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Chair: Ms. Shikongo (Vice-Chair) (Namibia)
later: Mr. Kováčik (Vice-Chair) (Slovakia)

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In the absence of Mr. Saikal (Afghanistan), Ms. Shikongo (Namibia), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 74: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) ([A/73/40](#), [A/73/44](#), [A/73/48](#), [A/73/56](#), [A/73/140](#), [A/73/207](#), [A/73/264](#), [A/73/281](#), [A/73/282](#) and [A/73/309](#))

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) ([A/73/299](#), [A/73/308](#), [A/73/330](#), [A/73/332](#), [A/73/363](#), [A/73/380](#), [A/73/386](#), [A/73/397](#), [A/73/398](#) and [A/73/404](#))

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) ([A/73/36](#) and [A/73/399](#))

1. **Mr. Tall** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families), introducing the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families ([A/73/48](#)), said that the rights of migrant workers, in particular those of undocumented migrants, were regularly violated. Many worked under harmful and dangerous conditions, received low wages and were subjected to fraudulent practices, long working hours and even illegal confinement by their employers, as well as sexual harassment, threats and intimidation. The current global migration crisis highlighted the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a robust legal framework that set out the best strategy to prevent abuse and address challenges faced by migrant workers. There were also high hopes for the Global Compact for Safe, Orderly and Regular Migration. His

Committee had a strong interest in participating in the monitoring and implementation of the Global Compact for Migration and looked forward to working with States and partners in that context.

2. During their twenty-ninth and thirtieth annual meetings, the chairpersons of the human rights treaty bodies had reviewed the progress made in the implementation of General Assembly resolution [68/268](#) on the state of the treaty body system and had discussed a treaty body strategy for consideration by the General Assembly in 2020. They had also discussed progress made in aligning the working methods and procedures of the treaty bodies and implementing guidelines on the independence and impartiality of their members. The Committee on Migrant Workers fully supported the process of strengthening the human rights treaty bodies and continued to harmonize and strengthen its working methods in accordance with the recommendations made at those meetings, including by encouraging the use of a simplified reporting procedure and strengthening collaboration with all partners.

3. The resources provided for the human rights treaty body system did not recognize its continued growth and evolution, as set out in the report of the Secretary-General on the status of the human rights treaty body system ([A/73/309](#)). The General Assembly must therefore give the matter serious consideration and ensure the provision of budget resources that were adequate for the effective functioning of the system.

4. The Committee on Migrant Workers continued to encourage civil society organizations, national human rights institutions and specialized agencies of the United Nations to contribute to the preparation of reports and to follow up on recommendations. The Committee was especially grateful to the International Labour Organization for its advisory role at the meetings of the Committee and to the International Organization for Migration and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for providing country specific information. The Committee was committed to protecting civil society actors, including human rights defenders, from reprisals for engaging with treaty bodies and called on Member States to afford such persons special protection so that they could exercise their freedom of expression and opinion without interference, intimidation, abuse, threats, violence or reprisals.

5. The Committee on Migrant Workers continued to seek opportunities for strategic partnerships, an endeavour that had produced very good results. It had actively participated in the promotion of the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by addressing the United Nations and other forums, advising States parties on the implementation of the Convention and the reporting process, and contributing to publications on the human rights of migrant workers and other migration-related issues. Members of the Committee had also engaged bilaterally with States to promote the signing and ratification of the Convention; to assist them in complying with and implementing their obligations under the Convention; and to stimulate legal and policy reforms aimed at protecting the human rights of migrant workers and members of their families. However, despite the progress made, the potential of the Convention to bring about change at the national and international levels had not been fully exploited, largely owing to the lack of ratification by destination States.

6. It was incomprehensible that the world was experiencing some of the greatest migratory flows in history, yet there remained a lack of political will to ensure that appropriate priority was given to the protection of the human rights of migrants. Although the Global Compact for Migration was a non-legally binding framework for cooperation, it was nevertheless based on the international human rights treaty framework. States should therefore fulfil their commitments in accordance with that framework and those States that had not yet done so should ratify the Convention in order that migrant workers and members of their families could enjoy the same protection against discrimination and human rights violations as other vulnerable groups.

7. **Ms. Savitri** (Indonesia) said that the protection of migrant workers and their families was a top priority of her Government, which had recently passed a law on the protection of Indonesian migrant workers abroad and had established bilateral agreements with destination countries. At the regional level, Indonesia was encouraging the implementation of the Association of Southeast Asian Nations Consensus on the Protection and Promotion of the Rights of Migrant Workers, adopted in 2016. Among other related efforts, her country had hosted the Seventh Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime in August 2018. Her Government would continue to support efforts to achieve policy coherence on migration issues and follow up on the recommendations of the Committee on Migrant Workers, including by integrating them into its national human rights action plan for the period 2018–2019.

8. **Mr. Forax** (Observer for the European Union) said that the joint general comments issued by the Committee

on Migrant Workers and the Committee on the Rights of the Child on 16 November 2017, which emphasized the need to put the human rights of children at the forefront of the global migration agenda, could become a critical tool for the international community. He asked the Chair of the Committee on Migrant Workers to share his assessment of the added value of the joint general comments and the practical actions that had been implemented since their adoption.

9. With regard to migration policies, the Chair of the Committee had stated in his report that the Committee had provided a global-level assessment of the situation regarding the principle of ensuring that no one was left behind from the perspective of the Convention. Further details on how the Convention could provide guidance to create more sustainable, resilient and inclusive societies would also be welcome.

10. **Mr. El Mkhantar** (Morocco) said that the Convention was an instrument that had some notable peculiarities linked to the difficulties of the international community in approaching migration from a human rights perspective. An ongoing process was under way at the national level to harmonize the legal and institutional frameworks to address the emerging challenges posed by migration movements. In that regard, Morocco had implemented programmes and strategies to guarantee migrants access to social services, including health-care and education services, and more than 23,000 undocumented migrants had been regularized under the national policy on migration.

11. The Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration would be held in Morocco in December 2018. In that context, his delegation wondered how the Global Compact for Migration could ensure the full protection of the rights of migrant workers and their families, as stipulated in the Convention. It would also be useful to learn how the Committee on Migrant Workers would be engaged in the implementation of the Global Compact, and which steps the Committee intended to take in order to advocate for the rights of migrant women and children during the implementation process.

12. **Mr. Kadiri** (Nigeria) said that the best interests of vulnerable migrant women and children were a top priority for his Government, which had put in place a web-based mechanism for Nigerian migrants to report cases of abuse, exclusion and intimidation based on their migratory status. It had also developed a national migration policy to protect the human rights of all migrants in accordance with international human rights law, as well as a migration database to collect and share migration data with relevant government agencies. Of

particular concern were the violations of migrants' human rights and the growing number of deaths of migrants in the Mediterranean Sea. In that context, States of origin, transit and destination should work in partnership to ensure that the human rights of migrants, in particular those of all women and children, regardless of their migratory status, were promoted and protected. His country looked forward to the formal adoption of the Global Compact for Migration as a means to advance the cause of migration and work towards the achievement of the 2030 Agenda for Sustainable Development and Agenda 2063 of the African Union.

13. **Ms. Elmarmuri** (Libya) said that the report of the Committee on Migrant Workers ([A/73/48](#)), which referred to a statement in which the Committee had condemned the trafficking and sale of migrants in Libya, failed to provide an objective overview of migration flows in her country. Libya was the transit country most affected by illegal migration to Europe, and criminal groups exploiting the fragile security situation in Libya continued to carry out kidnappings and engage not only in human trafficking, but also in the trafficking of drugs, weapons, petroleum products and other goods.

14. It was extremely challenging for the Libyan authorities to meet the needs of the huge numbers of illegal migrants within the country's borders and ensure full respect for their rights. Her Government was deeply troubled by the treatment of illegal migrants by transnational organized criminal networks, which continued to threaten national security and sovereignty, and strongly condemned all violations of human rights in Libya by terrorists and extremists. The Government categorically rejected, however, all attempts to single out Libya for unjust criticism in international forums. It was disappointed that the report had failed to mention that the transnational trafficking groups active in Libya also operated in certain neighbouring countries, from which the vast majority of the illegal migrants in Libya originated. For the international community to address the issue of illegal migration effectively, end the activities of transnational criminal groups and uphold fully the rights of all migrant workers and members of their families, it must adopt a more comprehensive approach to those issues and encourage greater coordination among migration origin, transit and destination countries.

15. **Mr. Escalante Hasbún** (El Salvador) said that the Committee on Migrant Workers had contributed to the increasing range of international instruments aimed at promoting the rights of migrants, including the Global Compact for Migration. His delegation commended the Committee for its work in raising awareness of the situation of migrant children, particularly those who had

been separated from their families. The various conventions and committees focused on human rights should not be regarded as silos, but recognized as a system of treaty bodies; an important task of the Committee was thus to emphasize the links that existed between those bodies.

16. **Mr. Khashaan** (Saudi Arabia) said that, contrary to the allegations made against his country in the report of the Special Rapporteur on the human rights of migrants ([A/73/178/Rev.1](#)), the Saudi authorities did not confiscate migrants' documents. Indeed, Saudi Arabian law prohibited the confiscation of migrants' passports or identity documents by any authority or individual, and any person who did so was subject to prosecution. Furthermore, the country's Labour Offices, which were responsible for resolving disputes between workers and their employers, ensured that all workers were offered the services of an interpreter if they were unable to communicate effectively or follow proceedings in Arabic. The allegation that migrants in Saudi Arabia had been subjected to mass expulsions following visa raids was also spurious. Instead, Saudi Arabia had sought to regularize the situation of illegal residents in the country. It had only deported individuals who had failed to regularize their status with the authorities after a campaign to encourage them to do so that had lasted several months. Saudi Arabia enjoyed a sovereign right to take such action, which in no way contravened relevant international instruments. Saudi Arabia, moreover, hosted large numbers of individuals who had fled persecution in their home countries, including Myanmar, the Syrian Arab Republic and Yemen. Those individuals enjoyed complete freedom of movement, were issued residency permits, were allowed to work and were entitled to free health-care and education services.

17. Enhanced cooperation among relevant stakeholders and further efforts to address the root causes of illegal migration flows were needed. Innovative ways must be found to reduce illegal migration and to further international peace and security. In particular, steps must be taken to promote sustainable economic development, create employment opportunities and foster prosperity in migrants' home countries. Assistance must also be given to help States strengthen their border controls, improve security and promote stability. Saudi Arabia was making every effort to ensure that the rights of migrants were fully respected. To that end, and as mentioned in paragraph 69 of the report of the Special Rapporteur, it had recently concluded a bilateral agreement with Mauritania designed to protect Mauritanian migrant women workers in the country. Saudi Arabia also made

every effort to ensure that migrants' work contracts met international standards and complied with human rights principles.

18. **Mr. Tall** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families) said that the Committee had always worked on the principle of respect for the sovereignty of States and ensured that its actions were in line with international human rights law. A balance was needed, however, to guarantee that the principle of State sovereignty was never used to justify the violation of human rights.

19. The Committee's work was based on facts, with events being verified and compiled by actors on the ground and, in that regard, States were neither "friends" nor "enemies". The Committee supported responsibility being taken by States in cases of violations of human rights, particularly the rights of migrants, to prevent and correct such cases. When violations did take place, the Committee sought to draw the attention of the international community to them so that urgent steps could be taken to protect victims.

20. The joint general comments on children and migration were an essential tool that provided guidance to all States parties on the rights of migrant children in the context of international migration. The objective was to create a basic document, inspired by the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, that would guarantee better protection of child migrants and be of value to all States in clarifying legal issues.

21. While States had a legitimate interest in protecting their borders and adopting the most suitable social and economic policies for their countries, that needed to be done while protecting basic human rights. In a context in which migration was a historic reality and a necessity that responded to a demand, and with the number of migrants expected to increase in the future, the Global Compact for Migration represented a step forward that would complement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as an international legal document that was focused on the protection of human rights.

22. Commending the initiatives adopted by several countries to protect the rights of migrant workers and their families and regularize their status, he said that they provided positive examples that should be followed elsewhere.

23. The situation in Libya was of concern to the Committee and the international community, in particular the cases of slavery that had been recorded there. The Committee had denounced those cases and called on the international community to shoulder its responsibility by taking appropriate action.

24. **Mr. González Morales** (Special Rapporteur on the human rights of migrants) said that, at a time when migrants were enduring discrimination, criminalization and xenophobia in many countries, multilateral initiatives were of the utmost importance. He welcomed the opportunity to engage in dialogue with Member States with the aim of improving the situation of migrants around the world. It was regrettable that some of his colleagues had been unable to present their reports in person during the current session and he hoped that a better consultation process would be put in place the following year to ensure the participation of all special procedures mandate holders.

25. He had conducted country visits to Nepal and the Niger in 2018. In Nepal, the Government had adopted a set of regulations and had created an extensive institutional framework on migration, which could be strengthened by taking advantage of the ongoing federalization process. Among his recommendations, he had called on the Government to adopt comprehensive reintegration policies and to enhance measures to combat trafficking.

26. The Niger was a major transit country for migrants in Africa. In his preliminary conclusions on the visit, he had commended the country's solidarity in receiving refugees, asylum seekers and migrants in vulnerable situations. He called on international donors to help strengthen national institutions and capacities to create a human rights-compliant framework for managing large movements of migrants. Independent monitoring of the human rights situation of migrants needed to be enhanced and development projects in local communities must be supported.

27. In his first thematic report on the return and reintegration of migrants ([A/HRC/38/41](#)), he had stressed that returns should not be implemented without individual screenings to identify specific situations of vulnerability and protection needs. Those screenings must be followed by a due process of law.

28. Introducing his report on the human rights of migrants ([A/73/178/Rev.1](#)), he said that it contained a study on effective access to justice for migrants. The study analysed the increasing number of obstacles migrants faced in accessing justice and the need to create "firewall" protections between immigration enforcement and public services to enable migrants to

gain access to public services without fear of suffering harm. It was clear that the migration status of an individual was a significant factor in their effective access to justice and, given the many obstacles migrants encountered when claiming their rights, there was a great need for accessible, regular, safe and affordable migration channels. His next report would focus on the gender dimension of migration and women's agency in migration.

29. The situation of migrants worldwide was increasingly difficult and required a coordinated response from the international community. He therefore looked forward to the adoption of the Global Compact for Migration in December 2018 and commended Member States on finding a good compromise in a world in which multilateralism was under increasing pressure. The Global Compact offered a unique opportunity to improve migration governance and would enable States to develop clear, long-term and evidence-based migration policies that fully protected the human rights of all migrants. Objective 5 of the Global Compact was particularly noteworthy, since it called for more available and flexible pathways for regular migration and listed many activities for substantially improving the protection of the human rights of migrants. Member States must ensure that their laws, policies and practices did not criminalize migrants and that the personal liberty of migrants was the general rule, as recognized in objective 13 of the Global Compact. In any case, automatic or indefinite detention in the migration context was contrary to international law.

30. All Member States and civil society actors should devise strategies that contributed to the effective implementation of the Global Compact. United Nations human rights mechanisms, in particular special procedures and treaty bodies, could also contribute to its implementation, follow-up and review, including through participation in the United Nations Network on Migration.

31. **Ms Al-Temimi** (Qatar) said that her country deeply appreciated the very significant contribution that migrants made to comprehensive and sustainable development. Migrant workers had helped to build the modern infrastructure underpinning the country's accelerating economic growth. Qatar was moving forward with labour sector reforms and had taken a number of steps to strengthen and uphold the rights of foreign workers, including the adoption of Law No. 21 of 2015, which had abolished the *kafalah* (worker sponsorship) system. Qatar had also promulgated legislation strengthening protections for domestic workers and regulating employee-domestic worker

relations, on the basis of International Labour Organization Domestic Workers Convention, 2011 (No. 189).

32. **Mr. Escalante Hasbún** (El Salvador) said that his Government wished to reiterate its invitation to the Special Rapporteur to visit El Salvador in 2019. Migration was a matter of considerable importance to El Salvador, as a country of origin, transit, destination and return. He called on all States to respond positively to requests from the Special Rapporteur and asked him to submit inputs to the General Assembly following up on the Global Compact after its adoption in December 2018.

33. **Ms. Gebrekidan** (Eritrea) said that all persons were entitled to equal protection under the law, regardless of their migration status. Eritrea was committed to advocating for migrants' rights, including the right to access to justice. The international community had made considerable progress on strengthening frameworks to uphold migrants' rights by reaching agreement on the Global Compact. Taking into consideration States' commitments to invest in programmes that facilitated access to justice and the importance of international cooperation for the implementation of the Global Compact, she wondered what other kinds of cooperation between States could assist in realizing migrants' right to effective access to justice.

34. **Mr. Gonzalez** (Colombia) said that, while migratory flows from Venezuela were increasing, Colombia had avoided treating irregular migration as a security or criminal matter, adopting instead a human rights-based approach and trying to establish comprehensive response models. The Government had devised programmes to incorporate migrants into the national health and education systems. Emergency medical care was available to Venezuelan citizens in Colombia through a co-financing arrangement, and vaccination campaigns had been carried out. Labour inspections were also being conducted to protect migrant workers, prevent their exploitation and penalize companies that hired foreign nationals on an irregular basis. His Government appreciated the support of the Office of the United Nations High Commissioner for Refugees in registering and assisting Venezuelan migrants.

35. **Mr. de Souza Monteiro** (Brazil) said that his country's new immigration law guaranteed full access to justice and free legal aid and representation. Migrants were also able to gain access to basic social services regardless of their migration status. Full access to justice was crucial in the case of labour rights, hate

crimes and trafficking, and was particularly important to vulnerable groups such as migrant women and children. As indicated in the report of the Special Rapporteur (A/73/178/Rev.1), firewalls must be established for that reason. He wondered whether more information could be provided on the challenges and opportunities presented by such protections.

36. **Ms. Frey** (Switzerland) said that 2018 was an important year for migrants' rights. Negotiations on the Global Compact had been completed in July 2018, and the outcome document was due to be adopted on 10 December 2018. That date also marked the anniversary of the adoption of the Universal Declaration of Human Rights, which sent a strong signal regarding the universality of human rights. The Special Rapporteur's input during the drafting stage had contributed to a better understanding of the realities faced by migrants and had made it possible to promote their rights in a cross-cutting and specific way.

37. She asked what role the Special Rapporteur would play in implementing and following up on the Global Compact and what his priorities would be following its adoption. She also wondered what activities the Special Rapporteur was planning to carry out in 2019 on the subject of access to justice for migrants.

38. **Mr. Hum** (Canada) said that the large-scale displacement seen in recent years had required the international community to rethink its approach to migration. More comprehensive and planned national migration systems would allow for a better response to crises and large movements of people. The time and effort that States had invested in developing the Global Compact testified to the value of multilateralism and the rules-based international order.

39. Canada welcomed the Special Rapporteur's announcement that his next report would examine the gender dimension of migration. He wondered whether the Special Rapporteur could share any established best practices on supporting women and girls and other vulnerable groups.

40. **Mr. Rohland** (Germany) said that access to justice was an important topic, since migration and forced displacement often stemmed from situations of vulnerability in countries of origin or in host countries. Safe and legal migratory pathways were vital to reducing the vulnerability of migrants and their risk of suffering human rights violations and abuses.

41. One critical element was being able to provide proof of legal identity. In that regard, Germany supported the work of the Platform on Disaster Displacement and encouraged other countries to do

likewise. He wondered what the international community could do to address the issue of migrants who worked legally as domestic workers but did not benefit from labour rights, including access to justice.

42. **Ms. Shaheen** (United Arab Emirates) said that her Government was committed to upholding its human rights obligations under international law and the Government had implemented a comprehensive legal framework to protect the interests of migrants, especially migrant workers. Passport confiscation was prohibited, and employers who violated the law were punished. Regular amnesties were announced for migrants in irregular situations to enable them to find work or return home. Laws had also been recently amended to allow foreign nationals to enter the country and stay for a period of six months to look for work. At the international level, the United Arab Emirates was working with other countries to strengthen joint oversight of recruitment practices. It had also been an active participant in the development of the Global Compact.

43. **Mr. Teffo** (South Africa) said that, for a complete picture, it would have been helpful if the report of the Special Rapporteur had also considered the challenges faced by migrants in countries of origin and transit. That critical omission made it difficult to address the root causes of migration, such as inequality, poverty, unemployment and competition for scarce resources, which were principally attributable to underdevelopment.

44. The South African Constitution and legislative framework was premised on the promotion of human dignity, equality, non-discrimination and a quest for universal justice. National laws therefore accorded migrants and refugees the necessary human rights guarantees and fundamental freedoms.

45. Noting with concern that women and children were particularly vulnerable to human rights abuses and exploitation at the hands of criminal syndicates and unscrupulous public servants, his delegation agreed with the Special Rapporteur's recommendation that States should take appropriate action to protect them. It also noted that States should adopt and implement legislation prohibiting the detention of children based on their migration status.

46. **Mr. Lafta** (Iraq) said that the relationship between development, migration and respect for human rights was extremely complex. Although States enjoyed a sovereign right to determine the requirements for entry into and residency in their territories, they were also obliged to uphold and safeguard the human rights of all individuals in their jurisdictions, regardless of their

migration status, and must take steps to combat all discrimination and violence against migrants and their communities. He called on States to accelerate their efforts to establish legal migration channels for migrants in need of humanitarian assistance and commended efforts by Member States, the United Nations and its specialized agencies to develop a comprehensive refugee response framework, as called for in the New York Declaration for Refugees and Migrants.

47. **Mr. Forax** (Observer for the European Union) said that, although States were primarily responsible for upholding human rights, non-governmental organizations often played an important complementary role in relation to migrants' rights and in holding States accountable for their human rights obligations. He would be interested to hear how State authorities and civil society organizations could work together to better guarantee migrants' right to access to justice.

48. The Special Rapporteur had proposed a solid framework for action on migrants in vulnerable situations, in particular migrant women and children. In the case of women, a lack of information and power imbalances were linked to gender-based discrimination. The Special Rapporteur had recommended that States create supportive environments that encouraged women to claim their rights. Apart from strong legal frameworks, he wondered whether the Special Rapporteur could give some examples of appropriate measures for creating supportive environments of that nature.

49. *Mr. Kováčik (Slovakia), Vice-Chair, took the Chair.*

50. **Mr. Christodoulidis** (Greece) said that the Greek authorities were striving to manage unprecedented migratory pressures but were committed to facilitating the effective access of migrants and asylum seekers to justice. For example, the reception and identification service provided them with information on their rights, including details of the asylum procedure, and offered them psychological support. Certified interpreters also provided them with all the necessary information free of charge. Furthermore, asylum seekers had effective access to remedy against a negative decision regarding their claim and were entitled to free legal assistance. In addition, medical and psychological support, interpretation services and free legal assistance were offered to foreign nationals under a return order and vulnerable individuals, such as victims of trafficking and pregnant women, were referred to the appropriate facilities. The authorities also cooperated closely with the Office of the United Nations High Commissioner for Refugees and non-governmental organization to provide

unaccompanied minors with all necessary information about their rights, including access to legal services. He reiterated his country's long-standing commitment to provide an adequate response to one of the largest migratory crises in recent history, guided by the principles of solidarity and humanity, while also complying in full with international law and human rights obligations.

51. **Mr. El Mkhantar** (Morocco) said that no country could address the challenges of migration alone. Engagement, cooperation and coordination were crucial to better migration management. Over the past 10 years, Morocco had evolved from a country of origin to a country of transit and destination. In 2014, the Government had adopted a national migration strategy, which focused on integration, access to public services for regular migrants and the management of migratory flows from a human rights perspective. The strategy also stressed the importance of diasporas by aiming to strengthen links with their networks.

52. Morocco was also promoting better regional migration management. At the thirtieth African Union summit, King Mohammed VI had presented an outline of the African agenda for migration, which stressed the need to approach migration positively as a lever for development, a pillar of South-South cooperation and a vector for solidarity.

53. He asked whether the Special Rapporteur could expand on the recommendation to develop a 2035 agenda for facilitating human mobility.

54. **Mr. Castillo Santana** (Cuba) said that his Government had supported and actively participated in the negotiations on the Global Compact for Migration, given the need for cooperation to ensure respect for the purposes and principles enshrined in the Charter of the United Nations and other norms of international law. Racism, xenophobia and other discriminatory practices were unfortunately on the rise and migrants were a target. His delegation would welcome further recommendations from the Special Rapporteur that would contribute towards the abolition of discriminatory practices, such as the recent unjustifiable and deplorable imprisonment by the Government of the United States of child migrants who had been separated from their parents.

55. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that protecting and promoting the rights of immigrants was an ethical and political duty and his delegation reaffirmed its commitment to the adoption of the Global Compact and its human rights perspective.

56. Venezuela was a country that had historically, but particularly over the past two decades, welcomed people from all over the world, including from neighbouring countries. Those immigrants had never suffered from xenophobia or discrimination; on the contrary, they had enriched the culture, society and economy. The new migratory flows must be analysed in light of the unilateral coercive measures that were being imposed illegally on Venezuela by other States; while professing concern about the situation in Venezuela, those countries were pursuing a financial, economic and trade blockade that violated international law and was harming the human rights of the Venezuelan people.

57. Venezuela condemned all attempts to “securitize” the discussions on migration, including at the expense of human rights, and to exploit them for political ends. It was worrying that some regional and government sectors were fostering or permitting xenophobic and discriminatory attitudes, which Venezuela condemned and were the product of an international campaign to make it appear that Venezuela was in the midst of a migration crisis.

58. **Mr. Guzmán Muñoz** (Chile) said that Chile was a country of origin, transit and destination for migrants and his Government strove to develop inclusive public policies that provided universal access to justice. Chile looked forward to collaborating further with the Special Rapporteur with a view to ensuring that its national migration policies were fully aligned with international law and sufficiently grounded in human rights.

59. **Mr. González Morales** (Special Rapporteur on the human rights of migrants) said that he had chosen to address access to justice in one his first thematic reports because it was a cross-cutting issue. States that recognized the right to access to justice for their citizens or foreign nationals were facilitating the exercise of all human rights. Access to justice was a multidimensional factor that had a catalysing effect, and as such should be placed at the heart of the human rights agenda. The importance of justice as a right that was key to the exercise of all human rights should also be taken into consideration in the preparation of a 2035 agenda for facilitating human mobility.

60. International and national efforts to strengthen access to the courts, including during states of emergency, had intensified in recent decades, thanks largely to efforts to amend national legislation. Paradoxically, however, backsliding in access to justice for migrants had been observed in other countries. Although access to justice included access to both the courts and administrative remedies, access to courts lay at the heart of the issue and must be strengthened.

61. Based on the principle of non-discrimination, both regular and irregular migrants must be given access to justice. In terms of criminal law, that meant, for example, ensuring that migrants were properly represented in court, but it also applied to other spheres such as the labour courts, where the aim was to prevent the exploitation of migrants, especially those in an irregular situation. Domestic workers in particular faced significant obstacles in accessing justice. In that regard, migrants must have access to consular services in both the host country and the country of origin. In addition, the *kafalah* system must be ended, since it was the cause of many issues, especially for domestic workers.

62. In terms of best practices regarding access to justice for women and children, in some countries a woman who had suffered from domestic violence had the right under the law to present her case to the justice system without fear of deportation, even if her migration status was irregular. Without such protection in place, crimes were likely to go unpunished. In the case of migrant children, the central issue was their detention. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Special Rapporteur on the human rights of migrants had all repeatedly stated that the detention of migrant children was contrary to international law. He welcomed the fact that the Global Compact for Migration called for progress in ending that practice and stressed that it should be a priority. In many countries, migrant children were no longer being detained, which represented a significant step forward.

63. Firewalls established a barrier between immigration authorities and public services so that migrants could access not only education and health systems but also the courts, thereby preventing impunity for crimes committed against migrants. While access to the courts was key, migrants also needed access to justice when dealing with administrative procedures. For instance, migrants must be legally represented with respect to the determination of refugee status, detention based on migration status or deportation. Statistics from various countries showed that individuals were much more likely to be granted refugee status if they had legal representation.

64. The subject of joint work between civil society and government on access to justice was critical. The right of migrants to freedom of association must be recognized by all States and migrants’ rights should be part of the general mandate of civil society human rights organizations. Migrants were entitled to organize and to ensure that their demands were reflected in public opinion and decisions. If the right to freedom of

association and expression was not safeguarded for irregular migrants, they became socially invisible and their other rights could not be upheld.

65. His participation in the follow-up to the Global Compact for Migration would be critical. Based on his discussions with other special procedures mandate holders, there were two possible ways forward. The first was in their day-to-day work, in terms of ensuring that the Global Compact was interpreted in a way that was consistent with international human rights instruments. Second, special procedures mandate holders could participate in the official follow-up work through the United Nations network, with a view to ensuring that human rights remained a core component. During the drafting of the Global Compact, security and human rights concerns had both been taken into consideration. The mandate holders had felt that their participation was important as a means of ensuring that human rights were accorded due importance in the follow-up.

66. The following year would mark the twentieth anniversary since the establishment of the mandate of Special Rapporteur on the human rights of migrants. He planned to organize an event to analyse the future challenges for the protection of migrant rights and the role that the Global Compact could play in monitoring and strengthening the protection of those rights. He would also be preparing two thematic reports, one for the General Assembly and one for the Human Rights Council, on the gender dimension of migration. That subject would also be relevant in the follow-up to the Global Compact.

67. The challenges faced by migrants in countries of origin were specifically addressed in his report on return and reintegration. He considered it a priority to work with all States, whether they were countries of origin, transit or transit, and to continue to participate in multilateral forums in order to enhance the protection of migrants' human rights.

68. The comments and questions from States were an indication of their support for his mandate. He encouraged States that had been approached regarding an official visit to extend an invitation, so that visits could be conducted in a proper and timely manner and appropriate follow-up provided.

69. **Mr. Dang Dinh Quy** (Viet Nam) said that, in the face of conflicts, disasters and the effects of climate change, Member States must strengthen their cooperation to find common solutions. However, a rise in confrontation, coercion and the imposition of one-sided views was being witnessed. A few delegations were taking advantage of the general debates and dialogues to criticize and spread allegations against

other States. All United Nations forums needed to be preserved for constructive dialogue and cooperation in good faith.

70. The consistent policy of Viet Nam was to ensure the full enjoyment of human rights in accordance with international norms. Attaching high importance to cooperation on human rights, Viet Nam held annual dialogues and consultations with many countries, including Australia, Switzerland, the United States of America and the countries of the European Union, and actively participated in the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights and other human rights mechanisms at the regional level. It had become a party to seven of the nine core international human rights instruments. Viet Nam highly valued dialogue and cooperation with mandate holders of the Human Rights Council. In 2017, it had received a visit from the Special Rapporteur on the right to food. His Government was currently finalizing its national report on the promotion and protection of human rights for the third cycle of the universal periodic review.

71. **Ms Al-Temimi** (Qatar) said that, in line with its Constitution, her country had made a strategic choice to promote human rights both domestically and abroad. That choice was clearly reflected in the national laws of Qatar and its efforts to uphold the international instruments to which it was a party, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Furthermore, the implementation of the Qatar National Vision 2030 had enabled significant progress to be made in the area of human rights. Qatar appreciated the very significant contribution that migrants had made to the development of its national infrastructure and had adopted laws to ensure that the rights of migrant workers within the country were fully protected.

72. Initiatives to uphold human rights abroad included a number of innovative programmes to uphold children's right to education, such as the Educate a Child initiative, which had facilitated the provision of high-quality education to more than 10 million children in crisis and conflict-stricken regions worldwide. Furthermore, Qatar was striving to enhance international cooperation in the area of human rights and was an active member of the Human Rights Council. Qatar also hosted the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region.

73. The unilateral coercive measures imposed on Qatar by certain States in the region had resulted in serious violations of the human rights of many Qatari

citizens and residents. To date, the National Human Rights Committee had recorded 4,105 such violations. Qatar would continue to engage with civil society organizations within the country to mitigate the impact of those illegal measures and provide assistance and support to those affected. Qatar would also continue to work with the international community and with relevant United Nations mechanisms to promote human rights and fundamental freedoms worldwide.

74. **Mr. Bin Momen** (Bangladesh) said that the principles and provisions of the Universal Declaration of Human Rights had been enshrined in the Constitution of Bangladesh. Upholding its commitment to safeguarding human rights and fundamental freedoms, Bangladesh had opened its borders to shelter helpless Rohingyas who had been forced to flee Myanmar owing to egregious human rights violations. It was also working to ensure justice for the victims of genocide and crimes against humanity during the war of liberation in 1971. Bangladesh was greatly concerned about the continued violation of the rights of Palestinians and would continue to work with the international community for a solution to the question of Palestine.

75. Bangladesh had undergone the universal periodic review in May 2018 and regularly followed up on the implementation of the recommendations made. Over the past few years, Bangladesh had submitted many reports to human rights treaty bodies and facilitated the work of human rights mandate holders and mechanisms.

76. In the past five years, Bangladesh had substantially strengthened its national human rights commission and an independent judiciary continued to provide effective recourse to justice. Bangladesh was renowned for its success in the political, economic and social empowerment of women. It had pursued a rights-based approach in the negotiation of the Global Compact for Migration, launched a welfare-based reform in the labour sector and adopted a national social security strategy. It was also addressing major global challenges, such as climate change, natural disasters, terrorism, cybercrimes and drugs, which had an impact on the enjoyment of human rights. The Government continued to review and update legislation to protect and promote the rights of citizens, in particular vulnerable groups. Bangladesh was fully committed to upholding its pledges and commitments during its membership of the Human Rights Council for the term 2019–2021.

77. **Mr. Aldahhak** (Syrian Arab Republic) said that it was deeply disturbing that certain countries, while paying lip service to the principles of human rights, democracy and the rule of law, continued to use spurious allegations to justify violent attacks and the imposition

of illegal coercive measures on other sovereign States Members of the United Nations. Those countries had killed hundreds of thousands of civilians and had driven millions more from their homes in order to advance their narrow political interests and colonialist ambitions, and to shield Israel from all attempts to hold it accountable for its crimes. Shockingly, while those countries continued to providing support to terrorist groups, facilitate the dissemination of extremist ideologies and perpetrate human rights violations on a massive scale, they were commended for their role in fighting terrorism and promoting dialogue among civilizations. While certain petrodollar-financed Governments demanded accountability and justice on the world stage, they stood shoulder to shoulder with murderers and congratulated them on the crimes they perpetrated.

78. It was time to end the abuse of human rights principles in order to promote narrow political interests, and it was time for all States to comply fully with the Charter of the United Nations and international law. Syria renewed its call on Israel to end its illegal occupation of Arab lands and to cease its criminal actions against their Arab inhabitants. It also demanded the withdrawal of all American, British, French, Turkish and other foreign forces illegally operating in Syrian territory and called for an end to the hostile actions by the so-called international coalition, which had killed thousands of innocent Syrian men, women and children and had destroyed much of the country's vital infrastructure, including hospitals, schools, dams and bridges. All States that were truly concerned about the well-being of the Syrian people must refuse to take part in that illegitimate coalition, while Governments that supported terrorism must be held accountable for their crimes. Syria also called for the immediate lifting of the unilateral coercive measures imposed on certain States, including Syria, in violation of international law.

79. Syria supported all efforts to combat extremist discourse and counter the use of information and communications technologies for criminal purposes. The Syrian Government urged Member States to support the draft resolution sponsored by the Russian Federation in that regard, to combat all forms of discrimination and racial hatred against migrants and refugees, and to support its efforts to facilitate the safe return of all Syrians to their homes.

80. **Ms. Shaheen** (United Arab Emirates) said that States had a moral duty to strengthen respect for human rights, which would help to promote stability and increase prosperity. States, specialized United Nations agencies, non-governmental organizations, academic institutions and other relevant stakeholders must ensure that all factors that could affect the enjoyment of human

rights, such as the impact of climate change and the use of innovative information technologies, were taken into consideration in the development of human rights strategies and policies. Efforts to ensure respect for human rights could, moreover, help to combat the spread of extremist ideologies and send a message of hope to countries and regions affected by conflict and instability.

81. Governments bore the primary responsibility for upholding human rights, and the United Arab Emirates had developed robust national laws and mechanisms to ensure the enjoyment of those rights, in line with the principles relating to the status of national institutions for the promotion and protection of human rights. It also provided financial and other forms of assistance to facilitate efforts by other countries to develop effective human rights institutions.

82. The United Arab Emirates was striving to empower women, young people and children, which would help create a more tolerant society, and had recently amended its labour laws with a view to strengthening workers' rights, including the rights of expatriate workers. To ensure that the United Arab Emirates remained a diverse and tolerant country, her Government had adopted laws to combat discrimination on the basis of religion, race or national origin. It had also amended its laws on human trafficking to facilitate efforts by the authorities to combat that phenomenon.

83. **Mr. Tiare** (Burkina Faso) said that his country was a party to almost all the international and regional human rights instruments. Those that had been ratified were supported by the adoption of domestic laws to enhance the promotion and protection of human rights and individual freedoms. In April 2018, the Government had adopted a new policy on justice and human rights with a view to strengthening the independence of the judiciary, reinforcing the equality of citizens before the law and upholding commitments to justice and human rights. In May 2018, his Government had abolished the death penalty through the adoption of a new Criminal Code. However, the security challenges facing the country, including repeated terrorist attacks, placed a strain on the Government's efforts to ensure the effective realization of human rights. With a view to combating terrorism, a law had been adopted on the creation of a legal department to counter terrorist acts and their financing. Legal and judicial reforms had also been undertaken to strengthen guarantees of the right to a fair trial, in accordance with the International Covenant on Civil and Political Rights.

84. With regard to cooperation with international and regional human rights bodies, Burkina Faso complied

with its obligations, in particular its reporting obligations. Burkina Faso had undergone the third cycle of the universal periodic review of the Human Rights Council in May 2018 and had accepted 184 of the 204 recommendations made. It had implemented more than 92 per cent of the recommendations accepted during the previous review. The national human rights commission had been tasked with establishing a mechanism for the prevention of torture. The Government was currently awaiting the report and recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, following its country visit in 2017.

85. **Ms. Picco** (Monaco) said that, in her country, the death penalty had been abolished in accordance with the Constitution, and the last execution had been carried out in 1847. For many years, Monaco had promoted the abolition of the death penalty at the international level. It had deposited the instruments of accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 28 March 2000, and had ratified Protocol Nos. 6 and 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty, on 30 November 2005. Monaco had participated in preparations for the fifth World Congress against the Death Penalty as part of the group led by the non-governmental organization Ensemble contre la peine de mort and had made a voluntary contribution towards the organization of the sixth World Congress in 2016.

86. **Mr. Nanga** (Gabon) said that the promotion and protection of fundamental rights and freedoms were priorities of Gabon, as demonstrated by its full support for the majority of international legal instruments related to human rights. The Government had undertaken reforms in accordance with its vision of making Gabon an emerging country by 2025, with a focus on protecting the rights of vulnerable people, in particular women, children, persons with disabilities and older persons. The Government fully supported the recommendations of the Second World Assembly on Ageing. In addition to the planned adjustment of pensions, older persons benefited from a social safety net, including full care for older persons with cancer and kidney disease. Since 2011, the Government had allocated 200 million CFA francs annually to fund microprojects for persons with disabilities, with the aim of making them economically and socially independent. A legislative framework had been put in place to combat the dispossession and mistreatment of widows and orphans.

87. Gabon was a party to the majority of international instruments related to refugees, notably the Convention relating to the Status of Refugees and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Gabon had always welcomed refugees and asylum seekers from countries of the subregion in conflict situations and provided assistance to them to ensure their access to education and health care and enable their integration and economic independence. Gabon had abolished the death penalty in 2010 and had acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 2 April 2014. The Government had established juvenile courts with oversight committees to prevent and combat trafficking in children across the country.

88. **Mr. Rumongi** (Rwanda) said that his country reaffirmed its commitment to the promotion and protection of human rights, which was a central pillar of its national transformation agenda. The Government had recently launched its first national action plan for human rights, building upon its extensive work to create an inclusive society that addressed its historical realities in a manner that allowed for stability, development and the empowerment of all, especially the most marginalized groups.

89. The universal periodic review was an important mechanism for enhancing the commitment of States to promote and protect human rights, and treaty bodies played an important role in monitoring the implementation of treaty obligations by States parties. Rwanda called upon those bodies to uphold their independence. Rwanda had ratified most of the key human rights instruments and had subsequently integrated them into its legal system. A robust institutional framework was in place for the promotion and protection of human rights. That included a national commission for human rights, which was tasked with the overall promotion and protection of human rights, as well as a commission for children, a council for persons with disabilities and a board for promoting good governance. The commitment to realize fundamental rights was integral to Vision 2020 of Rwanda and its strategy for economic development and poverty reduction.

90. Lasting progress with respect to the right to development, to which Rwanda attached great importance, required effective development policies at the national level and equitable economic relations at the international level. Rwanda was committed to the observance of human rights as enshrined in the Universal Declaration of Human Rights and remained

ready to continue its cooperation with the United Nations human rights pillar.

91. **Mr. Robertson** (Jamaica) said that his country had ratified seven of the nine core human rights instruments. The Government had taken steps to establish an interministerial committee on human rights to improve the coordination and standardization of its reporting on the implementation of those instruments. It was working assiduously to submit all outstanding reports without further delay and urged all States to redouble their efforts to improve the efficacy of reporting.

92. Jamaica had been at the forefront of international human rights diplomacy over the years, playing a seminal role in the creation of the contemporary international human rights regime. Recently, the Government had been working to expand the mandate of the Office of the Public Defender to transform it into a national human rights institution. Recognizing that respect for and adherence to the tenets of human rights were an essential underpinning of a modern and progressive society, the Government remained committed to the objectives of its national development plan, which were fully aligned with the Sustainable Development Goals. The plan would ensure that Jamaican society upheld the rule of law, respected the rights of all and coalesced around shared values.

93. All Member States should promote human rights, including the right to development, for the benefit of all. As universal coercive measures prevented States from achieving the Sustainable Development Goals, his delegation condemned the use of such measures as contrary to the Charter of the United Nations and in violation of international law. It therefore called for an end to the embargo imposed on Cuba, which undermined its right to development and the commitment set out in the Goals to leave no one behind.

94. **Ms. Moutchou** (Morocco) said that her country had acceded to the majority of the international conventions and agreements related to human rights, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Government had undertaken significant reforms to revitalize human rights in the country, reflecting a desire to enhance its engagement with the human rights system.

95. The approach of Morocco to human rights had its legal basis in the Constitution, which affirmed the nation's commitment to pluralism. Since the 1990s, public institutions had been established to promote cultural diversity, notably the centres for studies and research in Hassani and Andalusian cultures. The Amazigh language had joined Arabic as an official

language of the Kingdom. The Constitution prohibited all forms of discrimination and recognized the primacy of international conventions ratified by the Kingdom over domestic law. Morocco had withdrawn its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to article 14 of the Convention on the Rights of the Child. It had received visits from 12 special procedures mandate holders.

96. The national human rights commission was responsible for providing training and raising awareness to foster a culture of human rights. The school curriculum promoted the diversity of Moroccan culture and its openness to different regional and international cultures. With regard to the principles of gender parity and equality, which were enshrined in the Constitution, significant progress had been made in improving the representation of women in decision-making positions. Morocco regularly submitted reports on its implementation of conventions to the relevant international bodies and made every effort to reform its domestic legislation in line with international human rights standards.

97. **Mr. Situmorang** (Indonesia) said that his country was working in conjunction with the human rights treaty bodies to implement the human rights conventions to which it was a party. It had received a visit from the United Nations High Commissioner for Human Rights in February 2018, and from the Special Rapporteur on the right to food in April 2018. Indonesia was proud to have participated in the commemoration of the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action. Both instruments embodied key principles for deliberations on human rights, namely, universality, objectivity, non-selectivity, non-politicization and cooperation. All human rights treaty bodies should carry out their mandates in a holistic manner, in accordance with their respective strengths and fields of competence.

98. Efforts to promote and protect human rights and fundamental freedoms should be taken with respect for sovereignty and national ownership. Enhancing the capacity of Member States to implement international human rights obligations should therefore be the primary goal, and constructive engagement and cooperation with Member States were of the utmost importance. Members of the human rights treaty body system should maintain their independence, professionalism and accountability.

99. Indonesia underscored the universality, interdependence and indivisibility of all human rights as

the leading principles in its efforts to promote human rights and reiterated its support for the full implementation of the Vienna Declaration and Programme of Action. In that regard, Indonesia consistently translated its commitments into action. For example, a presidential decree had been issued in 2018, revising the national human rights action plan and seeking to improve coordination among ministries and national agencies in the implementation of human rights.

The meeting rose at 5.55 p.m.