**Intersessional Panel Discussion:**

**Human rights of migrants: avenues to prevent and address human rights violations and abuses against migrants in transit and to ensure access to justice for victims and their family members**

*organized by OHCHR and sponsored by the Permanent Mission of Mexico in Geneva*

**15 May 2024, 15:00-18:00 (CET)**

**online - register** [**here**](https://indico.un.org/event/1011221/)

**CONCEPT NOTE**

**Mandate**

In its [resolution 53/24](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F53%2F24&Language=E&DeviceType=Desktop&LangRequested=False) of 13 July 2023, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to convene a half-day intersessional panel discussion on avenues to prevent and address human rights violations and abuses against migrants in transit and to ensure access to justice for victims and family members, including through monitoring at international borders, highlighting best practices and challenges in this regard, and to ensure the meaningful participation of migrants and their family members. The Human Rights Council furthermore requested OHCHR to prepare a summary report on the panel discussion and to submit the report to the Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session.

**Background**

The Human Rights Council, in its resolution 53/24, expressed concern at the loss of life, disappearances, violence, exploitation, torture and other human rights violations and abuses suffered by migrants, including those in transit and undertaking perilous journeys. It also expressed serious concern on the vulnerable situations and risks faced by migrants which can arise from the reasons for leaving their country of origin, circumstances encountered by migrants in transit, at borders and at destination. In addition, the Human Rights Council stressed the importance of eliminating all forms of discrimination against migrants and to prevent human rights violations and abuses against migrants, including migrants in transit. It also called upon States to adopt and implement legislation, policies and programmes that effectively address all forms of discrimination, ensuring access to justice and remedies for victims.

Around the world, migrants in transit can face precarious and vulnerable situations, exacerbating risks and vulnerability to human rights violations and abuses, along the migratory route, including violence, discrimination, arbitrary detention, torture and ill-treatment, gender-based violence, exploitation, enforced disappearances, and denial of economic, social and cultural rights. There is a pressing need to adopt measures to ensure the individualized assessment of migrants’ vulnerabilities and protection needs, and to prevent collective expulsions and violations of the principle of non-refoulement. The limited availability and access to safe and regular migration pathways increases the risk of human rights violations and abuses. This includes exposure to national and transnational organized crime, and becoming victims of kidnapping, smuggling, trafficking, child labour, contemporary forms of slavery, forced labour, and gender-based violence, including sexual violence. This, coupled with laws, policies, practices and rhetoric on migration lacking a human rights-based approach including divisive and dehumanizing migration narratives, and the lack or inadequate implementation of preventive measures leading to an increased exposure to human rights violations and abuses of migrants, with a disproportionate impact on those in vulnerable situations.

Furthermore, several barriers hinder or impede the effective access to justice and accountability for the victims of human rights violations and abuses and their family members. Laws, policies and practices contributing to these barriers and gaps require review and the adoption holistic strategies, including comprehensive legal and policies frameworks, to overcome those obstacles and ensure that migrants and their family members can effectively access justice and perpetrators of human rights violations and abuses against them are held accountable. Some of the obstacles in gaining effective access to justice for migrants and their family members include the lack of access to comprehensive or accessible information about their rights, economic constraints, unavailability of free legal advice, mistrust on the justice system, and fear to present their cases to the competent authorities due to their migratory status. In addition, the lack of coordination and information exchange between countries of origin, transit and destination, delays in conducting investigations and searches of missing persons, and a lack of mechanisms for transnational investigations, could prevent cases of dead or disappeared migrants to be brought to justice, thus perpetuating environments and cycles of impunity.

The intersessional panel discussion will elaborate on avenues to prevent and address human rights violations and abuses against migrants in transit and to ensure access to justice for victims and their family members. It will highlight promising practices and challenges in this regard and explore concrete actions that can be taken by States, international organizations, human rights mechanisms, the Human Rights Council, civil society organizations, national human rights institutions, migrants, family members, and other stakeholders, to enhance efforts to uphold migrant’s human rights.

**Background Documents**

* Human Rights Council resolution on Human rights of migrants: prevention and accountability for human rights violations in transit, [A/HRC/RES/53/24](https://undocs.org/A/HRC/RES/53/24) (2023)
* Global Compact for Safe Orderly and Regular Migration, [A/RES/73/195](https://undocs.org/A/RES/73/195) (2019).
* General Assembly’s resolution: Progress Declaration of the International Migration Review Forum, [A/RES/76/266](https://migrationnetwork.un.org/system/files/resources_files/Final-%20IMRF%20Progress%20Declaration-%20English.pdf) (2022).
* Secretary General’s report on the Human Rights of Migrants, [A/HRC/54/81](https://documents.un.org/A/HRC/54/81) (2023).
* Report of the Special Rapporteur on the human rights of migrants on human rights violations at international borders: trends, prevention and accountability, [A/HRC/50/31](https://undocs.org/A/HRC/50/31) (2022).
* Report of the Special Rapporteur on the human rights of migrants on means to address the human rights impact of pushbacks of migrants on land and at sea, [A/HRC/47/30](https://www.ohchr.org/en/documents/thematic-reports/ahrc4730-report-means-address-human-rights-impact-pushbacks-migrants) (2021).
* Report of the Special Rapporteur on the human rights of migrants on effective access to justice for migrants, [A/73/178](https://undocs.org/A/73/178) (2018).
* Committee on Enforced Disappearances, [General Comment No. 1](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FGC%2F1&Lang=en) (2023) on Enforced Disappearances in the context of Migration.
* Joint [General Comment No. 4](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsrMuIHhdD50s6dX7ewCBgoc3aRFSDe0ukyIgphiFFs8N%2Fk1uf0mPUJgdK2vXMEFXwBUJydRTZ4IlLcOtT9GDUqemWeCc2%2Bl%2F6gJkKBzFDWgi) (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.
* OHCHR, report on the situation of migrants in transit, [A/HRC/31/35](https://undocs.org/A/HRC/31/35) (2016).
* United Nations/OHCHR, Principles and Guidelines on the [Human Rights Protection of Migrants in Vulnerable Situations.](https://www.ohchr.org/en/documents/tools-and-resources/principles-and-guidelines-human-rights-protection-migrants-vulnerable)
* OHCHR, Recommended Principles and Guidelines on [Human Rights at International Borders.](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)
* UN Network on Migration, [Guidance Note](https://migrationnetwork.un.org/resources/guidance-note-regular-pathways-admission-and-stay-migrants-situations-vulnerability): Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability (2021).

**Objectives**

The intersessional panel discussion aims to:

* Highlight challenges and promising practices to prevent and address human rights violations and abuses against migrants in transit and ensure access to justice for victims and their family members, including through monitoring at international borders.
* Encourage collaboration between States and all relevant stakeholders to develop whole-of-government and whole-of-society strategies and concrete solutions for promoting, protecting and fulfilling the human rights of migrants in transit and overcoming barriers that prevent them from acceding to justice.
* Emphasize the importance of establishing and implementing effective accountability mechanisms to ensure that perpetrators of human rights violations and abuses against migrants are held accountable and that justice is ensured for victims and their families.
* Seek recommendations from States and other stakeholders on how the Human Rights Council can enhance protection of the human rights of migrants in transit and to ensure access to justice for victims and their family members.

**Outcome**

OHCHR will prepare a summary report on the intersessional panel discussion to be submitted to the Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session.

**Format**

The panel will be open to the participation of representatives of Member States, international organizations, human rights mechanisms, national human rights institutions, civil society organizations, academia, migrants, their family members, and other relevant stakeholders.

Participants are encouraged to intervene in an interactive way, through questions, comments and sharing of experiences, promising practices and challenges as well as suggested recommendations on the way forward, with a view to stimulating a constructive and inclusive debate.

The event will be held online and in English. No interpretation will be provided due to economic constraints.

The panel discussion will be structured in two main sessions:

1. First session: Preventing human rights violations and abuses against migrants in transit.
2. Second session: Addressing the human rights violations and abuses faced by migrants in transit and ensuring access to justice for victims and their family members.

For each session, three expert panelists will make a presentation in their field of expertise and suggest concrete recommendations. Participants will be invited to intervene from the floor, with a maximum length of interventions of 3 minutes.