

HUMAN RIGHTS COUNCIL – 53rd SESSION

Interactive Dialogue with the Special Rapporteur on the human rights of Migrants

26 June 2023

Mr. Felipe González Morales, Special Rapporteur on the human rights of migrants shared some comments related to the recent report on this matter that provides a comprehensive view of some of the most relevant aspects for the protection of the human rights of migrants which remain a challenge today. These relate to return and reintegration; access to justice; gender perspective; freedom of association of migrants; ending migratory detention of children, pushbacks, and human rights violations at international borders; the COVID-19 pandemic and migration; climate change and migration; regularization and labor rights of migrants.

The report also included a thematic study on how to expand and diversify regularization mechanisms and programs to enhance the protection of the human rights of migrants. Expanding pathways for regular migration and guaranteeing temporary regularization leading to permanent mechanisms in destination countries represent essential aspects of the Global Compact for Migration. The report addressed these situations of vulnerability by creating and strengthening regularization mechanisms. Regularization procedures improve migrants' access to social protection, health care, decent work, education, adequate living conditions, and family reunification. Regular migration status also protects migrants from detention and deportation, decreases the likelihood of exploitation, and facilitates their access to justice, while enabling them to participate fully in society. Therefore, **regularization** is a protection and inclusion tool that benefits migrants, their families, destination countries, and communities. Regularization procedures should be people-centered; child-sensitive; gender-responsive; and trauma-informed; and must be accompanied by policies to oppose discrimination and xenophobia. In conclusion, the Special Rapporteur urged States to put an **end to the criminalization of irregular migrants** and promote solidarity to change the narrative on migration and combat xenophobia, racism, and discrimination. Likewise, he urged Member States to **strengthen the legal framework for the protection of all migrants, regardless of their status**, in line with international human rights standards.

Reported overview and outcomes of the visits in **Poland, Belarus, and Bangladesh**. The situation of migrants at the Belarusian-Polish border reflects the geopolitical crisis in the region.

In Belarus, hundreds of migrants, including families and children, have been stranded at the border, unable to enter Poland and prevented from re-entering Belarus. They were forced to stay in the forests, exposed to extreme cold during the winter, without access to food, shelter, clean water, warm clothes, sanitation facilities, or any form of assistance. He expressed particular concern about allegations of the use of violence by the border guards of both countries while pushing migrants back and forth. He also condemned the use of migrants as a **political tool: migrants should not be used or sacrificed**. To find solutions, he called upon Belarus, Poland and the European Union to conduct constructive dialogue, most importantly to prevent further loss of life and ensure that the protection of the human rights of migrants is at the centre of any solution adopted.

Concerning the visit to Bangladesh, the SR affirmed that despite the significant work in adopting legislative and policy measures to regulate labour migration, remained concerned by gaps relating to unfair and unethical recruitment practices that lead to the exploitation of aspiring migrant workers at the pre-departure stage. The high cost of migration continues to be problematic, and the vulnerability of many migrants to exploitation, trafficking, and other human rights abuses needs to be effectively addressed. Reports of **widespread human rights abuses in countries of destination** continue.

Commending the Government on its openness to receiving around 1 million Rohingyas in the aftermath of violence in Rakhine State in Myanmar, saving many lives in the process; expressed concern about the **lack of legal status for Rohingyas**. Rohingyas **remain vulnerable to many human rights violations**, including abuses and insecurity within the refugee camps in Cox's Bazar.

Bangladesh (Country concerned): The country affirmed to play a proactive role in the global migration discourse. It is the first to introduce the idea of the **Global Compact for Safe, Orderly, and Regular Migration**. It has also passed numerous laws to ensure the welfare of migrants and their family members and promote opportunities for overseas employment and establish a safe and fair system of migration, ensure the rights and welfare of migrant workers and members of their families, and provide for the punishment of unscrupulous activities relating to the recruitment of migrant workers. The Country informed the extending protection and humanitarian assistance to the Rohingya, in spite of serious multifaceted ramifications on the economy, environment, and security. Rohingya children can follow education in their language. It reiterated its commitment to promote and protect the human rights of migrant workers, and to observations and recommendations made in the spirit of positive engagement and collaboration.

Belarus (Country concerned): Belarus said the trigger for the Special Rapporteur's visit to Belarus was the European Union's "**exceptional politicization**" of the situation that developed on its eastern border in the fall of 2021. The country is one of many routes for migrants and refugees to European Union countries. It reported the hundreds of migrants died in the Mediterranean Sea and the 'cruel' treatment of migrants in European Union countries. It denounced an instrumentalization of migration by the European Union through accusations without basis against Belarus. Asserted that the competent services of the countries of the European Union refused to cooperate with Belarus in the regulation of migration.

Poland (Country concerned): Poland affirmed that the country's dedication to promoting and protecting the human rights of migrants was proven last year when millions of refugees crossed the Polish-Ukrainian border in search of safety and peace protection in Poland after the unprovoked and unjustified Russian aggression against Ukraine on February 24, 2022. Immediate assistance centered on receiving refugees, ensuring their safety, and addressing their needs. Later it focused on making sure that they can lead a safe and dignified life in Poland. From the outset, citizens of third countries, especially women and children, were used in an "instrumental and cynical" way by the authorities in Minsk for this purpose. Poland strongly condemned such practices and believed that people's lives should not be subjected to such shameful activities. These "cynical" activities of the "Belarusian regime" directly preceded the Russian aggression against Ukraine. This situation compelled Poland to take adequate legal measures and develop additional resources to protect security and ensure that all actions fully comply with international commitments and human rights standards.

Interactive dialogue

68 country delegations took the floor during the interactive dialogue. The majority of the countries expressed condolence over the recent tragedy of migrants in the Mediterranean Sea. This is yet another reminder of the need for the protection of the human rights of migrants. **Among others, Russian Federation, the UK, Cote d'Ivoire, and Bangladesh** agreed on the relevance of the problem, and that irregular migrants continue to be vulnerable to exploitation and to human rights violations. **Switzerland** affirmed that migrants bring significant value to the economy and society of host countries. It is important that the human rights of all migrants and their families are guaranteed. **India** stressed the **Global Compact for Migration** is an important initiative that provides a holistic approach

to establishing sustainable migration governance across the globe. **Most of the countries** called for enhanced cooperation to combat the smuggling and trafficking of persons, reduce irregular migration and open new avenues for safe, orderly, and regular migration. States have an obligation to facilitate the regularisation of migrants. Laws on migration should be based on international law and international standards.

UNICEF shared concerns about the many risks that children and families with irregular migration status face; and stated that irregular status leaves children and families vulnerable to deportation, detention, and family separation. Such status also limits children's access to health services and adequate living conditions, creating barriers to accessing education and employment opportunities. As a result, children are prevented from reaching their full potential and from enjoying their rights on an equal basis with others. **UN WOMEN** called for States to ensure access to safe and regular migration pathways that are human rights-based and gender-responsive, including specific humanitarian pathways for victims and survivors of gender-based violence and trafficking.

NGOs affirmed that the human cost of criminalization of irregular migrants, of dangerous narratives, and of policies and practices that systemically fail to uphold safety and dignity or worse deliberately undermine them remains shockingly high. For that reason, deaths and grave human rights violations to pregnant women, children, and persons with mental health conditions, require attention. They reported cases of lack of access to health services, as well as restricted access to legal abortion for refugee victims of rape. They called on the Council to closely monitor the situation of migrants and racism in Poland and urge the Polish government to fulfill its obligations in that regard.

Delegations that took the floor during the Interactive dialogue (68 country delegations):

European Union, Cote d'Ivoire, Pakistan, Portugal, Lithuania, Egypt, Burkina Faso, Armenia, Luxembourg, Sovereign Order of Malta, Costa Rica, Paraguay, Indonesia, El Salvador, Iraq, Mexico, United States of America, Colombia, Maldives, Brazil, Morocco, United Kingdom of Great Britain and Northern Ireland, Venezuela, Cameroon, Namibia, India, Greece, Bangladesh, Malawi, China, The Gambia, Switzerland, Azerbaijan, Libya, South Africa, Niger, Chile, Senegal, Mauritania, Afghanistan, Sudan, Marshall Island, Holy See, Mali, Cuba, Russian Federation, Romania, Algeria, Bolivia, Thailand, Nepal, Lesotho, Mozambique, Tunisia, Ecuador, Philippines, Bahamas, Uruguay, Sri Lanka, Ethiopia, Uganda, Ukraine, Pakistan, Türkiye, Cambodia, Islamic Republic of Iran, Peru, Oman.

NHRIs and NGOs that took the floor during the Interactive dialogue (11):

CNIDH of Burundi, Franciscans International, Centro de Estudios Legales y Sociales (CELS) Asociación Civil, Federation for Women and Family Planning, Friends World Committee for Consultation, Advocates for Human Rights, Associazione Comunità Papa Giovanni XXIII, Humanists International, Anti-Slavery International, Defence for Children International, Human Rights Watch.

International organizations (2): UN WOMEN, UNICEF.

To watch the full meeting refer to UN Web TV, [Part 1](#) and [Part 2](#).