



# General Assembly

Distr.: General  
3 August 2023

Original: English

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## Human Rights Council

### Fifty-fourth session

11 September–6 October 2023

Agenda items 2 and 3

### 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 76/172 on the protection of migrants. In paragraph 22 of the resolution, the Secretary-General was requested to submit to the General Assembly and the Human Rights Council a comprehensive report entitled “Human rights of migrants”, covering all aspects of the implementation of the resolution.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 76/172 on the protection of migrants, in which the Secretary-General was requested to submit to the General Assembly and the Human Rights Council a comprehensive report entitled “Human rights of migrants”, covering all aspects of the implementation of the resolution.
2. Written submissions were received from 17 States and from intergovernmental and non-governmental organizations in response to a note verbale sent 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 76/172.<sup>1</sup>
3. The report focuses on issues related to the promotion and protection of the human rights of migrants addressed by the General Assembly in its resolution 76/172. The report also 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. Migration is a fundamental human experience that touches the lives of people originating from and residing in every country and region of the world. According to the Department of Economic and Social Affairs, the number of international migrants in the world reached 281 million in 2020, representing 3.6 per cent of the global population; the proportion has remained around the same for the last 30 years, and equates roughly to the size of the world’s fourth most populous country.<sup>2</sup> Nearly half (48 per cent) of all international migrants worldwide are women or girls,<sup>3</sup> while less than 15 per cent are children (over 36 million) and 12 per cent are older persons.<sup>4</sup>
5. The General Assembly has recognized the complex nature of contemporary movement,<sup>5</sup> recalling that since its earliest times, humanity has been on the move, with some people moving in search of new opportunities and horizons, and others being compelled to leave their homes due to human rights violations and abuses, such as persecution, or as a result of conflict, or due to the consequences of environmental degradation and climate change. Many individuals move for a combination of these reasons. The present report does not apply to asylum-seekers and refugees, and others seeking international protection.
6. As we celebrate the seventy-fifth anniversary of the Universal Declaration of Human Rights, we must recall 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, without distinction of any kind. In its resolution 76/172, the General Assembly reaffirmed this consensus, recognizing that all migrants, regardless of their migration status, are human rights holders, and emphasizing the need to protect their safety, dignity and human rights, without any kind of discrimination.

<sup>1</sup> The full texts of the submissions are available at <https://www.ohchr.org/en/calls-for-input/2023/call-input-report-human-rights-migrants>.

<sup>2</sup> Department of Economic and Social Affairs, *International Migration Report 2020: Highlights (ST/ESA/SER.A/452)*, available at [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undes\\_a\\_pd\\_20\\_20\\_international\\_migration\\_highlights.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undes_a_pd_20_20_international_migration_highlights.pdf); see also International Organization for Migration (IOM), *World Migration Report 2020*, available from <https://worldmigrationreport.iom.int/wmr-2020-interactive/>, p. 22.

<sup>3</sup> *Ibid.*, p. 25.

<sup>4</sup> International Data Alliance for Children on the Move, *Stronger Data, Brighter Future: Protecting Children on the Move with Data and Evidence*, available from <https://data.unicef.org/resources/stronger-data-brighter-futures/>, p. 2; and Department of Economic and Social Affairs, *International Migration Report 2020: Highlights*, p. 28.

<sup>5</sup> General Assembly resolutions 71/1, para. 1; and Global Compact for Safe, Orderly and Regular Migration (General Assembly resolution 73/195, annex), para. 10.

7. States have a broad range of obligations to respect, protect and fulfil the human rights of all individuals within their territory or subject to their jurisdiction, including all migrants. These obligations are rooted in the Universal Declaration of Human Rights and the core international human rights instruments recalled by the General Assembly in its resolution 76/172, which provide legal protection to everyone, regardless of race, colour, sex, language, religion or belief, political or other opinion, descent, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status, including migration status. Yet, while migration is a positive and empowering experience for many individuals, the absence of comprehensive and human rights-based migration governance at the global, regional and national levels often results in violations of migrants' human rights during their journey, at international borders, and in countries of destination.

8. Emphasizing the multidimensional character of international migration, the General Assembly in its resolution 76/172 called upon States to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants.

### III. Issues in focus

#### A. Anti-migrant narratives, discrimination and xenophobia

9. In its resolution 76/172, the General Assembly expressed concern at the increasing trend of xenophobia and hostility towards migrants, and its negative impact on the fulfilment of human rights globally. It urged States to combat all forms of discrimination, such as expressions, acts and manifestations of racism, racial discrimination, violence, xenophobia and related intolerance against all migrants, while acknowledging the need to promote an open and evidence-based public discourse on migration and migrants, in partnership with all parts of society, that generates a more realistic, humane and constructive perception in this regard.

10. In the Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration) and its Progress Declaration, States reaffirmed their commitment to eliminate all forms of discrimination, referring to racism, systemic racism, racial discrimination, xenophobia and related intolerance, stigmatization, hate speech and hate crimes, as well as negative stereotyping and misleading narratives that generate harmful perceptions of migration and migrants.<sup>6</sup> They further recognized that systematic instances of intolerance, xenophobia, racism and all other multiple and intersecting forms of discrimination, as well as instances of racial, ethnic and religious profiling of migrants, misinformation and stigma against migrants, remain widespread, heighten anti-immigrant sentiments and promote violence against migrants.<sup>7</sup>

11. Indeed, harmful and dehumanizing narratives on migration continue to proliferate and have increasingly permeated political movements, the media and other forms of public discourse in many countries.<sup>8</sup> Frequently, such narratives use migrants as scapegoats for deep-rooted societal problems and fears, and hamper migrants' ability to enjoy their human rights.<sup>9</sup> This may lead to exclusion or even violence against migrants and minorities associated with migration, as well as against human rights defenders or those who show solidarity with migrants.<sup>10</sup> Divisive narratives may also result in policies that can undermine

<sup>6</sup> Global Compact for Safe, Orderly and Regular Migration, objective 17; and General Assembly resolution 76/266, para. 54.

<sup>7</sup> General Assembly resolution 76/266, para. 49.

<sup>8</sup> Inputs provided for the present report by the United Nations University Centre for Policy Research.

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "Seven key elements on building human rights-based narratives on migrants and migration", available at <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/SevenKeyElements.pdf>; and OHCHR, "Reframing narratives on migration", available at <https://www.ohchr.org/en/migration/reframing-narratives-migration>.

<sup>10</sup> [A/74/271](#), para. 17.

migrants' human rights, such as the criminalization of migrants, arbitrary detention, and policies that impede migrants' access to services and justice.<sup>11</sup> Divisive narratives not only affect migrants and their families; they can also have wide-reaching corrosive effects on the wider society, normalizing hate-fuelled ideas and language and weakening the social fabric.<sup>12</sup>

12. In the framework of the #StandUp4Migrants campaign, OHCHR has developed a toolbox to offer guidance on how to shift narratives on migration from hate and exclusion to celebrating what we have in common and painting a hopeful picture of the future we share.<sup>13</sup> Many States and stakeholders have taken a stand, but greater efforts are needed to shift narratives from fear, hate and division to upholding everyone's human dignity and deepening the understanding that we have more in common than what divides us, in recognition of and in testimony to our common humanity.

## B. Migrants in vulnerable situations

13. In its resolution 76/172, the General Assembly expressed concern over the growing number of migrants, especially women and children, who found themselves in a vulnerable situation when crossing or attempting to cross international borders, and recognized the importance of coordinating international efforts to provide migrants in vulnerable situations with assistance, support and protection. It also called upon States to ensure that their legislation and migration policies and practices were consistent with international human rights obligations, and to avoid approaches that might aggravate their vulnerability. It further requested States, international organizations and stakeholders to address the challenge of irregular migration, granting priority to the protection of migrants' human rights, and expressed concern at measures, including policies aimed at reducing irregular migration, that treated irregular migration as a criminal rather than an administrative offence.

14. In the Global Compact for Migration, States committed to reduce the risks and vulnerabilities that migrants face at different stages of migration, by respecting, protecting and fulfilling their human rights and providing them with care and assistance.<sup>14</sup> They further encouraged the development of policies and programmes that addressed the needs of migrants in situations of vulnerability by taking into consideration the Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations.<sup>15</sup>

15. Migrants are not inherently vulnerable, nor do they lack resilience and agency. Vulnerability to human rights violations is the result of multiple and intersecting forms of discrimination, inequality and structural and societal dynamics that lead to diminished enjoyment of rights.<sup>16</sup> In the context of migration, vulnerability may arise as a result of the situations that led the migrant to leave their country of origin in the first place, circumstances encountered en route, at borders and at the destination, specific aspects of a person's identity or circumstances – such as their age, gender identity, disability, health or migration status – or a combination of these factors.<sup>17</sup>

16. In transit and at borders, migrants often experience human rights protection gaps, including as result of discriminatory profiling, torture and ill-treatment, gender-based violence, dangerous interception practices, pushbacks, and prolonged or arbitrary detention, by State and private actors.<sup>18</sup> While migrants of all genders may experience human rights

<sup>11</sup> Ibid.

<sup>12</sup> See <https://press.un.org/en/2019/sgsm19627.doc.htm>; see also the United Nations Strategy and Plan of Action on Hate Speech, available at <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>.

<sup>13</sup> See <https://www.standup4humanrights.org/migration/pdf/UN-Introduction.pdf>.

<sup>14</sup> Global Compact for Safe, Orderly and Regular Migration, objective 7.

<sup>15</sup> See

<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.; General Assembly resolution 35/17; and Global Compact for Safe, Orderly and Regular Migration, para. 23.

<sup>18</sup> See <https://www.ohchr.org/en/migration/human-rights-transit-and-international-borders>.

violations and abuses, migrant women and girls often experience specific forms of discrimination and are at great risk of being subjected to gender-based violence, trafficking and exploitation.<sup>19</sup>

17. Migrants in an irregular situation are disproportionately vulnerable to discrimination, exploitation and marginalization.<sup>20</sup> Through legal or practical obstacles, many are denied access to rights and essential services such as health care, adequate housing and education.<sup>21</sup> They are systematically excluded from the formal economy, working in unregulated sectors of the labour market, with dangerous working conditions and lack of protection of their rights.<sup>22</sup>

18. Due to their irregular status, avenues for seeking remedies are limited, and the fear of detention and deportation often prevents migrants from reporting violations and abuses.<sup>23</sup> Many continue to be criminalized, which often leads to further human rights violations, such as discriminatory profiling, arbitrary detention, family separation, and the inability to access services.<sup>24</sup> Criminalization only strengthens false narratives, for example depicting migrants as a threat to national security, increasing their vulnerability.<sup>25</sup>

### C. Human rights in transit and at borders

19. In its resolution 76/172, the General Assembly recognized the vulnerability and precarious circumstances of migrants in transit and the need for States to ensure full respect for their human rights. The resolution stressed States' obligation to protect migrants' human rights when implementing migration and border security policies and urged States to prevent and prosecute violations of the human rights of migrants while in transit, including at ports and airports and at borders and migration checkpoints. The Assembly also called upon States to ensure that their procedures at international borders included adequate safeguards to protect the dignity, safety and human rights of all migrants.

20. In the Global Compact for Migration, States committed to manage borders in a coordinated manner, promoting bilateral and regional cooperation, and respecting obligations under international law and the human rights of all migrants, regardless of their migration status.<sup>26</sup> To realize this commitment, States agreed to draw from various actions, including improving cross-border collaboration on the treatment given to persons crossing or seeking to cross international borders by considering recommendations from the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders.

<sup>19</sup> United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2022*, available from [https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf); Committee on the Elimination of Discrimination against Women, general recommendation No. 26 (2008) on women migrant workers, para. 14; and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), policy brief No. 4, "Making gender-responsive migration laws" (2017), available at <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2017/Policy-brief-Making-gender-responsive-migration-laws-en.pdf>.

<sup>20</sup> A/HRC/53/26, para. 11.

<sup>21</sup> OHCHR, *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation* (2014), available at [https://www.ohchr.org/sites/default/files/Documents/Publications/HR-PUB-14-1\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR-PUB-14-1_en.pdf), p. 10.

<sup>22</sup> OHCHR, "We Wanted Workers, but Human Beings Came": *Human Rights and Temporary Labour Migration Programme in and from Asia and the Pacific* (2022), available at <https://bangkok.ohchr.org/wp-content/uploads/2023/01/Report-on-temporary-labour-migration-programme-final-250123.pdf>, p. 3.

<sup>23</sup> OHCHR, *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation*, p. 45.

<sup>24</sup> OHCHR, "The criminalization of irregular migration", available at <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/CriminalisationIrregularImmigration.pdf>.

<sup>25</sup> A/HRC/53/26, para. 32.

<sup>26</sup> Global Compact for Safe, Orderly and Regular Migration, objective 11.

21. Migrants in transit are exposed to a range of human rights violations.<sup>27</sup> Migrant women and girls face specific forms of gender-based discrimination, violence and abuse,<sup>28</sup> while children are especially vulnerable, whether they are travelling alone or with their families. Moreover, the scope of States' obligations to migrants who are not intending to remain on their territory are sometimes questioned, leaving migrants in a more precarious situation.<sup>29</sup>

22. International borders are not zones of exclusion or exception for human rights obligations.<sup>30</sup> The lack of a rights-based response by some States to protect the human rights of migrants in transit and at borders has resulted in greater risks and led to violations and abuses.<sup>31</sup> Indeed, at land, sea and air borders around the world, migrants continue to face human rights violations,<sup>32</sup> including collective expulsions, in particular pushbacks, depriving them of an individualized assessment of their vulnerabilities and protection needs.<sup>33</sup> Delays in search and rescue operations and interception practices place migrants at further risk, sometimes also involving instances of use of force, and leading to illegal, unnecessary or disproportionate injury and death.<sup>34</sup>

23. To prevent irregular migration, some States have implemented restrictive border governance measures compelling migrants to take more dangerous and precarious journeys and often ultimately exacerbating situations of vulnerability and perpetuating a cycle of exploitation and abuse.<sup>35</sup> These measures include the "externalization" of borders to compel countries of first arrival, transit or departure to enforce border controls and prevent irregular entry to the territory concerned, the criminalization of irregular migration, and the increased use of arbitrary detention.<sup>36</sup>

24. With a heightened focus on immigration enforcement and harsher border control policies, detention of migrants, including migrant children, has been on the rise.<sup>37</sup> Far from being used as a last resort, immigration detention, including of children, is undertaken regularly, sometimes without procedural safeguards, information, legal representation and assistance, interpretation services or clear reasons for the detention, and despite the detrimental impact on migrants' mental and physical health and well-being.<sup>38</sup> Recent trends include expansion of the use of detention, including de facto detention, at borders with weaker procedural safeguards for persons subject to it.<sup>39</sup>

25. States and non-State actors are increasingly using digital technology in their border governance infrastructure.<sup>40</sup> In some instances, its use can lead to violations of human rights,

<sup>27</sup> ILO, *Protecting the Rights of Migrant Workers in Irregular Situations and Addressing Irregular Labour Migration: A Compendium* (2021), available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_832915.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_832915.pdf), p. 10.

<sup>28</sup> See <https://interactive.unwomen.org/multimedia/explainer/migration/en/index.html>.

<sup>29</sup> A/HRC/31/35, para. 7.

<sup>30</sup> OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders.

<sup>31</sup> Inputs for the present report provided by Border Violence Monitoring Network.

<sup>32</sup> European Union Agency for Fundamental Rights, *Fundamental Rights Report 2022*, available from <https://fra.europa.eu/en/publication/2022/fundamental-rights-report-2022>.

<sup>33</sup> A/HRC/47/30, para. 41.

<sup>34</sup> *Ibid.*; and A/HRC/31/35, para. 19.

<sup>35</sup> See [https://refugeesmigrants.un.org/sites/default/files/ts6\\_issues\\_brief\\_0.pdf](https://refugeesmigrants.un.org/sites/default/files/ts6_issues_brief_0.pdf).

<sup>36</sup> Inputs for the present report provided by Amnesty International.

<sup>37</sup> See <https://www.ohchr.org/en/press-releases/2021/12/un-human-rights-experts-urge-states-adopt-alternative-measures-and-put-end>; and inputs for the present report provided by Defence for Children International.

<sup>38</sup> Working Group on Arbitrary Detention, revised deliberation No. 5 (A/HRC/39/45, annex); and joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 23 (2017) of the Committee on the Rights of the Child, para. 5.

<sup>39</sup> Platform for International Cooperation on Undocumented Migrants, "Immigration detention and de facto detention: what does the law say?", available at <https://picum.org/wp-content/uploads/2022/09/Immigration-detention-and-de-facto-detention.pdf>, pp. 16–18.

<sup>40</sup> See A/HRC/48/76; and Center for Strategic and International Studies, *The Expanding Use of Technology to Manage Migration* (2023), available from <https://www.csis.org/analysis/expanding-use-technology-manage-migration>.

including of the rights to non-discrimination, privacy, freedom of movement, an individual assessment of human rights protection needs, liberty, and life, as well as of the right to seek asylum.<sup>41</sup> For instance, governmental and humanitarian biometric data collection has been linked with such violations of migrants' rights, notwithstanding the humanitarian justifications behind the collection of such data.<sup>42</sup> Similarly, the increasing use of autonomous technologies such as drones for monitoring and securing borders has been linked with pushbacks at the expense of the right to an individual assessment of protection needs.<sup>43</sup>

#### D. Saving lives and preventing deaths and disappearances of migrants

26. In its resolution 76/172, the General Assembly called upon States to cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations and through standardized collection and exchange of relevant information, as well as to identify those who have died or gone missing and to facilitate communication with affected families.

27. In the Global Compact for Migration and its Progress Declaration, States committed to cooperate to save lives and establish coordinated international efforts on missing migrants, and reaffirmed their responsibility to preserve the lives of all migrants and take action to prevent deaths and injuries.<sup>44</sup> In the Progress Declaration, States further recognized that migrants continued to struggle to access and receive humanitarian assistance, including search and rescue efforts and medical care. States also committed to develop and implement transparent, safe and predictable arrival procedures on land and at sea for all migrants, and to develop and implement procedures and agreements on search and rescue and ensure that the provision of humanitarian assistance is not considered unlawful.<sup>45</sup>

28. Increasingly restrictive migration policies, limited pathways for safe and regular migration, dehumanizing border governance policies, criminalization of migrants, and widespread impunity for those who violate migrants' rights, have indirectly contributed to the death or disappearance of some migrants, by forcing them to choose more dangerous routes and to seek the aid of smugglers and traffickers.<sup>46</sup> More than 56,000 migrants are known to have died or gone missing since 2014.<sup>47</sup> Many others go unrecorded and the real number is presumed to be much higher than the reported figures.<sup>48</sup> Moreover, the development of laws and other administrative measures targeting civil society organizations and human rights defenders working to save migrants' lives has reduced rescue capacities, making migration routes even more dangerous.<sup>49</sup> When rescued, some are disembarked in places that are not safe, where safeguards to protect their lives and human rights are not in place.<sup>50</sup>

29. In some cases, migrants disappear during their journey or in the country of destination, including during processes of detention or deportation or due to smuggling and/or trafficking.<sup>51</sup> Challenges such as deficiencies in the collection of reliable and updated data on

<sup>41</sup> A/HRC/47/52, para. 14; and inputs for the present report provided by Access Now.

<sup>42</sup> A/HRC/48/76, para. 12.

<sup>43</sup> Ibid., paras. 14–15; and inputs for the present report provided by Privacy International.

<sup>44</sup> Global Compact for Safe, Orderly and Regular Migration, objective 8.

<sup>45</sup> General Assembly resolution 76/266, paras. 33 and 65.

<sup>46</sup> A/HRC/50/52, para. 19; and United Nations Network on Migration, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, and International Commission on Missing Persons, "Act now to save lives and prevent migrants from going missing", available at <https://www.icrc.org/en/document/act-now-save-lives-migrants-missing>.

<sup>47</sup> See <https://missingmigrants.iom.int>.

<sup>48</sup> Inputs for the present report provided by the Mixed Migration Center.

<sup>49</sup> Inputs for the present report provided by Médecins Sans Frontières, Sea Watch and SOS Méditerranée.

<sup>50</sup> Office of the United Nations High Commissioner for Refugees, IOM, OHCHR, UNODC, United Nations Children's Fund (UNICEF) and Special Rapporteur on the human rights of migrants, "Joint statement on place of safety", available from <https://reliefweb.int/report/world/joint-statement-place-safety>.

<sup>51</sup> A/HRC/36/39/Add.2, paras. 7, 23 and 34.

missing and disappeared migrants, institutional weaknesses affecting prompt, effective and impartial investigations, and the lack of inter-institutional coordination, have hindered efforts to tackle disappearances in the context of migration and to access truth, justice, reparation and guarantees of non-repetition.<sup>52</sup>

## E. Human rights of migrants in the context of returns

30. In its resolution 76/172, the General Assembly recognized the importance of coordinating international efforts to facilitate migrants' voluntary, safe and dignified return to their countries of origin and procedures for determining the need for international protection while respecting the principle of non-refoulement. It urged States to ensure that repatriation mechanisms allowed for the identification and protection of persons in vulnerable situations, including unaccompanied children and persons with disabilities. It further called upon States to analyse and implement mechanisms for the safe and orderly administration of returning migrants, with particular attention to their human rights, in accordance with the obligations of States under international law.

31. In the Global Compact for Migration, States committed to facilitate safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition on collective expulsion and on returning migrants when there was a real and foreseeable risk of death, torture and other cruel, inhuman or degrading treatment or punishment, or other irreparable harm, in accordance with international human rights law obligations. States further committed to ensure that reintegration of migrants upon return to their countries of origin was sustainable, by creating conducive conditions for personal safety, economic empowerment, inclusion and social cohesion in communities.<sup>53</sup>

32. In some countries, return practices are often expedited and are conducted without an individual assessment of rights, protection considerations under international human rights and refugee law, or due process and procedural safeguards.<sup>54</sup> These practices are placing migrants at heightened risk of human rights violations and abuses<sup>55</sup> – including return to a risk of torture, ill-treatment or other irreparable harm, in violation of the principle of non-refoulement, the prohibition of collective expulsion, due process guarantees and effective remedy.<sup>56</sup>

33. Human rights risks are exacerbated in the context of externalization of migration management, in particular readmission cooperation. Readmission agreements, which often seek to accelerate identification and readmission of migrants in an irregular situation, frequently lack transparency and human rights monitoring,<sup>57</sup> and present risks of refoulement or chain refoulement.<sup>58</sup> In some instances, visa facilitation and preferential trade and development aid are being used conditionally to compel countries of origin and transit to cooperate.<sup>59</sup>

<sup>52</sup> OHCHR, “La desaparición en el contexto de la migración”, available at <https://www.oacnudh.org/wp-content/uploads/2022/09/Boletin-Derechos-Humamos-migrantes-america-centra-y-mexico-Septiembre-2022.pdf>.

<sup>53</sup> Global Compact for Safe, Orderly and Regular Migration, objective 21.

<sup>54</sup> A/HRC/38/41, paras. 24–38; A/HRC/47/30, paras. 53–61; A/76/642, paras. 65 and 102; and I. Majcher, “The EU return system under the Pact on Migration and Asylum: a case of tipped interinstitutional balance?”, *European Law Journal*, vol. 26, issue 3–4 (July 2020), pp. 216–221.

<sup>55</sup> A/76/642, paras. 65 and 102; A/75/542, para. 58; and A/HRC/38/41, paras. 24–38.

<sup>56</sup> OHCHR, “Nowhere but back: assisted return, reintegration and the human rights protection of migrants in Libya” (2022), available at <https://www.ohchr.org/sites/default/files/2022-12/Report-on-assisted-return-and-reintegration.pdf>, p. 7.

<sup>57</sup> A/HRC/38/41, paras. 31–34; and J.-P. Cassarino and M. Giuffré, “Finding its place In Africa: why has the EU opted for flexible arrangements on readmission?” (2017).

<sup>58</sup> Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Population, Readmission agreements: a mechanism for returning irregular migrants (March 2010), para. 4.

<sup>59</sup> A/HRC/38/41, para. 31; European Council on Refugees and Exiles, “Playing the visa card: ECRE’s assessment of the EU’s plans to use visa leverage to increase readmission to third countries” (2021);



34. In parallel, some States are increasingly relying on so-called voluntary return options. While these measures are less coercive than forced return, they are not always truly voluntary as they are proposed to migrants who otherwise risk destitution, pre-removal detention and ultimately forced return coupled with an entry ban.<sup>60</sup>

35. Returned migrants can encounter a myriad of challenges, including the significant burden of debts incurred from payments to recruiters or smugglers, wage retention, destitution, the inability to send remittances, returning without savings, limited access to basic services, trauma and abuse suffered during their journey or in the destination country, and stigma and related intolerance within their communities.<sup>61</sup> In addition, regardless of reintegration programmes, including financial support, return in violation of a person's rights or without genuine voluntariness is not conducive to sustainable reintegration.<sup>62</sup> In addition, where the adverse drivers and structural factors compelling migrants to move persist, returned migrants often attempt to re-emigrate, sometimes in more perilous conditions.<sup>63</sup>

## F. Pathways for regular migration and regularization

36. In its resolution 76/172, the General Assembly encouraged States to make available relevant information on pathways for regular migration. In the Global Compact for Migration, States further committed to enhance the availability and flexibility of pathways for regular migration, in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability.<sup>64</sup> To realize this commitment, States agreed to draw from a variety of actions, such as developing human rights-based and gender-responsive labour mobility agreements; reviewing existing pathways to optimize skills-matching in labour markets and address demographic realities; building on existing practices for admission and stay based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters and other precarious situations; facilitating access to family reunification procedures; and expanding options for academic mobility.

37. As recognized in the Progress Declaration, the availability and flexibility of pathways for regular migration remained limited.<sup>65</sup> The absence of sufficient and accessible pathways means that migrants have recourse to increasingly precarious and irregular migration routes, exacerbating situations of vulnerability. In some instances, the lack of pathways along with other restrictive migration governance measures have been correlated with deaths and enforced disappearances of migrants at sea and on land.<sup>66</sup>

38. States in all regions have offered pathways for regular admission and stay on the grounds of human rights – such as family life, health, education, non-refoulement, rehabilitation for victims of torture, or the best interests of the child, as well as humanitarian,

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and European Council on Refugees and Exiles, *Tightening the screw: use of EU external policies and funding for asylum and migration* (2021).

<sup>60</sup> A/HRC/38/41, para. 30.

<sup>61</sup> United Nations Network on Migration, position paper, “Ensuring safe and dignified return and sustainable reintegration” (2021), available at [https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/position\\_paper\\_-\\_ensuring\\_safe\\_and\\_dignified\\_return\\_and\\_sustainable\\_reintegration.pdf](https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/position_paper_-_ensuring_safe_and_dignified_return_and_sustainable_reintegration.pdf), para. 7; and A/HRC/38/41, paras. 71 and 87.

<sup>62</sup> Global Compact for Safe, Orderly and Regular Migration, objective 21 and para. 37 (h) and (i); A/HRC/38/41, para. 87; United Nations Network on Migration, position paper, “Ensuring safe and dignified return and sustainable reintegration”, para. 7; and A/HRC/38/41, para. 52.

<sup>63</sup> A/72/643, para. 39; A/HRC/38/41, para. 48; and OHCHR, “Nowhere but back: assisted return, reintegration and the human rights protection of migrants in Libya”, pp. 25–26.

<sup>64</sup> Global Compact for Safe, Orderly and Regular Migration, objective 5.

<sup>65</sup> General Assembly resolution 76/266.

<sup>66</sup> A/HRC/50/52, para. 19.

compassionate or other considerations.<sup>67</sup> Many have adopted programmes, mechanisms and initiatives for the regularization of migrants, including temporary permits or permanent residency, sometimes functioning as an alternative to return.<sup>68</sup> However, most of these initiatives provide only temporary stay, with restricted or no access to the labour market and basic services.<sup>69</sup> Migrant workers in some sectors, including domestic work, fisheries and agriculture, are not covered by national labour laws in many countries and are therefore granted no or very limited status.<sup>70</sup>

## G. Climate change-related migration

39. In its resolution 76/172, the General Assembly expressed concern over the human rights impact of natural disasters and the effects of climate change. In the resolution, as well as in the Global Compact for Migration, States were encouraged to improve joint analysis and information-sharing to better map, understand, predict and address migration movements, such as those resulting from disasters, climate change and environmental degradation.

40. In the Global Compact for Migration, States committed to minimizing the adverse drivers and structural factors compelling people to leave their country of origin. For this purpose, States agreed to draw from several actions, including strengthening joint analysis and information-sharing to better map, understand, predict and address migration movements that may result from disasters, the adverse effects of climate change, environmental degradation, and other precarious situations, while ensuring migrants' human rights protection; developing adaptation and resilience strategies to disasters, the effects of climate change, and environmental degradation, taking into account the implications for migration; integrating displacement considerations into disaster preparedness strategies and promoting international cooperation for early warning preparation, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information; and harmonizing and developing regional and subregional approaches and mechanisms to address the vulnerabilities of persons affected by disasters, by ensuring that they have access to humanitarian assistance. Further, States agreed to cooperate to find solutions for migrants compelled to move owing to slow-onset disasters, climate change, and environmental degradation, including by devising planned relocation and visa options, in cases where adaptation in, or return to, their country of origin is not possible.

41. In the Progress Declaration, States committed to strengthening their efforts to enhance and diversify the availability of pathways for persons affected by disasters, climate change and environmental degradation.

42. Most people who move in the context of climate change and natural disasters remain inside their own country. In 2022, natural disasters – many of which were related to climate change – triggered 53 per cent (32.6 million) of new internal displacements.<sup>71</sup> However, the

<sup>67</sup> United Nations Network on Migration, Guidance Note on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability, available at [https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/resources\\_files/guidance\\_note\\_-\\_regular\\_pathways\\_for\\_admission\\_and\\_stay\\_for\\_migrants\\_in\\_situations\\_of\\_vulnerability\\_final.pdf](https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/resources_files/guidance_note_-_regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf), p. 20; A/HRC/50/52, para. 32; OHCHR and DLA Piper, "Admission and stay based on human rights and humanitarian grounds: a mapping of national practice" (2018), available at [https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR\\_DLA\\_Piper\\_Study.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_DLA_Piper_Study.pdf); and OHCHR, *Pathways to Migrant Protection: A Mapping of National Practice for Admission and Stay on Human Rights and Humanitarian Grounds in Asia and the Pacific* (2022), available at <https://bangkok.ohchr.org/wp-content/uploads/2022/05/Pathways-to-migrant-protection.pdf>.

<sup>68</sup> A/HRC/38/41, para. 9; A/HRC/53/26, paras. 13, 27 and 46; and Global Commission on International Migration, "Migration in an interconnected world: new directions for action" (October 2005), paras. 33–35.

<sup>69</sup> A/HRC/53/26, para. 68; and inputs for the present report provided by Global Alliance Against Traffic in Women.

<sup>70</sup> A/HRC/53/26, para. 61.

<sup>71</sup> Internal Displacement Monitoring Center, *Internal Displacement and Food Security* (2023), available from <https://www.internal-displacement.org/global-report/grid2023>.

number of persons compelled to move across international borders due to the adverse impacts of climate change is rapidly increasing,<sup>72</sup> mainly as a result of increasing frequency of weather-related hazards such as storms and floods, and other sudden-onset events. One billion children globally are at an extremely high risk from the impacts of climate change.<sup>73</sup> The impact of slow-onset events, including changes in temperature and in precipitation patterns, desertification and sea-level rise, are also increasingly driving migration and displacement.<sup>74</sup> Climate change will continue to contribute to the temporary displacement and permanent migration of millions of people in the coming decades.<sup>75</sup>

43. The impacts of climate change on human rights are numerous and multifaceted, and have complex interactions with migration.<sup>76</sup> People who are compelled to migrate owing to the adverse effects of climate change are less likely to be able to make choices about the manner in which they move or to develop alternative options when facing difficulties, including due to insufficient pathways for regular migration in this context. They are therefore more likely to migrate in conditions that do not respect human dignity and integrity.<sup>77</sup> Yet, in some cases, migration has been an important adaptation strategy to avoid the adverse impacts of climate change.<sup>78</sup>

## IV. Summary of information received from Member States on the implementation of General Assembly resolution 76/172

### A. Argentina

44. The Government reported on efforts to implement policies and initiatives to promote and protect the human rights of all migrants. These efforts included regularization programmes, and the establishment of Integration Centres for Migrants and Refugees to promote access to human rights and advise on migration procedures.

45. Argentina further referred to its Special Humanitarian Visa Programme for nationals and residents of Mexico and countries in Central America and the Caribbean compelled to move due to disasters, which grants an entry permit and a temporary visa based on humanitarian grounds.

### B. Azerbaijan

46. The Government provided information about cooperation initiatives between the State Migration Service and international partners – including on readmission, improving the

<sup>72</sup> A/HRC/53/34, para. 11.

<sup>73</sup> See the statement by the UNICEF Executive Director on the Intergovernmental Panel on Climate Change Sixth Assessment Report, available at <https://www.unicef.org/press-releases/today-1-billion-worlds-most-vulnerable-children-are-extreme-risk-if-world-fails-act>; and inputs for the present report provided by UNICEF.

<sup>74</sup> See the conference room paper on the slow-onset effects of climate change and human rights protection for cross-border migrants, para. 2, available from <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session37/list-reports>.

<sup>75</sup> United Nations Environment Programme, *Climate Change and Human Rights* (December 2015), p. 41, available at [https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/-Climate\\_Change\\_and\\_Human\\_Rights-human-rights-climate-change.pdf.pdf?sequence=2&isAllowed=](https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/-Climate_Change_and_Human_Rights-human-rights-climate-change.pdf.pdf?sequence=2&isAllowed=).

<sup>76</sup> A/77/226, para. 6; A/77/189, paras. 35 and 46; A/HRC/38/21, para. 15; and OHCHR, “Human rights, climate change and migration”, available at <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/materials/KMMigration.pdf>.

<sup>77</sup> A/77/189, para. 15.

<sup>78</sup> OHCHR, “Advancing a rights-based approach to climate change resilience and migration in the Sahel” (2022), available at <https://www.ohchr.org/sites/default/files/2022-11/Climate-Change-migration-Sahel-report.pdf>, p. 15; and A/77/189, para. 38.

socioeconomic effects of remittances, and ensuring the integration of migrants in the local society.

47. Azerbaijan also reported on the establishment of the Migrants Council, under the State Migration Service, to enhance the participation of migrants residing in the country in the management of migration, to protect their human rights and to improve the quality of services available to them, and on measures to implement commitments in the Global Compact for Migration and the Global Compact on Refugees.

### **C. Chile**

48. The Government reported on efforts made by the National Service for Migration to train public officials working with migrants in the different stages of their migratory journey, and to assist and include migrants, such as the Sello Migrante initiative, which is aimed at promoting inclusion, cohesion and interculturalism between migrants and nationals.

49. Chile also provided information about its anti-discrimination legislation, which sets out the State's duty to act under non-discriminatory criteria when deciding whether to admit migrants to the country, in addition to the duty to promote protection of migrants against discrimination.

### **D. Ecuador**

50. The Government reported on efforts to promote safe, orderly and regular migration that guarantees the human rights of migrants, notably to ensure the inclusion of migrants in an irregular situation, paying special attention to migrants in vulnerable situations.

51. Ecuador also reported on the implementation of a road map to prevent and respond to risks faced in the context of migration, including through development opportunities, pathways for regular migration, and enhanced responses to trafficking.

### **E. El Salvador**

52. El Salvador provided information about the creation in 2021 of the Vice-Ministry of the Diaspora and Human Mobility within the Ministry of Foreign Affairs to respond to the challenges arising from migration and promote actions to prevent irregular migration, and about actions to promote labour migration by identifying companies that allowed migrants to work temporarily in a foreign country.

53. The Government also reported on efforts made to implement the Global Compact for Migration, including through strengthening the diplomatic and consular network to support Salvadoran migrants and the modernization of consular services.

### **F. Greece**

54. The Government indicated that one of the priorities of its migration and asylum policy was to create safe and decent reception conditions, including the provision of housing and food, while addressing the needs of local communities.

55. Greece provided information about an integration programme to support the transition of beneficiaries of international and temporary protection from the reception stage to the integration process, which included access to basic services.

56. Greece also acknowledged the cooperation between NGOs and authorities, recognizing NGOs' expertise, added value and contribution to identifying sustainable solutions for migrants.

## **G. Guyana**

57. The Government reported on its efforts to protect persons coming from the Bolivarian Republic of Venezuela, including the reactivation of a multi-agency coordinating committee to address the influx of Venezuelans, which sought to coordinate the response to the needs of Venezuelans, including access to basic services and humanitarian assistance.

58. Guyana also provided information about actions to facilitate the employment of migrants and their integration into the labour market, which included training opportunities, such as the Women's Innovation and Investment Network to provide women and girls in vulnerable situations with economic benefits.

## **H. Italy**

59. The Government reported on the National Plan against Racism, Xenophobia and Intolerance, which aims to coordinate responses from institutions and civil society to manifestations of racism against migrants, and to support national policies on preventing and combating racism.

60. Italy also provided information about a national procedure for guaranteeing registration with the Italian National Health Service and ensuring access to health facilities for migrants, regardless of their migration status, under the same conditions as for Italian citizens.

61. Italian legislation provides special services for the reception of vulnerable persons with special needs, in collaboration with the local health authority. Italy provided information about the production of a handbook for the identification, referral and care of vulnerable migrants, paying special attention to gender and vulnerabilities resulting from violations of human rights during the migration process, with a focus on children and women.

## **I. Mauritius**

62. Mauritius reported on its legislation to protect migrant workers and to provide them with access to basic services, including health care.

63. Mauritius also provided information about its "Know Your Rights" campaign to inform migrant workers about their rights and about actions to take in cases of human rights violations, and to raise awareness about risks of trafficking.

## **J. Mexico**

64. The Government reported on its efforts to promote and protect the human rights of all migrants, including women, children, adolescents and other migrants in vulnerable situations.

65. Information was provided about the Working Group on Human Smuggling in Contexts of Mobility, created in 2022 to provide a coordinated response to trafficking in contexts of mobility with a human rights-based approach, as well as about the development of awareness-raising campaigns on the rights of migrants which were aimed at combating all forms of discrimination against migrants.

66. The Government also referred to its Labour Mobility Action Plan to promote protection of the rights of migrant workers, and to its set of Guidelines for the Care and Protection of Women in the Context of Migration to promote, protect and guarantee the rights of migrant women.

## **K. Paraguay**

67. The Government highlighted its commitment to welcoming migrants without discrimination, and to guaranteeing them the same rights as nationals, including access to

work, health care, social security, education, family reunification, justice and due process. Paraguay also provided information on the Migration Law of 2022 and the Migration Policy.

68. Paraguay provided information about capacity-building activities provided to State authorities by the National Migration Office, including on trafficking, humanitarian cooperation and women, and to enhance the protection of unaccompanied or separated children, with a focus on the best interests of the child.

## **L. Poland**

69. The Government reported on efforts to offer solutions to Ukrainian migrants and refugees through the Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict in the Territory of that State. Poland indicated that the Act regularized the stay of Ukrainian citizens in Poland, opened the country's labour market, established financial and social-support mechanisms, and guaranteed access to the public health-care system and education.

70. Poland also provided information on the increasing number of migrants arriving from Belarus. In that context, it referred to efforts to provide migrants who had crossed the border irregularly with all necessary assistance.

## **M. Romania**

71. Romania reported that its protection of migrants was in line with the European and international regulatory frameworks.

## **N. Russian Federation**

72. The Government reported that international cooperation in the context of migration was one of the priorities of its migration policy, and indicated that meetings of joint working groups were held annually, including on preventing irregular migration and on the implementation of international treaties on readmission of migrants.

73. The Russian Federation also reported that a draft federal law on the conditions of entry and stay in the Russian Federation of foreign citizens and stateless persons had been prepared in 2022.

## **O. Serbia**

74. The Government reported that the country's Commissariat for Refugees and Migration had developed a system for safeguarding migrants' human rights in order to prevent exploitation and abuse in reception systems.

75. Serbia also reported on the establishment of a system to support migrants in vulnerable situations, regardless of their status, on the provision of basic services to all migrants in need of urgent support, and on the protection of children, including unaccompanied children, in line with the principle of best interests of the child.

## **P. Sri Lanka**

76. The Government reported on measures taken to ensure protection of Sri Lankan migrant workers and their families during their employment and upon return, including through the provision of information on safe and regular migration opportunities, and mandatory pre-departure training, and the implementation of the National Action Plan on Return and Reintegration.

77. Sri Lanka further indicated that an anti-trafficking task force had been established to promote a comprehensive response to trafficking and exploitation of migrants, including

through awareness-raising programmes and the provision of legal advice on trafficking and victim protection.

## **Q. Uruguay**

78. The Government reported on efforts to incorporate a gender-sensitive approach into migration to address the challenges that differentially affected men and women in their migratory processes, with a focus on women's human rights and the protection of victims of violence and trafficking. It also referred to the Gender-based Violence Response System, of the National Women's Institute within the Ministry of Social Development, which covered women migrants.

79. Uruguay also provided information about the development by the National Migration Board and the Refugee Commission of a national integration plan for migrants, which sought to guarantee migrants' integration and promote their contribution to the country's development.

80. Information was also provided on the National Migration Board's dissemination of two guides of frequently asked questions, including on migrants' rights and on access to justice and complaint mechanisms.

## **V. Conclusions and recommendations**

### **A. Conclusions**

81. **Migration is an age-old human phenomenon which can have positive outcomes for migrants and societies when governed in a manner that places migrants at the centre and ensures protection of their human rights. Yet, pervasive, fear-driven and xenophobic anti-migration narratives in all regions are negatively impacting the human rights of all migrants and our common values. Migrants continue to face human rights protection gaps throughout their journey, in transit, at borders and in destination countries, too often resulting in deaths and despair. The lack of human rights-based migration governance placing migrants at the centre and ensuring the protection of their human rights amplifies the risks and violations they encounter.**

82. **States are already making efforts to advance respect, promotion and fulfilment of the human rights of migrants through the adoption of laws, policies and practices based on human rights. More is urgently needed.**

### **B. Recommendations**

83. **The Secretary-General welcomes the information received from States and intergovernmental and non-governmental organizations, including information concerning action taken to strengthen the protection of the human rights of all migrants, and in that regard:**

(a) **Highlights the fact that States parties to the core international human rights instruments have an obligation to respect, protect and fulfil the human rights of all migrants, without discrimination of any kind, as migrants, regardless of their migration status, are human rights holders;**

(b) **Encourages States 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 legislation, policies and measures comply with international human rights law and standards;**

(c) **Underscores the importance of international cooperation, multilateralism and solidarity to uphold migrants' human rights across the migration cycle, recognizing**

that migration is a multidimensional reality that no State can address alone, and the urgent need for migration governance that places migrants' rights at the centre;

(d) Recalls the collective commitment to improve cooperation on international migration set out in the Global Compact for Migration, and the Compact's intention to reduce the risks and vulnerabilities faced by migrants by respecting, protecting and fulfilling their human rights; and calls for renewed efforts to implement the Global Compact for Migration;

(e) Urges States to take decisive action to put an end to all forms of discrimination against migrants, including racism, racial discrimination, xenophobia and related intolerance, to actively engage in global efforts to counter growing dehumanizing and harmful narratives against migration and migrants, and to shift to values-based narratives that celebrate what we have in common, including by operationalizing the OHCHR #StandUp4Migrants campaign and toolbox and developing related initiatives;

(f) Urges all countries to prevent and address vulnerabilities in migration and to ensure the adequate human rights protection of all migrants in vulnerable situations. For this purpose, encourages States to develop migration governance measures that take into consideration the Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations;

(g) Calls upon States and private actors to take further steps to minimize the adverse drivers and structural factors that compel people to leave their countries of origin, including by investing in socioeconomic programmes;

(h) Calls upon States to ensure that all border governance measures comply with their human rights obligations, including by: ensuring that measures aimed at addressing irregular migration respect migrants' rights and dignity; establishing or strengthening mechanisms to assess individual human rights situations and to refer migrants to appropriate services and protection bodies; ensuring that independent monitoring mechanisms are set up at borders and that all migrants are able to access effective remedies; and considering the Recommended Principles and Guidelines on Human Rights at International Borders. Further requests OHCHR to identify the human rights risks and challenges posed by the use of digital technologies in border governance and to provide practical recommendations and guidance in this regard;

(i) Underlines that criminalizing people for crossing or attempting to cross borders irregularly is often a disproportionate measure, and urges States to: ensure that detention is never arbitrary but rather is used only as a measure of last resort, end any detention of children for reasons related to their, or their parents', migration status; and prioritize non-custodial, human rights-based alternatives to detention;

(j) Urges States to assume individual and collective responsibility to save lives and prevent the deaths and disappearance of migrants through more determined and effective action, such as by: expanding pathways for safe and regular migration; ensuring that prompt and effective assistance is provided to migrants in distress, operating under a broad understanding of distress; strengthening search and rescue efforts and ensuring prompt and safe disembarkation; securing information exchange and cooperation to locate and identify missing persons, involving families and relevant stakeholders; ensuring that organizations and individuals who assist migrants are not criminalized or punished for doing so; and undertaking independent and thorough investigations into all allegations of failure to assist migrants in distress, including cases where such failure potentially contributed to their death and disappearance, in order to hold perpetrators accountable;

(k) Calls upon States to ensure that all returns, including in the context of readmissions, fully comply with international human rights obligations, such as the principle of non-refoulement, the prohibition of collective expulsions, due process and procedural safeguards, the right to an individual assessment, and the best interests of the child, while guaranteeing transparency, monitoring and accountability. In this context, encourages States to give preference to voluntary over forced return and to



ensure that consent given to voluntary return processes is informed and free of any coercion, such as the prospect of torture, ill-treatment, arbitrary detention or the deprivation of rights; and to consider alternatives to return, such as pathways for admission and stay. In addition, calls upon States to ensure that return and reintegration are sustainable, by implementing measures that enable returning migrants to fully enjoy their human rights;

(l) Encourages States to create and expand pathways for admission and stay, including regularization, based on human rights, compassionate, humanitarian or other grounds, and to work towards their long-term sustainability, recognizing that these pathways are an effective tool for preventing and addressing situations of vulnerability. In addition, invites States to operationalize the Guidance Note on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability, of the United Nations Network on Migration;

(m) Encourages States to address the migration, climate change and human rights nexus – including by ensuring that laws, policies and programmes addressing climate change-related migration are rights-based, participatory and inclusive; by addressing the human rights risk associated with climate-related migration, including through climate change mitigation; and by facilitating safe migration as an adaptation response to climate change, by considering migration pathways.

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