Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements

- Draft -

“We take note of the work of the Global Migration Group to develop principles and practical guidance on the protection of the human rights of migrants in vulnerable situations.” (New York Declaration for Refugees and Migrants, para. 51)

“We will consider developing non-binding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations (especially unaccompanied and separated children) who do not qualify for international protection as refugees and who may need assistance. Theses guiding principles and guidelines will be developed using a State-led process with the involvement of all relevant stakeholders and with the input from the Special Representative of the Secretary General on International Migration, the International Organization for Migration, OHCHR, UNHCR and other relevant UN entities. These would complement national efforts to protect and assist migrants.” (New York Declaration for Refugees and Migrants, para. 52)

Members of the GMG Working Group on Human Rights and Gender Equality include ILO, IOM, OHCHR, UNESCO, UNHCR, UNICEF, UNODC, UNU, UN Women and WHO. The group is co-chaired by OHCHR and UN Women.
Introduction ................................................................. 3

**Principle 1: Human Rights** .................................................. 10

  **Promising Practice** ......................................................... 12

**Principle 2: Non-discrimination** .......................................... 12

  **Promising Practice** ......................................................... 15

**Principle 3: Rescue and assistance.** ...................................... 15

  **Promising Practice** ......................................................... 17

**Principle 4: Access to justice.** ............................................ 17

  **Promising Practice** ......................................................... 19

**Principle 5: Border governance.** ......................................... 19

**Principle 6: Returns** ......................................................... 21

  **Promising Practice** ......................................................... 22

**Principle 7: Violence** ......................................................... 24

  **Promising Practice** ......................................................... 27

**Principle 8: Detention** ....................................................... 27

  **Promising Practice** ......................................................... 31

**Principle 9: Family unity** ................................................... 31

  **Promising Practice** ......................................................... 32

**Principle 10: Child migrants** .............................................. 32

  **Promising Practice** ......................................................... 34

**Principle 11: Women migrants** .......................................... 34

  **Promising Practice** ......................................................... 36

**Principle 12: Right to health** ............................................. 36

  **Promising Practice** ......................................................... 39

**Principle 13: Adequate standard of living** ........................... 40

  **Promising Practice** ......................................................... 41

**Principle 14: Decent work** ................................................ 41

  **Promising Practice** ......................................................... 43

**Principle 15: Right to education** ......................................... 43

  **Promising Practice** ......................................................... 44

**Principle 16: Right to information** ...................................... 45

  **Promising Practice** ......................................................... 46

**Principle 17: Monitoring and accountability** ..................... 46

**Principle 18: Migrants’ human rights defenders** ................ 49

**Principle 19: Data** .......................................................... 51

  **Promising Practice** ......................................................... 52

**Principle 20: International cooperation** .............................. 52

  **Promising Practice** ......................................................... 54
Introduction

Background

Around the world, many millions of migrants and refugees are in a precarious human rights situation in the context of large and/or mixed movements; such movement cannot be described as entirely voluntary. As the UN High Commissioner for Human Rights has noted of the Mediterranean crossings: “[h]uman rights violations form the backdrop of these desperate sea voyages. We have repeatedly underscored that no one who has food to eat, who is safe from torture, and rape, and from falling bombs, who has healthcare for his family, education for her children, decent and productive work would readily embark on these perilous journeys. Amidst all the talk of ‘pull factors’, let us understand that these are the ‘push factors’, and let us be clear that today’s movements across the Mediterranean are rarely entirely ‘voluntary’, in the true sense of the term.”

While migration per se is not a problem, it is increasingly clear that everyone who moves in this perilous manner is in need of protection of their human rights due to consequences of the situation that forced them to flee and/or conditions they experience in transit. Individuals who are compelled to move in large-scale, irregular and perilous movements, many of whom risk losing their lives along dangerous migratory routes, or are stranded in precarious transit or border locations, may be at particular risk of human rights abuses. Although they might fall outside the specific legal category of a refugee, migrants in these large movements will need protection of their human rights, including

1 In the absence of a universal, legal definition, OHCHR has defined an “international migrant” as “any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence.” See OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders (2014) chap. I, para. 10. IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. Some categories of migrants are defined in international instruments; particularly “migrant worker” or “migrant for employment” which are defined in the 1990 UN Convention on Migrant Workers (Article 2(1)); ILO Convention No. 97, Migration for Employment Convention (Revised), Article 11; ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention, Article 11. UNHCR always refers to ‘refugees’ and ‘migrants’ separately, to maintain clarity about the causes and character of refugee movements and to not lose sight of the specific obligations owed to refugees under international law. See ‘Refugees’ and ‘Migrants’ – Frequently Asked Questions (FAQs), available at http://www.unhcr.org/uk/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html

2 The Secretary General’s report on addressing large movements of refugees and migrants asserts that “Whether a movement is characterized as ‘large’ depends less on the absolute number of people moving than on its geographical context, the receiving States’ capacities to respond, and the impact caused by its sudden or prolonged nature on the receiving country.” Report of the UN Secretary-General, In Safety and Dignity: Addressing large movements of refugees and migrants, A/70/59, 21 April 2016, para. 11.

3 There is no official/agreed definition of mixed migration. The term describes the reality of movements of migrants with varying protection profiles, reasons and needs – including refugees, asylum-seekers, irregular migrants, trafficked persons, unaccompanied and separated children – move along the same routes, using the same transport or means of travel, often in large numbers.


5 Note in this respect that some individuals who are entitled to refugee status will not be able to prove their refugee status, including because they lack access to the procedure, because they lack legal representation, because of the consequences of accelerated asylum procedures, or other reasons. As refugee status is
because of the conditions they are leaving behind and/or the circumstances in which they are compelled to move and to which they arrive.

The UN Secretary General notes in this regard that “The gradual expansion of refugee protection notwithstanding, many people are compelled to leave their homes for reasons that do not fall within the refugee definition in the 1951 Convention”. The New York Declaration on refugees and migrants recognises the complex reasons for contemporary movement; “Since earliest times, humanity has been on the move. Some people move in search of new economic opportunities and horizons. Others move to escape armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses. Still others do so in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change) or other environmental factors. Many move, indeed, for a combination of these reasons.” As rights-holders, all migrants are entitled to the equal protection of international human rights law and related standards. It is these people on the move and these situations of movement that are the focus of the current Principles and Guidelines supported by Practical Guidance.

Despite the fact that travel has generally become faster and safer, those migrants and refugees forced to flee in large or mixed movements are frequently unable to avail themselves of safe and fast means of travel for reasons including lack of resources, absence of documents, and increased border security combined with reduced opportunities to gain authorisation for regular entry at international borders. For many migrants, the journey towards their intended destination could take weeks, months or even years. Some may not complete their migrations, for a range of reasons including substantial delays effectively turning transit into destination or fatalities en route. Their route, means of transportation, and even their intended destination can change at different phases along the migration trajectory and an individual’s need for human rights protection can change – often dramatically – in the course of their journey.

Individuals in these large and/or mixed movements may be targeted for specific human rights abuses due to multiple and intersecting forms of discrimination. During their journeys and at destination, the needs of people travelling together, including as families or social groups, will often be the same; they will face many of the same risks and share the same need for protection and assistance, even if they do not share the same profile/immigration status or original reason for leaving their home countries. Children on the move, for example, will often face similar threats and can be at risk of the same violations. At the same time, it is important to uphold existing protections for specific groups established in international law. Refugees are entitled to specific protection under international refugee law, including protection from return to persecution under Article 33 of the 1951 Refugee Convention. The human rights and particular needs of other groups of individuals

---

6 Report of the UN Secretary-General, In Safety and Dignity: Addressing large movements of refugees and migrants, A/70/59, 21 April 2016, para. 18.
8 Article 1 A(2) of the 1951 Refugee Convention defines a refugee as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or
such as migrant workers, and persons with disabilities have similarly been recognised in specific international instruments. Every human being regardless of their migration status is protected from refoulement, including through the absolute prohibition of return to torture. This means that all individuals, regardless of migration status, have the right not to be returned to their country of origin or extradited to another state in certain circumstances, including where there are substantial grounds for believing that the individual would be in danger of being subjected to torture.

When the international community adopted the Universal Declaration of Human Rights (UDHR) on 10 December 1948 it was accepted as “a common standard of achievement for all peoples and nations”, spelling out for the first time in human history the minimum civil, political, economic, social and cultural rights that all human beings should enjoy. The international bill of rights (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights) makes exceptions between nationals and non-nationals in respect of only two rights, and only then in limited circumstances.

Simply put, all human beings have all human rights.

Human rights are universal, inalienable, indivisible and interdependent. The international human rights framework is clear that in order to give effect to these rights and to uphold the fundamental principle of non-discrimination, the unique and individual circumstances of each person must be considered by duty-bearers. By becoming parties to international human rights treaties, States assume obligations and duties under international law and undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. These obligations

political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

Specifically, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Convention on the Rights of Persons with Disabilities.

See in particular, Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Universal Declaration of Human Rights (UDHR), Preamble. In relation to large and/or mixed movements of migrants, States have affirmed in the New York Declaration that “We are committed to protecting the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status at all times,” and that this applies “support to those affected today as well as to those who will be part of future large movements”: General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, paras.41 and 11, respectively.

The ICCPR in article 25 reserves to citizens the right to vote and take part in public affairs, and in article 12 reserves the right to freedom of movement within a country to foreigners who are lawfully present within the country. However, in its General Comment No. 15, the Human Rights Committee has guided that a foreigner may enjoy the protection of article 12 of ICCPR even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise.

Duty-bearers are those obligated or responsible for making sure rights-holders are enjoying their rights.

States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the
pass down to municipal authorities and local governments. States are also responsible for the human rights consequences of the actions, or failure to act, of private actors — including corporations, civil society actors, private security contractors — if they failed to take appropriate steps to prevent human rights abuses they should have known about, or to investigate and punish these abuses, and provide compensation.

**Principles and practical guidance**

This document provides a concise draft set of principles, guidelines, and practical guidance on protection of human rights in large and/or mixed movements, with a particular emphasis on the human rights protection gaps experienced by migrants in precarious situations. In other words, the framework below attempts to respond primarily to the situation of those persons who are not moving voluntarily or in a protected manner but might not fulfil the conditions of the refugee definition.

The principles are derived directly from international human rights law and related standards (including international labour law, refugee law, criminal law, humanitarian law, and the law of the sea), including in relation to the particular rights of specific groups in such movements including children, persons with disabilities, women at risk and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. The development of principles, guidelines and practical guidance is without prejudice to the specific rights of refugees or trafficked persons who are also part of such movements.\(^{16}\)

The principles, guidelines, and practical guidance are designed to assist States and other stakeholders with regard to the development, strengthening, implementation and monitoring of measures to protect migrants in precarious situations and in large or mixed movements. Each principle identified below is followed by a set of related practical interventions that could be taken by States, and other stakeholders as relevant, to give practical effect to the principle and address protection gaps in this regard. Each of the principles could sustain its own set of guidelines and good practices for the realisation of migrants’ rights in the context of large and/or mixed movements. To be useful to practitioners, these principles and guidelines focus on the most immediate concerns and should not be read as the totality of actions required to protect human rights in these situations.

---

Definitions

Border governance

The terms ‘border governance’ and ‘border governance measures’ include but are not limited to legislation, policies, plans, strategies, action plans and activities related to the entry into and exit of persons from the territory of the State, including detection, rescue, interception, screening, interviewing, identification, reception, detention, removal or return, as well as related activities such as training, technical, financial and other assistance, including that provided to other States.\(^\text{17}\)

Firewalls

are effective measures to separate immigration enforcement activities from public service provision by state and non-state actors so as not to deny human rights to migrants in irregular status.\(^\text{18}\) They are “designed to ensure, particularly, that immigration enforcement authorities are not able to access information concerning the immigration status of individuals who seek assistance or services at, for example, medical facilities, schools, and other social service institutions. Relatedly, firewalls ensure that such institutions do not have an obligation to inquire or share information about their clients’ immigration status.”\(^\text{19}\) They are also needed between labour and immigration law enforcement to ensure access to remedy, including compensation for abuses of rights of migrant workers.\(^\text{20}\)

Firewalls recognize that “other legitimate interests, such as fundamental rights, public health concerns, fighting crime, legal certainty, as well as social policy considerations, should also be taken into account when enforcing immigration law.”\(^\text{21}\)

Human Rights Defenders

Human rights defender (HRD) is a term used to describe people who, individually or with others, act to promote or protect human rights. There is no specific definition of who is or can be a HRD.\(^\text{22}\)

---

\(^\text{17}\) OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, A/69/CRP. 1, 23 July 2014.


\(^\text{19}\) Crépeau and Hastie, ibid., p.165


\(^\text{21}\) EU Fundamental Rights Agency (2013), Apprehension of migrants in an irregular situation, available online at https://fra.europa.eu, preamble

\(^\text{22}\) The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms refers to “individuals, groups and
In these Principles and Guidelines, “human rights defender” should be read as extending to HRDs working with migrants within large and/or mixed movements.

Large movements

The Secretary General’s report on addressing large movements of refugees and migrants asserts that “Whether a movement is characterized as ‘large’ depends less on the absolute number of people moving than on its geographical context, the receiving States’ capacities to respond, and the impact caused by its sudden or prolonged nature on the receiving country.”

The New York Declaration for Refugees and Migrants elaborates further, that: “‘Large movements’ may be understood to reflect a number of considerations, including: the number of people arriving; the economic, social and geographical context; the capacity of a receiving State to respond; and the impact of a movement which is sudden or prolonged. The term does not, for example, cover regular flows of migrants from one country to another. ‘Large movements’ may involve mixed flows of people, whether refugees or migrants, who move for different reasons but who may use similar routes.”

Migrants

In the absence of a universal, legal definition, in these principles and guidelines “international migrant” refers to “any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence.”

In these Principles and Guidelines, “migrants” should be read as extending to migrants within large and/or mixed movements.

associations … contributing to … the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” (fourth preambular paragraph), see http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx

23 Report of the UN Secretary-General, In Safety and Dignity: Addressing large movements of refugees and migrants, A/70/59, 21 April 2016, para. 11.

24 General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.6

25 This definition was defined by OHCHR, see OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders (2014) chap. I, para. 10. IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. Some categories of migrants are defined in international instruments, particularly “migrant worker” or “migrant for employment” which are defined in the 1990 UN Convention on Migrant Workers (Article 2(1)); ILO Convention No. 97, Migration for Employment Convention (Revised), Article 11; ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention, Article 11. UNHCR always refers to ‘refugees’ and ‘migrants’ separately, to maintain clarity about the causes and character of refugee movements and not to lose sight of the specific obligations owed to refugees under international law. See ‘Refugees’ and ‘Migrants’ — Frequently Asked Questions (FAQs), available at http://www.unhcr.org/uk/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html
Mixed migration

There is no official/agreed definition of mixed migration. The term describes the reality of movements of people with varying protection profiles, reasons and needs – including refugees, asylum-seekers, other migrants including those who are in an irregular situation, trafficked persons, unaccompanied and separated children – moving along the same routes, using the same transport or means of travel, often in large numbers.\(^\text{26}\)

Refugee

A refugee is a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”\(^\text{27}\)

Separated children

Are those separated from both parents or from their previous legal or customary primary care-giver, but not necessarily from other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. Children may become separated at any point of their migration.\(^\text{28}\)

Statelessness

A stateless person is defined in article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons as someone who is “not considered as a national by any State under the operation of its law”.\(^\text{29}\) This definition has attained the status of customary international law.

Unaccompanied children

Are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. Children may become unaccompanied at any point of their migration.\(^\text{30}\)

\(^{26}\) OHCHR, Situation of migrants in transit, A/HRC/31/35, 27 January 2016, para.10; UN High Commissioner for Refugees (UNHCR), Inputs to the OHCHR Report on the Protection of the Rights of the Child in Migration Contexts.

\(^{27}\) Convention relating to the Status of Refugees, Article 1.A(2)

\(^{28}\) Committee on the Rights of the Child, General Comment No.6, Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2005/6, 1 September 2005, para 8.

\(^{29}\) The International Law Commission has considered the definition in article 1 (1) of the 1954 Convention to form part of customary international law (A/61/10, chap. IV, para. 49). See also UNHCR, *Handbook on Protection of Stateless Persons: Under the 1954 Convention relating to the Status of Stateless Persons* (Geneva, 2014)

\(^{30}\) Committee on the Rights of the Child, General Comment No.6, Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2005/6, 1 September 2005, para.7
Xenophobia

Describes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.  

Principle 1: Human Rights

Ensure that human rights are at the centre of the response to large and/or mixed movements of migrants, regardless of their status.

Guidelines:

1. Reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migratory status, in policy and practice. Ensure legislation or measures adopted are consistent with their obligations under international human rights law and do not adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants, without discrimination.

2. Promote and support action to prevent statelessness, recognising that statelessness can be a gendered phenomenon, and ensure that all children are able to acquire a nationality. Ensure migrants are issued with identity documentation necessary to secure their rights.

---


32 The international bill of rights (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights) makes exceptions between nationals and non-nationals in respect of only two rights, and only then in limited circumstances, see discussion above at note 13. See also, Human Rights Council, Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements, A/HRC/32/L.22, 28 June 2016; Human Rights Council, Report of the Special Rapporteur on the human rights of migrants: Regional study: management of the external borders of the European Union and its impact on the human rights of migrants, A/HRC/23/46, 24 April 2013, paras.36, 42, 82. Similarly, there is acceptance in international law that international treaties apply to all individuals within the territory of a State, see Declaration on the Human Rights of Individuals Who are not Nationals of the Countries in which they Live, General Assembly resolution 40/144, 13 December 1985, annex, article 1. See also General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.41.


3. Ensure evidence-based and human rights-based governance of migration that addresses the drivers of precarious migration, due attention to saving lives in transit and ensuring human rights at borders. Undertake due diligence prior to adopting new policies on migration including human rights impact assessments, including consultation with all relevant stakeholders, including migrants themselves.

4. Take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, in full compliance with international human rights law, through a whole-of-government approach. Enhance accessible, regular, fair, safe and affordable migration pathways, facilitating regularisation of migrants in irregular status, and promoting holistic approaches that take into account the demand for such pathways that come both from receiving societies as well as the necessity for migrants to reunite with family and seek protection of their rights and recognises the value of diversity. Promote the inclusion of migrants in receiving societies by recognizing the value of cultural diversity and allowing for the unhindered expression of their identities.

5. Ensure that the irregular entry or stay of migrants are not considered a criminal offence, given that border crossing is an administrative issue. Any administrative sanctions applied to irregular

CEDAW, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, paras.58-61; CEDAW, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, 14 November 2014, paras.10, 11, 51-58, 60, 63(e), 63(i), 63(j). See also the “I Belong” campaign to end statelessness by 2024 by resolving existing major situations of statelessness and preventing new cases from emerging, Agenda For Humanity: Annex to the Report of the Secretary-General for the World Humanitarian Summit, Core responsibility 3.C: End statelessness in the next decade; http://www.unhcr.org/ibelong/


entry should be proportionate and reasonable. Ensure that migrants are not liable for criminal prosecution for having used the services of smugglers.\(^{37}\) Do not impose penalties on refugees for unauthorized entry.\(^{38}\)

**Promising Practice**

The Mexican government with UNICEF Mexico have developed the *Protocol for Consular Attention for unaccompanied child and adolescent migrants* as a tool for Consular staff conducting initial assessments of unaccompanied migrant Mexican child and adolescents. The Protocol sets out a number of steps to establish adequate conditions for the interview and helps to provide comprehensive attention, bearing in mind the situation of each underage individual, in order to identify situations of risk and activate the inter-institutional protection chain that guarantees the safeguarding of their rights.

**Principle 2: Non-discrimination**

Counter discrimination in all its forms against migrants, recognising that xenophobia against non-nationals, including migrants, constitutes one of the main sources of contemporary racism.

**Guidelines:**

1. Elaborate and implement legal measures, in conformity with international human rights standards, that protect migrants from multiple and intersecting forms of discrimination throughout their migration.\(^{39}\) Ensure that non-discrimination provisions in legislation are

---


\(^{38}\) Convention relating to the Status of Refugees, Article 31.

\(^{39}\) The principle of non-discrimination is central to all international human rights instruments. The rights guaranteed in international human rights treaties generally apply to everyone, including migrants and other non-nationals, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including immigration status. It is also an important principle and right at work as expressed in two of the ILO fundamental Conventions: Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111). See also the Resolution concerning a fair deal for migrant workers in a global economy, International Labour Conference, 92nd Session, 2004, para. 28: “It is important to ensure that the human rights of irregular migrant workers are protected. It should be recalled that ILO instruments apply to all workers, including irregular migrant workers, unless otherwise stated”, available at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/genericdocument/wcms_178658.pdf. See also, Human Rights Committee, General comment No. 15 (1986) on the position of aliens under the Covenant, paras. 1, 2; Committee on Economic, Social and Cultural Rights, General comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, paras. 24, 30; Committee on the Elimination of Racial Discrimination, General recommendation No. 25: Gender Related Dimensions of Racial Discrimination; CERD, General recommendation No. 30 (2004) on discrimination against non-citizens, paras. 7, 33; Committee on the Elimination of Discrimination against Women, General recommendation No. 26 (2008) on women migrant workers, para. 14; CEDAW, General
applicable to all migration governance measures for migrants in large and/or mixed movements. Review these procedures to ensure compliance with international human rights standards including the principle of non-discrimination. Adopt or amend legislation to ensure the effective accountability of private actors engaged by the State in the response to these movements.  

2. Strongly condemn and take effective measures against all acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes applied to them, including on the basis of religion or belief, and other intersecting forms of discrimination including age and gender. Eradicate impunity by holding those accountable who commit such acts, including politicians, opinion-leaders and the media, and, where appropriate, provide effective remedies to the victims.  


41 ILO Convention No. 97, Migration for Employment Convention (Revised), 1949, Article 6(1)(d); ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention, Article 9(2); ILO Protocol 29, Protocol of 2014 to the Forced Labour Convention, 1930, Article 4; CERD, General recommendation No. 30 (2004) on discrimination against non-citizens, para.9; CERD, General recommendation No. 35: Combating racist hate speech, CERD/C/GC/35, 26 September 2013, para.6; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, para.22; General Assembly resolution 55/2, Millennium Declaration (2000), para.25; General Assembly resolution 65/230, Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (2010), 1 April 2011, para.38; General Assembly, Promoting efforts to eliminate violence against migrants, migrant workers and their families, Resolution 67/185 adopted on 20 December 2012, A/RES/67/185, 12 March 2013, para.5; General Assembly, Protection
instances of hate speech and incitement to hatred are prohibited as criminal offences and brought for review by an independent court or tribunal.\[^42\]

3. Use correct and neutral terminology to describe migrants and promote evidence-based policies on migration drawing on research on the human rights of migrants and impacts and contributions of migrants to host communities, including in terms of economic growth, employment generation, investment and also cultural life.\[^43\]

---

\[^42\] The International Covenant on Civil and Political Rights stipulates in Article 19(3) that domestic law on hate speech must have the restriction provided by law and clear and accessible to everyone; it must be proven as necessary and legitimate to protect the rights or reputation of others; national security or public order, public health or morals; and it must be proven as the least restrictive and proportionate means to achieve the purported aim. See General Assembly, Promotion and protection of the right to freedom of opinion and expression: report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A /67/357, 7 September 2012.


---

4. Devise or support locally-rooted campaigns targeted at the general public, which focus on telling the stories of migrants and those who are affected by migration and which aim to build empathy and solidarity and to confront prejudice, stigmatisation, and the exclusion of migrants.

5. Create or strengthen independent institutions and mechanisms, such as specialised national bodies, to monitor and report on discrimination against migrants.

Promising Practice

The African Centre for Migration & Society (ACMS) at the University of the Witwatersrand in Johannesburg, South Africa, and technology website iAfrikan have launched a crowdsourcing platform called Xenowatch to address the lack of documentation on violence against migrants and refugees, which is not officially monitored, an information gap that constitutes a major challenge in preventing violence. People can report xenophobic threats or violence to Xenowatch online, by SMS or email. Reports will be verified, anonymized and documented on a map using the Ushahidi platform, as well as shared with the police and the United Nations High Commission for Refugees. The ACMS and iAfrikan are working with the South African Local Government Association to have data from Xenowatch be included in the scorecards they use for evaluating local political performance and the data can be used in NGO advocacy efforts to improve accountability.

Principle 3: Rescue and assistance

Protect the lives and safety of migrants and ensure rescue and immediate assistance to all migrants facing risks to life or safety, or imminent danger.

Guidelines:

1. Establish, operate and maintain adequate, effective and disability-, age- and gender-responsive rescue services at all international borders and elsewhere as needed, including equipment such as rescue beacons as well as search and rescue at sea services, to ensure saving lives is the first priority in this context. Search and rescue activities should preferably not be performed by border officers or other officials tasked with immigration enforcement.

---


45 General Assembly, National institutions for the promotion and protection of human rights, A/RES/48/134, 20 December 1993, Annex: Principles relating to the status of national institutions (the Paris Principles), Chapter 1, para.3(g); General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, SDG Targets 16.6, 16(a)

46 International Covenant on Civil and Political Rights, Article 6.1; see also, Human Rights Committee, Draft general comment No. 36 – Article 6: Right to life, CCPR/C/GC/R.36/Rev.2, 2 September 2015, for example at para.11 and Chapter III: The Duty to Protect Life; Political Declaration. Valletta Summit, 11-12 November 2015, Working Group on Trafficking in Persons, CTDC/COP/WG.4/2015/CRP.1, 16 November 2015, para.2; General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing
2. Ensure assistance is provided to any person in distress at sea regardless of the nationality, status, or the circumstances in which migrants have travelled or are found. Provide assistance without discrimination and in a gender-responsive and culturally appropriate manner to all migrants, including medical care, adequate food and water, blankets, clothing, dignity kits, sanitary items, and opportunity to rest. Equip rescue vessels with sufficient supplies to assist all migrants rescued including during large-scale arrivals. Develop guidelines and implement agreements with national protection bodies and other relevant actors to ensure timely and effective referrals for migrants in particular situations of vulnerability, including shipwreck survivors and survivors of trauma, torture and sexual and gender based violence, as soon as possible following their rescue. Put in place measures to respond to the special needs of children, whether they are travelling unaccompanied, have been separated from or are travelling with family/guardians.

3. Ensure those providing search and rescue assistance to migrants are not criminalised for doing so.

4. Establish and support efforts to search for people who have disappeared or died on their journey and facilitate recovery, identification and transfer of human remains and notification of families, both at the national and transnational levels.

---


General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.28
Promising Practice

Front-line officers from the Tucson sector of the US Border Patrol pooled resources to purchase and established rescue beacons at several points in the desert, from where migrants can call the Border Patrol directly when in distress, providing locations of these beacons via their own GPS units.

In Tunisia, MSF is training local fishermen in search and rescue, and training teams from the Tunisian and Libyan Red Crescents in dead body management.

Principle 4: Access to justice
Ensure access to justice for migrants.

Guidelines:

1. Develop or strengthen existing measures, provide competent, independent, gender-responsive legal and other material assistance to migrants including any necessary interpretation services, regardless of status, to enable them to follow due process and access justice, including the right to an individual examination, a judicial and effective remedy, and the right to appeal.\(^{51}\)

2. Strengthen or establish official mechanisms and/or procedures to monitor and provide adequate and effective remedies for human rights violations and abuse to all migrants, irrespective of status. Ensure the gender balance of the monitors corresponds with that of the migrant

\(^{51}\) International human rights and labour treaties contain guarantees relating to equality before the law and an obligation to ensure that everyone benefits from equal protection of the law. See for example, Universal Declaration of Human Rights, Articles 7 and 8; International Covenant on Civil and Political Rights, Articles 2(1), 3 and 14; the International Covenant on Economic, Social and Cultural Rights, articles 2 (2) and 3; Convention on the Elimination of All Forms of Discrimination against Women, in particular Articles 1, 3, 15; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 18; Convention on the Rights of Persons with Disabilities, Article 5, also Article 13 on access to justice; ILO Convention No. 97, Migration for Employment Convention (Revised); ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention; ILO Protocol 29, Protocol of 2014 to the Forced Labour Convention, 1930. See also Agenda 2030 including the SDGs, SDG Targets 16.3 and 16.10 (General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, sustainabledevelopment.un.org); General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.39; Report of the Special Rapporteur on the human rights of migrants: Banking on mobility over a generation: follow-up to the regional study on the management of the external borders of the European Union and its impact on the human rights of migrants, A/HRC/29/36, 8 May 2015, paras.46-48.
Reparation should be proportional to the gravity of the violations and the harm suffered.\textsuperscript{53}

3. Take measures to assist migrants who might be excluded, marginalized or stigmatized on the grounds of gender, sexual orientation, gender identity, migrant status, age or other factors in gaining access to justice.\textsuperscript{54}

4. Develop procedures and standards on the establishment of firewalls between law enforcement, and criminal justice actors, labour inspectors and immigration enforcement authorities or private actors.\textsuperscript{55}

5. Provide relevant gender-sensitive information on rights, remedies, victim support services, and the criminal justice process, to all migrants, with the necessary interpretation and translation services and in an age-appropriate and accessible format.\textsuperscript{56}

6. Ensure migrants, including child migrants, have legal representation in any hearings that affect them, with quality legal aid made available without any cost to them and regardless of

\textsuperscript{52} This is necessary to support reporting of human rights violations around which there is stigma, see C. Sollitt / RMMS, \textit{The Least Condemned Crime: Sexual and Gender Based Violence against Migrants and Asylum Seekers on the Move in the Horn of Africa}, Regional Mixed Migration Secretariat (RMMS), 15 August 2016, available at http://www.regionalmms.org/index.php/component/sp_simpleportfolio/item/52-the-least-condemned-crime-sexual-gender-based-violence

\textsuperscript{53} Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A /RES/60/147, 21 March 2006, para.15. See further at note 150.

\textsuperscript{54} CEDAW General Recommendation No. 26 on women migrant workers, Article 26 (l).


\textsuperscript{56} Committee on the Elimination of Racial Discrimination, General recommendation 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, A/60/18, para. 7, 8, 17(c); Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/2010/47/GC.2, 19 October 2010, para.27; CEDAW, General Recommendation No. 26 on women migrant workers, CEDAW/C/2009/WP.1/R, 5 December 2008, para.13; CEDAW, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, 14 November 2014, para.50(b); CEDAW General Recommendation 33 on women’s access to justice, CEDAW/C/GC/33, 23 July 2015, para.11; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, paras.28, 30, 31.
nationality, migrant status, or statelessness, establishing special measures as necessary. Such measures should address the special needs of these groups, including gender-responsive and age-appropriate measures.

7. Establish mechanisms to ensure migrants are able to participate, give evidence and testify whether they are in the jurisdiction of the prosecuting State or not, and without fear of expulsion.

Promising Practice

Article 1 of European Union Directive 2012/29/EU requires States to ensure access to justice and victim support for all victims of crime, irrespective of their residence status.

Principle 5: Border governance

Ensure that all border governance measures protect the human right to freedom of movement and the right of all persons to leave any country including their own, recognising that States have legitimate interests in exercising immigration controls.

Guidelines:

1. Protect the right of all persons to leave any country including their own, and ensure existing migration- and border- governance legislation and measures are human rights-compliant and do not adversely impact on the human rights and dignity of migrants, regardless of status.

---


59 OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, A/69/CRP. 1, 23 July 2014, Guideline 2(14)

2. Ensure that emigration is not criminalised and that no migrant is criminalised for crossing a border irregularly or with the help of a facilitator.61

3. Prohibit disproportionate and unlawful border measures and facilitate border crossings, including by landing points for safe disembarkation.62 Prohibit pushbacks, arbitrary and collective expulsions in all areas where the State exercises jurisdiction or effective control including outside the territory of the expelling State, at border areas and on the high seas.63

4. Take all reasonable measures to minimise the duration for which migrants are delayed at borders or other points on their journey so as to minimise opportunities where they may be targeted for exploitation or other human rights abuse.

5. Ensure an adequate number of trained staff, whether state or non-state actors, recognising that migrants’ arrival or disembarkation points may not be at the state border. Training should be specifically tailored to migration experiences and abuses that can occur throughout the migration process, to support staff and volunteers performing their respective roles in accordance with international law.

6. Establish mechanisms in the context of entry and expulsion decisions to allow adequate time to assess the individual situation of all migrants, without discrimination, and with competent legal advice and support, in order to properly identify individual protection needs and status and arrange appropriate referral. Prevent or suspend their expulsion until such an assessment has been completed or an appeal against any negative decision has been completed.64

---


64 International Covenant on Civil and Political Rights, Article 13; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 22, Committee on the Protection of
7. Provide training for border authorities and other officials, including of municipal authorities and local governments, in contact with migrants on their obligations under international human rights law, using human rights-based and age-, disability- and gender-responsive border- and migrant-specific training materials. 65

8. Follow OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders. 66

---

Promising Practice

Article 40 of the Ecuador Constitution recognizes the right of all individuals to migrate, and provides that no person shall be identified nor considered as illegal due to his or her migration status.

---


Principle 6: Returns

Ensure that all returns are only carried out in full respect for the human rights of migrants and in accordance with international law, including upholding the principle of non-refoulement, the prohibition of arbitrary or collective expulsion, the right to family life, as well as the right to seek asylum.

Guidelines:

1. Ensure any consent given to voluntary return processes is fully informed and given free of any coercion, including the actual or imputed prospect of indefinite detention or detention in inadequate conditions.\(^{67}\)

2. Make every effort to secure the sustainability of returns (and reintegration in the country of origin), by mitigating the risks returnees face upon arrival in countries of origin through measures including ensuring their equal enjoyment of human rights, including with regard to social protection, health care, education and employment, and adequately resourcing safety audits (where appropriate), gender-, disability- and child-specific reintegration programmes. Create independent reporting structures for potential or actual human right violations during and/or after returns.\(^{68}\)

3. Decisions on return of children (including unaccompanied or separated children) should be informed by an effective determination in accordance with the principle of the best interests of the child, carried out by specifically trained officials. Provide competent legal representation for children facing expulsion/return. Any returns of children should only take place when it is determined to be in the best interests of the child. This should be determined in a formal procedure containing the necessary safeguards, assesses all solutions available to the child, that incorporates the component of adequate development and survival of the child, and where there is adequate safe reception in their country of origin and an adequate plan for the child’s sustainable reintegration and adequate and ongoing post-return evaluation.\(^{69}\) Ensure families

---


\(^{69}\) Committee on the Rights of the Child, General Comment No. 6 on the treatment of unaccompanied or separated children outside their country of origin, 2005, paras.27, 28, 53, 58, 82-89, 92,93; Inter-American Court of Human Rights, *Rights and guarantees of children in the context of migration and/or in need of international protection*, Advisory Opinion of 19 August 2014, paras. 222 and 231-233, available (in English) at http://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf; UNHCR, *Protection Training Manual for*
are returned as units to avoid involuntary separation.\textsuperscript{70} Ensuring that families are kept together in the country of residence, rather than the parents being deported without their children, where return has been deemed not to be in the child’s best interest.\textsuperscript{71} In cases of separation, ensure that family tracing efforts continue after return.

4. Develop mechanisms in the context of entry and expulsion decisions to assess the individual situation of all migrants, without discrimination, in order to properly assess their risks, situation and rights such as protection from return to torture or need for human rights protection; and allow adequate time to conduct this assessment.\textsuperscript{72}

5. Institute mechanisms for independent human rights monitoring of violations of the principle of non-refoulement, the right to seek asylum, forced returns, and collective expulsions also after arrival in countries of origin (and transit for those who are returned after decisions of non-admission). Ensure that all allegations of human rights violations during return processes are promptly and impartially investigated and the migrants who were targeted have the right to a remedy for those violations, regardless of nationality or migrant status.\textsuperscript{73}

\textbf{Promising Practice}

Post-return monitoring is carried out by local NGOs in Uganda for unaccompanied or separated children returning from Norway and in the Democratic Republic of Congo for unaccompanied or separated children returning from Belgium. This includes, in some instances, post-return support for families.


\textsuperscript{70} Convention on the Rights of the Child, article 9(4).

\textsuperscript{71} Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, para.50


\textsuperscript{73} International Covenant on Civil and Political Rights, Article 2(3); International Convention on the Elimination of All Forms of Racial Discrimination, Article 6; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 14; Convention on the Rights of the Child, Article 39; Committee against Torture, General Comment No. 3: Implementation of article 14 by States parties, CAT/C/GC/3, 19 November 2012; General Assembly, Resolution 60/147: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A /RES/60/147, 21 March 2006.
Principle 7: Violence
Protect migrants from all forms of violence and exploitation, whether inflicted by institutions, officials, or by private individuals, entities or groups.

Guidelines:

1. Take preventative measures to protect migrants from violence and exploitation, whether inflicted by state institutions, officials or by private individuals and entities or groups, including provision of measures to ensure the safety and protection of, or safe spaces for, migrants who have been subjected to violence, and special protection measures to prevent reoccurrence or further victimisation.  

2. Establish accessible and confidential gender-based violence prevention and protection services, and functioning national and transnational referral pathways.

3. In consultation with representative employers’ and workers’ organizations, criminal justice actors and organizations representing migrants, ensure that legislation, policies and practice...
reduce risks that migrants including children will be exploited by those offering services or work, including being subject to forced labour or trafficking in persons. States should ensure that sanctions imposed are proportionate to any human rights violations committed against migrants. Ensure that child migrants, in particular unaccompanied or separated children, are shielded from exploitation and abuse, including human trafficking and the worst forms of child labour.

4. Ensure that all immigration facilities adhere to sexual and gender-based violence prevention and response standards, providing safe accommodation and assistance, and services where migrants’ experiences of violence, including domestic violence, can be addressed without causing further trauma or harm and uphold sexual and reproductive rights, including access to essential medicines and services. Ensure that prevention and response measures for sexual

---


and gender-based violence, are accessible for all persons, including migrants of all ages, sexual orientations, gender identities, and abilities.

5. Provide referrals to gender-responsive and culturally-appropriate services including medical, sexual and reproductive healthcare, and psycho-social and other relevant support services to assist in recovery and rehabilitation. Ensure service providers are trained to develop their understanding of and sensitize them to the needs of migrants and their families who have been affected by violence, whether on the basis of their identity or experience as migrants, or/and in combination with other factors, and to overcome any anti-migrant bias. Ensure appropriately tailored information about protection, services and rights is made available to migrants in a format and language they understand and in an appropriate manner.

6. Strengthen law enforcement and criminal justice responses to violence against migrants or their families to ensure the investigation and prosecution of excessive use of force (including lethal force), any act of violence or violation of the human rights of migrants, regardless of the status or situation of the migrant or whether the alleged perpetrator was acting in a public or private capacity. Take measures to encourage migrants to report crimes committed against them and ensure firewalls between law enforcement and criminal justice actors and immigration enforcement authorities to ensure migrants are able to report crimes against them, participate in criminal justice proceedings and access related assistance and support, and are not deterred.


81 Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992, para.2; General Assembly, Protection of Migrants, Resolution adopted on 19 December 2011, A/RES/66/172, 29 March 2012, para.4(e).
from doing so due to fears of arrest, detention and expulsion on the basis of their migration status.  

**Promising Practice**

The LGBT group “Fliederlich” in Germany opened the first shelter for LGBT refugees and migrants in Nuremberg, at the request of a number of people who felt threatened in the shelters where they were accommodated. There were also plans to open a larger shelter in Berlin.

Several EU Member States reported the possibility of referring victims of gender-based violence to specialised women’s shelters, providing immediate and safe accommodation to female victims of violence and their children, such as Austria, Greece, Germany, Italy, Hungary and Sweden. In Greece, in case of need, persons who are particularly vulnerable to gender-based violence are transferred to special facilities. There are 21 available shelters for victims of sexual and gender-based violence in Greece. Information on these mechanisms is available at registration and reception facilities. In Hungary, there is one special accommodation available for victims of sexual violence, torture or rape at the protected shelter in Kiskunhalas.

**Principle 8: Detention**

Uphold the right of migrants to liberty through making targeted efforts to end immigration detention of migrants. Never detain migrant children on account of their migration status or that of their parents.

**Guidelines:**

1. Establish a presumption against immigration detention in law.  

---


83 International Covenant on Civil and Political Rights, Article 9(1); Human Rights Committee, General Comment No. 8, Article 9 (Right to Liberty and Security of Persons), 30 June 1982, para.1; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Article 16(1); Convention Relating to the Status of Refugees 1951, Article 31(2); UNHCR, **Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum-Seekers**, Guideline 2, Guideline 3; Report of the Special Rapporteur - Migrant Workers, E/CN.4/2003/85, 30 December 2002, paras.73 and 74; Report of the Special Rapporteur on the human rights of migrants, A/HRC/20/24, 2 April 2012, para.68; Human Rights
2. Work towards progressively ending all forms of immigration detention. Until then, ensure that immigration detention is only ordered by a court of law as a measure of last resort determined on a case-by-case basis and implemented in line with international human rights law and its procedural safeguards. These must include respect for due process of law, and fair trial guarantees, ensuring detention is of limited scope and duration, necessary and proportionate, with no suitable alternatives available to meet the legitimate aim. The reasons for detention clearly defined in law and explained to migrants.

3. Ensure detention conditions meet international standards and reflect the administrative purpose of the deprivation of liberty for which migrants are being detained, imposing restrictions on individual autonomy only to the extent necessary to protect the rights of others and to maintain public order and providing varied and appropriate activities to minimise the risks associated with immigration detention.

---


4. Enforce the principle of non-detention for immigration purposes of all children, regardless of their status or the status of their parents, and expeditiously and completely cease all such detention of children.\(^{86}\) Ensure also that migrants with special protection needs including but not limited to pregnant or nursing migrants, elderly migrants, migrants with a disability, survivors of torture or trauma, migrants with physical or mental health needs, trafficked persons, stateless persons, and refugees, are not placed in detention.\(^{87}\) Ensure refugees are not criminalised for unauthorized entry, that migrants are not liable for criminal prosecution for having used the services of smugglers and that trafficked persons are not detained, imprisoned, or criminalised for offences they were compelled to commit as a consequence of trafficking.\(^{88}\)

5. Grant temporary residence status to any migrants who cannot be removed, including those who are stateless and refused admission into the territory of their country of origin or habitual residence, or for whom there are practical obstacles to return to their country of origin or

---


residence. Do not hold individuals who are in such situations in indefinite or protracted detention.  

6. Develop national plans to end immigration detention and to implement human rights-compliant, non-custodial, community-based alternatives to detention based on an ethic of care. Cooperate with independent monitoring including by competent international organisations and civil society to ensure fair and humane treatment.

7. Provide guidance on best practices for temporary reception facilities in order to uphold the right to liberty and avoid unnecessary detention and restrictions upon personal autonomy.

8. Ensure accountability and remedy for any instances of arbitrary detention, deficiencies in detention standards and any violations or abuse of the human rights of detained migrants, or the use of the threat of detention as extortion for money or sex, by state actors and private individuals, entities or security forces.


91 CEDAW General Recommendation 33 on women’s access to justice, CEDAW/C/GC/33, 23 July 2015, para.51(n)

Promising Practice

In Mexico, the Regulations (Reglamento) for the Law on the Rights of Children prohibit the immigration detention of children (Article 111, 2 December 2015).

Lithuanian law contains an exhaustive list of alternatives to detention, including: periodic reporting to the territorial police office at a reporting frequency decided by the court; trusting the foreigner to the guardianship of a citizen or a foreigner legally residing in the country; or reporting about her place of stay by means of communication at certain times to the territorial police office.

Principle 9: Family unity
Ensure widest protection of the family unity of migrants, facilitating family reunification, and preventing arbitrary or unlawful interference in the right of migrants to the enjoyment of private and family life.

Guidelines:

1. Develop measures to ensure the non-separation of migrant families with children, including in disembarkation, reception and registration processes, and make all efforts to return an unaccompanied or separated child to their parents, in accordance with the principle of the best interests of the child, noting that reunification in the country of origin may not be in the child’s best interests. Ensure that a child who is capable of forming his or her own views enjoys the right to express those views freely in all matters affecting him or her, in particular concerning decisions about his or her possible return to the family, the views of the child being given due weight in accordance with his or her age and maturity. Maintaining family unity should never form the justification for the detention of children whose parents/guardians are detained; alternatives to detention should instead be applied to the entire family.


2. Take positive measures, both at the domestic level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when family members are separated for political, economic or similar reasons.\textsuperscript{95}

3. Facilitate migrants’ communication with family members.

4. Ensure family registration processes recognise that various forms of family exist and do not practice gendered or other stereotyped or prejudicial assumptions in registering family representatives.\textsuperscript{96}

---

**Promising Practice**

In Serbia, Save the Children runs rapid family reunifications of children accidentally separated from their families during transit periods.

Uruguay recognizes the right to family reunification, due process and access to justice in its legislation.

---

**Principle 10: Child migrants**

Guarantee the human rights of all children in the context of migration, and ensure that they are treated as children first and foremost.

**Guidelines:**

1. Ensure policy, practice and guidance on migrant children are based on international law, in particular the principle of the best interests of the child and with the full participation of migrant children as primary stakeholders.\textsuperscript{97}

2. In case of reasonable doubt regarding the age of a migrant, provide multidisciplinary age determination procedures which draw on assessments by psychologists, social workers, or qualified others, in a safe, child- and gender-responsive manner with due respect for human

---

\textsuperscript{95} Convention on the Rights of the Child, Article 5, 10, 22; ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention, Article 13(1); Human Rights Committee, General Comment No. 19 on the Protection of the family, the right to marriage and equality of the spouses (Art. 23), 27 July 1990, para. 5; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 44; CEDAW General Recommendation No. 26 on women migrant workers, CEDAW/C/2009/WP.1/R, 5 December 2008, para.26(e). General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.57. See also, OHCHR, Family Reunification, OHCHR Migration Papers, November 2005


\textsuperscript{97} Convention on the Rights of the Child, Articles 3, 12; General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.32.
dignity and a presumption in favour of the child in situations of ambiguity. Ensure equal standards of protection are provided to all children regardless of age.98

3. Provide unaccompanied and separated migrant children with special protection and assistance.99 Establish or strengthen qualified and independent guardianship mechanisms to ensure they are promptly appointed to give the necessary assistance to all unaccompanied and separated children and/or child-headed households as soon as they are identified.100 Work on national implementation plans to assign lawyers and qualified and trained guardians, including with respect to cultural identity issues, to unaccompanied and separated children.

4. Ensure the effective provision of free birth registration for all children in the context of migration, irrespective of the migrant status of their parents.101

5. Ensure screening of child migrants is conducted by a child protection officer, and not an immigration/border enforcement officer. Coordinate child protection policies and systems internally and across borders that are in full compliance with international human rights law and ensure that response teams are trained in good practices such as child-friendly communication, with an adequate number of trained child protection officers at all stages of the migration journey including following return to their country of origin.102 Ensure that national child protection systems, in their design and implementation, take into account the distinctive needs and views of child migrants.

6. Provide guidance based on international law and best practice on the operationalization of the principle of the best interests of the child for migrant children who may not be making a claim for asylum under the 1951 Convention.


99 Convention on the rights of the child, Article 20; Committee on the Rights of the Child, General Comment No. 6 on the treatment of unaccompanied or separated children outside their country of origin, 2005.


Promising Practice

Some EU states, such as Belgium and Finland, ensure every unaccompanied or separated migrant child is assigned a guardian. In Belgium, a condition for approval of guardians is participation in ongoing training. To share good practice, the Belgian NGO Service droit des jeunes has created and administers with guardians, an online forum on unaccompanied and separated children to encourage networking among guardians, specialized lawyers, and NGOs.

Principle 11: Women migrants
Protect the human rights of migrant women and girls.

Guidelines:

1. Ensure programming is designed to meet the particular needs and rights of migrant women and girls. Provide adequately trained women case workers, interviewers and independent interpreters and ensure childcare is made available during the interviews to ensure women are able to present their situation and any claim for human rights protection claims in a safe, culturally-appropriate and gender-responsive environment. Ensure women’s reports of human rights abuses, including for asylum claims, are not treated through the lens of male experiences.103

2. In any centres for migrants, ensure women and girls are not discriminated against in asset allocation and control over resources, with processes adequately addressing the gendered needs of migrants. Provide well-lit, safe and private gender-friendly WASH (water, sanitation and hygiene) facilities.104

3. Ensure the availability of women’s protection and information point persons at all sites to provide women and girl migrants who have experienced trauma including sexual and gender-based violence with access to specialised medical and psychosocial support, sexual and


reproductive health services and information, safe spaces including mother/baby-friendly spaces, and women’s shelters.\textsuperscript{105}

4. Provide training, monitoring and supervision of Government agents and private sector actors to ensure border police and immigration officials are adequately equipped, trained, supervised and monitored for non-discriminatory practices and responsiveness to the gender-specific needs and human rights of women and girl migrants.\textsuperscript{106}

5. Ensure a robust gender analysis of the differential impacts of migration policies and programmes on migrants of all genders and ages, with special attention to the ways in which women and girls are only understood as victims in need of protection leading to restrictions on their mobility as a means of protection that in effect violate their rights and increase migration-related risks.\textsuperscript{107} Review and amend any gender discriminatory restrictions on migration in law or practice that limit opportunities for women or that do not recognise the autonomy of women to make their own decisions.\textsuperscript{108}

6. Employ a gender lens through all stages and all aspects of the response, including specific consideration of gender in the context of bilateral and multilateral agreements, detention/deportation and readmission/repatriation.\textsuperscript{109} Involve a cross-section of women and

\textsuperscript{105} International Convention on the Rights of All Migrant Workers and Members of Their Families, art. 16 (2); International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (b); Committee Against Torture, General Comment No. 3: Implementation of article 14 by States parties, CAT/C/GC/3, 19 November 2012, para.18; CEDAW, General recommendation No.26 on women migrant workers, paras.21, 26(i); CEDAW, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, para.80(k); CEDAW, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, paras.15, 22, 23, 46, 50(i); Committee on the Elimination of Racial Discrimination, General Recommendation 25: Gender Related Dimensions of Racial Discrimination (2000), para.2; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, paras.21, 22; Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016) Article 6: Women and girls with disabilities, CRPD/C/GC/3, 2 September 2016, para.49; General Assembly, Resolution 70/130 adopted on 17 December 2015: Violence against women migrant workers, A/RES/70/130, 8 February 2016; General Assembly, Report of the Secretary-General on violence against women migrant workers, A/70/205, 27 July 2015, para.67; Women’s Refugee Commission, EU–Turkey Agreement Failing Refugee Women and Girls (2016), available at https://www.womensrefugeecommission.org/images/zdocs/EU-Turkey-Refugee-Agreement-Failing.pdf

\textsuperscript{106} CEDAW, General recommendation No.26 on women migrant workers, para.25(a); CEDAW, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, paras.34, 44

\textsuperscript{107} General Assembly, Report of the Special Rapporteur on the human rights of migrants, A/71/40767, 20 July 2016, para.123, see also para.59

\textsuperscript{108} CEDAW, General recommendation No.26 on women migrant workers, paras.24(a), 26(a); CEDAW, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, para.40; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, para.8, SDG Targets 5.1, 5.5, 16(b); ILO Committee of Experts, Promoting fair migration: General Survey concerning the migrant workers instruments, ILC.105/III(18), 2016, para.543.

7. Involve a cross-section of women migrants of different nationalities and including adolescent girls, women-headed households, pregnant women, women with disabilities, and other women and girls in drafting and regularly reviewing policies and programmes to ensure they are adequate to their needs and human rights.\textsuperscript{111}

**Promising Practice**

In the former Yugoslav Republic of Macedonia, WASH facilities in Gevgelija are made of semi-permanent construction sanitation blocks with wheelchair accessible sex-segregated toilets, sex-segregated showers and hand washing facilities. The facilities are lit at night. There is a separate mother/baby changing station in the sanitation block which can be accessed by requesting a key from the UNICEF Child Friendly Space nearby. All toilet facilities appear to be clean and well kept.

**Principle 12: Right to health**

Ensure the enjoyment of the highest attainable standard of physical and mental health of all migrants.

Guidelines:

1. Promote migrant-responsive health policies and programme interventions that can provide equitable, affordable and acceptable access to essential health promotion, disease prevention and good quality care for migrants.

2. Provide timely and accurate information on migrants’ health issues, access to health services including primary health, and their health rights. This should include sexual and reproductive health services, nutrition and rehabilitative as well as emergency medical care that are available to migrants along migratory routes and at reception points in a language and format that migrants can understand.\textsuperscript{112} Ensure national plans of action on health are inclusive of migrants.

\textsuperscript{110} of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.31.


\textsuperscript{112} Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health, paras.3, 11, 12(b), 14, 18, 21, 22, 23, 34, 35, 36, 37, 44(d), 50; Committee on the Rights of the Child, General Comment No. 4, Adolescent health and development in the context of the Convention on the Rights of the Child, CRC/GC/2003/4, 1 July 2003, paras.26-33, 39(b), 40; CRC,
3. Deliver non-discriminatory and culturally-appropriate and gender-responsive health care including clinical diagnosis, treatment and health promotion, which is tailored to the needs of migrants and in line with human rights standards of non-discrimination, non-stigmatizing, voluntary testing, informed consent, adequate pre- and post-test counselling, confidentiality and privacy.\(^{113}\) It should also be linked to accessing treatment, care and support. Ensure this includes timely vaccinations for children.\(^{114}\)

4. Provide access to rights-based, comprehensive and integrated sexual and reproductive health information and services, including, inter alia, safe and effective methods of modern contraception; emergency contraception; maternal health care including emergency obstetric services, pre- and post-natal care; safe abortion care; prevention, treatment, care and support for sexually transmitted infections including HIV\(^{115}\), and specialised care for survivors of sexual violence.\(^{116}\) Provide, as a priority, a minimum initial service package for reproductive health.\(^{117}\)

---

General comment No. 15: The right of the child to the enjoyment of the highest attainable standard of health (Article. 24), CRC/C/GC/15, 14 March 2013, paras.10, 15, 54, 58, 59, 69, 114; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, para.26, SDG Target 3.8

\(^{113}\) The Committee on Economic, Social and Cultural Rights notes that States have an obligation to ensure that all migrants have equal access to preventive, curative and palliative health services, regardless of their legal status and documentation, General Comment No. 14 (2000) on the right to the highest attainable standard of health, para. 34; The principle of non-discrimination when implementing health measures is also provided by the International Health Regulations (IHR) (2005) in Article 42; see also, CESCR, General comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 30; The Convention on the Rights of the Child, Article 24; CRC General Comment No. 3 on HIV/AIDS and the rights of the child, CRC/GC2003/3, 17 March 2003, paras. 21 and 28; Committee on the Elimination of Racial Discrimination, General Recommendation No. 30: Discrimination against non-citizens, CERD/C/64/Misc.11/rev.3 (2004), paras.29, 36; Committee on Migrant Workers, General Comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, paras.72-74; Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016) Article 6: Women and girls with disabilities, CRPD/C/GC/3, 2 September 2016, paras.39, 49; Report of the Special Rapporteur on the human rights of migrants, A/HRC/14/30, 16 April 2010; OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders (2014), Guidelines 6.6 and 6.7; Parliamentary Assembly of the Council of Europe, Europe’s boat people: mixed migration flows by sea into southern Europe, Resolution 1637 (2008), para.9.13.

\(^{114}\) Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health, paras.36, 44(b); Committee on the Rights of the Child, General comment No. 15: The right of the child to the enjoyment of the highest attainable standard of health (Article. 24), CRC/C/GC/15, 14 March 2013, para.83; OHCHR, Study 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, A/HRC/15/29, 5 July 2010, para. 63.

\(^{115}\) Any HIV testing offered should be conducted in a voluntary manner, with pre-and post-test counselling, informed consent and in privacy; results should be confidential. There should be no negative consequences of testing HIV positive such as expulsion, restriction of freedom of movement and denial of access to care as these represent a violation of rights and do not serve public health objectives.

5. Provide access to rights-based health services, and ensure that necessary health and social services are delivered, within available resources, to refugees and migrants in a gender-responsive, culturally and linguistically appropriate way without stigma, through advocacy and the provision of cultural mediators; and by enforcing, when necessary, laws and regulations that prohibit discrimination.

6. Develop strategies to ensure adequate information and care for the management of long-term or chronic health needs.\textsuperscript{118}

7. Recognise migrants’ enhanced mental health needs and ensure access to culturally-appropriate and gender-responsive mental health care through their migration including referrals to appropriate secondary services. Design and deliver mental health promotion programmes in partnership with migrants.\textsuperscript{119}

\textsuperscript{117} Interagency Working Group (IAWG) on Reproductive Health in Crises, \textit{Minimum Initial Service Package (MISP) for Reproductive Health in Crisis Situations}, https://www.womensrefugeecommission.org/srh/emergency-response/misp


8. Develop procedures and standards on the establishment of firewalls between public health service providers and immigration enforcement authorities or private actors.\textsuperscript{120}

9. Ensure migrants who are detained are held in conditions that meet all requirements of health, with access to necessary healthcare services including for sexual and reproductive health, mental health conditions, free of charge and without discrimination on the grounds of their legal status.\textsuperscript{121}

\begin{table}[h]
\centering
\begin{tabular}{|c|c|}
\hline
\textbf{Promising Practice} & \\
\hline
At the World Humanitarian Summit, the United Nations Population Fund (UNFPA) and 13 States – Australia, Central African Republic, Denmark, Finland, Iceland, Liberia, The Netherlands, Norway, The Philippines, Sweden, Switzerland, United Kingdom, and Uruguay – committed to intensifying humanitarian action to ensure universal access to sexual and reproductive health and reproductive rights in crisis settings to save lives, uphold human rights and dignity, and ensure that no one is left behind. This includes a rollout by 2017 of the Minimum Initial Services Package (MISP) within 48 hours of an emergency which will help prevent maternal and newborn deaths; support those who have been targeted for sexual violence and subsequent trauma; sexually transmitted infections; unwanted pregnancies and unsafe abortions; and the possible spread of HIV. & \\
\hline
\end{tabular}
\end{table}

\textsuperscript{120} With specific reference to health services, the Committee on Migrant Workers affirms: “States parties shall not require public health institutions to report or otherwise share data on the migration status of a patient to immigration authorities, and health care providers should also not be required to do so” – General Comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, para.74. See also more generally, definitions (this document), and EU Fundamental Rights Agency (2013), \textit{Apprehension of migrants in an irregular situation}, available online at https://fra.europa.eu, preamble; F. Crépeau and B. Hastie, The Case for ‘Firewall’ Protections for Irregular Migrants: Safeguarding Fundamental Rights, \textit{European Journal of Migration and Law} 17 (2015) 157–183; European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 16 on Safeguarding Irregularly Present Migrants from Discrimination, adopted on 16 March 2016, Council of Europe, Strasbourg, CR(2016)16, available at http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N16/REC-16-2016-016-ENG.pdf

Principle 13: Adequate standard of living
Safeguard the right of migrants to an adequate standard of living.

Guidelines:

1. Make provisions for the access of migrants, including in temporary locations, to adequate standard of living for themselves and their families, including adequate safe food and nutrition in a quantity and quality sufficient to satisfy an individual’s dietary needs and culturally acceptable, potable water and sanitation, clothing and housing. Ensure these are accessible to all migrants including migrants with disabilities.

2. Ensure migrants have access to shelter adequate to protect them from threats to their safety, both external and internal to the housing, and to provide for migrant children’s development. Ensure migrants are included in national plans of action on housing.

122 International Covenant on Economic, Social and Cultural Rights, Article 11(1). See also Convention on the Elimination of All Forms of Discrimination Against Women Article 14(2), Convention on the Rights of the Child Article 24(2), Article 27. Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20, that the rights enshrined in the Covenant, including the right to adequate housing, apply to all people, including non-nationals and migrant workers, regardless of their legal status and documentation. In its General Comment on the right to water, CESCR notes: “In disaster relief and emergency assistance, including assistance to refugees and displaced persons, priority should be given to Covenant rights, including the provision of adequate water.” CESCR, General Comment No. 15 (2002), The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2002/11, 20 January 2003, para.34. In its General Comment 12 on the right to food, the Committee called for the provision of safe and culturally acceptable food in emergencies. CESCR, General Comment No.12 (1999), The right to adequate food (art. 11), E/C.12/1999/5, 12 May 1999, paras. 38 and 39; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, SDG Targets 6.1, 6.2, 11.1. See also General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.10: “we stress [migrants’] need to live their lives in safety and dignity”.


124 According to the Commission on Human Settlements, adequate shelter is defined as “adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities – all at a reasonable cost.” UN General Assembly Global Strategy for Shelter to the Year 2000, A/RES/46/163 19 December 1991; General Assembly, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/65/261, 9 August 2010, on migration and the right to adequate housing; see also General Assembly, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/66/270, 5 August 2011, on the elements of a general framework of disaster response based on the right to adequate housing; L. Farha (2002) Is There a Woman in the House? Re/Conceiving the Human Right to Housing. Canadian Journal of Women and the Law 14(1), 118–41; Convention on the Rights of the Child, Article 27; Committee on the Elimination of Racial Discrimination, General Recommendation No. 30: Discrimination against non-citizen, CERD/C/64/Misc.11/rev.3 (2004), para.29, recommends States should respect the right of
3. Ensure any evictions or displacements considered to be justified are carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. Ensure that migrants are not subjected to forced eviction and are provided an effective remedy if their rights are violated.  

4. Develop procedures and standards on the establishment of firewalls between public service providers, public or private housing providers, and immigration enforcement authorities or other relevant private actors and ensure that irregular migrants, or private actors who facilitate them exercising their right to an adequate standard of living, are not criminalised.  

Promising Practice

In March 2016, the European Commission against Racism and Intolerance (ECRI), part of the Council of Europe, has adopted policy advocating for firewalls prohibiting the sharing of the personal data of, or other information about, persons suspected of irregular presence or work, with the immigration authorities for purposes of immigration control and enforcement.

Principle 14: Decent work

Guarantee the right of migrants to decent work, in just and favourable conditions

Guidelines:

1. Develop national policy, and national action plans as appropriate, to ensure the protection of the rights of migrants in the labour market, including in respect of access to decent work and livelihood, given the right to work and the right to just and favourable conditions of work is a right of everyone, without distinction of any kind.

---

Committee on Economic, Social and Cultural Rights, General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions, 1997.


2. Ensure equality of treatment and non-discrimination with nationals and among all workers without distinction in respect of the terms and conditions of employment, including wages, rights in the workplace, social dialogue including trade union rights, recognition of skills and qualifications, and social protection. Ensure migrants are not discriminated against on the basis of occupation, recognising that many migrants are restricted to work in the informal economy and are often excluded from legal protection under national labour laws and from national statistics and legal protection.

3. Strengthen or make provision for adequate supervision by the competent labour market authorities/duly authorized bodies, such as labour inspection services, of working conditions for migrants. Ensure this is not used to check the migration status of workers by developing procedures and standards on the establishment of firewalls between labour inspection services and immigration enforcement authorities.

Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.57; Report of the UN Secretary-General, In Safety and Dignity: Addressing large movements of refugees and migrants, A/70/59, 21 April 2016, para.65

Committee on Economic, Social and Cultural Rights, General Comment No. 23 (2016) on the Right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/23, 8 March 2016, para.5. The Committee specifies this applies to migrant workers and goes on to clarify that migrant workers are not just those in the country through regular / documented means (para.47(v)) and also CESCR General Comment No. 18: The Right to Work (Art. 6 of the Covenant), E/C.12/GC/18, 6 February 2006, para.18; Committee on the Elimination of Racial Discrimination, General Recommendation No. 30: Discrimination against non-citizens, CERD/C/64/Misc.11/rev.3 (2004), para.29; ILO Decent Work framework; ILO Declaration on Fundamental Principles and Rights at Work Declaration, 1998; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, paras.9, 27, SDG Target 8.8


Committee on Economic, Social and Cultural Right, General Comment No. 23, ch.1 para.4, ch.II, paras.1, 26, 47(iv), 54, 56, 59, 62, 64.

4. Provide access to workers’ compensation schemes in the case of occupational injuries or accidents, irrespective of migrant status.\textsuperscript{132}

Promising Practice

In Thailand, all workers, regardless of migrant status, have the right to claim compensation in case of accident or injury at work through the Workmen’s Compensation Fund. All employers are obligated to pay into the fund and may be liable under civil or criminal law if they do not.

Principle 15: Right to education

Protect the right of migrants to education, including primary and secondary education as well as higher education and vocational and language training.

Guidelines:

1. Develop procedures and mechanisms to ensure the access of all school-aged migrant children, including separated and unaccompanied children, as well as undocumented children, to adequate and appropriate education, on the basis of equality of treatment with nationals and with primary education free of charge for all.\textsuperscript{133}

\textsuperscript{132} ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), Article 1; CESC\textsuperscript{133} General Comment No. 23, paras.29, 57.

\textsuperscript{133} ICESCR Articles 13.1(a) and (b), 14; Convention on the Rights of the Child, Articles 23(3), 28; Convention on the Rights of Persons with Disabilities Article 24; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 30; The Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin, paras.41, 42; Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 11: Plans of Action for Primary Education (Art. 14 of the Covenant), 10 May 1999, E/1992/23, (1999), paras.6 and 7; CESC\textsuperscript{135}, General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10, in particular paras.9, 13, 24, 34; CESC\textsuperscript{136}, General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20, para. 30; Committee on the Elimination of Racial Discrimination, General Recommendation 30: Discrimination against non-citizens (2004), CERD/C/64/Misc.11/rev.3, para.30; Committee on Migrant Workers, General Comment No. 1 on Migrant Domestic Workers, CMW/C/GC/1, 23 February 2011, para.57; Committee on Migrant Workers, General Comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, paras.74-79; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, para.20, SDG Targets 4.1, 4.5; General Assembly, Resolution GA70/147 adopted on 17 December 2015, Protection of migrants, A/RES/70/147, 25 February 2016, para.5(i); General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, paras.32, 39; Human Rights Council, Human rights of migrants, A/HRC/RES/20/3, 16 July 2012, in particular paras.2 to 4; the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO), art. 3 (e).
2. Support migrants’ access to vocational training and lifelong learning opportunities that help them acquire the knowledge and skills needed to take advantage of opportunities and to participate fully in society.\textsuperscript{134}

3. Develop and publicise procedures and standards on the establishment of firewalls between schools and other education service providers and immigration enforcement authorities or private actors.\textsuperscript{135}

4. Implement or strengthen measures to recognise migrants’ educational and vocational qualifications and transfer educational achievements.\textsuperscript{136}

5. Introduce inclusive curriculum content that fosters intercultural dialogue and understanding and addresses discrimination.\textsuperscript{137}

6. Ensure national plans of action on education and training are inclusive of migrant students.
Provide targeted training to teaching personnel at all levels and forms of education with the objective of fostering respect for cultural diversity.

**Promising Practice**

Italy guarantees to migrant children the right to education, regardless of their status, on the same terms as Italian children. The 1998 Immigration Act integrates the right to education in national legislation. It provides for the compulsory education of migrant children, the teaching of Italian, and the promotion of the culture and language of the countries of origin of migrant children.

\textsuperscript{134} Committee on the Rights of the Child, General Comment No. 6 on the treatment of unaccompanied or separated children outside their country of origin, 2005, para.42; General Assembly, Resolution GA70/147 adopted on 17 December 2015, Protection of migrants, A/RES/70/147, 25 February 2016, para.5(jj); General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, para.25, SDG Targets 4.3, 4.4


\textsuperscript{136} Committee on the Rights of the Child, General Comment No. 6 on the treatment of unaccompanied or separated children outside their country of origin, 2005, para.42; General Assembly, Report of the Special Rapporteur on the human rights of migrants, A/69/302, 11 August 2014, paras.46(6), 64(f), 77(e), 96(o); General Assembly, Resolution 70/147: Protection of migrant, adopted on 17 December 2015, A/RES/70/147, 25 February 2016, paras.5(f) and 5(i); UNESCO’s Conventions on the Recognition of Qualifications.

\textsuperscript{137} UNESCO Convention on Promotion of the Diversity of Cultural Expressions Guidelines for the Prevention of Crime, Economic and Social Council resolution 2002/13, para.25(d); ICESCR Art.13.1 and the Committee on the Rights of the Child, General Comment No.1 Article 29 (1); The Aims of Education, CRC/GC/2001/1, 17 April 2001; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, SDG Target 4.7.
**Principle 16: Right to information**

Uphold migrants’ right to information through ensuring they are provided accessible, reliable, relevant and accurate information on their situation and rights.

**Guidelines:**

1. Provide migrants with reliable, relevant and accurate information promptly, in a language they understand and in accessible formats.\(^{138}\) Ensure the provision of child-friendly information in age-appropriate language for migrant children.

2. Ensure migrants enjoy freedom to seek, receive and impart information.\(^{139}\) Make every effort to ensure migrants’ easy, prompt, effective and practical access to the media and to accurate and reliable news and information through any media of their choice about their rights, situation, and practical matters, including the possibility of requesting international protection.\(^{140}\)

   Recognise that Information campaigns to try to deter irregular migration, warn of the dangers of unsafe migration, or promote return have a limited effect on migrants’ decisions to move, and the channels they decide to use.\(^{141}\)

3. Provide access to the internet as a tool for migrants to exercise their human rights including the right to seek, receive and impart information and ideas of all kind, regardless of frontiers, and through any media of their choice.\(^{142}\) This should include new forms of information-sharing migrants are using to navigate their journeys, stay in contact with families, and share their experiences. Ensure migrants are able to retain and use their communication equipment at reception centres.

4. Ensure migrants’ privacy online is protected as part of the realization of their right to information. Commit to not tracking or collecting, storing or sharing data of migrants’ journeys, location data, or communications through their use of digital technologies and media, or that of those providing assistance to migrants or reporting on the situation, to limit their human rights.\(^{143}\)

---

\(^{138}\) General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.42

\(^{139}\) International Covenant on Civil and Political Rights, Article 19.2


\(^{143}\) Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, A/HRC/32/L.20, 27 June 2016; see also, Human Rights Council, The right to privacy in the digital age, A/HRC/28/L.27, 24 March 2015, para.3: “Affirms that the same rights that people have offline must also be protected online, including the right to privacy”; Human Rights Council, Report of the Special Rapporteur on the human rights of migrants: Banking on mobility over a generation: follow-up to the regional study on the
5. Ensure greater protection for all media professionals and for journalistic sources to promote a
safe and enabling environment for journalists to perform their work reporting accurately on
large or mixed movements independently and without undue interference. End impunity for
attacks on media professionals.\textsuperscript{144}

\begin{table}[h]
\centering
\begin{tabular}{|c|c|}
\hline
Promising Practice & \\
\hline
NetHope, is a public & private partnership of aid groups and technology companies providing low-
bandwidth Wi-fi hotspots and charging facilities to migrants and refugees along the Balkan
migration route and in camps in Greece. As some services, such as booking an interview with the
Greek Asylum Office, are only available online, in this case through Skype, the internet is essential
for migrants and refugees to be able to access services and secure their rights such as making
informed decisions about their migration and connect with family members. & \\
\hline
\end{tabular}
\end{table}

\textbf{Principle 17: Monitoring and accountability}

Guarantee monitoring and accountability in all responses to large and/or mixed movements of
migrants, including through protecting the right of migrants to appropriate and effective remedies.

Guidelines:

1. Establish or strengthen independent internal and external mechanisms to monitor the human
rights impact of laws, policies and practices taken in response to or implemented in the context
of large and/or mixed movements of migrants.\textsuperscript{145} Publish monitoring reports (while protecting
confidentiality) in line with principles of accountability and transparency.
2. Ensure the accountability of state and non-state actors including private companies and military contractors involved in the response to large and/or mixed movements of migrants, such as those involved in search and rescue, implementing entry restriction measures such as pre-departure screening and decisions on access to transportation, and providing services to migrants.\textsuperscript{146}

3. Ensure and facilitate unrestricted access of independent monitoring bodies, including national human rights institutions, ombudspersons, national preventive mechanisms and other relevant bodies to locations and information required to effectively monitor human rights of migrants. Enable civil society actors working with migrants to participate in monitoring and evaluating the human rights impact of governance measures. Share this information with the United Nations human rights treaty-monitoring bodies and special procedures and through the Universal Periodic Review process.\textsuperscript{147} Ensure that mechanisms are put in place to implement recommendations by the national and international monitoring bodies.

4. Provide and publicise accessible complaints mechanisms that migrants can use without fear of retribution. Ensure prompt, impartial, and independent investigations of violations of human rights against migrants and bring state and non-state actors found to be responsible to justice through a fair trial.\textsuperscript{148}

5. Ensure legislation and resources for the investigation and prosecution of corruption on the part of immigration authorities as well as the involvement or complicity of authorities in violations against migrants’ human rights.\textsuperscript{149}


\textsuperscript{147} OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, ibid.; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, SDG Target 16.6, 16(a)

\textsuperscript{148} OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, Guideline 1.10

6. Provide effective and timely remedies that respond to the different types of violations experienced by migrants in large and/or mixed flows and ensure the provision of adequate and comprehensive reparations, irrespective of their migration status.\(^{150}\)

\(^{150}\) References to the right to remedy applicable to migrants in large and/or mixed flows include: International Covenant on Civil and Political Rights, Articles 2.3, 9.5, 14.6; International Convention on the Elimination of All Forms of Racial Discrimination, Article 6; Convention Against Torture, Article 14; Convention on the Rights of the Child, Article 39; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Articles 15, 16.9, 18.6, 22.5; Declaration on the Elimination of Violence against Women, Article 4(d); Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Article 9.1, 9.2; ILO Convention No. 97, Migration for Employment Convention (Revised), 1949; ILO Convention No. 143, Migrant Workers (Supplementary Provisions) Convention; ILO Protocol 29, Protocol of 2014 to the Forced Labour Convention, 1930; Committee against Torture, General Comment No. 3: Implementation of article 14 by States parties, CAT/C/GC/3, 19 November 2012; Committee on Economic, Social and Cultural Rights; General Comment No. 20 on Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights); E/C.12/GC/20, 2 July 2009, para.40; Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016) on the Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/22, 4 March 2016, para.64; Committee on Economic, Social and Cultural Rights, General Comment No. 23 (2016) on the Right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/23, 8 March 2016, para.50, 57, 70, 75, 80; Committee on the Elimination of Discrimination against Women, General recommendation No. 19 on violence against women, A/47/38 (1992), para.24(i), (t)(i); Committee on the Elimination of Discrimination against Women, General recommendation No. 26 on women migrant workers, CEDAW/C/2009/WP.1/R, 5 December 2008, para.26(c),(i); Committee on the Elimination of Discrimination against Women, General recommendation No. 27 on older women and protection of their human rights, CEDAW/C/2010/47/GC.1, 19 October 2010, para.33; Committee on the Elimination of Racial Discrimination, General Recommendation No. 30: Discrimination against non-citizens, CERD/C/64/Misc.11/rev.3 (2004), paras.18, 25; Committee on the Elimination of Discrimination against Women, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, paras.79, 81(g); Committee on the Elimination of Racial Discrimination, General recommendation No. 35: Combating racist hate speech, CERD/C/GC/35, 26 September 2013, para.22; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, paras.28, 53; Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14, 29 May 2013, paras.15(c); Human Rights Committee, General Comment No. 15: The position of aliens under the Covenant (1986), para.10; General Assembly, Resolution 60/147: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006; General Assembly, Protection of migrants: Resolution 70/147 adopted on 17 December 2015, A/RES/70/147, 25 February 2016, paras.3(a), 4(o); Human Rights Council, Trafficking in persons, especially women and children: access to effective remedies for trafficked persons and their right to an effective remedy for human rights violations, A/HRC/20/L.1, 29 June 2012; OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1, 20 May 2002, Guideline 9; OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, A/69/CRP. 1, 23 July 2014, para.II.A.7, II.C.13, Guidelines 1.10, 2.12, 2.13; 4.6; 7.9; 8.14; 9.5, 9.8, 9.22; OHCHR, Basic principles on the right to an effective remedy for victims of trafficking in persons, A/HRC/26/18, 2 May 2014, Annex.
Principle 18: Migrants’ human rights defenders

Respect and support the activities of human rights defenders and others working to rescue and provide assistance to migrants.

Guidelines:

1. Provide a safe, accessible and enabling environment in which individuals and organizations working to support migrants can operate. Ensure that the promotion and the protection of human rights, including the human rights of migrants, are not criminalised, and that human rights defenders are not prevented from enjoying universal human rights owing to their work, whether they operate individually or in association with others, while emphasizing that everyone shall respect the human rights of others.

2. Develop and put in place sustainable public policies or programmes that support and protect human rights defenders at all stages of their work in a comprehensive manner. Ensure legislation affecting the activities of human rights defenders, including any legislation and procedures governing the registration and funding of civil society organisations, is consistent with international human rights law. This includes ensuring legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, including the principle of non-discrimination, and that such legislation to impede or restrict the exercise of any human right or impose any limitations on the work and activities of human rights defenders.

3. Take all necessary measures to ensure the protection of human rights defenders working with migrants, individually and in association with others, against any violence, threats, retaliation...
including threats of deportation, de facto or de jure adverse discrimination, pressure or any other arbitrary action, by state or non-state actors, as a consequence of their human rights work.\textsuperscript{156}

4. End impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them and provide effective compensation mechanisms to the defenders.\textsuperscript{157}

5. Adopt or revise and implement national legal frameworks to protect any person who discloses information that they reasonably believe, at the time of disclosure, to be true and to constitute a threat or harm to a specified public interest, such as a violation of national or international law, abuse of authority, waste, fraud or harm to the environment, public health or public safety. Ensure there are adequate internal institutional and external oversight mechanisms to provide effective and protective channels for such persons to motivate investigation and redress of the alleged wrongdoing.\textsuperscript{158}

6. Express public support for the important role of human rights defenders and the legitimacy of their work, including by condemning, including publicly, all cases of violence and discrimination against human rights defenders, including women human rights defenders, underlining that such practices can never be justified.\textsuperscript{159}


\textsuperscript{157} General Assembly, Human rights defenders, A/HRC/70/161, para.5; General Assembly, National institutions for the promotion and protection of human rights, Resolution adopted on 17 December 2015, A/RES/70/163, paras.14-15.


\textsuperscript{159} Human Rights Council, Protecting human rights defenders, A/HRC/RES/22/6, 12 April 2013, paras.5, 18; Human Rights Council, Protecting human rights defenders addressing economic, social and cultural rights, A/HRC/31/L.28, 21 March 2016, paras.4; General Assembly, Human rights defenders, A/RES/70/161, para.4
**Principle 19: Data**

Improve the collection of disaggregated data on the human rights situation of migrants, while ensuring the right to privacy and protection of personal data.\(^{160}\)

**Guidelines:**

1. Produce and support qualitative research on migrants’ experiences of transit, with their consent and voluntary participation, to inform gender-responsive, rights-based policies. Data should be permanently and irreversibly anonymised to ensure research to understand the situation does not compromise privacy rights and cannot be used for immigration enforcement purposes.\(^{161}\)

2. Strengthen measures to collect specific data on the number and gender of migrants crossing maritime, land or air borders, including those who are killed, injured, or victims of crime while attempting these crossings, to measure trends and raise awareness on risks.\(^{162}\)

3. Gather data on complaints, investigations, prosecutions, and convictions of all instances of excessive use of force, reports of human rights violations perpetrated by state or non-state actors against migrants, with a view to sanctioning and preventing such abuses.\(^{163}\)

4. Disaggregate data on the human rights situation of migrants by age and gender as well as other grounds as relevant, such as migratory status, disability, sexual orientation or gender identity, and/or minority status.\(^{164}\)

5. Work collaboratively to develop international standardised approaches for monitoring indicators on and variables relating to migrants’ rights in order to obtain reliable statistical data on international migration, including, when possible, on the contributions of migrants to development in both countries of origin and countries of destination, and on post-expulsion risks; this data should inform the design of evidence-based policy- and decision-making in all relevant aspects of sustainable development and feed into country of origin reports to improve refugee policy.\(^{165}\)

---

\(^{160}\) General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, paras.57, 74(g), SDG Target 17.18; see also ECOSOC, Statistical Commission, Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, E/CN.3/2016/2/Rev.1, 19 February 2016, Annex IV: Final list of proposed Sustainable Development Goal indicators


\(^{162}\) General Assembly, Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/70/L.61, 30 August 2016, para.25

\(^{163}\) OHCHR **Recommended Principles and Guidelines on Human Rights at International Borders**, A/69/CRP. 1, 23 July 2014, Guideline 10.10


\(^{165}\) General Assembly, Declaration of the High-level Dialogue on International Migration and Development, Resolution adopted 3 October 2013, A/RES/68/4, 21 January 2014, para.28; General Assembly, Protection of
6. Ensure research and data collection methodologies are firmly grounded in ethical principles, including an understanding of the need not to re-traumatize or otherwise harm the rights of migrants, as well as international standards and principles for the protection of personal data. Ensure digital biometric technologies are never used to facilitate hi-tech forms of racial and gender profiling, increase vulnerability to surveillance, or otherwise used, stored or processed in a way that can cause risks to individuals.

7. Monitor collection of all data on migrants (including biometric data) to ensure it is obtained lawfully, stored, transferred and disposed of in accordance with international standards and best practice guidelines on data protection and privacy. Personal data, including biometrics data, needs to be handled in a confidential manner and be subject to a high level of data security to prevent unauthorized access, loss, or damage.

Promising Practice
IOM’s missing migrants project is a database sharing key data on deceased and missing migrants along migratory routes worldwide. IOM has published two reports in the Fatal Journeys series, on tracking, identification and the tracing of dead and missing migrants. UNHCR also publishes data on the numbers of people travelling different routes, including those dying or going missing en route, with links to other resources.

Principle 20: International cooperation
Promote international cooperation amongst and between all relevant stakeholders to ensure a gender-responsive and human rights-based approach in the response to large and/or mixed movements of migrants.

Guidelines:

1. Establish or strengthen multi-stakeholder partnerships and cooperation including with national human rights institutions, intergovernmental organisations, international organisations, donors, civil society organisations including migrants’ associations, trade unions, representative employers’ organizations and private sector actors, at the local, national, regional and global level, (Guideline 3.4 of the OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1, 20 May 2002).


3. Establish or strengthen multi-stakeholder partnerships and cooperation including with national human rights institutions, intergovernmental organisations, international organisations, donors, civil society organisations including migrants’ associations, trade unions, representative employers’ organizations and private sector actors, at the local, national, regional and global level, (Guideline 3.4 of the OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1, 20 May 2002).


international levels to centre and uphold all the human rights of all migrants and avoid approaches that might increase the risks to migrants.  

2. Establish terms and conditions for cooperation and coordination among stakeholders with clear areas of responsibility, including referral procedures, and regular information exchange.

3. Cooperate in enhancing national and collective responses that are sound, equitable, humane and age-, gender- and disability-responsive, and address the reasons people leave their homes, their need for safe passage and protection and both the immediate and long-term needs of those who cross into other countries, promoting lawful conditions for international migration with coordinated rights-based policies that make regular channels of migration available.

4. Improve knowledge, build capacity and sensitize media professionals and outlets on the situation and human rights of migrants. Provide targeted training to media professionals and journalists with emphasis on the elimination of stereotypes and the recognition of the value of cultural diversity.

5. Ensure that migration policy-making at the national, as well as at the regional level, is subjected at all times to parliamentary scrutiny and rendered transparent and accountable by making the outcomes including Memoranda of Understanding public.

---


173 See OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, Guideline 10.5
Promising Practice

The Praesidium project provides a multi-agency cooperation model for humanitarian reception and assistance led by the Italian Ministry of Interior and carried out by States institutions, in partnership with the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), the Italian Red Cross (CRI) and Save the Children Italy. Through this project, initiated in 2006, various activities have been coordinated among the different agencies according to their mandate and expertise, including legal information and counselling; monitoring and identification of individual cases, monitoring of migrants’ health conditions, paying particular attention to women and children or people with a disability; monitoring reception procedures. The partners also developed joint procedures to guarantee the constant presence of field officers in landing areas and in migrant reception centres. This allowed for better coordination and information exchange efforts between the different stakeholders.