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**Third Committee****Summary record of the 23rd meeting**

Held at Headquarters, New York, on Monday, 16 October 2023, at 3 p.m.

*Chair:* Mr. Marschik ..... (Austria)**Contents**Agenda item 71: Promotion and protection of human rights (*continued*)

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The meeting was called to order at 3 p.m.

**Agenda item 71: Promotion and protection of human rights (continued) (A/78/198)**

**(a) Implementation of human rights instruments (continued) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)**

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**(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/326, A/78/327, A/78/338, A/78/340 and A/78/511)**

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/78/36)**

1. **Mr. Corzo Sosa** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families), introducing the report of the Committee on Migrant Workers (A/78/48), said that debates on migration tended to underplay human rights issues and focus instead on economic development or border control and security. However, certain phenomena and events, such as the use of xenophobic rhetoric in the political sphere, conflicts and climate change, were displacing millions of people, leaving them unprotected and at the mercy of organized crime, human smuggling and trafficking in persons. Alleviating the situation would require understanding on the part of receiving States, as well as cooperation, responsibility and solidarity from countries of origin and transit.

2. It was unfortunate that, as at the date of the report, 8 States parties had yet to submit their initial reports and 16 more were late with their periodic reports. The

Committee would be glad to provide whatever support was necessary to resolve the situation.

3. Although the ratification by Côte d'Ivoire of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in September 2022 had been a positive development, the number of States parties remained limited and therefore the inter-State and individual communications procedures were not yet active. He urged all States that had not yet ratified the Convention to do so.

4. At its thirty-fifth session, in September 2022, the Committee had held a day of general discussion on its draft general comment No. 6 on the convergence between the Convention and the Global Compact for Safe, Orderly and Regular Migration, and it was grateful to panellists representing States parties, human rights mechanisms, civil society and academia for their active participation and comments. The Committee had considered the reports of Bolivia (Plurinational State of), the Syrian Arab Republic and Venezuela (Bolivarian Republic of) and adopted concluding observations on those reports. It had also adopted the list of issues prior to reporting of Senegal and Türkiye, and assessed the follow-up reports concerning Bosnia and Herzegovina, Mexico and Tajikistan.

5. At its thirty-sixth session, the Committee had considered the reports of El Salvador, Morocco, Nigeria and the Philippines, and adopted concluding observations on those reports. It had also adopted the list of issues prior to reporting of Seychelles and Niger, and assessed the follow-up reports concerning Argentina, Colombia and Guatemala.

6. With respect to the three tracks of the Human Rights 75 initiative, the section on the future was of particular interest, especially in the light of rapid advances in the fields of information and communications technology, artificial intelligence and neuroscience. The mapping of the human brain would soon lead to a major scientific revolution, so it was important to find creative ways to protect the neurorights of all persons, including migrants.

7. **Ms. Szelivánov** (Representative of the European Union, in its capacity as observer), noting the Committee's deep concern about the increased number of enforced disappearances in the context of migration, asked how States and other stakeholders could better cooperate in that regard.

8. According to the report, the Committee had decided to work with the Committee on the Elimination of Racial Discrimination to produce a joint general comment on States' obligations to address xenophobia

and racial discrimination and their impact on the rights of migrants and their families. Any recommendations on how Member States could address those harmful yet regrettably common behaviours would be greatly appreciated.

9. **Ms. Rojas** (Mexico) said that her country welcomed the recommendations set out in the report with respect to protecting migrant workers and their families and safeguarding their rights, especially by taking the necessary steps to prevent, investigate, prosecute and punish human rights violations. She asked how the international community should make use of the focus on regularization as the most effective measure to address the extreme vulnerability of migrant workers and members of their families in an irregular situation.

10. **Ms. Sorto Rosales** (El Salvador) said that her country had established a national migration coordination mechanism in accordance with its international commitments and as a result of dialogue with the Committee on Migrant Workers. The mechanism focused on priority themes for El Salvador, such as the prevention of irregular migration, assistance and protection, labour migration, care for the diaspora, reintegration and environmental factors. She asked what specific measures could be taken by countries of origin, transit and destination to overcome the challenges associated with promoting and ensuring the well-being of all migrant workers, in order to make migration sustainable from a social, economic and environmental perspective.

11. **Mr. Abdullah** (Bangladesh) said that migrant workers in irregular situations faced particular challenges in exercising their human rights. His delegation called upon all States to decriminalize irregular migration and to foster global solidarity to combat rising racism, xenophobia and intolerance.

12. As one of the major migrant-sending countries, Bangladesh had legislation and policies in place to protect and promote the rights of migrant workers and their families. Wherever possible, government-to-government channels should be established to ensure ethical recruitment and gainful employment for migrants. He asked how the office of the Chair of the Committee on Migrant Workers planned to engage with countries that had yet to ratify the Convention, noting with regret that most migrant-receiving countries were in that position.

13. Lastly, he asked what role the Committee could play in strengthening global efforts to implement the Global Compact for Migration and especially the human rights commitments therein.

14. **Mr. Zumilla** (Malaysia) said that migrant workers, 1.68 million of whom had been in Malaysia on temporary employment passes as of 30 June 2023, made a significant contribution to his country's development efforts. His Government was taking the necessary steps to bring its labour practices and laws into line with international standards, and fully endorsed global and regional initiatives to eliminate forced labour. He requested examples of best practice with respect to the protection of the rights of migrant workers and their families that could be emulated by other countries.

15. **Ms. Meunluang** (Lao People's Democratic Republic), referring to a statement made by the representative of the United States of America at the 19th meeting of the Third Committee (see [A/C.3/78/SR.19](#)), said that her country attached great importance to the promotion and protection of the human rights and fundamental freedoms of all citizens, which were guaranteed by the Constitution and laws. Over the years, the enjoyment of human rights and the well-being of all Lao multi-ethnic people had progressively improved, including freedom of expression. The Lao people could now express their views through all types of media. However, as in many other countries, the exercise of that right must not infringe upon the rights or reputations of others, or the protection of national unity, security and social order under national laws and regulations. In that context, the use of online and social media to disseminate fake news, hate speech and disinformation was strictly prohibited and subject to appropriate legal measures. Her delegation therefore rejected all unfounded accusations made against the Lao People's Democratic Republic.

16. With respect to a statement made by the representative of the United States of America at the 22nd meeting of the Third Committee (see [A/C.3/78/SR.22](#)), an investigation had been launched into the case of the missing person Sombath Somphone to find the truth and bring the perpetrator to justice. The investigation committee established by the Ministry of Public Security had been working to gather credible evidence and information, including the source of his assets and properties, so that the court could classify him as a disappeared person and begin inheritance proceedings in accordance with the law. The authorities of the Lao People's Democratic Republic were keeping the relevant diplomatic missions apprised of developments on a regular basis. Her country upheld a consistent policy on promoting and guaranteeing solidarity and equality among all ethnic groups, without discrimination.

17. **Mr. McGuire** (Observer for the Sovereign Order of Malta) said that the Order provided various services

to support migrants. It sought to meet their basic needs by supplying medical care, shelter and food, in addition to offering language courses, job training, educational programmes and cultural orientation to help them to adapt to their new communities. The Order also provided legal assistance and advocacy, especially in relation to migration, asylum applications and procedures to determine refugee status. He called upon the international community to ensure that the rights of all migrant workers and their family members were fully protected and realized, by fostering international cooperation, enforcing laws to safeguard their rights, and promoting awareness and education.

18. **Mr. Corzo Sosa** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families) said that the representative of the European Union had raised two important points, namely enforced disappearances and racial discrimination. With respect to enforced disappearances, the Committee had endorsed and expanded national mechanisms to ensure that the family members of persons who had disappeared, as well as indirect victims, could engage with authorities in the host country from the country of origin. Such mechanisms were extremely helpful, which was why the Committee always stressed the importance of international cooperation.

19. Racial discrimination was a major social concern. When the Committee engaged in constructive dialogue with a State, it sought to foster empathy, solidarity and an understanding of the phenomenon of migration, based on the premise that people did not leave the comfort of their homes of their own accord, but were instead compelled to do so by circumstances beyond their control. In certain countries, large migratory flows had been met with intolerance and hostility, which were evidently not conducive to the protection of human rights. The Committee was therefore working with the Committee on the Elimination of Racial Discrimination to draft a general comment on racial discrimination against migrants.

20. As stated by the representative of Mexico, regularization was key. One way to address migratory flows was through governmental programmes granting residency to people who met certain requirements. Many countries had introduced regularization programmes offering migrants access to basic services. However, it was important to ensure that it was possible for migrants to meet the eligibility criteria. They should not face obstacles such as high fees or the need to find a guarantor. Work should be the primary pathway to regularization.

21. He was pleased to note that El Salvador had created a national mechanism after engaging in constructive dialogue with the Committee. There were many ways to foster sustainable migration, and best practice in that regard entailed providing people with the broadest possible access to, and opportunities to integrate into, their new community. Enabling people to work and offering them access to social programmes, education and health care would facilitate integration and could be considered part of the sustainable development of the country.

22. With regard to the comments made by the representative of Bangladesh, he said that the Committee was working on the Human Rights 75 initiative, including efforts to ensure universal ratification of the international human rights treaties. Where countries had signed the Convention but not ratified it, the Committee was working with a group of friendly countries to encourage States to complete the process, and pursuing formal and informal discussions. The cross-cutting nature of human rights meant that it was possible to secure progress on issues relating to migrants through cooperation with other committees, such as the Committee on the Rights of the Child or the Committee on the Elimination of Discrimination against Women. The Committee on Migrant Workers firmly believed that engaging with States and clarifying any doubts would lead to further ratifications, as the recent case of Cote d'Ivoire had shown.

23. The representative of Malaysia had asked about best practice, but migration was a highly region-specific issue. Migratory work was very important in the region to which Malaysia belonged, and labour issues had also played a significant role in the development of the Convention. Major progress had been made in that regard, as the most recent constructive dialogue with the Philippines had shown. That country's international labour agreements were so advanced that the question was now whether there needed to be specific clauses on, for example, prosecutions in cases involving disappearances.

24. **Ms. Mullally** (Special Rapporteur on trafficking in persons, especially women and children), introducing her report (see [A/78/172](#)), said that she was grateful to the Governments of Bangladesh, South Sudan and Colombia for their constructive cooperation during her recent visits. She encouraged the Central African Republic to formally accept such a visit and thanked the Government there for its positive cooperation to date.

25. In her report, she analysed the challenges that led to gaps in accountability for trafficking in persons in conflict settings, resulting in reduced access to justice

and remedies for trafficked persons and continuing failures with regard to prevention and protection. While armed conflicts were understood to be among the factors that made people vulnerable to trafficking, vulnerability was a collective failure of States and the international community. Accountability gaps were linked to many factors, including challenges in gathering evidence, threats to the safety of investigators and the inability of the State to facilitate investigations. There was a general failure to ensure the effective and full application of relevant international legal norms.

26. Despite the prevalence of various forms of trafficking in conflict situations, including by non-State armed groups, it remained largely invisible in truth recovery and transitional justice accountability processes. Failures to ensure guarantees of non-repetition further undermined peacebuilding processes, with armed groups and criminal networks frequently engaging in trafficking in persons in post-conflict and transitional settings.

27. The International Criminal Court had yet to prosecute trafficking in persons, whether as a crime of enslavement or sexual slavery. There was a range of applicable treaty and customary norms that could be effectively applied, including with regard to crimes against migrants and proposals for investigations of such crimes. International human rights law continued to apply in conflict situations, as did States' positive obligations to identify, assist and protect victims, and to undertake effective investigations.

28. United Nations fact-finding and other investigative mandates had the potential to play an important role in strengthening accountability for trafficking in persons in conflicts. However, with limited exceptions, the necessary investigations had not been conducted, despite consistent reporting and documentation of fact patterns and indicators of trafficking. There was a lack of consistency in the investigation and documentation of the gender dimension of trafficking in persons as a form of conflict-related sexual violence with frequent links to child and forced marriage, trafficking for purposes of domestic servitude and forced criminality. There was also a failure to investigate and prosecute the crimes of trafficking of men and boys, including for the purposes of sexual exploitation in conflict settings.

29. In her report, recommendations were made to States, the United Nations and other international organizations on ways to strengthen accountability, combat impunity and ensure effective access to justice for trafficked persons. It was also important for businesses and the business sector to engage in

heightened human rights due diligence that incorporated tools from atrocity prevention and conflict prevention in order to prevent trafficking in persons for the purposes of exploitation and to ensure accountability and access to remedies for victims. With regard to children, monitoring and reporting mechanisms were vital.

30. **Ms. Szelivánov** (Representative of the European Union, in its capacity as observer) said that trafficking in human beings was a grave human rights violation that caused suffering and harm to victims, especially women and children. The bloc was committed to combating trafficking in persons, promoting a human-rights-based, victim-centred and age- and gender-responsive approach, and identifying, protecting, supporting and empowering victims.

31. The European Union welcomed the recommendation for increased international cooperation, especially in the light of the Russian war of aggression against Ukraine, among other conflicts. She asked what steps the United Nations had taken to ensure effective investigation of technology-facilitated trafficking and how States could better support and protect trafficking victims who were actively seeking access to justice. The delegation also asked the Special Rapporteur to identify the first steps towards the introduction of the rights-based anti-trafficking measures recommended in the report.

32. **Ms. Micallef** (Malta) said that her country welcomed the Special Rapporteur's call to move beyond stereotypes in identifying victims of trafficking and to recognize the intersecting and overlapping risks of discrimination that might lead to trafficking in persons in conflict situations. The report cited a lack of protection services and child-friendly procedures as a barrier to investigating trafficking in children for various forms of exploitation, including sexual slavery, forced marriage, labour or pregnancy, and forced criminality. Further details on what specific measures or strategies Member States could adopt to overcome those challenges and ensure the safety and well-being of victims would be greatly appreciated.

33. **Mr. Kastanias** (Greece) said that trafficking in persons was an international crime that needed an international approach. He would therefore be grateful if the Special Rapporteur could elaborate on her recommendation to specifically enumerate trafficking in persons among the list of acts falling within the definition of crimes against humanity in the context of the proposed convention on crimes against humanity. His country continued to adapt its policies to challenges such as migratory flows and conflicts, especially after the outbreak of the war in Ukraine. It stood ready to

participate in dialogue on holding the perpetrators of trafficking in persons to account and providing effective remedies for victims.

34. **Mr. Parihar** (India), referring to a statement made by the representative of Pakistan at the 22nd meeting of the Third Committee (see [A/C.3/78/SR.22](#)), said that his delegation was not surprised that Pakistan had chosen once again to misuse that august forum. Member States of the United Nations and of other multilateral organizations were aware of Pakistan's continued misuse of various platforms to disseminate baseless and malicious propaganda against India. Pakistan did so to distract the international community's attention from its abysmal record on human rights.

35. It was well known that Pakistan had been crushing dissent and engaging in political repression in many of its regions for decades and that forced disappearance, arbitrary detention and torture had been used as tools of coercion. Several human rights defenders had even died tragically in mysterious circumstances while in exile, yet others continued to struggle against Pakistan's systematic oppression and discrimination.

36. His delegation reiterated that the union territories of Jammu, Kashmir and Ladakh were an integral part of India and that matters pertaining to them were purely internal to India. Pakistan had no credibility or locus standi to comment on India's domestic affairs.

37. **Mr. Kelson** (Australia) said that his country supported the resolution adopted by the International Labour Organization in March 2022 to protect and ensure labour rights and a safe environment for all those fleeing Ukraine, in particular those in vulnerable situations. Australia continued to call upon the Russian Federation to end its illegal and immoral invasion of Ukraine.

38. His Government was working towards an increased regional response to the drivers of trafficking in persons, including those exacerbated by conflict, in particular through its long-running partnership with the Association of Southeast Asian Nations and support for efforts to establish the region's first training facility with a dedicated focus on addressing that issue and enhancing access to justice for survivors.

39. He asked how the Special Rapporteur would take forward the recommendation that United Nations investigative mandates and fact-finding bodies consistently investigate trafficking in conflict settings and further ensure accountability and justice for victims and survivors.

40. **Ms. Andújar** (Dominican Republic) said that her delegation was currently working with Sweden and the

Special Representative of the Secretary-General on Violence against Children to organize an event on child protection in the tourism and travel industries, in which child trafficking continued to be a major issue. It was clear that Governments could not solve the problem alone; joining forces with the private sector, civil society organizations and other interested parties would lead to better solutions. Her delegation wished to know what measures could be taken to address the fact that trafficking was a highly lucrative business and asked the Special Rapporteur to share examples of best practice that resulted in a reduction in income for perpetrators.

41. **Mr. Kuzmenkov** (Russian Federation) said that, while his country shared the Special Rapporteur's concern about the issue at hand, the recommendations in the report were excessively detailed. The Russian Federation was in favour of comprehensive cooperation on trafficking in persons, but believed that every State had the right to establish its own national mechanisms.

42. At a mere two lines, the reference to the removal of organs in the report was very brief. He called upon the Special Rapporteur to pay closer attention to that issue, since Ukrainian refugees currently in European Union countries were at risk of falling prey to organized crime groups.

43. **Ms. Wagner** (Switzerland) said that States must combat impunity by ensuring that alleged perpetrators of trafficking were investigated and, where applicable, prosecuted under international law. Effective remedies must also be made available to victims. Accountability helped to ensure the protection of civilians during armed conflicts, which was one of Switzerland's priorities for its Security Council mandate.

44. With respect to fighting trafficking in persons and combating impunity in conflict situations, she asked how the Special Rapporteur ensured synergies with other United Nations actors, including peacekeepers, the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict.

45. **Ms. Mihail** (Romania) said that her country was currently drafting a national strategy on trafficking in persons, and asked whether the Special Rapporteur could share any recommendations or examples of best practice to assist countries with that process. In the light of the war of aggression in Ukraine, she asked how international organizations, Governments and non-governmental organizations could effectively coordinate their efforts to address the unique challenges of preventing child trafficking in conflict situations.



46. **Mr. Zumilla** (Malaysia) said that organized and transnational crime continued to undermine national security, the rule of law, and economic success and well-being. Due to its geographical location and favourable political and economic conditions, Malaysia continued to face challenges arising from transnational crimes including trafficking in persons. It had taken a number of legislative and judicial steps to address the issue and had introduced a specialist programme to assist victims.

47. Given the cross-border nature of the issue, he asked what existing multilateral mechanisms or examples of best practice had been effective in helping States to counter and identify traffickers, as well as the intermediaries profiting from that heinous act.

48. **Ms. Alaoui** (Morocco) said that her country had taken a series of measures to prevent trafficking in persons, protect and assist victims, and punish perpetrators. It had established a national commission to coordinate measures to combat and prevent trafficking in persons in 2019 and had also created centres for women and children who had suffered violence.

49. In her report, the Special Rapporteur had underscored the importance of the United Nations Guiding Principles on Business and Human Rights. The delegation asked her to share any examples of best practice with respect to raising awareness of and disseminating that document, especially within the informal sector, in order to prevent trafficking in persons and protect the rights of workers, including female workers, throughout the supply chain.

50. **Mr. Mohamed** (Egypt) said that his country took note of the challenges leading to an increase in trafficking and underscored the importance of international efforts to ensure sustainable development and resolve the various crises behind the rise in forced displacements and trafficking in persons.

51. His delegation wished to know how to strengthen international partnerships in order to achieve sustainable development and combat inequality, and what tools could be used to combat trafficking in persons, especially in the light of poverty levels and the resurgence of conflicts.

52. **Ms. Digney** (Ireland) said that her country supported the Special Rapporteur's call to strengthen accountability, combat impunity and ensure effective access to justice for trafficked persons. To that end, Ireland was working on legislation to introduce a more victim-centred, comprehensive identification and support process for those affected by trafficking. She asked the Special Rapporteur to elaborate on how States could strengthen international cooperation and mutual

legal assistance in order to ensure effective investigations in trafficking cases.

53. **Mr. Kryvaltseviah** (Belarus) said that his country agreed with a number of the conclusions contained in the Special Rapporteur's report, including the need to provide protection for victims of trafficking, strengthen international cooperation and mutual legal assistance, ensure investigations were effective and guarantee that all stakeholders complied with the relevant bodies of law.

54. It was gratifying to note that the Special Rapporteur had paid close attention to the role of the private sector in preventing trafficking in persons, as Belarus had raised that issue before the Commission on Crime Prevention and Criminal Justice earlier in 2023. However, it was unfortunate that there had not been greater focus on refugees, who were especially at risk during armed conflicts.

55. **Ms. Qureshi** (Pakistan) said that her Government had taken a number of legislative and administrative steps to prevent trafficking in persons. As a result of its law enforcement efforts, over 35,000 victims of trafficking had been identified and over 22,000 referred to services provided by the Government or civil society organizations in the five years to 2023.

56. The transnational nature of trafficking in persons demanded enhanced international cooperation among countries of origin, transit and destination. It would be helpful to hear the Special Rapporteur's views on how to enhance international cooperation to prevent the trafficking of women and children.

57. **Ms. Folmer** (Luxembourg) said that the Special Rapporteur's report showed that United Nations inquiry mechanisms and other investigative mandates did not always investigate trafficking in persons in conflict situations, despite significant indicators and documentation of its prevalence. She asked how the international community could ensure such mechanisms and mandates systematically included trafficking in persons in conflicts in their work, paying particular attention to child trafficking.

58. **Mr. McGlothlin** (United States of America) said that the Russian Federation's full-scale invasion of Ukraine had forced 8 million people to flee the country by January 2023 and displaced almost 5.4 million more within its borders. Those refugee and displaced populations were especially vulnerable to trafficking in persons. Support from his Government had been vital to Ukraine's national counter-trafficking hotline, which had assisted over 65,000 individual callers to date. He asked what accountability mechanisms could be

implemented by Member States to ensure protection gaps were closed in relation to conflict zones.

59. **Mr. Liu Luoge** (China) said that warring parties in conflict situations should abide by international law and take measures to protect civilians from all forms of violence. The international community should work together to identify and punish crimes related to trafficking in persons, while respecting the judicial sovereignty of the countries concerned.

60. However, the elimination of trafficking in persons in conflicts should not be the international community's sole aim. Only achieving a ceasefire and restoring peace could fundamentally prevent conflicts from traumatizing vulnerable groups. China had therefore put forward a global security initiative calling upon all countries to adhere to a shared concept of security and to safeguard world peace.

61. **Ms. Tokarska** (Ukraine) said that the Government of Ukraine and civil society organizations were working tirelessly to address the risks of exploitation and trafficking in persons created by the Russian war of aggression against her country, in particular by raising awareness, strengthening legislation and expanding training for officials. Ukraine was also working with its international partners to take comprehensive preventive measures, and it was grateful for their help with the creation of an information exchange platform where relevant countries could provide information on trafficking in persons.

62. **Mr. Altarsha** (Syrian Arab Republic) said that the Special Rapporteur's report mentioned his country in nine different paragraphs. Seven of those paragraphs drew on information provided by a single source. It was clear that the consisted of allegations, whereas factual information had been provided about other States. The unaccompanied minors and unregistered newborns mentioned in paragraph 15 of the report were the children of the terrorists present in the Syrian Arab Republic. He called upon the Special Rapporteur to refer to reliable sources of information in future so that all parties could have a full view of the situation in his country.

63. **Ms. O'Hara-Rusckowski** (Observer for the Sovereign Order of Malta) said that combating the abhorrent practice of trafficking in persons would require a comprehensive approach grounded in international cooperation, strong legislation and robust law enforcement. For its part, the Sovereign Order of Malta had recently helped to open a safe house in Massachusetts to assist victims of trafficking in persons, with a particular focus on those who had been subjected to sex trafficking. She called upon Member States to

collaborate with diverse stakeholders, including United Nations entities, the private sector, academia and non-governmental organizations to eradicate trafficking in persons through strategies rooted in prevention, prosecution, protection and partnership.

64. **Ms. Mullally** (Special Rapporteur on trafficking in persons, especially women and children) said that important work was taking place within United Nations entities on strengthening the capacity of justice-sector actors to investigate and prosecute technology-facilitated trafficking. Further efforts were needed to ensure access to justice for victims, including in conflict settings, and to hold the technology sector and the businesses within it to account.

65. Effective mechanisms to enhance the rights of victims included early identification, access to international protection including asylum, unconditional assistance for victims, protection against refoulement, the expansion of safe, regular routes to migration, resettlement opportunities and humanitarian visas.

66. It was vital to strengthen child protection systems, including the capacity of child protection actors in conflict settings, to prevent child trafficking, identify children at risk and ensure integrated protection services, including for displaced children. Particular attention should be paid to unaccompanied and separated children.

67. The inclusion of a specific reference to trafficking in persons in the proposed convention on crimes against humanity could draw attention to the potential for trafficking in persons to constitute such a crime.

68. In relation to United Nations investigative and fact-finding missions, continued dialogue regarding the Special Rapporteur's mandate was important, and it might be helpful to include an explicit reference to trafficking in persons in the mandates granted.

69. Reducing the benefits for traffickers and those who profit from trafficking would require effective investigations and prosecutions, as well as access to remedies for victims, including compensation.

70. Contrary to the assertion made by the Russian Federation, many States had requested detailed recommendations in accordance with the mandate granted to the Special Rapporteur by the Human Rights Council. She agreed that more attention should be paid to trafficking in organs in all conflict settings.

71. She was collaborating with the Special Representative of the Secretary-General for Children and Armed Conflict on the specific question of how



trafficking intersected with grave violations against children in armed conflict and how to strengthen the reporting, monitoring and prevention of trafficking in children in such situations. She had recently created a briefing tool on child trafficking for States alongside the Special Representative of the Secretary-General on Violence against Children, and also regularly cooperated with the Special Representative of the Secretary-General on Sexual Violence in Conflict, including on joint statements highlighting conflict-related trafficking for the purposes of sexual exploitation.

72. Regarding examples of best practices in relation to technology-facilitated trafficking, the thematic report issued by the Council of Europe Group of Experts on Action against Trafficking in Human Beings was of particular relevance to Romania. There was also a need to strengthen child protection systems, which were the most effective mechanism to prevent child trafficking and protect child victims.

73. The recently adopted Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes was valuable in relation to strengthening international investigations. She also noted the importance of improved mutual legal assistance, increased capacity for joint investigations and early identification of victims of trafficking to enable them to participate in investigations proceedings if they wished to do so.

74. She agreed with the representative of Morocco on the need to protect migrant workers, and had repeatedly emphasized the importance of mandatory human rights due diligence laws and policies to include all sectors and all levels of supply chains.

75. With regard to the drivers of conflict-related trafficking, she had consistently emphasized the importance of eliminating poverty and reducing the potential for conflict, including in 2022 when the Third Committee had considered climate-related conflict and the impact of environmental degradation and loss of livelihoods. Those challenges all led to factors that contributed to a heightened risk of trafficking. Realization of the Sustainable Development Goals was also essential.

76. With regard to the question posed by Ireland, bilateral agreements, strengthened international cooperation on mutual legal assistance and international investigations were key, as was ratification of the Ljubljana Convention.

77. The delegate from Belarus was advised to refer to the report she had presented to the Human Rights Council in June 2023 on the rights of refugees, asylum seekers and stateless persons, which emphasized the importance of complying with international refugee law, including protection against refoulement. With regard to the Global Refugee Forum, she urged all States to join a pledge to prevent trafficking in persons among refugees and asylum seekers and ensure effective access to asylum and other forms of international protection for victims of trafficking and those at risk.

78. International cooperation to prevent trafficking in persons could be enhanced through international cooperation mechanisms, early identification and pathways to international protection for victims of trafficking and those at risk.

79. The Special Rapporteur would continue to work closely with United Nations investigative mechanisms. However, explicit references to trafficking should be included in the mandates granted. The International Criminal Court also had a potential role to play with regard to crimes against migrants and trafficking patterns that had been identified in conflict settings currently under investigation. Moreover, transitional justice mechanisms should adopt consideration of trafficking in persons as a post-conflict justice process, including with regard to children.

80. The delegate from China was right to highlight the importance of peace and ending conflict. In that regard, the United Nations was working on the New Agenda for Peace and ensuring that prevention of trafficking was integrated, particularly in transition settings and peacebuilding measures.

81. With respect to the comments made by the representative of the Syrian Arab Republic, registration of children at birth was an essential mechanism to prevent trafficking in persons.

82. **Mr. González Morales** (Special Rapporteur on the human rights of migrants), introducing his final report as Special Rapporteur ([A/78/180](#)), said that he would stress three key messages. First, the legitimate concern of States to secure their borders could not override their obligations to respect the international guaranteed human rights of all migrants. Second, human rights should be at the centre of migration policies and debate, and States should redouble their efforts to combat hate speech and all forms of discrimination against migrants. Third, States should ratify the core international human rights instruments, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

83. Labour migration could put migrants in greater precarity and at heightened risk of human rights violations. Understanding labour migration as a gendered phenomenon was essential to developing policies to lift gender-specific barriers to the labour market and enhance gender responsiveness. Migrant workers faced poorer access to decent work compared to nationals across a broad spectrum of indicators, in addition to social exclusion. Excluded from social protection systems, they were more vulnerable to economic shocks, unemployment and poverty.

84. Adequate and safe housing remained out of reach for many migrant workers, who in certain industries lived in camp-like conditions under de facto segregation, which posed health risks and further jeopardized their human rights. Furthermore, barriers to access to health care negatively affected migrants' physical and mental health. In some cases, they were returned to their countries of origin without having received proper treatment or compensation for occupational injuries or accidents.

85. Migrant workers also faced obstacles in exercising their freedom of expression, assembly and association, thus undermining their access to justice and exercise of fundamental rights, particularly their right to form and join trade unions. Many temporary migration programmes bore inherent restrictions that pushed migrant workers into a precarious, insecure and irregular situation.

86. However, progress was also recognized in various areas, including pathways to permanent or secure migration status, equal access to social protection, standardized contracts for migrant workers and firewalls between public services and immigration authorities.

87. The Special Rapporteur highlighted the recommendations made in the report. First, States should establish new mechanisms and permanent pathways for and extend domestic labour protection to all migrant workers. Second, migrant workers must be able to access decent work, and States should set up firewalls between public services and immigration authorities. Third, States should create a strong and effective labour inspection system to combat human rights violations. Lastly, States should ensure migrants' participation in decision-making to bring about effective change and incorporate their views into policies affecting them.

88. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that the politicization of migration, interventionism and unilateral coercive measures, coupled with criminal mafias' exploitation of migration as a business, gave rise to atypical migratory movements

in the Latin American and Caribbean region. He asked the Special Rapporteur for his opinion regarding the impact of unilateral coercive measures, which violated human rights, on the development of atypical migratory movements and for his opinion on the securitization of migration seen in certain States.

89. Treating migration as a security rather than a humanitarian and legal issue constituted an unethical and inhumane approach that exacerbated xenophobia and aporophobia. Venezuela condemned such an archaic and dehumanizing perspective, which only sought political gain at the expense of human dignity.

90. **Ms. Allet** (Switzerland) asked the Special Rapporteur how bilateral agreements could be designed as an alternative to irregular migration and how the implementation of such agreements could be enforced. Switzerland was committed to promoting equitable conditions for migrant workers so as to contribute to the sustainable development of both the countries of origin and destination. The growing shortage of skilled labour in certain countries and sectors was being offset by the arrival of migrants who had been displaced by situations of conflict and economic and social instability in their countries of origin. The issue of how to better protect the human and labour rights of all migrants therefore arose in the context of specific demographic imbalances. That protection should be independent of residence status throughout the migration cycle. Matching skills and improving the governance of labour migration by the countries of origin, transit and destination were important approaches for achieving that objective.

91. **Mr. Valido Martínez** (Cuba) said that, according to the report, the salary gap between men and women migrants in the United States was much higher than the gender gap at the national level. That was inexplicable for a country that presented itself as a champion of human rights. In addition, migrants who came to the United States were mistreated with impunity even if not accused of a crime. Many migrants were held under the country's most restrictive conditions in maximum-security prisons or for indefinite prison terms. In an affront to both international law and to basic human compassion, the United States kept migrant children in detention separated from their parents. During the coronavirus disease (COVID-19) pandemic, from March to November 2020, more than 330,000 migrants and asylum seekers were expelled, including more than 13,000 unaccompanied minors. His Government called on the Special Rapporteur to continue to pay attention to that situation.

92. **Ms. Diedricks** (South Africa) said that existing labour laws in South Africa covered all workers, irrespective of race, gender, religious belief or origin, and were designed to penalize and discourage the exploitative and discriminatory employment to which migrant workers were often confined. South Africa had been working with relevant stakeholders towards its first national labour migration policy as a rights-based, gender-sensitive and gender-responsive, development-orientated policy of which the main objective was to ensure that labour migration to and from South Africa was undertaken in the interests of both migrant workers and the country itself. She asked the Special Rapporteur to mention some of the best practices and mechanisms used globally in holding employers accountable for undermining labour laws and standards in relation to migrant workers.

93. **Ms. Rojas** (Mexico) said that, in the 2022 President Biden and President López Obrador Joint Statement, the United States and Mexico had committed to launching a working group to strengthen the cross-border response to child migration, which had resulted in greater consular-protection efforts by Mexico to combat migrant child labour in the United States. To that end, Mexican consulates had been instructed to hold meetings with the Department of Labor in the United States to identify at-risk or vulnerable Mexican children in the United States. She asked for the Special Rapporteur's opinion on how to guarantee not only the existence of a system to detect and report human rights violations, but also the implementation of appropriate mechanisms to investigate those complaints.

94. **Ms. Szelivánov** (Representative of the European Union, in its capacity as observer) said that fraudulent recruitment practices had recently received media exposure, and she asked the Special Rapporteur to share best practices for tackling those issues. She also asked him to specify strategies for access to social protection that States could develop to strengthen migrant labour protection mechanisms.

95. **Mr. Guerra** (Portugal) said that Portugal had been working on some of the issues covered in the report, such as access to health services, and supporting efforts to achieve universal social protection and guarantee the human right to health for all. Portugal had concluded social security agreements with 20 countries and regions to reduce inequalities and vulnerabilities, thereby facilitating migrants' active participation in and contribution to society. Considering that law and guidelines were often insufficient to yield real change, he asked the Special Rapporteur for practical recommendations on how to improve the treatment of

migrant workers in the States where they were employed.

96. **Ms. Concepción Jaramillo** (Panama) said that Panama was working to provide comprehensive humanitarian care to undocumented migrants crossing the Darién National Park. Nevertheless, that migration was having a disproportionate economic, social and environmental impact on Indigenous communities. In 2023 so far, over 430,000 people had crossed the Darién National Park. Holding the Presidency Pro Tempore of the Regional Conference on Migration, Panama had been working hard to debunk the myth of the Darién National Park as a safe route and to show the crude and complex reality of migration. Her Government continued to implement programmes to help and protect migrants and reiterated its call for a multilateral approach within the international community to ensure orderly, safe, regular and humane migration.

97. **Ms. Wainwel** (Cameroon) said that global migration had been central to the growth of the global economy. Remittances from migrants were higher than official development assistance, but development returns were undermined by the unsafe and precarious working conditions of migrant workers. Her delegation was concerned by the racial discrimination suffered by African migrants and people of African descent. She asked the Special Rapporteur for information on how racial discrimination affected migrants' families at home and in their host countries. She also asked him to elaborate on how family reunification policies that took into consideration migrants' human rights had a positive impact on migrant well-being and on host countries. She then asked how to address the impact of temporary migrant programmes on regular labour migration and how that impact could be taken into consideration when developing such programmes.

98. **Ms. Ouafi** (Morocco) said that Morocco, in line with international law, fully protected its citizens and migratory flows while combating irregular migration, including trafficking in persons. The Constitution of Morocco guaranteed the fundamental rights of all individuals in the country, including migrants. Through numerous sector-based programmes, Morocco was implementing a national strategy for migration and asylum while also enhancing its legal framework on migration to ensure access to health services, to consolidate the right to education, to foster professional training and to enhance social and humanitarian assistance. Recognized as a leader in Africa and reflecting its commitment to migrants' rights, Morocco had also undertaken a number of initiatives to promote and implement the Global Compact for Safe, Orderly and Regular Migration. It had inaugurated the African

Migration Observatory in December 2020 and actively participated in the Global Compact for Migration review for the Arab region.

99. **Mr. Segura Aragón** (El Salvador) said that El Salvador had implemented initiatives for capacity-building and skills development as a way to tackle the structural causes of irregular migration. His delegation considered that migrants should have discrimination-free access to decent work in safe and secure working environments, irrespective of their status. Their labour and human rights should be respected wherever they lived and worked. He asked the Special Rapporteur what the main challenges were in respect of migrants' human rights and for his opinion on how these challenges should be addressed, given the fact that few destination countries had ratified the Convention on the Rights of Migrants.

100. **Ms. Al Sinani** (Oman), speaking on behalf of the Gulf Cooperation Council, said that the Gulf Cooperation Council had made great progress with regard to workers' rights, including on legislation to combat trafficking in persons. She asked the Special Rapporteur about ways to enhance cooperation between regional organizations and the Special Rapporteur in respect of worker protection.

101. **Ms. Qureshi** (Pakistan) said that migrant labour protection mechanisms were an important issue in the report and asked the Special Rapporteur whether guidance could be formulated to align those mechanisms with human rights standards in the destination countries. As the sixth largest diaspora in the world, Pakistani migrants contributed substantially to destination countries, and pursuant to the Global Compact for Migration, the international community should urge destination countries to demonstrate adherence to international labour standards. Bilateral agreements based on human rights and migrant needs should be promoted to address the vulnerabilities of migrant workers and to open regular migration pathways. Other alternative migration pathways should also be promoted and opportunities for temporary migration strengthened. Legislation, policies and practices should be developed to eliminate racism.

102. **Mr. Kuzmenkov** (Russian Federation) said that attention should be drawn to migrants in the Mediterranean Sea, which had become a graveyard for thousands of migrants from Africa. The European Union and in particular its coastal States were not meeting their obligations, as highlighted in reports of the Secretary-General. Operation IRINI was entirely useless, and the European Union was doing nothing to rescue migrants at sea. Under international maritime law, all rescued or

intercepted migrants should be provided with safe ports of disembarkation. Crimes against migrants and refugees should be investigated to ensure that victims had access to justice and were compensated, while perpetrators should be prosecuted. Russia called on European Union countries to halt the shameful practice of pushing migrant boats beyond their jurisdiction, which had led to the deaths of people in distress, including women and children. The ban on humanitarian organizations that were helping migrants at sea should also be lifted.

103. **Mr. Abdullah** (Bangladesh) said that Bangladesh had developed strong legislation and policies for migrants' rights and welfare and had shared its good practices with the Special Rapporteur in his country visit in January 2023. He asked the Special Rapporteur how his office planned to engage with national Governments in the strengthening of domestic labour protection and the implementation of firewalls between public services and immigration authorities, and what his plan was to realize the recommendation to replace workplace programmes with the regulated open labour market. He also requested good examples that the Special Rapporteur could share from his engagement with the destination countries for the protection of women migrant workers, considering the heightened risk they faced.

104. **Ms. Folmer** (Luxembourg) said that Luxembourg appreciated the theme of the report, since approximately 70 per cent of the workforce in her country consisted of migrant workers. Her delegation was concerned about the persistence of discrimination against migrant workers. She asked the Special Rapporteur to mention some best practices in eliminating the structural discrimination affecting migrant workers.

105. **Mr. Zumilla** (Malaysia) said that Malaysia faced a number of challenges as a host country with a significant migrant worker population. His Government's priority was to safeguard sovereignty, territorial integrity and security while protecting migrants. Various laws and bilateral mechanisms had been implemented in that connection, and his Government also worked closely with non-governmental organizations in protecting migrants' rights. He asked the Special Rapporteur for examples of new mechanisms and permanent pathways that he had observed in the protection of migrant workers in countries of employment.

106. **Mr. Mohamed** (Egypt) said that Egypt hosted more than 9 million migrants and refugees, who enjoyed the same basic services as Egyptian citizens. Egypt was also proud of the contributions of the 10 million

Egyptians living abroad and reiterated the importance of regular migration pathways to enhance labour migration in response to market needs and demographic differences while strengthening development and protecting migrants against the risks of irregular migration, smuggling and exploitation. He asked for the Special Rapporteur's view on how to enhance bilateral and regional cooperation to facilitate labour migration and conclude agreements that supported sustainable development and encouraged countries to mutually recognize migrants' skills and qualifications pursuant to articles 5 and 8 of the Global Compact for Migration.

107. **Mr. McGlothlin** (United States of America) said that the United States supported initiatives such as Early Warnings for All to help anticipate climate change effects, thus potentially reducing push factors and serving as instruments for safe migration. The United States, in partnership with the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees, was also invested in addressing the root causes of forced migration and strengthening capacities to manage migration humanely. Alongside partner countries and international organizations, his Government was working to develop safe and orderly pathways, including through Safe Mobility Offices, which acted as a platform for migrants to access refugee, humanitarian and labour pathways to the United States and other countries. He asked the Special Rapporteur how the United States and other countries could ensure that information about the Safe Mobility Offices and other lawful pathways reached migrants and people considering irregular migration.

108. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation had been shocked to read in the report that human rights violations took place in the United States and Canada, where women migrants in particular were often confined to riskier and lower-paid work because their skills and qualifications were not recognized. He asked the Special Rapporteur to elaborate on what could be done about that issue. In his report, the Special Rapporteur had also spoken about violations in the destination countries of migrant workers. Since the destination countries for most migrants were in the European Union, most violations were committed there. That was also an important issue to discuss.

109. **Ms. Fernández** (Chile) said that Chile sought to establish a society that appreciated intercultural values and promoted the inclusion of migrants while still addressing the concerns of the destination communities. The new institutional framework placed a focus on security and on respect for human rights so as to meet international standards and overcome past

shortcomings. States needed to enhance cooperation, information exchange and coordination in relation to migration between the countries of origin, transit and destination.

110. **Ms. Zhang** (China) said that anti-immigrant sentiment was growing in some Western countries, where some politicians used migrants as scapegoats for domestic problems. They blamed migrants for taking jobs, when in fact migrants often worked low-wage jobs in poor conditions that nationals were unwilling to accept. Even migrant children were victims of illegal imprisonment and forced labour. More restrictive immigration laws and policies had in some countries exacerbated the plight of migrants, such as the Illegal Migration Act 2023 in the United Kingdom, which had been criticized by the High Commissioner for Human Rights and the High Commissioner for Refugees and undermined the international system governing refugees and migrants. China urged countries to safeguard migrants' rights and listen to the voices of migrants and the international community.

111. **Mr. Harrison-Greenwood** (Sovereign Order of Malta) said that the Sovereign Order of Malta prioritized health care and made efforts to address migrants' unique needs. The basic human rights of migrants should be upheld, and his delegation called on all countries to reaffirm their commitment to protect migrants' rights. He asked the Special Rapporteur to discuss the practical ways in which his office was facilitating dialogue, especially in relation to Sustainable Development Goal 17.

112. **Mr. González Morales** (Special Rapporteur on the human rights of migrants) said that the issue of bilateral agreements had come up constantly over the six years of his mandate. Levels of labour protection varied significantly, as a destination country could have excellent bilateral agreements with one country but quite unfortunate agreements with another. Accordingly, his office was working hard, together with the International Labour Organization, to strengthen bilateral agreements.

113. The issue of bilateral agreements was important for all Member States, not only signatories of the Global Compact for Migration, as part of fostering regular migration pathways as the best way to establish orderly migration and properly manage human mobility. By doing so, Governments could also show the national population that migrant workers represented not a threat but rather a contribution to the destination societies, and that all their human rights, including the right to work, should be protected.

114. Destination countries also played a key role in ensuring that effective mechanisms were set up for migrants to file complaints against employers. Given the difficulty migrants faced in bringing such complaints, destination countries should be proactive. Consulates also played a major role in providing support through labour advisers to migrants in the countries where they lived and worked. Often subject to exploitation, domestic workers – particularly women domestic workers – faced difficulties in lodging complaints, and destination countries needed to be particularly proactive in such cases. The right to health care also varied across countries. Some countries provided no guaranteed access to health care for migrants, while in others it was only available to migrants in a regular situation or in emergency situations.

115. In terms of his work with regional bodies, the Special Rapporteur had participated in initiatives and regional forums to build strong relationships, such as the regional forums on the Global Compact for Migration. His office had also worked with human rights organizations within the African, American and European systems. In working with States, his office pursued an effective and dynamic dialogue, despite the limited resources available. Given the multidimensional nature of migration, his office's relationship with various United Nations agencies was also important as another way to take different approaches with States.

116. With regard to racism, he noted that discrimination was less noticeable when migrants' phenotypes were similar to those of the destination country. However, the situation was notably different for migrants from Africa in a destination country with few people of African descent. Hate speech and xenophobia were often linked to racism.

117. In terms of best practices, the first was the establishment of regular migration pathways, as migrants' labour rights were seriously affected when there was widespread irregular migration. Second, despite the legitimacy of security concerns, security measures should not be adopted at the expense of migrants' human rights. Third, destination countries should be proactive in migrant labour policy to protect migrants. Fourth, firewalls should be set up between public services and immigration enforcement. Fifth, migrants' rights of association, particularly in respect of their right to create and join labour unions, should be protected. Lastly, there should be intense monitoring of the actions of States and the private sector. Human rights organizations should be provided with the tools and resources necessary to do so.

*The meeting rose at 5.45 p.m.*