

## **States must ensure all migrants enjoy all human rights, UN experts say on International Migrants Day**

GENEVA (18 December 2018) — The Global Compact on Migration is an important starting point for improved global migration governance that puts migrants and their human rights at the centre, UN human rights experts said on the occasion of today's International Migrants Day, December 18. The experts call on all States who have not yet done so to join this unique global initiative, and contribute to its human rights based implementation.

Ahmadou Tall, Chair of the Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families, and Felipe González Morales, the Special Rapporteur on the human rights of migrants, highlighted the rights-based language found throughout the text committing States to take action in accordance with their obligations under international law.

Migrant workers and their families must enjoy their human rights during their journeys, in schools and in workplaces across the globe, asserted Mr. Tall. Sadly, he said, not only are migrants often denied the most basic labour protections, personal security, due process guarantees, health care and, in the case of their children, birth registration and education; they may also face abuses at international borders, and in some cases they risk being trafficked, enslaved, sexually assaulted or even killed, Mr. Tall asserted.

According to the Special Rapporteur, States must ensure that the fundamental human rights of migrants are implemented in both law and practice through the adoption of migration laws and policies in line with their commitments contained in the Global Compact on Migration as well as their obligations under the international human rights treaty framework. States need to develop and strengthen awareness-raising campaigns on the rights of migrants; knowledge of the positive effects of migration will also help in countering the xenophobic and racist narratives that are being employed by too many authorities, Mr. González Morales added.

Migrants can only protect their rights if they have access to effective complaint procedures and remedies in situations where their human rights are violated, said Mr. Tall. States should also establish national human rights institutions with broad mandates to handle complaints from migrants for violations of their human rights. States should systematically inform migrants about the available judicial and other remedies available to them, in languages that they can understand.

Mr. González Morales added that States must ensure comprehensive protection for victims, including psychosocial rehabilitation. Migrants must be able to exercise their right to access justice without fear of being detained and deported and so States must ensure migrants' access to police stations, courts and other public services such as health care without fear of being detained or reported to immigration authorities.

States should also take measures to decriminalize the irregular entry and stay of migrants. Criminalizing irregular entry into a country exceeds the legitimate interest of States parties to control and regulate irregular migration. While irregular entry and

stay may constitute administrative offences, they are not crimes per se against persons, property or national security.

According to both experts, States that implement recommendations from the treaty bodies, Special Procedures and the Universal Periodic Review further the commitments of the Global Compact on Migration and the Sustainable Development Goals. When the human rights of all migrants are respected, migrants are able to realize their full potential and contribute to the development of their new societies in so many meaningful ways. Respecting and protecting human rights for all migrants plays a pivotal, transformative and empowering role in this regard.

## **Background**

The [Committee on the Protection of the Rights of All Migrant Workers and Members of their Families](#) monitors States parties' adherence to the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#). The Committee is made up of 14 members who are independent human rights experts drawn from around the world, who serve in their personal capacity and not as representatives of State parties. Learn more with our videos on the [Treaty Body system](#) and on the [Committee on Migrant Workers](#).

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**Mr. Felipe González Morales** (Chile) was appointed [Special Rapporteur on the human rights of migrants](#) in June 2017 by the UN Human Rights Council, for an initial period of three years. As a Special Rapporteur, he is independent from any government or organization and serves in his individual capacity. He is Professor of International Law at the Diego Portales University, in Santiago, Chile, where he is also the Director of a Master's programme in International Human Rights Law.

The Special Rapporteurs are part of what is known as the [Special Procedures](#) of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

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