



## **Civil Society Action Committee Joint Input on the Secretary General Report entitled “Human rights of migrants” on resolution 78/217**

### **1. Areas of progress**

1.1 Global attention and prioritisation of climate change at the international level: Pacific stakeholders, including governments, civil society, and youth, have raised awareness of climate-induced mobility at international forums like COPs. This effort has been supported by the clear and authoritative guidance outlined in the [ICJ Advisory Opinion \(23 July 2025\)](#), which resulted from a UNGA resolution following a campaign initiated by law students from the University of the South Pacific and led by Vanuatu.

1.2 Funding, policy development, and capacity building to reduce adverse climate and disaster-related drivers of migration, and to support expansion of rights-respecting regular migration pathways:

- An example of progress in this area is the [Falepili Union Treaty](#), which created pathways for Tuvaluans affected by climate change to relocate to Australia;
- Pacific leaders are focused on securing dedicated funding to prevent and manage displacement, with Loss and Damage funding as a priority for Brazil and COP3. The [Migration Multi-Partner Trust Fund \(MMPTF\)](#) also supports initiatives on climate change-induced migration.

1.3 New and promising legislation on climate included mobility in the Pacific Region Including:

- The Pacific Islands Forum Leaders' endorsement of the [Pacific Regional Labour Mobility Principles \(2024\)](#);
- Australia's Expansion and Diversification of Labour Mobility Programs;
- The Pacific Engagement Visa that offers a pathway for permanent residence, enhancing long-term opportunities for Pacific migrant workers;
- Guaranteed hours and wage adjustments in Aotearoa New Zealand: Employers now have to pay RSE workers an average of 30 hours per week over a four-week period.

### **2. Significant areas of concern**

**2.1 Decreased upholding of migrants' human rights, in particular:**

- The exclusion of migrants from protection and access to fundamental rights while in transit and at destination continues to be uneven and significantly restricted in some regions. This applies to healthcare, education, housing, protection from gender-based violence, trafficking and forced labour;
- Significant issues of due process for migrants being increasingly experienced, especially this year. This includes de facto kidnappings by unidentified ‘immigration’ officials, incommunicado detention, and deportation without access to information, legal counsel, fair hearings, or documentation.

**2.2 Continued, and in some Member States, increase in detention and border governance practices that endanger the lives and protection of migrants. This includes the:**

- Separation of families and lack of protection for women, children, as well as migrants in other vulnerable situations, such as those with disabilities;
- Increase in the systematic use of detention for undocumented migrants during status assessment and at borders, often without pursuing alternatives and with little attention to humane conditions;
- Increase and normalisation of border governance policies, such as externalisation, which lead to human rights violations including a higher risk of refoulement at the border<sup>1</sup>; as well as increasing implementation of agreements for deportations and returns to ‘third’ countries. This directly risks international standards and objectives on return and reintegration (including that in the Resolution, as well as in the Global Compact for Migration) and, in some cases, risks refoulement;
- Increased instances of unsafe return journeys, whether forced or chosen for fear of detention or forced repatriation, as they take place in an even more hostile environment. Shelters have closed, protection has disappeared, and smugglers and traffickers are adapting their business models. Migrants are increasingly invisible, vulnerable and desperate.

**2.3 Continued lack of protection of migrant workers’ labour rights and protection at the workplace. This includes:**

- The exclusion of migrant workers from freedom of association provisions in many countries, and of domestic workers from labour law in certain countries (particularly in the Gulf region);
- The perpetuation of barriers migrants and migrant workers face in reporting violations of the abuses they experience;
- Exploitative Labour Conditions: Common issues include non-payment of wages, excessive working hours, confiscation of passports, and restrictions on movement (particularly for live-in domestic workers);
- Tied Visas: Visa regimes that tie a migrant worker to a single employer (the Kafala system and similar models), thus creating a power imbalance that facilitates forced labour and abuse;
- Informal Work and Lack of Social Protection: domestic workers in particular remain excluded from national labour laws, social security, health insurance, and pension schemes.

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<sup>1</sup>[Externalised asylum and migration policies and human rights law, Michael O’Flaherty Council of Europe Commissioner for Human Rights](#)

**2.4 Continued and increasing criminalisation of migrants in discourse and policy, as well as of civil society that seek to provide essential and humanitarian support.**

**This includes and is perpetuated by the:**

- Distinct increase in irregular migration being treated, both in policy and in discourse, as a criminal offence rather than administrative;
- Criminalisation and persecution of humanitarian assistance and search and rescue civil society groups – directly at odds with international human rights standards and objectives on preventing loss of life. Some recent examples of this include attacks on search and rescue operations in the Mediterranean Sea, as well as a new EU Facilitation Directive, which could lead to further criminalisation of civil society and individuals who act in solidarity with undocumented migrants<sup>2</sup>.

**2.5 Lack of respect for the right to freedom of movement, to leave any country, and to return to their own country. In particular:**

- A continued lack of regular migration pathways for those impacted by climate change, and lack of adaptation and resilience policies for those who wish can stay in their own country, leading to increased precariousness, poverty and human rights violations in transit and in destination countries;
- Transfers to third countries by the United States, often with poor documented processing, which have impeded direct repatriation to the home country;
- Border controls which have, in practice, limited the ability to leave countries.

**2.6 Concern at the threats against and decrease in regular pathways for migration, including:**

- The removal of Temporary Protection Statuses and increase in difficulty to obtain asylum status for people on the move or who have obtained TPSes, in particular for those from countries of origin with continued reports of high levels of violence, conflict, and persecution / oppression of civilians or specific groups;
- Increase and normalisation of political discourse that calls into question the continuation of established regular pathways, including those that are long-term and widely accepted such as Permanent Residency, Indefinite Leave to Remain, and work and education visa holders. This not only degrades already strained pathways systems, but also threatens the rights and safety of those legal status holders;
- Limitations on eligibility for family reunification-based pathways, leaving many families still separated across borders;
- A normalisation of international legal and human rights violations under the auspices of the sovereign right of States to determine their national migration policy normalisation of violations of these laws, and threats to fundamental HR law like the 1951 Refugee Convention.

**2.7 Increase in xenophobia and manifestations / acts of racism, racial discrimination and hostility globally. This includes**

- Concerns around the normalisation in acceptable public discourse, including by mainstream and/or platformed political and public figures, and in mainstream media.

**2.8 The use of new technologies, AI, for example, to profile people on the move and automate discriminatory practices.** This creates risks and dangers for migrant human rights and protection, for example through perpetuating the vulnerabilities escalated by

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<sup>2</sup> [Communication of UN Special Rapporteur on migrants. September 22th 2025](#)

the digital and technology divide, data security and consent of sensitive biometric information, and the proliferation of weaponised border measures.

**2.9 Impunity for public officials or private actors who harm and commit all sorts of crimes against migrants continues**, including beating, torture, killings, enforced disappearance, kidnapping, and sexual violence, among others.

**2.10 Overall, civil society organisations across the world are concerned around the normalisation and proliferation of these harmful practices across borders, regions, and governments.**

### 3. Role of civil society and associated concerns

3.1 Civil society continues to play a crucial part in providing services and assistance essential to the protection of migrants, and in establishing the environments needed to ensure their rights and continued protection. However, across all regions, the existence and sustainability of civil society have come under significant threat due to extreme cuts to funding, and increased criminalisation and / or censorship.

3.2 Civil society advocacy is crucial in promoting a just transition for migration, ensuring that strategies do not shift responsibility away from high-emission countries and the fossil fuel industry. The dominant framing now treats climate-related mobility as an adaptation pathway, rather than as a humanitarian emergency. While that can aid long-term planning, it also risks normalising climate harm and downplaying urgent protection needs. We see this reflected in policies, such as Bangladesh's [JT Policy Brief-ICCCAD \(2022\)](#) and [Australia's Just Transition](#), which emphasise managed adaptation for affected workers and communities.

### 4. Suggested recommendations

4.1 Call on Member States to ensure that human rights are fully respected throughout the 'whole of route' approach;

4.2 Call on Member States to reaffirm their commitment to their international legal human rights obligations, and the international multilateral system of cooperation grounded in fundamental international law- such as the Geneva Conventions, including the principles of non-refoulement, the Universal Declaration of Human Rights, and the International Covenants on Human Rights;

4.3 Call on Member States to reaffirm their commitment to strongly condemn and combat xenophobia, gender, racial and religious discrimination as well as the criminalisation of migration, migrants and human rights defenders;

4.4 Call on Member States to reaffirm the importance and fundamental role of civil society and migrant led organisations in the protection of migrants, and commit to renewed or continued access of civil society actors to provide essential services and monitor the protection of migrants;

4.5 Call on Member States to reaffirm the position of migrants as human rights holders;

4.6 Call on Members States to ensure equitable investment in the development and expansion of regular, safe, and dignified pathways for population groups displaced by climate change, including humanitarian visas, family reunification, labour mobility options with full rights protections, and complementary protection mechanisms, and ensuring seasonal and temporary workers are protected from exploitation, discrimination and unsafe living and working conditions;

4.7 Call on Member States to address the specific vulnerabilities of Small Island Developing States (SIDS) and Least Developed Countries (LDCs), ensuring that climate mobility pathways are proactive, strength-based, rights-based, and framed within all relevant international human rights law.

4.8 Call on Member States to eliminate all forms of arbitrary detention, particularly of minors, in favour of humane alternatives such as community reception, family mentoring and supervised temporary residence solutions;

4.9 Call on Member States to take gender, age, and abilities-specific specific approaches to women, unaccompanied children and minors and people with disabilities in order to limit the risks of exploitation, trafficking and exposure to violence and ensure protection and recognition of their rights for their full participation in the life of the host societies;

4.10 Call on Member States to develop and strengthen legal instruments and policies to prevent human trafficking and protect victims and survivors, by identifying victims of trafficking at an early stage, ensuring their access to legal assistance and free legal aid from the outset of proceedings, as well as effective access to compensation and prosecution of traffickers.