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## Seventy-eighth session

Agenda item 71 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Resolution adopted by the General Assembly on 19 December 2023

[*on the report of the Third Committee (A/78/481/Add.2, para. 139)*]

### 78/217. Protection of migrants

*The General Assembly,*

*Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 76/172 of 16 December 2021, and recalling also Human Rights Council resolutions 35/17 of 22 June 2017,<sup>1</sup> 36/5 of 28 September 2017,<sup>2</sup> 41/7 of 11 July 2019,<sup>3</sup> 47/12 of 12 July 2021<sup>4</sup> and 53/24 of 13 July 2023,<sup>5</sup>*

*Reaffirming the Universal Declaration of Human Rights,<sup>6</sup> which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race,*

*Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and that everyone has the right to leave any country, including his or her own, and to return to his or her country,*

*Reiterating that everyone has the right to recognition everywhere as a person before the law,*

*Recognizing that migration has been and will continue to be part of the human experience through history, underscoring that all migrants, regardless of their*

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<sup>1</sup> See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. V, sect. A.

<sup>2</sup> Ibid., *Supplement No. 53A (A/72/53/Add.1)*, chap. III.

<sup>3</sup> Ibid., *Seventy-fourth Session, Supplement No. 53 (A/74/53)*, chap. V, sect. A.

<sup>4</sup> Ibid., *Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. VII, sect. A.

<sup>5</sup> Ibid., *Seventy-eighth Session, Supplement No. 53 (A/78/53)*, chap. VII, sect. A.

<sup>6</sup> Resolution 217 A (III).



migration status, are human rights holders, and reaffirming the need to protect their safety and dignity and to respect, protect and fulfil their human rights and fundamental freedoms, without any kind of discrimination, while promoting the security, well-being and prosperity of all communities,

*Recalling* all relevant international instruments, particularly the International Covenant on Civil and Political Rights<sup>7</sup> and the International Covenant on Economic, Social and Cultural Rights,<sup>8</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>9</sup> the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>10</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>11</sup> the Convention on the Rights of the Child,<sup>12</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>13</sup> the Convention on the Rights of Persons with Disabilities,<sup>14</sup> the Vienna Convention on Consular Relations,<sup>15</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>16</sup> and the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>17</sup> in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>18</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>19</sup> and in particular the relevant contributions of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to the protection of migrants,

*Recalling also* the Global Compact for Safe, Orderly and Regular Migration, adopted at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Marrakech, Morocco, on 10 and 11 December 2018, and endorsed by the General Assembly in its resolution [73/195](#) of 19 December 2018,

*Recalling further* that the Global Compact is based on a set of cross-cutting and interdependent guiding principles: people-centred, international cooperation, national sovereignty, rule of law and due process, sustainable development, human rights, gender-responsive, child-sensitive, whole-of-government approach and whole-of-society approach,

*Recalling* the Progress Declaration of the International Migration Review Forum, endorsed by the General Assembly in its resolution [76/266](#) of 7 June 2022,

*Acknowledging* the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with international law, in particular their obligations under international human rights law and international refugee law,

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<sup>7</sup> See resolution [2200 A \(XXI\)](#), annex.

<sup>8</sup> Ibid.

<sup>9</sup> United Nations, *Treaty Series*, vol. 1465, No. 24841.

<sup>10</sup> Ibid., vol. 2716, No. 48088.

<sup>11</sup> Ibid., vol. 1249, No. 20378.

<sup>12</sup> Ibid., vol. 1577, No. 27531.

<sup>13</sup> Ibid., vol. 660, No. 9464.

<sup>14</sup> Ibid., vol. 2515, No. 44910.

<sup>15</sup> Ibid., vol. 596, No. 8638.

<sup>16</sup> Ibid., vol. 2220, No. 39481.

<sup>17</sup> Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>18</sup> Ibid., vol. 2241, No. 39574.

<sup>19</sup> Ibid., vol. 2237, No. 39574.

*Reaffirming* the 2030 Agenda for Sustainable Development,<sup>20</sup> and recalling Sustainable Development Goals 8 and 10, including the targets on the protection of labour rights and promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment, and on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, as noted in the New York Declaration for Refugees and Migrants,<sup>21</sup>

*Looking forward* to the convening of the regional reviews of the implementation of the Global Compact for Safe, Orderly and Regular Migration in 2024,

*Recalling* the importance of the decent work agenda of the International Labour Organization, including for migrant workers, the 10 fundamental Conventions of that Organization, and the Global Jobs Pact adopted by the International Labour Conference at its ninety-eighth session,

*Recognizing* the work of the Global Compact Champion countries and the Friends of Migration group, including their initiative to share insights, lessons learned and promising practices in support of the implementation of the Global Compact,

*Looking forward* to the fourteenth summit meeting of the Global Forum on Migration and Development, chaired by France and to be held in Geneva from 23 to 25 January 2024, under the overarching theme “From environmental concerns to cultural aspects of migration: adopting an inclusive approach to meet the challenges of and increase the opportunities for human mobility”,

*Recalling* the provisions concerning migrants contained in the outcome documents of major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,<sup>22</sup> the 2030 Agenda for Sustainable Development and the New Urban Agenda,<sup>23</sup>

*Recalling also* Commission on Population and Development resolutions 2006/2 of 10 May 2006<sup>24</sup> and 2009/1 of 3 April 2009<sup>25</sup> and its resolution 2013/1 of 26 April 2013 on new trends in migration: demographic aspects,<sup>26</sup>

*Taking note* of advisory opinion OC 16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, advisory opinion OC 18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants and advisory opinion OC 21/14 of 19 August 2014 on the Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, issued by the Inter-American Court of Human Rights,

*Taking note also* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*<sup>27</sup> and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,<sup>28</sup> and recalling the obligations of States reaffirmed in both decisions,

<sup>20</sup> Resolution 70/1.

<sup>21</sup> Resolution 71/1.

<sup>22</sup> Resolution 63/303, annex.

<sup>23</sup> Resolution 71/256, annex.

<sup>24</sup> See *Official Records of the Economic and Social Council, 2006, Supplement No. 5 (E/2006/25)*, chap. I, sect. B.

<sup>25</sup> *Ibid., 2009, Supplement No. 5 (E/2009/25)*, chap. I, sect. B.

<sup>26</sup> *Ibid., 2013, Supplement No. 5 (E/2013/25)*, chap. I, sect. B.

<sup>27</sup> *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4 (A/59/4)*, chap. V, sect. A.23.

<sup>28</sup> *Ibid., Sixty-fourth Session, Supplement No. 4 (A/64/4)*, chap. V, sect. B.12.

*Recognizing the positive role and contributions of millions of migrants, including women migrant workers, in the response and recovery from the coronavirus disease (COVID-19) pandemic, including as essential workers, and remaining deeply concerned that the pandemic has had a severe and disproportionate impact on migrants, including through increased COVID-19 exposure, discrimination, violence, job losses, wage theft, protracted family separation, and restricted or lack of access to health-care services and other basic services, including vaccines, social protection, education and child services, and mental health, and being subjected to unsafe and undignified returns,*

*Recognizing also the positive role and contributions of migrants for inclusive growth and sustainable development in countries of origin, transit and destination, including by enriching societies through human, socioeconomic and cultural capacities,*

*Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,*

*Recognizing that women represent almost half of all international migrants, in this regard recognizing also that the positive contribution of women migrant workers has the potential to foster inclusive growth and sustainable development in countries of origin, transit and destination, underlining the value and dignity of their labour in all sectors, including in care and domestic work, and encouraging efforts to improve public perceptions of migrants and migration,*

*Concerned that gender-based violence, in particular against migrant women, is rooted in historical and structural inequalities in power relations between women and men, which further reinforces gender stereotypes and barriers to the full enjoyment by all migrant women and girls of their human rights,*

*Acknowledging the cultural and economic contributions made by migrants to their communities of origin and destination and the need to identify appropriate means of maximizing development benefits, to respond to the challenges that migration poses to countries of origin, transit, and destination, to promote dignified, humane treatment with applicable protections and access to basic services, and to strengthen mechanisms for international cooperation,*

*Recognizing that migration can increase social, cultural and economic ties between nations and can be facilitated by agreements within regional integration processes to reinforce education exchange, labour mobility and the portability of applicable social security entitlements and earned benefits of migrant workers,*

*Emphasizing the multidimensional character of international migration, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of all migrants, particularly at a time when migration flows, both within and across regions, have increased in the globalized economy and take place in a context of continued security concerns,*

*Recognizing that large movements of migrants have political, economic, social, developmental, humanitarian and human rights ramifications that call for global approaches and global solutions, that no one State can manage on its own,*

*Deeply concerned at the large and growing number of migrants, especially women and children, including those unaccompanied or separated from their parents, who find themselves in a vulnerable situation when crossing or attempting to cross international borders, and recognizing the obligation of States to respect the human rights of those migrants in accordance with their applicable international human rights obligations, and reaffirming the commitments to take action to avoid the loss of life*

of migrants and to uphold the prohibition of collective expulsion, as well as the need to prevent human rights violations in all contexts involving migration,

*Acknowledging* the need to strengthen efforts to enhance and diversify the availability of pathways for safe, orderly and regular migration, including in response to demographic and labour market realities,

*Recognizing* the need to ensure that returned migrants are duly received and readmitted, in accordance with States' obligation not to arbitrarily deprive their nationals of the right to enter their own country and the obligation of States to readmit their own nationals,

*Recognizing also* the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations and, as appropriate, facilitate their voluntary, safe and dignified return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

*Bearing in mind* the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes targeting migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Expressing concern* that migrants continue to struggle to access and receive humanitarian assistance, including search and rescue efforts and medical care, which creates and exacerbates situations of vulnerability,

*Reaffirming its commitment* to preserve the lives of all migrants and take action to prevent loss of migrant lives, and in this context remaining deeply concerned that thousands of migrants, including women and children, continue to die or go missing each year along perilous routes on land and at sea,

*Stressing* the importance of all regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

*Expressing concern* at and condemning the increasing trend of acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance and hostility towards migrants and diasporas in societies, and the negative stereotypes often applied to them, including on the basis of religion or belief, all of which has a negative impact on the fulfilment of human rights globally,

*Stressing* the obligation of States to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms, and in this regard recalling that sanctions and the treatment given to irregular migrants should be commensurate with their offences,

*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies and border controls, migrants become more vulnerable to, *inter alia*, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt bondage and abandonment,

*Aware also* that employing border governance policies that do not respect human rights and are in violation of a State's obligations under international law, and that are failing to combat widespread impunity for those who violate the human rights of migrants, contributes to limit pathways for safe, orderly and regular migration and

can contribute to the death or disappearance of migrants, particularly those in vulnerable situations,

*Recognizing* the human, cultural, social and economic capital that diasporas bring, as well as their engagement and remittances in national development strategies, and in programmes to improve the financial inclusion and literacy of migrant workers and their families,

*Acknowledging* that remittance flows constitute sources of private capital, complement domestic savings and are instrumental in improving the well-being of recipients, bearing in mind that remittances cannot be considered a substitute for foreign direct investment, official development assistance, debt relief or other public sources of financing for development,

*Recognizing* the positive contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

*Concerned* that a growing number of migrant children, including those who are unaccompanied or separated from their parents or primary caregivers, are particularly vulnerable along their migration journey, and reaffirming the commitment to protecting the rights of the child and upholding the principle of the best interests of the child,

*Recognizing* the obligations of countries of origin, transit and destination under international human rights law, as well as the need to adopt a comprehensive and integral approach to migration policies, to facilitate safe, orderly, regular and responsible migration and mobility of people, in accordance with their relevant obligations under international human rights law, and, as applicable, consistent with their commitments in the Global Compact for Safe, Orderly and Regular Migration,

*Underlining* the importance for States, in cooperation with civil society, including non-governmental organizations, workers' organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, laws, risks and rights in the event of migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing irregular or dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and ensuring that their legislation and migration policies and practices are consistent with their applicable international human rights obligations, in order to avoid approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impacts of financial and economic crises, as well as natural disasters and the effects of climate-related phenomena, on international migration and migrants, and in that regard urges Governments to combat discriminatory treatment of migrants, in particular migrant workers and their families, and to facilitate fair and ethical recruitment;

3. *Calls upon* Member States to develop coherent approaches to address the challenges of migration movements in the context of sudden-onset and slow-onset natural disasters, including by taking into consideration relevant recommendations from State-led consultative processes, such as the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, and the Platform on Disaster Displacement;

4. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligations of States under the International Covenants on Human Rights, and in this regard:

- (a) Strongly condemns acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, to reinforce existing laws when hate crimes, xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit those acts and, where appropriate, to provide effective remedy to the victims;
- (b) Encourages States to establish or, when appropriate, strengthen mechanisms which allow migrants to report alleged cases of abuse by relevant authorities and employers without fear of reprisal, and which allow for such complaints to be addressed fairly;
- (c) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;
- (d) Calls upon States to ensure that their laws and policies, in particular in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;
- (e) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;
- (f) Takes note of the reports of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its thirty-third and thirty-fourth sessions<sup>29</sup> and thirty-fifth and thirty-sixth sessions;<sup>30</sup>

5. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, including those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

- (a) Calls upon all States to respect the human rights and inherent dignity of migrants, to put an end to arbitrary arrest and detention and, bearing in mind the New York Declaration for Refugees and Migrants, to review policies that deny migrants the full enjoyment of their human rights and fundamental freedoms, to pursue alternatives to detention while assessments of migration status are under way and to take into account measures that have been successfully implemented by some States;
- (b) Encourages States to put in place, if they have not yet done so, appropriate systems and procedures in order to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children,

<sup>29</sup> Ibid., Seventy-seventh Session, Supplement No. 48 ([A/77/48](#)).

<sup>30</sup> Ibid., Seventy-eighth Session, Supplement No. 48 ([A/78/48](#)).

regardless of their migration status, and to work towards ending the detention of migrant children;

(c) Also encourages States to cooperate and to take appropriate measures, in full conformity with their obligations under international human rights law, to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information-sharing and joint operational functions, enhancing capacities and supporting opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants, particularly women and children;

(d) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and to regularly train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with their obligations under international human rights law;

(f) Encourages States to formulate, implement and refine training programmes for their law enforcement officials, immigration officers and border officials, diplomatic and consular officials, judiciary, prosecutors, public sector medical staff and other service providers, with a view to sensitizing these public sector workers to the issue of violence against migrants and imparting to them the necessary skills to ensure the delivery of proper, professional and gender-sensitive interventions, including for those in detention facilities;

(g) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(h) Calls upon States to analyse and implement, where appropriate, mechanisms for the safe and orderly administration of returning migrants, with particular attention to the human rights of migrants, in accordance with their obligations under international law;

(i) Also calls upon States to prosecute, in conformity with applicable law, acts of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from the country of origin to the country of destination and vice versa, including transit across national borders;

(j) Recognizes the particular vulnerability of migrants in transit situations, including through national borders, and the need to ensure full respect for their human rights also in these circumstances;

(k) Reaffirms the importance of ensuring the promotion and respect of human rights in coordinated efforts of the international community to assist and support migrants who are stranded or in vulnerable situations;

(l) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(m) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour

relations and working conditions, *inter alia*, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(n) Invites Member States to consider ratifying relevant conventions of the International Labour Organization, including the Domestic Workers Convention, 2011 (No. 189), on decent work for domestic workers,<sup>31</sup> as well as the Abolition of Forced Labour Convention 1957 (No. 105);<sup>32</sup>

(o) Encourages Member States to take actions to further promote faster, safer and cheaper remittances, with the aim of reducing the average transaction cost to less than 3 per cent of the amount transferred by 2030, by further developing existing conducive policy and regulatory environments that enable competition, regulation and innovation on the remittance market and by providing gender-responsive programmes and instruments that enhance the financial inclusion of migrants and their families;

(p) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

6. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities and profits of transnational and national organized crime entities and others who profit from crimes against migrants, especially migrant women and children, without regard for dangerous and inhumane conditions, and in flagrant violation of national laws and international law and contrary to international standards;

(b) Calls upon States to cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, and standardized collection and exchange of relevant information, as well as to identify those who have died or gone missing, and to facilitate communication with affected families;

(c) Urges States to adopt measures to prevent deaths, disappearances, acts of torture, sexual and gender-based violence and all other forms of violence, including violence based on religion or belief and violence based on race, excessive use of force against migrants, and refoulement, and to ensure that all human rights violations and abuses are subject to independent and transparent investigations and that perpetrators are held accountable;

(d) Encourages Member States to invest in innovative solutions that facilitate mutual recognition of skills, qualifications and competences of migrant workers at all skill levels, as well as to ensure decent work in labour migration;

(e) Expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices, as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(f) Urges Member States to show greater solidarity, especially during times of emergency, to strengthen international cooperation to enhance the protection, well-being, safe return and effective reintegration into labour markets of migrant workers, and to ensure that no one is left behind;

(g) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the countries of destination, facilitate family

<sup>31</sup> United Nations, *Treaty Series*, vol. 2955, No. 51379.

<sup>32</sup> *Ibid.*, vol. 320, No. 4648.

reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(h) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including domestic and care workers, are legally protected against violence and exploitation;

(i) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and regular channels that recognize the skills and education of women migrant workers and, as appropriate, to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(j) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and human rights violations and abuses during migration;

(k) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their legislation, policies and practices, including on integration, return and family reunification;

(l) Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to education and, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the educational system and the removal of barriers to their education in host countries and countries of origin;

(m) Reminds all States that all persons, including migrants, should have access to lifelong learning opportunities that help them to acquire the knowledge and skills needed to take advantage of opportunities and to participate fully in society;

(n) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including unaccompanied children and persons with disabilities, and take into account in conformity with their international obligations and commitments, the principle of the best interests of the child in both the development and implementation of legislation and policies, as well as clarity of reception and care arrangements and family reunification;

7. *Encourages* States to take into account the conclusions and recommendations of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration<sup>33</sup> when designing and implementing their migration policies;

8. *Urges* States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

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<sup>33</sup> A/HRC/15/29.

9. *Encourages* States to protect migrants from becoming victims of national and transnational organized crime, including kidnapping, trafficking in persons and, in some instances, illicit smuggling of migrants, including through the implementation of programmes and policies that prevent victimization and provide effective guarantees and protections, as well as access to medical, psychosocial and legal assistance, where appropriate;

10. *Encourages* Member States that have not already done so to enact national legislation and to take further effective measures to combat human trafficking and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude, exploitation, debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to prevent, investigate and combat such trafficking in persons and smuggling of migrants and to identify and disrupt financial flows related to these activities;

11. *Invites* Member States to expand international cooperation and partnerships to implement the vision of the Global Compact for Safe, Orderly and Regular Migration,<sup>34</sup> including through financial and technical assistance to developing countries, including to African countries, the least developed countries, landlocked developing countries, small island developing States and middle-income countries;

12. *Also invites* Member States to accelerate efforts, at all levels, to integrate public health considerations into migration policies and incorporating the health needs of migrants in national and local health-care services policies and plans, in ways which are transparent, equitable, non-discriminatory, people-centred, gender-responsive, child-sensitive and disability-responsive, and which leave no one behind;

13. *Encourages* Governments to promote the appropriate use of voluntary and confidential HIV testing and pregnancy testing to prevent unwarranted barriers prior to and during the migration cycle;

14. *Calls upon* all States to promote and protect the right of everyone, including migrants, without discrimination of any kind, to the enjoyment of the highest attainable standard of physical and mental health, and encourages them to promote equitable access to health services, disease prevention and care for migrants, including mental health and psychosocial support;

15. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, through, *inter alia*, the Global Compact for Safe, Orderly and Regular Migration, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, *inter alia*, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to promote the effective implementation of the 2030 Agenda for Sustainable Development, including its target 10.7 on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies;

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<sup>34</sup> Resolution 73/195, annex.

- (c) Also encourages States to take the measures necessary to achieve policy coherence on migration at the local, national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;
- (d) Further encourages States to cooperate effectively in protecting witnesses in cases of smuggling of migrants and victims in cases of trafficking in persons, regardless of their migration status;
- (e) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;
- (f) Encourages Governments, as appropriate, to strengthen joint analysis and sharing of information to better map, understand, predict and address migration movements, such as those that may result from sudden-onset and slow-onset natural disasters, the adverse effects of climate change and environmental degradation, as well as other precarious situations, while ensuring effective respect for and the protection and fulfilment of the human rights of all migrants;
- (g) Urges all States, in line with relevant obligations under international human rights law, to combat all forms of discrimination, such as expressions, acts and manifestations of racism, racial discrimination, violence, xenophobia and related intolerance against all migrants, while at the same time acknowledging the need to promote an open and evidence-based public discourse on migration and migrants, in partnership with all parts of society, that generates a more realistic, humane and constructive perception in this regard, and to protect freedom of expression in accordance with international law, recognizing that an open and free debate contributes to a comprehensive understanding of all aspects of migration;

(h) Encourages States to include, as appropriate, information on the implementation of their international obligations related to the human rights of migrants in their national reports to the Working Group on the Universal Periodic Review of the Human Rights Council and to the treaty bodies;

16. *Reaffirms* the consideration afforded to the issues of migration, development and human rights in the 2030 Agenda for Sustainable Development;

17. *Invites* Member States to consider establishing, as applicable, open and accessible information points along relevant migration routes that can refer migrants to child-sensitive and gender-responsive support and counselling, offer opportunities to communicate with consular representatives of the country of origin, and make available relevant information, including on human rights and fundamental freedoms, appropriate protection and assistance, options and pathways for regular migration, and possibilities for safe and dignified return, in a language that the person concerned understands;

18. *Encourages* States, as appropriate, to address practical barriers, including language barriers, that migrants may encounter in countries of destination, and provide them with adequate information about their rights, including to consular assistance, prior to their departure from their countries of origin;

19. *Calls upon* Member States to commit to develop national gender-responsive and child-sensitive migration policies and legislation in line with relevant obligations under international law to respect, protect and fulfil the human rights of all migrant women and children, regardless of their migration status, and further stresses the importance of ensuring the full, equal and meaningful participation of

women in the formulation and implementation of migration policies, while recognizing their independence, agency and leadership;

20. *Invites* Member States to provide newly arrived migrants with targeted, gender-responsive, child-sensitive, accessible and comprehensive information and legal guidance on their rights and obligations, including on compliance with national and local laws, obtaining of work and resident permits, status adjustments, registration with authorities, access to justice to file complaints about rights violations, as well as access to basic services;

21. *Encourages* Governments to ensure that the return of migrants who do not have the legal right to stay on another State's territory is safe and dignified, follows an individual assessment, is carried out by competent authorities through prompt and effective cooperation between countries of origin and destination, and allows all applicable legal remedies to be exhausted, in compliance with due process guarantees and other obligations under international human rights law;

22. *Calls upon* States to ensure that migrants who may be in vulnerable situations at international borders have access to assistance and relief, regardless of their migration status, and to create a safe and enabling environment in which humanitarian actors that provide such attention can operate free from hindrance and insecurity, including by ensuring that domestic law and administrative provisions and their application facilitate the work of all actors providing humanitarian assistance to and defending the human rights of migrants in transit, *inter alia* by avoiding the criminalization and stigmatization of the work of humanitarian actors, as well as impediments thereto, obstruction thereof or restrictions thereon, that are not in line with international human rights law;

23. *Encourages* States to strengthen cooperation, information exchange and coordination at all levels, including between countries of origin, transit and destination, and with international humanitarian organizations, civil society organizations, and migrants and their families, in order to prevent and investigate human rights violations and abuses against migrants in transit, to find and identify missing migrants and to ensure accountability for victims;

24. *Reaffirms* the commitments of the New York Declaration for Refugees and Migrants, and urges Member States and the United Nations system to work cooperatively to follow up on and apply the Declaration, in accordance with national legal systems;

25. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue in relevant international meetings with a view to strengthening and making more inclusive public policies aimed at promoting and respecting human rights, including those of migrants;

26. *Recognizes* the importance of the contribution of the United Nations High Commissioner for Human Rights, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur of the Human Rights Council on the human rights of migrants, as well as other key actors, to the discussion on international migration;

27. *Welcomes* the ongoing work of the United Nations Network on Migration on missing migrants and humanitarian assistance in line with the Progress Declaration of the International Migration Review Forum,<sup>35</sup> *inter alia* the exchange of good practices, including through cross-border cooperation to support families and border

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<sup>35</sup> Resolution 76/266, annex.

communities in preventing and responding to the death of migrants or migrants going missing, including through humanitarian assistance;

28. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-ninth and eightieth sessions, as a way to enhance communication between the Assembly and the Committee;

29. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its seventy-ninth and eightieth sessions, under the item entitled “Promotion and protection of human rights”;

30. *Takes note* of the report of the Secretary-General on the human rights of migrants;<sup>36</sup>

31. *Also takes note* of the reports of the Special Rapporteur on the human rights of migrants to the General Assembly at its seventy-seventh and seventy-eighth sessions;<sup>37</sup>

32. *Requests* the Secretary-General to submit to the General Assembly and the Human Rights Council at their eightieth and sixty-first sessions, respectively, a comprehensive report entitled “Human rights of migrants”, covering all aspects of the implementation of the present resolution;

33. *Decides* to remain seized of the matter.

*50th plenary meeting  
19 December 2023*

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<sup>36</sup> See A/78/203.

<sup>37</sup> A/77/189 and A/78/180.