

Intersessional Panel Discussion on the human rights of migrants in vulnerable situations

Monday 21 February 2022, 10.00–12.00, 15.00-17.00 (CET)

Online

(To receive the Zoom link, please register [here](#) by 15 February 2022)

CONCEPT NOTE

Mandate

In its resolution [47/12](#) of 26 July 2021 the Human Rights Council requested that the Office of the United Nations High Commissioner for Human Rights (OHCHR) convene an intersessional panel discussion on the human rights of migrants in vulnerable situations, with a particular focus on the experience of migrants and highlighting best practices and challenges in this regard. The Human Rights Council has furthermore requested that OHCHR prepare a summary report on the panel discussion to be submitted to the Human Rights Council at its fiftieth session and to the General Assembly at its seventy-seventh session, and to bring the report to the attention of the International Migration Review Forum (IMRF) and the United Nations Network on Migration.

Background

The Human Rights Council, in its resolutions 35/17 and 47/12, expressed serious concern about the vulnerable situations and risks faced by migrants, which can arise from the reasons for leaving their country of origin, circumstances encountered by migrants en route, at borders and at destination, discrimination related to specific aspects of a person's identity or circumstance or a combination of those factors.

The Human Rights Council, in its resolutions 32/14 and 35/17, requested OHCHR to develop principles and practical guidance on the protection of the human rights of migrants in vulnerable situations on the basis of existing legal norms. The [Principles and guidelines on the human rights protection of migrants in vulnerable situations](#) (hereafter principles and guidelines) were first considered by the Human Rights Council as a progress report at its thirty-fourth session and as a final report at its thirty-seventh session, following which a joint statement by several Member States was issued calling for further operationalization of the principles and guidelines. This initiative aimed at addressing critical protection gaps in relation to the respect, protection and fulfilment of the human rights of migrants who fall outside existing legal protection categories. Drawn directly from international human rights law and related international standards, the principles and guidelines present a comprehensive protection framework reflective of how migrants, who are not inherently vulnerable, may nonetheless find themselves in vulnerable situations and at increased risk of violations and abuse.

In the Global Compact for Safe, Orderly and Regular Migration (GCM), Member States acknowledge that situations of vulnerability faced by migrants may arise from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination. Under Objective 7 of the GCM, Member States commit to address and reduce vulnerabilities in migration and to protect the human rights of migrants in situations of vulnerability, in accordance with obligations under international law. To realize this commitment, the GCM invites to, inter alia, develop national policies and programmes to address the needs of migrants in situations of vulnerability by taking into consideration relevant recommendations of the above-referenced principles and guidelines. As an effective and complementary tool to the principles and guidelines, the UN Network on Migration has additionally published the [Guidance Note on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability](#) to promote pathways for admission and stay that reduce and address situations of vulnerability.

Furthermore, the United Nations Secretary General's second Report on the GCM ([A/76/642](#)) stresses the need for more collective and State action on vulnerabilities and migrants in vulnerable situations.

Building on the conceptualisation and recommendations set forth by the principles and guidelines, the intersessional panel discussion will elaborate on concrete examples of situations of vulnerability in the context of migration, give prominence to promising practices that prevent, identify and address situations of vulnerability, and further explore actions that might be taken by the international community and the Human Rights Council to continue to support efforts to uphold migrant's human rights.

Background Documents

- Human Rights Council resolution [47/12](#) of the 26 July 2021
- [Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations](#)
- [Global Compact for Safe, Orderly and Regular Migration](#)
- United Nations Secretary General's second Report on the Global Compact for Safe, Orderly and Regular Migration [A/76/642](#)
- [Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability](#)

Objectives

The intersessional panel discussion aims to:

- Illustrate through examples how situations of vulnerability can be associated with the drivers of migration, circumstances encountered in transit, at borders and at destination, discrimination related to specific aspects of a person's identity or circumstances or a combination of those factors.
- Highlight challenges and promising practices in relation to the respect, protection and fulfilment of the human rights of migrants in vulnerable situations.
- Determine means and ways to prevent, identify and address situations of vulnerability in the context of migration.

- Seek recommendations from States and other stakeholders on how the Human Rights Council should move forward to ensure the protection of the human rights of migrants in vulnerable situations.
- Inform preparations for the IMRF and its progress declaration.

Outcome

OHCHR will prepare a summary report on the intersessional panel discussion to be submitted to the Human Rights Council at its fiftieth session and to the General Assembly at its seventy-seventh session, and to be brought to the attention of the International Migration Review Forum and the United Nations Network on Migration.

Format

The seminar will be open to the participation of Member States and other relevant stakeholders, including United Nations entities, representatives of subregional and regional organisations, international human rights mechanisms, national human rights institutions, civil society organisations, migrants, and relevant stakeholders from across the world.

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

Interpretation to English, Spanish and French will be provided.

The panel discussion will start with opening remarks and will be structured in two main sessions:

- Session 1: Highlights on **situations of vulnerability that migrants encounter in transit, at borders, and at destination.**
- Session 2: Highlights on **situations of vulnerability arising from the reasons for migration**, inter alia, separation from family, the adverse effects of climate change and environmental degradation, gender inequalities, and lack of access to economic and social rights.

Both sessions will consider how migrants can be in **situations of vulnerability because of their identity or personal circumstances**, due, inter alia, to their age, gender, disability, ethnicity, race, nationality, religion, language, sexual orientation, gender identity or migration status.

For each session, 4 expert panelists will make a presentation in their field of expertise and suggest concrete strategies and recommendations. After the presentations, participants will be invited to intervene from the floor. The panel discussion will be concluded by a brief closing session.