action-hate-speech-delivered](http://www.un.org/sg/en/content/sg/statement/2019-06-18/secretary-generals-remarks-the-launch-of-the-united-nations-strategy-and-plan-of-action-hate-speech-delivered); OHCHR, *Seven Key Elements on Building Human Rights-Based Narratives on Migrants and Migration* (2019) ([www.ohchr.org/Documents/Issues/Migration/SevenKeyElements.pdf](http://www.ohchr.org/Documents/Issues/Migration/SevenKeyElements.pdf)).

<sup>8</sup> United Nations, "Policy brief: COVID-19 and people on the move", 2020. See also United Nations, "Policy brief: COVID-19 and human rights – we are all in this together", 2020.

<sup>9</sup> A/HRC/37/34/Add.1.

<sup>10</sup> Ibid.

protecting their human rights, providing them with care and assistance, and improving national responses that take into consideration the recommendations set out in the Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations.<sup>11</sup>

11. The COVID-19 crisis has both shed light on structural inequalities and exacerbated many of the human rights challenges already faced by migrants in vulnerable situations, including restrictions on free movement, lack of access to health care, decent work, social protection, adequate living conditions and education, exposure to xenophobia and discrimination and exclusion from public services.<sup>12</sup>

12. Some States have failed to fully include migrants in assistance measures to combat the negative health and economic effects of the crisis, leaving migrants and their families at risk of contagion and destitution, especially as work opportunities disappear. Many migrants in irregular situations are also unable or unwilling to access health care or other essential services due to fear of detention and deportation. Such conditions heighten risks not only to migrants, but to all in society, as they undermine an effective response to the pandemic.

13. Migrants compelled to live in segregated neighbourhoods, quarantine facilities, overcrowded dormitories, informal settlements or camps or in other inadequate conditions have been exposed to a greater risk of contracting the virus and have less access to treatment.<sup>13</sup>

14. In a number of States, the COVID-19 pandemic has led to spikes in xenophobic rhetoric and violence against migrants and minorities associated with migration, further cutting them off from access to essential services, and negatively affecting the solidarity and evidence-based approach that are crucial to addressing the pandemic.<sup>14</sup>

15. Loss of employment and wages as a result of the pandemic have led to further economic hardship for migrants and a decline in remittances, with devastating effects for families relying on them. Some migrants have been forced into irregularity as a result of the expiration of work permits.<sup>15</sup> At the same time, many migrants have played key roles as essential workers, including in health and care services, food production, agriculture, hygiene, domestic work, construction, delivery services and transportation throughout the duration of the crisis, often without sufficient support and social protection.<sup>16</sup>

16. Some States have continued to take harsh immigration enforcement measures during the COVID-19 crisis, including immigration raids, arbitrary detention, family separation and forced return, some of which might enable the virus to spread and put migrants and societies at risk. Others have used the health crisis as a justification for border closures and other mobility restrictions without ensuring sufficient due process safeguards, or continued access to asylum and other protection under international human rights and refugee law. Yet other States that have facilitated regularization, expanded health coverage to migrants in irregular situations or cooperated to ensure safe and voluntary returns despite mobility restrictions.<sup>17</sup>

17. The likelihood of migrants going missing or dying is aggravated when borders are closed or when migrants have no choice but to take more dangerous and precarious routes, including as a result of mobility restrictions.<sup>18</sup> Thousands of migrants die or go missing along migratory routes every year; in 2019, more than 5,000 migrant deaths were documented, and

<sup>11</sup> General Assembly resolution 73/195, annex, para. 23 (l).

<sup>12</sup> OHCHR, “COVID-19 and the human rights of migrants: guidance” ([www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance\\_COVID19\\_Migrants.pdf](http://www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance_COVID19_Migrants.pdf)). See also United Nations Network on Migration, *Enhancing Access to Services for Migrants in the Context of COVID-19 Preparedness, Prevention, and Response and Beyond* (<https://migrationnetwork.un.org/covid-19>).

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> United Nations, “Policy brief: COVID-19 and people on the move”, 2020.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> International Organization for Migration, *Fatal Journeys: Tracking Lives Lost During Migration* (Geneva, 2014), p. 90.

many others go unrecorded.<sup>19</sup> The death or disappearance of migrants along precarious migration routes represents a human rights protection gap that affects the migrant victims, their families and communities. Victims and their families are entitled to justice and redress, and may require psychosocial, administrative and social support, including for the identification of remains and the repatriation of the bodies of loved ones.<sup>20</sup> In its resolution 74/148, the General Assembly called upon States to cooperate to save lives and prevent migrant deaths or injuries, including through individual or joint search and rescue operations, and to identify the bodies of missing migrants and facilitate communication with their families. Similarly, in the Global Compact for Migration, States assumed a collective responsibility to preserve the lives of all migrants in accordance with international law and, to realize this commitment, stressed the importance of reviewing migration laws and policies to ensure that they do not create or exacerbate the risk of migrants dying or disappearing and the importance of making all efforts to recover, identify and repatriate the remains of deceased migrants to their countries of origin.

18. There have been reports of migrants being killed and disappeared by State and non-State actors, including by immigration and border officials.<sup>21</sup> The total number of migrants that have died or gone missing from immigration detention is unknown, as authorities may fail to properly register migrants or allow them access to friends, loved ones, humanitarian workers or legal aid providers.<sup>22</sup> So far in 2020, there have been several reports of COVID-19-related deaths in immigration detention and concerns expressed that, without an urgent reduction in the number of people in immigration detention, the consequences could be catastrophic.<sup>23</sup>

19. The clarification of the fate and whereabouts of missing migrants requires competent and coordinated efforts, including to search, investigate and provide access to justice and redress for victims; to provide consular services and protection; to improve information exchange and communication between migrants and their families; to collect and share data in accordance with the right to privacy and data protection; and to establish protocols for the safe return of the bodies of deceased migrants to their families.<sup>24</sup> Monitoring mechanisms enabling the review and adaptation of policies, laws and practices to prevent migrants from going missing remain weak in a number of regions, particularly where migration policies seek to shift protection responsibilities by externalizing or outsourcing border management to third countries or private actors with weak human rights records.<sup>25</sup>

## **B. Progress made in protecting the human rights of migrants through the implementation of the Global Compact for Safe, Orderly and Regular Migration**

20. The adoption of the Global Compact for Migration in December 2018 was a landmark event and a key step towards enhanced, human rights-based cooperation on international migration. It reflects and reinforces States' existing obligations under international law, including international human rights law. Based on the Universal Declaration of Human Rights and the nine core international human rights instruments and holding human rights as a guiding principle, the Global Compact for Migration commits States to ensuring effective respect for and protection and fulfilment of the human rights of all migrants, regardless of their migration status, at all stages of migration.

<sup>19</sup> See <https://missingmigrants.iom.int/>.

<sup>20</sup> See General Assembly resolution 60/147. See also OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders* (Geneva), p. 9.

<sup>21</sup> A/72/335.

<sup>22</sup> See, for example, United Nations Support Mission in Libya and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya* (2018).

<sup>23</sup> OHCHR, "Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet", 25 March 2020.

<sup>24</sup> International Committee of the Red Cross and others, *Clarifying the Fate and Whereabouts of Missing Migrants: Exchanging Information about Migratory Routes* (Geneva, 2019), p. 8.

<sup>25</sup> International Organization for Migration, *Fatal Journeys*, p. 36.

21. The Global Compact for Migration aims to ensure that States fulfil the objectives set out therein in a manner consistent with their human rights obligations, including to mitigate the adverse drivers and structural factors that compel people to migrate, to reduce the risks and vulnerabilities faced by migrants at different stages of migration, to enhance the availability of safe and regular pathways for migration, to save migrant lives, to limit the use of immigration detention, to manage borders in compliance with human rights law, to eliminate discrimination in all forms and to facilitate social inclusion and access to services for migrants. In doing so, it places the dignity and human rights of migrants and societies at the core, while recognizing that States have the sovereign prerogative to determine their national migration policies and to govern migration within their jurisdictions, in conformity with international law.

22. The Global Compact for Migration presents a unique opportunity to implement a comprehensive and human rights-based, child-sensitive and gender-responsive framework for the governance of international migration. States, international organizations, civil society, national human rights institutions and other stakeholders are now following through on its implementation at the local, national, regional and global levels.

23. To ensure more effective, timely and coordinated United Nations system-wide support to States in their efforts to implement, follow up on and review the Global Compact for Migration, the United Nations Network on Migration was established in 2018. The Network is to provide United Nations system-wide support towards ensuring the rights and well-being of all migrants and their communities of origin, transit and destination. Since its establishment, the Network has developed a global workplan and, aware of the specificities of each State's migration realities, encouraged its replication at the country and regional levels. More than 50 structures are now in place to support Governments and other key stakeholders in their efforts to implement the Global Compact for Migration. Recent work has focused on the impact of COVID-19 and responses to the pandemic on migrants and their communities, with the Network issuing guidance and advocacy messages on issues such as discrimination, forced returns, alternatives to detention and access to services, highlighting promising practices in line with the Global Compact for Migration.<sup>26</sup> Furthermore, the Network has established the United Nations multi-partner trust fund to support the Global Compact for Migration.

24. A number of States are developing national plans for implementing the Global Compact for Migration. However, there is a need for greater urgency and a genuine commitment to the transformative change promised by the Global Compact across all countries of origin, transit and destination ahead of the International Migration Review Forum in 2022.

25. Preparations are currently under way for the first regional reviews of the implementation of the Global Compact for Migration. These reviews, which will be supported by the United Nations regional commissions and the regional Network structures, will follow the 360-degree vision and guiding principles of the Global Compact for Migration and focus on the dignity and human rights of migrants. States and other stakeholders will have a first chance to review progress made and challenges remaining in achieving the commitments made through the Global Compact for Migration, including in terms of developing rights-based national implementation plans through a whole-of-government and whole-of-society approach.

26. As requested, the Secretary-General will, drawing on the work of the Network, report to the General Assembly on the implementation of the Global Compact for Migration, the activities of the United Nations system in that regard and the functioning of the institutional arrangements.

27. While the COVID-19 crisis has created challenges for the implementation of the Global Compact for Migration, as States' priorities and attention have shifted to combating the pandemic, it has also demonstrated the value of the Global Compact for Migration as a framework for responding to the pandemic, including by placing human rights and human dignity at the centre of a shared public health challenge, developing inclusive public health

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<sup>26</sup> See <https://migrationnetwork.un.org/>.

and socioeconomic responses and recognizing migrants as essential partners in our collective response.

28. The COVID-19 crisis has underscored the need for international cooperation and of comprehensive, human rights-based approaches to complex issues that no single country or Government can address alone, as embodied by the Global Compact for Migration.

#### **IV. Summary of information received on the implementation of General Assembly resolution 74/148**

##### **A. Albania**

29. The Government reported on legislative and policy initiatives taken to build a stronger and more cohesive migration policy. A number of laws had been passed and amended and the Government was in the process of formulating a comprehensive national strategy on migration.

30. There had been an expansion in the protection of the rights of migrants, who were guaranteed all the fundamental rights and freedoms set forth in the Constitution.

31. Measures had been taken to ensure the protection of migrants in situations of vulnerability, including persons with disabilities and victims of trafficking, to ensure that the best interests of the child were met and to provide for family reunification.

32. The Government also reported on cooperation efforts with the European Union and neighbouring States to ensure greater regional cohesion and coherence on matters related to migration.

##### **B. Azerbaijan**

33. The Government affirmed its commitment to ensuring the protection of human rights, including those of migrants.

34. Steps had recently been taken to expand protections of migrants in vulnerable situations, including by expanding the categories of migrants eligible for refugee status and by expanding the protections available to those who are granted refugee status.

35. The Government was engaging in international cooperation to support and reintegrate citizens of Azerbaijan returning from other States.

36. Although Azerbaijan did not have a specific procedure for identifying missing migrants, it guaranteed free access to information, including information regarding migrants.

37. In 2019, the State Migration Service had prepared a draft national strategy on migration incorporating the aims of the Global Compact for Migration.

##### **C. Bangladesh**

38. The Government reported on its efforts to promote and protect the human rights of all migrants through national laws and policies and through international and regional cooperation.

39. The Government worked with host States to ensure the protection of the rights and safety of Bangladeshi migrant workers in vulnerable situations, paying particular attention to the needs of women migrants. It had also enacted specific policies to protect migrant workers affected by the COVID-19 pandemic.

40. Identifying missing migrants and ensuring access to information and justice for their families were part of a complex process linked to smuggling and trafficking. The Government emphasized the importance of international cooperation in these efforts.

41. Measures had been taken to enhance cooperation and policies had been put in place to implement the Global Compact for Migration and achieve target 10.7 of the Sustainable Development Goals.

#### **D. Bolivia (Plurinational State of)**

42. Measures had been taken to ensure assistance to and protection of Bolivians residing abroad, including through the provision of consular services, the repatriation of victims of trafficking and smuggling, the provision of support to Bolivians living in homelessness and the search and identification of missing persons.

43. The Government reported on efforts made to implement the Global Compact for Migration, including by enhancing consular protection and assistance, providing relevant documentation for Bolivians abroad and making available new technologies related to migratory and consular proceedings.

44. The Government had entered into inter-institutional agreements to improve civil registration and the issuance of documentation.

45. Through bilateral agreements, efforts were being made to ensure the regularization of Bolivian nationals and the reciprocal provision of health services.

#### **E. Cambodia**

46. The Government highlighted its efforts to protect human rights and ensure opportunities for economic advancement for Cambodian migrant workers.

47. The Government had put in place a number of laws and policies to protect vulnerable migrant workers, engaged in international cooperation and implemented relevant international instruments.

48. Cooperation efforts had also been made among ministries and with international organizations and other partners to ensure that policies and practices were in line with the Global Compact for Migration and other policies, guidelines and legal instruments.

49. In order to identify missing migrants and ensure access to information and justice for their families, the Government had placed labour counsellors at its embassies and established a complaint mechanism for Cambodian migrant workers.

#### **F. Colombia**

50. The Government reported on its strategy to address the situation of special vulnerability faced by migrants and refugees from the Bolivarian Republic of Venezuela and to facilitate their social and economic integration.

51. The Government provided information on a mechanism to ensure regularization through the provision of entry and stay permits and permits ensuring free access to health and education, as well as access to the formal labour market, regardless of migration status. It also provided information on other measures taken to facilitate migration in regular and safe conditions, for example by issuing travel documents and authorizing Venezuelan nationals to enter, transit and leave Colombian territory following the expiry of their passports.

52. Efforts had also been made to facilitate the issuance of birth certificates for individuals born in the Bolivarian Republic of Venezuela to a Colombian father or mother who are now in Colombia. The registry of Venezuelan migrants in Colombia was a key resource for designing public policies.

53. The above-mentioned efforts reflected progress in the implementation of the Global Compact for Migration, including in respect of collecting and using data to formulate evidence-based policies, providing proof of legal identity and adequate documentation,



increasing the availability of regular migration routes, ensuring access to basic services and guaranteeing decent work.

## **G. Croatia**

54. The Government emphasized the importance of protecting vulnerable groups and the human rights of migrants.

55. The Government had made efforts to train border police officers regarding the rights of migrants and ensure effective monitoring, including through international cooperation.

56. Efforts had also been made to improve reception conditions for those seeking international protection and to ensure support and protection for those in vulnerable situations, including unaccompanied children.

57. Additional efforts had been made to facilitate the integration of migrants and refugees into Croatian society, including by implementing an action plan for the integration of persons who have been granted international protection.

58. The Aliens Act protected the rights of migrant workers and granted special protection to those subjected to trafficking.

## **H. El Salvador**

59. The Government reported on efforts made to protect the human rights of migrants in vulnerable situations and emphasized the value of cooperation in these efforts, both internationally and among different agencies within the State.

60. Measures had been taken to ensure the protection of returning children and adolescents and to guarantee that all migrants, including returning Salvadorans and those in transit from other countries, had access to social services and human rights protection.

61. In order to address the challenges of identifying missing migrants, El Salvador was cooperating with partners in the region and creating a database of genetic profiles of deceased persons to be used to facilitate their identification.

62. A road map was being developed for the implementation of the Global Compact for Migration. In particular, the Government was seeking to address objective 2 of the Global Compact for Migration, on minimizing the adverse drivers of migration, through economic development and greater security.

## **I. Fiji**

63. The Government shared information on its framework for planned relocations related to climate change and natural disasters. The framework recognized the need to ground relocations in an approach based on human rights, including the rights to meaningful participation and consultation, by ensuring that human rights standards were properly respected, protected and fulfilled throughout all stages of the planned relocation process. Moreover, the framework built on strategies intended to reduce the vulnerability of affected communities and aimed to ensure the safety and well-being of persons in vulnerable situations.

## **J. Honduras**

64. The Government reported on initiatives aimed at protecting the human rights of migrants in vulnerable situations, in particular of Honduran migrants in neighbouring countries and migrants returning to Honduras. Such initiatives included collaboration among various parts of the Government for the protection of children and adolescent migrants, the establishment of centres dedicated to providing essential services to returning migrants and efforts to combat trafficking and provide services to trafficking victims.

65. As regards the search for missing migrants and the provision of justice and information to their families, the Government reported on collaboration with the International Committee of the Red Cross and civil society organizations. It referred to the elaboration of a road map for the search of missing migrants and the creation of a DNA database and pointed to the lack of regional integration of DNA databases and the need for greater technical and financial capacity.

66. The Government reported that the Global Compact for Migration was a key tool for the human rights-based realization of the Sustainable Development Goals and that it had engaged in several regional cooperative efforts for the implementation of the Global Compact for Migration.

## **K. Indonesia**

67. The Government provided information on laws, policies and programmes implemented to strengthen the human rights protection of migrants.

68. The Ministry of Foreign Affairs had launched an online portal to ensure access to civil registration, facilitate the issuance of passports and provide labour contract support for Indonesians overseas, as well as a mobile application for providing basic information, such as the location of the nearest diplomatic mission, to Indonesian citizens abroad.

69. The Government prioritized the protection of Indonesian migrant workers abroad and had consistently advocated for the universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, including through the universal periodic review. Meaningful cooperation with countries of destination was important for better ensuring the protection of migrants' rights. In that respect, the Government, through its diplomatic missions, endeavoured to enter into bilateral agreements to ensure the non-discriminatory treatment and respect for the human rights of Indonesian migrants living abroad.

## **L. Ireland**

70. The Government reported on a number of measures that it had enacted in order to strengthen the protection of migrants and refugees, including by reforming its laws on international protection, enhancing the services available to those seeking protection and creating an expert group on the provision of services to such persons.

71. Moreover, to combat racism and xenophobia, the Government had enacted a migrants' integration strategy, formed an anti-racism committee, committed itself to training law enforcement officers and updated the laws on hate speech and hate crime.

72. The Government had also put in place measures to combat trafficking and ensure that victims of trafficking had access to necessary support from the State.

## **M. Italy**

73. The Government reported that the Constitution and the legal framework aimed to ensure the effective respect for and the protection and fulfilment of human rights and fundamental freedoms, including those enshrined in the Universal Declaration of Human Rights and the core international human rights law instruments. In line with the legal framework, Italy had facilitated the resettlement or humanitarian entry of 5,500 refugees between 2015 and 2019.

74. Several legislative changes had been introduced in 2018 to safeguard the right to asylum while identifying cases deserving of protection on humanitarian grounds.

75. Efforts had been made to ensure the protection of unaccompanied children, including in identification and age assessment procedures, the appointment of voluntary guardians and the issuance of residence permits.

## **N. Kazakhstan**

76. The Government reported on measures to facilitate safe, regular and orderly migration, streamline relevant processes and guarantee access to services to migrants.

77. Measures had been taken to combat trafficking and ensure justice and protection for trafficking victims, including through international cooperation efforts, the formation of a task force and the development of an action plan on addressing trafficking and modern slavery.

78. The Government emphasized its efforts to protect the human rights of migrant children, including through legislation shielding them from discrimination, by seeking to find and identify missing migrant children and by providing migrant children with equal access to education and other social services.

## **O. Maldives**

79. The Government reported on the establishment of a task force to address issues related to migrants in irregular situations and on a programme to enable migrants to regularize their status, obtain work permits and travel documents and gain access to basic services. The Labour Relations Authority carried out labour inspections to ensure that undocumented migrant workers were enrolled in the regularization programme.

80. The Ministry of Economic Development had established mechanisms to strengthen monitoring of migrants' rights in the workplace. A forthcoming regulation would enforce minimum standards for migrant workers and ensure they had access to health insurance.

## **P. Mexico**

81. The Government reported on policies and practices put in place for the protection of the human rights of migrants in situations of vulnerability, including measures adapted to the particular situations and needs of women, children and adolescents. The measures include government policies, public campaigns aimed at informing migrants about their rights and international cooperation.

82. Measures had also been taken to address the challenge of missing migrants, including programmes aimed at providing rescue and humanitarian assistance along migration routes and at ensuring family reunification for child and adolescent migrants.

83. With regard to advancing the human rights of migrants through the implementation of the Global Compact for Migration, the Government had put in place numerous policies and programmes to achieve objectives. The Government emphasized its deep commitment to eliminating all forms of discrimination and promoting evidence-based public discourse to shape perceptions of migration.

## **Q. Morocco**

84. The Government referred to laws and policies that had been put in place to ensure that migrants and their families were able to exercise their rights to health, education, legal aid and protection from detention and expulsion, including through regularization.

85. The adoption in 2014 of the national immigration and asylum strategy had led to the regularization of 23,096 migrants, including 10,201 women and 814 children. During a second phase, 20,000 additional applications had been accepted.

86. Migrants were entitled to free basic health services, including preventive, screening, treatment and follow-up services within specific health programmes, such as immunization for children under 5 and the pregnancy and childbirth surveillance programme. The 2017–2021 national strategic plan on health and immigration had been set up in collaboration with stakeholders to meet the health needs of migrants. Furthermore, a series of measures had been taken to enrol 3,336 migrant children in the education system. Migrants had the right to

receive legal aid, which included the provision of a lawyer, a translation service and exemption from legal fees.

## **R. Nepal**

87. The Government reported reaching bilateral labour agreements with destination countries to ensure stronger protection of the human rights of Nepalese migrants. A “foreign employment information management system” had been established as a one-stop portal to address the recruitment, employment and repatriation of migrant workers that brought together all relevant authorities and agencies, as well as private-sector partners. The Government provided migrant workers with pre-departure counselling through migrant resource centres that assisted migrants in making informed choices.

88. The specialized Foreign Employment Tribunal was a semi-judicial body that provided access to justice to migrant victims of fraud or exploitation. The Foreign Employment Rules had been amended to allow complaints to be registered with the diplomatic missions of Nepal and to establish a call centre to receive complaints from migrants and their families, increasing migrants’ access to justice and remedies.

89. Recruitment agencies within Nepal had joint liability with employers so that, if any harm was suffered by migrants in destination countries, recruitment agencies could be held legally responsible and migrants could be duly compensated. For migrants who were injured or had lost their lives abroad, the Government provided repatriation and financial support to victims and their families, as well as food, shelter and legal assistance to migrants through its diplomatic missions abroad.

90. The Government had made extensive use of the Global Compact for Migration in its cooperation on migration issues with other countries. Furthermore, it was preparing a national action plan for the implementation of the Global Compact for Migration based on the priorities of Nepal.

## **S. Philippines**

91. The Government had taken action to advance the protection of Filipino migrant workers, including the establishment of the Philippine Overseas Labor Office, which provided assistance to Filipino migrant workers. Migrant workers’ and other overseas Filipinos’ resource centres had been set up to serve as central hubs for welfare and assistance. In the event of crisis or conflict, rapid response teams could be deployed, as had happened to support the evacuation of persons during the COVID-19 outbreak.

92. The Government continued to advocate for the implementation of the Global Compact for Migration and consultations had been held with a view to drafting a national implementation plan. The Government sought to ensure that the objectives of the Global Compact for Migration were mainstreamed in its work and embedded in the 2017–2022 development plan, bearing in mind a whole-of-government and whole-of-society approach.

93. The Government had entered into bilateral agreements with a number of States to ensure the rights of Filipino migrant workers, including social security agreements with 16 States to secure equality of treatment and portability of social security entitlements, as well as the introduction of flexible visas in Bahrain, which had led to the regularization of approximately 1,000 Filipinos, mostly migrant domestic workers.

## **T. Portugal**

94. The Government had adopted a national plan for the implementation of the Global Compact for Migration, with the aim of achieving concrete and practical results and systematizing the national response to migration in accordance with the objectives and guiding principles underpinned by the Global Compact for Migration.

95. The Government sought to integrate a holistic approach to migration, involving all levels of the administration and civil society, including by setting up an interministerial coordination committee to ensure periodic oversight and evaluation of the national implementation plan.

## **U. Russian Federation**

96. The Constitution guaranteed equality of rights and freedoms of the person and citizen and stipulated that foreign citizens had the same rights as citizens of the Russian Federation, unless federal legislation stipulated otherwise.

97. With a view to implementing the Concept of the State Migration Policy of the Russian Federation (2019–2025), a draft federal law on asylum was being developed, as well as other accompanying legislation, including a draft law amending legislative acts regarding the situation of stateless persons, which would create the option of issuing a temporary residence permit for certain stateless persons.

## **V. Spain**

98. In its migration policy, the Government prioritized international cooperation, safety and respect for human rights. Moreover, it had put in place a system for the reception of migrants that emphasized access to health, education and the labour market, and had taken particular steps to protect victims of trafficking, children, adolescents and women in situations of vulnerability.

99. Efforts had been made to incorporate the objectives of the Global Compact for Migration and its whole-of-society approach into its domestic policy and strategic planning, prioritizing its guiding principles on human rights, international and regional cooperation, sustainable development and gender responsive approaches. It referred to its commitment to the United Nations multi-partner trust fund to support the Global Compact for Migration.

## **W. Serbia**

100. The Government outlined the provisions in its law that protected the rights of migrants, in particular the rights of those seeking asylum or otherwise eligible for protection. It was developing a response aimed at facilitating the implementation of the Global Compact for Migration.

101. Efforts had been made to ensure that the vulnerabilities of migrants were understood and accounted for in the asylum process. International cooperation was needed to address the needs of migrants in vulnerable situations. Efforts had been made to safeguard migrants' health in the context of COVID-19.

102. With regard to the identification of missing migrants and providing information to their families, the Government highlighted the value of collaborating with other Governments, civil society and migrants and their families to facilitate the search for missing migrants and to ensure the distribution of relevant information to migrants.

## **X. Switzerland**

103. The Government reported on measures taken to advance the protection of migrants in vulnerable situations, including by promoting the OHCHR *Recommended Principles and Guidelines on Human Rights at International Borders* and the work of OHCHR, including its capacity-building programmes to raise awareness among border guards about migrants in vulnerable situations and their role in protecting migrants' rights.

104. The Government provided information about action taken to protect unaccompanied migrant children, including by funding civil society support to migrants in Greece, granting additional credit to finance emergency measures to prevent the spread of COVID-19 in

accommodation facilities and relocating unaccompanied migrant children from Greece and reuniting them with family members in Switzerland.

105. In the framework of its bilateral and multilateral policies, it reported efforts to prevent disappearances and to improve the search for and identification of missing migrants, including the establishment of mechanisms for international cooperation and to develop common standards in collaboration with the International Committee of the Red Cross and the International Commission on Missing Persons.

## Y. Turkey

106. The Government provided information on measures in place to protect the rights of victims of trafficking and persons under temporary protection, including through the provision of health care, counselling and psychosocial support, access to temporary residence permits and identity cards to facilitate social inclusion, access to education, work permits and social protection.

107. The Government reported on developments with regard to protecting the rights of migrants and the Global Compact for Migration and reaffirmed its commitment to ensuring the principle of non-refoulement, as well as the principle of non-discrimination. The Government emphasized the importance of countering anti-migrant rhetoric and the need to end racism, xenophobia, Islamophobia and the stigmatization of all migrants.

108. The identification of missing migrants was addressed by specialized sub-units of the national police forces.

## Z. European Union

109. The European Union reported that protecting and upholding human rights was an essential component of its migration policies, and that it was engaged in protecting and promoting those rights through existing policies and legislative frameworks, as well as by funding programmes and projects.

110. European Union laws and policies and the laws and policies of its member States prioritized protecting all migrant children at all stages of migration. The European Union considered the gender-specific effects of migration in its policymaking. It had engaged in international cooperation to ensure the specific protection of migrant children and adolescents; migrant women and girls; and internally displaced and forcibly displaced persons.

111. The need to ensure the protection of the human rights of migrants in the context of the COVID-19 pandemic, with a special emphasis on the right to health and on protection against racism and xenophobia, was highlighted.

112. The European Union emphasized the need for international, regional and bilateral cooperation, including in the framework of the United Nations, noting that migration and forced displacement required global, cooperative alliances involving countries of origin, transit and destination and international organizations.

## V. Conclusions and recommendations

### A. Conclusions

**113. Migration governance requires a strong human rights-based approach that upholds the commitment to leave no one behind. Respect for and protection and fulfilment of migrants' human rights should be at the core of migration-related laws and policies at the national, regional and international levels, and employing a whole-of-government and whole-of-society approach is envisaged to lead to better outcomes for all.**

114. States should recognize migrants as rights holders, as agents of their own destinies and as valuable participants in societies.

115. The COVID-19 pandemic has revealed and exacerbated the vulnerability that many migrants endure and the severe consequences of the exclusion, inequality and discrimination that many migrants face. A number of States have shown leadership and proven how inclusive and human rights-based measures are leading to better results. The pandemic offers an opportunity to address human rights protection gaps by reviewing laws, policies and practices and ensuring that, in building back better, more inclusive and sustainable systems can be achieved for migrants, their families and societies at large.

116. The COVID-19 pandemic presents an opportunity to reimagine human mobility for the benefit of all while advancing the central commitment set out in the 2030 Agenda to leave no one behind. It calls for a strengthened commitment to ensure that mobility remains safe, inclusive and respects international law, as envisaged in the Global Compact for Migration. Going forward, it will be crucial to recognize the lessons learned from the pandemic: that exclusion is costly and inclusion pays; that human rights and human dignity must be respected; that no one is safe until everyone is safe; and that people on the move are part of the solution.

117. The Global Compact for Migration provides a framework for States, international organizations, civil society, national human rights institutions and other stakeholders to work together in support of a new global approach to migration that addresses this fundamental human phenomenon in all of its value and complexity, while placing the human rights of migrants and societies at the centre. As the Global Compact approaches its first review at the regional level, implementation of this cooperative framework at all levels is key.

## **B. Recommendations**

118. The Secretary-General welcomes the information received from States and intergovernmental and non-governmental organizations, including information concerning legislation, regulations and policies to strengthen the protection of the human rights of all migrants, and in that regard:

(a) Underscores that States parties to the core international human rights instruments have an obligation to respect, protect and fulfil the human rights of all migrants under their jurisdiction, regardless of their nationality or migration status, consistent with the principle of non-discrimination;

(b) Encourages States that have not yet done so to ratify and implement all international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to ensure that migration policies are grounded in international human rights norms and standards;

(c) Underscores the importance of international cooperation, multilateralism and solidarity at all levels on complex issues that no State can address alone, and the need for comprehensive and human rights-based approaches to migration governance that places migrants at the centre, as embodied by the Global Compact for Migration;

(d) Encourages States and other stakeholders to move forward with the implementation of the Global Compact for Migration with a renewed sense of urgency and in a manner that fully reflects its vision and guiding principles, including through an approach that is people-centred and prioritizes migrants' human rights. In order to support such implementation, all States are encouraged to develop comprehensive, rights-based national implementation plans in advance of the upcoming regional review process and to commit sufficient and flexible funding to the United Nations multi-partner trust fund to support the Global Compact for Migration;

(e) Reiterates the commitment of the United Nations system to ensuring, through the United Nations Network on Migration, at the global, regional and national levels, effective, timely and coordinated system-wide support to States in their implementation, follow-up and review of the Global Compact for Migration, and calls upon States, the United Nations system, civil society and other stakeholders to deepen and strengthen collaboration for implementation of the Global Compact for Migration;

(f) Concerned about incidents of racism, racial discrimination, xenophobia and related intolerance against migrants, calls upon States to take decisive action to put an end to hateful acts by, inter alia: addressing prejudice against and the social stigmatization of migrants; using accurate and human rights-based language and imagery to describe migrants and migration; repealing or amending laws, policies and practices that may give rise to discrimination against migrants, or that may deny human rights protections to migrants on the basis of race, religion, national origin, nationality, migration status or other prohibited grounds; and robustly addressing any acts and expressions of racism, racial discrimination, xenophobia and related intolerance, hate speech and incitement to hatred, in order to eradicate impunity;

(g) Reiterates the importance of ensuring meaningful human rights protection of all migrants in vulnerable situations, and encourages States to take due consideration of the Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations;

(h) Underscores that States should recognize migrants as rights holders, and that the failure to respect, protect and fulfil the human rights of migrants is damaging to societies and communities as a whole;

(i) Calls upon States to take specific measures in their response to the COVID-19 pandemic to respect, protect and fulfil the human rights of all migrants, regardless of their migration status, and to ensure laws, policies and practices aimed at recovering and building back better include migrants;

(j) Encourages States, in building back better: to recognize the critical role played by migrants in countries of origin, transit and destination; to tackle the precarious working conditions of many migrants; to bolster migrant-inclusive social protection systems; to separate immigration enforcement activities from the provision of health care and other basic services; to enhance the availability and accessibility of pathways for regular migration, including admission and stay based on human rights and humanitarian grounds; to consider regularization schemes for migrants in irregular situations or at risk of falling into such situations; to prioritize the identification, protection and assistance of migrants in vulnerable situations; to institute a presumption against immigration detention and implement human rights-based alternatives to ensure detention is exceptional; and to implement health and safety protocols at borders that protect migrants from collective or arbitrary expulsion and to uphold the principle of non-refoulement;

(k) Calls upon States to cooperate internationally to save lives and prevent migrant deaths and injuries and, where migrants have gone missing, calls upon States and other stakeholders to promote national, bilateral, regional and international efforts and cooperation, to search for migrants who have disappeared or died on their journey, to facilitate the recovery, identification and transfer of their remains, to safely and appropriately notify their families and to grant relatives access to justice and, when appropriate, such as in the context of enforced disappearances or deaths caused by arbitrary or abusive use of force, to effective redress;

(l) Encourages States to seize the opportunity for reflection presented by the COVID-19 pandemic to reimagine human mobility for the benefit of all and to adopt an approach based on a vision: that raises our collective humanity, recognizing that we have more in common than we have that divides us and prioritizing the safety, dignity and human rights protection of all migrants; that places migrants, as human beings equal in dignity and rights, at the centre of migration laws and policies; that is committed to a human rights-based, child-sensitive and gender-responsive approach;



**and that includes and recognizes each migrant as a rights holder and valuable participant in the process of building back better together.**

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