



44th SESSION OF THE HUMAN RIGHTS COUNCIL

Item 3: Interactive dialogue with the Special Rapporteur on the human rights of migrants

44th session of the Human Rights Council – 06 July 2020

Background documentation:

- [A/HRC/44/42](#) “Right to freedom of association of migrants and their defenders”. Report of the Special Rapporteur on the human rights of migrants

Summary of the report

The **right to freedom of association is essential for migrants** to express their needs, protect their right to life and defend their human rights.

Assistance and support from civil society organizations is crucial for migrants. Given the interconnected nature of human rights, restrictions on migrants’ and their defenders’ freedom of association further hinder migrants’ enjoyment of other rights. **Encouraging migrants to organize empowers them to engage with the host communities directly** and enables them to have a positive impact in the communities and countries in which they reside.

Mr. Felipe González Morales, Special Rapporteur on the Rights of Migrants:

International human rights law guarantees migrants **the right to freedom of association**. It allows migrants to organize themselves and to care for their own needs directly, rather than relying on advocacy and support of others.

Countries that have active migrant associations have seen important improvements in migrant rights. Empowering migrants to exercise their freedom of association enables them to **have a positive impact** on the countries in which they reside.

However, there are too **many barrier facing migrants** who want to organize themselves, all around the world. Certain states ban migrants from joining and forming trade unions. Even in countries where migrants have the right to join trade unions, **migrants have lower rights than native workers**. It is problematic, given the central importance of trade unions in protecting the rights of all workers.

In the past several years, **toxic narratives about the role of civil society organizations providing assistance to migrants** have taken root in many countries. Solidarity plays an important role in supporting rights of migrants. Civil society organizations helping migrants should be **protected and strengthened**.

The **Global Compact on Migration** is a historic multilateral process rethinking our approach to migration. It is expected to have a significant lasting effect on migration policies. I urge all states to **participate in the implementation of the Global Compact on Migration**. It provides a unique opportunity to build strong and efficient migration policies all around the world. It is also essential that implementation of the global compact on migration considers the Covid-19 situation.

The Covid-19 pandemic is having a disastrous impact on migrants. Migrants do not have **access to health services**, during the pandemic, some are detained in **precarious and unhealthy facilities**, some face hate speech, and **discriminations**, some are **deported** and not allowed in countries. Each government must respect the joint guidance note on the human rights of migrants released during the pandemic, issued by the Committee on Migrant Workers. **Measures should not discriminate migrants** and must be guided by the respect of the human rights of migrants.

The pandemic showed us why it is crucial for migrants to exercise their right to freedom of association. It is a way to give them a position socially and not to put them in social relegation. It is a way to better tackle detention of migrants and situation of migrant workers.

INTERACTIVE DIALOGUE WITH STATES

47 states took the floor during the interactive dialogue. They commended the Special Rapporteur for his work and his valuable report.

The vast majority of states shared their concern about the **disastrous effect of Covid-19 on migrants**. Migrants are among the **most vulnerable** people during the pandemic. They have higher risks of being **contaminated**, different responses by states **threaten directly or indirectly migrants** in the enjoyment of their human rights, particularly during lockdowns. States expressed the importance of respecting the **human rights of migrants** when responding to the Covid-19 pandemic, especially their right to health.

Most of the states in the room agreed with the conclusions of the Special Rapporteur in his report: the **right to freedom of association is fundamental for migrants**. It should be upheld and prioritized.

States also shared the observations of the Special Rapporteur on the **crucial role of civil society organizations defending and assisting migrants**. These organizations should be protected and strengthened, as they are vital actors for migrants, all around the world.

Several states raised the **importance of combatting speech, discrimination, and intimidation against migrants** (Ecuador on behalf of a group of countries, China, Pakistan, Armenia, Portugal, Indonesia, Iraq).

States stressed the importance of considering the **situation of migrant workers**, especially during the Covid-19 pandemic (Mexico on behalf of a group of countries, Russia, Senegal, Portugal, Bangladesh, Indonesia, Myanmar, Sri Lanka, Lebanon,

Some states raised the importance of implementing the **Global Compact on Migration** (Burkina Faso on behalf of the African group, Ecuador, Armenia, Nepal).

INTERACTIVE DIALOGUE WITH INTERNATIONAL ORGANIZATIONS AND NGOS

A majority of NGOs raised the issue of **hate speech, discrimination, xenophobia, and violence against migrants** (Women's international league for peace and Freedom, Friends World Committee for Consultation, World Organisation Against Torture, Global initiative for Water and health).

Several organizations stressed the **importance of the right to freedom of Association for migrants** (UNICEF, UN Women, Friends World Committee for Consultation, CIVICUS (joint statement), Human Rights Watch).

Organizations also highlighted the **important role and the need to protect of civil society organizations defending migrant rights** (Franciscans International, Comision Mexicana de Defensa y Promocion de los Derechos Humanos (CMDPDH), CIVICUS (joint statement), Human Rights Watch)

States that took the floor during the Interactive Dialogue (47 states):

Hungary (Country Concerned), European Union, Burkina Faso (on behalf of the African Group), Mexico (on behalf of a Group of Countries), Ecuador (on behalf of a Group of Countries), Togo, Russian Federation, Ecuador, Thailand, Libya, China, Croatia, Venezuela, Tunisia, France, Pakistan, Senegal, Armenia, India, Philippines, Portugal, Iran, Bangladesh, Indonesia, Morocco, Afghanistan, Iraq, Ireland, Turkey, Egypt, Maldives, Nepal, Uruguay, Marshall Islands, Serbia, Algeria, Albania, Niger, Myanmar, Ethiopia, Sri Lanka, Lebanon, Netherlands, Bolivia, Chad.

International Organizations and NGOs that took the floor during the Interactive Dialogue (12):

UNICEF, UN Women, Women's international league for peace and Freedom, Friends World Committee for Consultation, World Organisation Against Torture, Franciscans International, Global initiative for Water and health, CMDPDH, CIVICUS, Human Rights Watch, International fellowship of Reconciliation.