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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Study on human rights monitoring in the context of migration

### Report of the Office of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 57/14 on the human rights of migrants, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a study on human rights monitoring in the context of migration, including at international borders, presenting good and promising practices on how to integrate monitoring into migration governance.



## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 57/14 on the human rights of migrants, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a study on human rights monitoring in the context of migration, including at international borders, presenting good and promising practices on how to integrate monitoring into migration governance (para. 29 (c)). In response to the request, OHCHR requested inputs from Member States and other stakeholders.<sup>1</sup> The practices illustrated in the present report are based on submissions received, unless otherwise indicated.

2. Migration governance, including at international borders, is often legally or practically approached in ways that result in limited application of human rights obligations, oversight and accountability. People on the move are exposed to violations of their rights during their journey, at international borders, in countries of destination, and upon return. At international borders, they experience human rights protection gaps, including unlawful profiling, gender-based violence, dangerous interception practices and arbitrary detention. Sometimes, borders are characterized as zones of exclusion or exception for human rights obligations, which further contributes to lack of transparency and violations.<sup>2</sup> State policies, such as criminalization of irregular migration, pushbacks, and externalization of borders, as well as harmful migration narratives, contribute to patterns of violations and abuse.<sup>3</sup> Migrants in vulnerable situations, including undocumented migrants, are often invisible and marginalized.<sup>4</sup>

3. Against this background, there is an urgent need for robust monitoring of human rights in the context of migration. The protection of the human rights of people on the move is strengthened when State oversight mechanisms and independent human rights monitoring complement each other. The present study provides an overview of independent human rights monitoring in the context of migration, complemented by internal oversight carried out by States. It includes promising practices illustrating how monitoring is already integrated into various aspects of migration governance. It includes discussion of existing gaps and challenges and recommendations for States and other actors.

## II. Human rights monitoring in the context of migration

4. In the OHCHR *Manual on Human Rights Monitoring*, human rights monitoring is defined as a proactive method involving the collection, verification, analysis and use of information to address human rights problems.<sup>5</sup> Human rights monitoring is a central tool in identifying human rights violations and abuses, understanding their patterns and causes, developing possible solutions, promoting accountability and helping to prevent further harm. The ultimate objective is to reinforce the State's responsibility to respect, protect and fulfil human rights.<sup>6</sup> Chapter 26 of the *Manual*, on monitoring and protecting human rights in the

<sup>1</sup> Submissions received in response to the call for input are available at <https://www.ohchr.org/en/calls-for-input/2025/call-input-study-human-rights-monitoring-context-migration>. A total of 89 submissions were received from 25 States and 64 stakeholders.

<sup>2</sup> See Office of the United Nations High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights at International Borders* (2014), available at [https://www.ohchr.org/sites/default/files/2021-12/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](https://www.ohchr.org/sites/default/files/2021-12/OHCHR_Recommended_Principles_Guidelines.pdf).

<sup>3</sup> See A/HRC/54/81.

<sup>4</sup> OHCHR and Global Migration Group, *Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations* (2018), available at <https://www.ohchr.org/sites/default/files/PrinciplesAndGuidelines.pdf>, p. 5.

<sup>5</sup> OHCHR, *Manual on Human Rights Monitoring*, available at <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition>, "Introduction", p. iii.

<sup>6</sup> *Ibid.*, chap. 2 ("Basic principles of human rights monitoring"), p. 4.

context of migration, sets out substantive and methodological issues to be considered when designing and carrying out human rights monitoring in the context of migration.<sup>7</sup>

## A. Why is monitoring relevant in the context of migration?

5. Human rights monitoring is a key component of migration and border governance, as it promotes respect for international law, human rights and dignity, transparency and accountability. Monitoring plays a key role in ensuring that human rights safeguards are in place and effectively implemented throughout the migratory process and that States meet their obligations.<sup>8</sup>

6. Monitoring plays a preventive role, as it deters and prevents potential human rights violations by ensuring independent scrutiny of migration and border governance under scrutiny. The very presence of monitors, for instance in detention centres or during return operations, has been demonstrated to reduce the risk of violations.<sup>9</sup>

7. Facts and evidence collected through monitoring can also support accountability, redress and administrative and judicial remedies in the case of human rights violations.<sup>10</sup> Information and disaggregated data collected by monitors can guide the evaluation, review and implementation of migration laws, policies and practices, and inform technical assistance.<sup>11</sup> Ultimately, monitoring contributes to effective systemic changes, the aim being to foster a culture of respect for human rights in the context of migration governance.

## B. What is monitored?

8. Human rights monitoring in the context of migration should be grounded in the applicable international legal framework. This includes international human rights law and, when relevant, international refugee,<sup>12</sup> labour and humanitarian law, the law of the sea and international criminal law.<sup>13</sup>

9. Human rights monitoring can be carried out at all stages of the migration continuum, including departure, transit, integration and return, and in countries of origin, transit and destination.<sup>14</sup>

10. Monitoring the drivers of migration in countries of origin from a human rights perspective can help to improve migration governance, including through the design of regular migration pathways that are targeted to the specific needs and realities of people on the move, and efforts to address root causes of migration. As an example, between July 2024 and March 2025, the Mixed Migration Centre, through its data-collection system 4Mi, carried out surveys to understand the motivations and aspirations of Colombians on the move.<sup>15</sup> OHCHR led regional research on lack of access to economic, social and cultural rights as a driver of precarious migration in South and South-East Asia, including interviews with

<sup>7</sup> Ibid., chap. 26 (“Monitoring and protecting human rights in the context of migration”), pp. 38–51.

<sup>8</sup> Ibid., pp. 4 and 6.

<sup>9</sup> Commissioner for Human Rights of the Council of Europe, “Pushed beyond the limits: four areas for urgent action to end human rights violations at Europe’s borders” (2022), p. 33.

<sup>10</sup> See OHCHR, *Commission of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (New York and Geneva, 2015).

<sup>11</sup> See OHCHR, *Manual on Human Rights Monitoring*, chaps. 17 (“Engagement with national authorities and institutions”) and 31 (“Advocacy and intervention with the national authorities”).

<sup>12</sup> Specific obligations apply under international refugee law with respect to refugees and asylum-seekers. The present report addresses monitoring of the human rights of all people on the move. For further details on protection monitoring arrangements for refugees and asylum-seekers under the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR), please visit [www.unhcr.org](http://www.unhcr.org).

<sup>13</sup> OHCHR, *Manual on Human Rights Monitoring*, chap. 5 (“Applicable international human rights law and humanitarian law framework”); and chap. 26, pp. 9 and 10.

<sup>14</sup> Ibid., chap. 26, pp. 19–51.

<sup>15</sup> See [https://mixedmigration.org/wp-content/uploads/2025/05/384\\_ENG-Infographic-Colombian-Emigration.pdf](https://mixedmigration.org/wp-content/uploads/2025/05/384_ENG-Infographic-Colombian-Emigration.pdf).

people from Bangladesh and the Lao People's Democratic Republic who had migrated or were aspiring to do so.

11. Monitoring arrangements at land, sea and air borders are particularly crucial.<sup>16</sup> Examples of monitoring arrangements at borders include the inspections conducted by the national preventive mechanism of Poland of conditions and treatment in border facilities. The Southern Border Monitoring Collective conducts monitoring of the southern border of Mexico through teams composed of members from approximately 20 civil society organizations, who observe and record human rights violations. The Border Violence Monitoring Network documents pushbacks and use of force along various European borders, using a standardized methodology to interview survivors.

12. Migrants who move using irregular channels can experience various forms of violence and exploitation as they transit across countries and jurisdictions.<sup>17</sup> Route-based monitoring efforts focused on the conditions faced along the entire route are employed in the Darién Gap by members of the Human Mobility Observatory of the Darién and Other Alternative Routes, a cross-border and multidisciplinary initiative by over 15 civil society organizations.

13. Human rights monitoring is also undertaken in the context of arrival and reception arrangements. In locations where individuals have travelled by sea or across inhospitable terrain, it may be focused on arrangements for rescue, interception and disembarkation. In other cases, monitoring may occur in official or informal places of reception, with a focus on screening, identification and referral procedures, conditions of reception, and access to specialized services for migrants in situations of vulnerability. For instance, in Serbia, reception centres are visited by the national preventive mechanism, and information about how to submit complaints to the Ombudsperson is publicly displayed.

14. Monitoring places of immigration detention can reduce the risk of human rights violations. Under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the visiting mandate of national preventive mechanisms extends to all places of deprivation of liberty, including immigration detention.<sup>18</sup> In South Africa, Lawyers for Human Rights visits immigration detention centres to provide legal representation and report on related systematic human rights issues.

15. With respect to return processes, in addition to the principle of non-refoulement, there are a number of human rights obligations that apply, including the prohibition of collective expulsions, along with due process and procedural guarantees. The national preventive mechanism of Switzerland has a monitoring mandate guaranteed by law, which allows it to monitor all return charter flights.<sup>19</sup> Drawing on the practice of trial monitoring, Advocates for Human Rights, an organization based in the United States of America, monitors hearings of individuals facing return to ensure transparency and fairness in the immigration court system.<sup>20</sup> More broadly, human rights monitoring is deployed with respect to various administrative processes impacting migrants, including those relating to regularization.

16. Monitoring the human rights situation that people face after return helps to assess whether returns are sustainable. In 2022, OHCHR interviewed Gambian migrants who were assisted in returning from Libya and found that many were in situations of heightened vulnerability, exacerbated by the physical, psychological and financial consequences of the journeys, as well as by the rights violations and abuses that they had suffered or witnessed in transit.<sup>21</sup>

17. Monitoring arrangements are also focused on the enjoyment of economic, social and cultural rights by people on the move. As an example of monitoring labour rights, the joint

<sup>16</sup> See [A/HRC/54/81](#).

<sup>17</sup> See [A/HRC/57/32](#).

<sup>18</sup> Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 4.

<sup>19</sup> See National Commission for the Prevention of Torture, "Rapatriements par la voie aérienne" (in French), 9 September 2024.

<sup>20</sup> See <https://www.theadvocatesforhumanrights.org/News/A/Index?id=484>.

<sup>21</sup> See OHCHR, "Nowhere but back: assisted return, reintegration and the human rights protection of migrants in Libya", November 2022.

oversight mechanism established under the agreement between Germany and the Philippines on the placement of Filipino health professionals in employment positions in Germany, and composed of trade unions from both countries, conducts visits to workplaces and interacts with migrant workers. On access to healthcare, the national human rights institution of Mexico visits hospitals to monitor the treatment of people on the move, collect their testimony, and initiate proceedings when human rights violations allegedly occur.

18. Monitoring initiatives also serve to observe whether age, gender, disability or other status considerations are integrated in responses to migration. For instance, in a number of countries, OHCHR monitors have worked with organizations focused on women's rights and the rights of lesbian, gay, bisexual, transgender and intersex persons to devise gender-sensitive interview questions and identify specific gender-related concerns.<sup>22</sup>

### C. Who monitors?

19. At the national level, independent State bodies mandated to protect and promote human rights, such as ombudsman and mediator institutions, national human rights institutions and national preventive mechanisms set up under the Optional Protocol to the Convention against Torture, play a vital role in monitoring and reporting. For these bodies to operate effectively, the independence of their functions and personnel, including their financial and operational autonomy, needs to be guaranteed, in line with the safeguards set out in General Assembly resolution 77/224 on the role of ombudsman and mediator institutions, the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the Optional Protocol to the Convention against Torture and related guidelines on national preventive mechanisms.<sup>23</sup> Other key independent monitoring actors include civil society organizations, migrant- and refugee-led organizations, grass-roots and community-based initiatives, human rights defenders, faith-based groups, trade unions, Members of Parliament, journalists and lawyers. Sometimes, local residents and people on the move themselves carry out monitoring. For example, to rescue persons in distress and monitor human rights violations, Alarme Phone Sahara maintains a network of observers in Agadez, Niger, and along the routes to Algeria and Libya, made up of local residents and migrants themselves.

20. Various regional or subregional organizations and initiatives are also involved in monitoring. The Special Rapporteur on refugees, asylum-seekers, internally displaced persons and migrants in Africa of the African Commission on Human and Peoples' Rights conducts missions to States to examine human rights conditions and makes recommendations. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment systematically visits places of immigration detention and monitors return flights. Various thematic mandates of the Inter-American Commission on Human Rights, including the mandate of Rapporteur on human mobility, monitor the situation of people on the move in the region through visits, thematic and country reports, requests for information, and public hearings. Bodies operating at the regional level have also been involved in monitoring, including at borders and in places of detention.<sup>24</sup>

21. At the international level, United Nations bodies and mechanisms complement national and regional monitoring activities for people on the move. These include the United Nations human rights treaty bodies, which monitor States' compliance with relevant treaties, along with the Human Rights Council-mandated special procedures<sup>25</sup> and the

<sup>22</sup> OHCHR, *Manual on Human Rights Monitoring*, chap. 15 ("Integrating gender into human rights monitoring"); and chap. 26, p. 54.

<sup>23</sup> General Assembly resolution 77/224; Optional Protocol to the Convention against Torture, art. 18; and Subcommittee on Prevention of Torture, guidelines on national preventive mechanisms (CAT/OP/12/5). See also General Assembly resolution 48/134.

<sup>24</sup> For instance, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament and the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe.

<sup>25</sup> See, inter alia, [A/75/590](#), [A/77/178](#), [A/HRC/36/39/Add.2](#), [A/HRC/37/50](#), [A/HRC/39/45](#), [A/HRC/56/60](#), [A/HRC/58/50](#) and [A/HRC/59/56](#).

universal periodic review. In particular, the Special Rapporteur on the human rights of migrants conducts country visits and gathers information from relevant sources, including migrants themselves, to examine how to overcome obstacles to the protection of the human rights of migrants, and reports on these findings.<sup>26</sup> Human rights monitoring is a key aspect of the protection mandate of OHCHR. Chapter 26 of the OHCHR *Manual on Human Rights Monitoring* showcases several examples of human rights monitoring conducted by OHCHR in the context of migration.

22. Monitoring bodies frequently cooperate, whether domestically (for instance, the cooperation between civil society organizations and national human rights institutions), across borders (for instance, among civil society organizations, national human rights institutions and national preventive mechanisms from neighbouring countries) or at the international level with United Nations bodies and mechanisms. To improve coordination with civil society organizations that record alleged incidents of informal forced returns, the Greek national human rights institution created the Recording Mechanism of Incidents of Informal Forced Returns, using a standardized methodology. Mixed Movements Monitoring is a joint initiative by the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme and the United Nations Children's Fund that gathers data through interviews and reports on the trends and protection needs of people on the move across the Americas.

23. Collaboration initiatives can operate at the national, regional and international levels. For example, the national human rights institutions of Costa Rica and Panama, together with the OHCHR Regional Office for Central America and the Dominican Republic, jointly developed a tool for monitoring and analysing human rights violations occurring in the Darién Gap.<sup>27</sup>

## D. How to monitor?

24. Monitoring is a cyclical process. It begins with defining the monitoring strategy and scope, gathering contextual information on migration and human rights trends. This is followed by collecting, verifying and analysing testimony and data. Documentation and internal reporting then support follow-up actions, such as advocacy, external reporting and campaigning. The monitoring cycle ends with an evaluation, the results of which inform the next cycle.<sup>28</sup> Monitors are responsible for verifying the information that they collect, assessing the credibility and reliability of sources and the validity of the information provided. The body of information verified constitutes the factual basis against which legal analysis is carried out to ascertain human rights violations.<sup>29</sup>

25. Interviewing people on the move is a core method of gathering information. 4Mi is a standardized, quantitative and globalized data system of the Mixed Migration Centre, involving a network of more than 120 field enumerators who conduct survey interviews with people on the move in around 15 countries.<sup>30</sup> Other information-gathering methods include the review of written information, including case files, bilateral migration agreements, return and readmission agreements and open-source materials. Direct observations at relevant sites (such as at border crossing points, detention centres or during disembarkation, screening and return) and focus groups also support information-gathering.<sup>31</sup>

26. Given challenges in accessing places to contact people on the move, remote monitoring offers practical alternatives. It involves various techniques, including remote interviewing using communications technology, third-country monitoring (gathering

<sup>26</sup> See Human Rights Council resolution 52/20.

<sup>27</sup> See <https://www.ohchr.org/en/stories/2025/05/monitoring-motion-migrants-darien-gap>.

<sup>28</sup> OHCHR, *Training Manual on Human Rights Monitoring*, Professional Training Series No. 7 (United Nations publication, 2001), chap. I ("Introduction"), p. 9; and OHCHR, *Manual on Human Rights Monitoring*, chap. 26, pp. 51–63.

<sup>29</sup> OHCHR, *Training Manual on Human Rights Monitoring* (2001), chap. VII ("Information gathering"), p. 104.

<sup>30</sup> See <https://mixedmigration.org/4mi/>.

<sup>31</sup> OHCHR, *Manual on Human Rights Monitoring*, chap. 11 ("Interviewing"); and chap. 26, pp. 56–61.



information on a country by conducting interviews in a different country), and modern technology (such as satellite imagery, open-source monitoring and forensics).<sup>32</sup>

27. Digital technologies can enhance monitoring capabilities in the context of migration. Overhead imagery, Automatic Identification System data on the location of vessels, and open-source information can be a source of background information or first-hand accounts, particularly in situations where human rights monitors do not have direct access, including on the high seas, at maritime borders.<sup>33</sup> For instance, Watch the Med collects data on incidents involving individuals in the Mediterranean Sea from a variety of sources, including survivor testimonies, vessel-tracking technologies, satellite imagery, and georeferenced information from satellite phone communications. These data are integrated into a comprehensive mapping system to visualize incidents and search-and-rescue operations.<sup>34</sup> New technologies can play a crucial role in obtaining information that clarifies the fate and whereabouts of missing and disappeared migrants, but also in identifying those responsible.<sup>35</sup> The Working Group on Enforced or Involuntary Disappearances reported that a combination of techniques (e.g. satellite imagery, digital mapping, analysis of video footage and chrono-location) has been used to collect evidence of enforced disappearances of migrants and to establish their fate and whereabouts.<sup>36</sup> Monitoring social media may be useful, with affected individuals, civil society organizations and other witnesses using mobile phones to disseminate audiovisual material and testimonies. Contact with migrants through their personal social media accounts is also sometimes the only means by which monitors can reach them, as individuals may change phone numbers, lose their phones or have them stolen during their journey, or be unable to use them when detained.<sup>37</sup>

28. Findings from independent human rights monitors can be used in various ways to inform change at the legislative, policy and operational levels and to contribute to accountability. The recommendations stemming from monitoring can also inform advocacy.<sup>38</sup> For instance, the Federal Migration Centre (Myria), which is part of the national preventive mechanism of Belgium and visits places of immigration detention, holds regular meetings with the border police. Public reporting by human rights monitors, where appropriate, can be a helpful tool.<sup>39</sup> The annual reports of the Independent Monitoring Mechanism of Croatia, which are published on the website of the mechanism, are one example.

29. Findings from monitoring can be used in courts. Asyl in der Kirche collects evidence of human rights violations suffered by people on the move on the route from Belarus to Germany from activists and lawyers in Germany and Poland. It submits the information to German courts when relevant to support legal cases challenging deportation to Poland and to Polish courts in cases for justice and compensation.

30. National parliaments are another forum where findings can be presented and discussed. To inform parliamentary deliberations, the national human rights institution of Malaysia is mandated by law to present its annual reports to the Parliament.<sup>40</sup>

## E. Key principles

31. The protection and safety of people on the move is integral to all phases of the monitoring cycle, from information-gathering and interviewing to reporting and advocacy. The “do no harm” principle requires balancing the need to gather information with the

<sup>32</sup> Ibid., chap. 26, pp. 61–63.

<sup>33</sup> Ibid., pp. 62 and 63.

<sup>34</sup> See <https://watchthemed.net/>.

<sup>35</sup> A/HRC/54/22/Add.5, para. 46.

<sup>36</sup> Ibid., para. 53.

<sup>37</sup> OHCHR, *Manual on Human Rights Monitoring*, chap. 26, p. 63.

<sup>38</sup> Ibid., chap. 31.

<sup>39</sup> Ibid., chap. 13 (“Human rights reporting”).

<sup>40</sup> Human Rights Commission of Malaysia Act 1999, arts. 4 and 21.

potential risk of harm to individuals who may provide it.<sup>41</sup> Monitors often encounter people on the move in situations where confidentiality cannot be guaranteed and engaging with monitors may put individuals at risk of retaliation.<sup>42</sup> If the risk of harm cannot be mitigated, monitors need to be ready to cancel interviews or to adapt their methodology, for instance by conducting short interviews with questions that are not sensitive, creating a focus group or monitoring by observation. Engagement with people on the move includes an assessment of, and mitigation measures for, the risk of re-traumatization.<sup>43</sup>

32. Reporting human rights violations may expose people on the move to a risk of reprisals, particularly if they are in detention, in return procedures, or have a precarious administrative status. The “do no harm” principle includes considerations related to consent and the confidentiality of information. Informed consent is required for information gathered through interviews to be able to be used or shared. Irrespective of the consent provided, if there is a risk of endangering the safety of the interviewed individuals or other people involved, the “do no harm” principle requires that the information not be used or that it be used in way that mitigates the risk.<sup>44</sup>

33. Meaningful participation of and consultation with people on the move in monitoring efforts are key. This includes their involvement in setting priorities, devising protection measures and choosing advocacy strategies as part of overall monitoring efforts. Special measures are needed to involve the most marginalized, such as undocumented migrants, who face greater challenges in accessing protection mechanisms and institutions.<sup>45</sup>

### III. Role of States in monitoring in the context of migration

34. States have the sovereign prerogative to govern migration but must do so in compliance with international obligations, including under international human rights law, upholding the rights of all people, regardless of their migration status. Independent human rights monitoring supports States in meeting their human rights obligations and in ensuring that the State understands the human rights impact of laws, policies and practices relevant to people on the move.

35. Facilitating independent human rights monitoring in the context of migration requires States to ensure mandates, resources, safeguards for independence and access. States also play an important role in creating an enabling environment for independent monitoring, including by ensuring freedom of association, freedom of expression, protection of civic space, and due process and other guarantees of legal independence.

36. Independent human rights monitoring, as set out above in section II, can be most effective when complemented and enabled by State systems of internal oversight, accountability, rule of law and good governance. These can include administrative, judicial and parliamentary oversight; complaint mechanisms; data collection; reporting to United Nations treaty bodies; and frameworks governing transparency, access to information and public participation. Monitoring functions can be embedded in some ministries or in consular assistance.

37. Parliamentary oversight is crucial to monitoring and overseeing government actions related to migration governance. Administrative oversight, including in respect of border authorities and other public institutions, can support institutional learning, identify progress and gaps, and offer corrective actions. The Swedish Migration Agency conducts internal oversight of return operations,<sup>46</sup> while the Directorate General of Provincial Administration and the Directorate General for Migration Management in the Ministry of Interior of Türkiye

<sup>41</sup> OHCHR, *Manual on Human Rights Monitoring*, chap. 2, p. 4; chap. 14 (“Protection of victims, witnesses and other cooperating persons”), p. 4; and chap. 26, pp. 55–59.

<sup>42</sup> *Ibid.*, chap. 26, pp. 55 and 56.

<sup>43</sup> *Ibid.*, chap. 26, pp. 57 and 58.

<sup>44</sup> *Ibid.*, chap. 2, pp. 6 and 7; and chap. 26, p. 56.

<sup>45</sup> *Ibid.*, chap. 2, p. 8.

<sup>46</sup> See European Union Agency for Fundamental Rights, “Forced return monitoring systems: 2024 update”, 29 October 2024.



visit return centres. The Office for Foreigners of Poland and the Commissariat for Refugees and Migration of Serbia conduct regular surveys on access to socioeconomic rights among residents of reception centres and beneficiaries of international protection, respectively.

38. Establishing administrative and judicial complaint mechanisms and ensuring that they are accessible to all, including people on the move, is part of a State's duty to uphold the right of access to an effective remedy, ensure accountability and provide reparation in the event of harm. Kenya set up an accessible confidential complaint box for migrants to report any violation of their rights. In Mauritius, migrant workers can submit complaints to the Ministry of Labour about their working and living conditions. In Honduras, the migration agency set up a dedicated complaint portal. In Greece, a key duty of the Fundamental Rights Officer at the Ministry of Migration and Asylum is to receive and collect complaints.

39. States have the responsibility to collect, analyse and disseminate disaggregated data, while upholding the right to privacy and ensuring data-protection standards. This contributes to monitoring and evaluating migration governance over time, including the differentiated impact of migration governance. The International Migration Observatory of Brazil provides data on migration and supports the formulation of migration policies.

40. United Nations treaty bodies responsible for monitoring the implementation of human rights treaties request States Parties to submit reports on the State's legislative, judicial, policy and other measures taken to ensure the enjoyment of the rights set out in the relevant treaty. The reporting process provides an opportunity for States to conduct a comprehensive review of the measures that they have taken to bring their national migration law, policy and action in line with international human rights law.

41. Good governance includes transparency in the formulation, implementation and evaluation of public policies and international agreements, access to information, and public participation in policymaking. Azerbaijan and Mexico established a public council and citizens' council, respectively, within their migration agencies. Made up of civil society organizations, these councils provide a platform for public participation in the formulation and implementation of migration policies. To strengthen the participation of migrants, Azerbaijan established a migrant council within its migration agency, which consists of migrants from various countries. In Brazil, the National Conference on Migration, Refuge and Statelessness allows for the direct participation of civil society organizations in the formulation, implementation and evaluation of migration policies.

42. Specific monitoring functions can be embedded in ministries or in the assistance that consulates provide to their nationals abroad. In Mauritius, labour inspectors carry out inspections and follow-up visits at workplaces at regular intervals to check migrant workers' conditions. In Honduras, labour inspections by the Ministry of Labour and Social Security serve to verify employment conditions of migrant workers. Among other consular interventions, consulates of Mexico in the United States of America carry out visits to immigration detention centres to safeguard the human rights of Mexican migrants.

## **IV. Gaps and challenges**

43. Notwithstanding numerous promising practices in all regions, gaps and challenges remain in integrating monitoring into migration governance at the national, regional and international levels.

### **A. Systematic monitoring**

44. The fundamental challenge lies in the absence of systematic independent human rights monitoring of migration governance. This can be linked to the lack of a legislative, policy or institutional framework providing for independent human rights monitoring of migration by public bodies, such as national human rights institutions and national preventive mechanisms. Even when such a framework exists, it may provide for monitoring of only a limited scope of activities, which hinders meaningful monitoring of all aspects of migration and border governance. Related challenges include weak monitoring powers, with monitors unable to

carry out unannounced visits or be granted unimpeded access to places, people, records and files. This may result in key practices or locations where violations are likely to take place being excluded from scrutiny.<sup>47</sup> Other existing independent actors, including civil society organizations and international organizations, often carry out their monitoring activities in a sporadic and fragmented manner, due to lack of resources and other challenges described below.<sup>48</sup> Lack of technical capacity and limited options for capacity-building for monitors to undertake monitoring in a systematic and comprehensive way is another challenge.

## **B. An enabling environment**

45. Monitors report not always being recognized for their monitoring efforts and operating in an increasingly restricted space. Anti-migrant narratives and xenophobia fuel verbal and physical attacks on people on the move, as well as on those defending their rights. Independent organizations working on migration, in particular civil society organizations, and human rights defenders face growing legal and practical restrictions, including administrative barriers, restrictive legislative changes, and criminal investigations and judicial proceedings that can result in penal sanctions. Monitors have reported that authorities sometimes employ unwarranted surveillance, excessive scrutiny, bureaucratic hurdles and broader tactics of intimidation, defamation and harassment in direct response to their monitoring efforts.<sup>49</sup>

46. Fear of reprisals (including unfavourable asylum or regularization decisions, detention and deportation) for reporting violations or engaging with complaint mechanisms also discourages individuals, in particular those in an irregular situation, from participating in monitoring efforts or seeking redress.<sup>50</sup>

## **C. Independence and financial autonomy**

47. In order for human rights monitoring to be carried out independently, monitoring bodies should be free of affiliation with authorities responsible for migration or border governance, both institutionally and in terms of personnel.<sup>51</sup> Concerns may arise with respect to national human rights bodies that do not enjoy adequate independence from the authorities, as well as actors that cooperate with migration authorities as implementing partners, lack human rights monitoring expertise and/or have a real or perceived conflict of interest because they are heavily dependent on funding from the State that they are purportedly monitoring.<sup>52</sup>

48. Financial autonomy, which serves as a prerequisite for independence, is a persistent challenge. Monitoring migration governance requires appropriate financial and human resources. Limited funding options for civil society organizations and budget reductions for

<sup>47</sup> See European Network of National Human Rights Institutions, “ENNHRI’s updated common position on establishing independent monitoring mechanisms under the EU Pact on Migration and Asylum”, 18 December 2024; and submissions from Quaker United Nations Office and Platform for International Cooperation on Undocumented Migrants.

<sup>48</sup> See submissions from Border Violence Monitoring Network and Brot für die Welt.

<sup>49</sup> [A/77/178](#), paras. 35–52 and 115; and European Network of National Human Rights Institutions, “The human rights of migrants at borders: regional report”, July 2021, p. 37. See also submissions from Border Violence Monitoring Network, Brot für die Welt and Lawyers for Human Rights.

<sup>50</sup> European Network of National Human Rights Institutions, “Strengthening human rights accountability at borders”, July 2022, p. 16. See also submission from Border Violence Monitoring Network.

<sup>51</sup> See General Assembly resolution 77/224; and Subcommittee on Prevention of Torture, guidelines on national preventive mechanisms. See also General Assembly resolution 48/134; European Union Agency for Fundamental Rights, “Monitoring fundamental rights during screening and the asylum border procedure: a guide on national independent mechanisms”, September 2024, pp. 5 and 6; [A/HRC/50/31](#), paras. 68, 69 and 81; and UNHCR, OHCHR and European Network of National Human Rights Institutions, “Ten points to guide the establishment of an independent and effective national border monitoring mechanism in Greece”, September 2021.

<sup>52</sup> European Union Agency for Fundamental Rights, “Forced return monitoring systems: 2024 update”, p. 6.

national human rights institutions and national preventive mechanisms can affect independence and restrict the scope and sustainability of their monitoring activities, narrowing their ability to contribute to effective oversight and accountability efforts.<sup>53</sup>

## D. Access

49. Another challenge identified in terms of human rights monitoring in the context of migration is the inaccessibility or geographical remoteness of key areas such as border and transit areas, checkpoints, reception centres, detention facilities and workplaces employing migrants. Given that migration is by definition a cross-border phenomenon, monitors face mandate limitations when they are not able to operate in the territory of one country and practical and logistical restrictions on moving between countries. While new technologies can be used to overcome these challenges, monitors report lacking the financial and technical capacity to take advantage of digital tools.

50. Practical access to places and procedures is also challenging. Monitors typically require prior authorization to access certain locations, including border areas, border police stations, and detention or reception centres, as well as to observe procedures such as border admissions or return proceedings. In the context of detention, while entry may be granted for humanitarian aid, healthcare or other services, it is often more restricted when it comes to monitoring functions. Civil society organizations have reported the need to balance criticizing practices observed during visits and being allowed to continue their monitoring work.<sup>54</sup> While State-mandated human rights bodies enjoy facilitated access, national human rights institutions and members of regional parliaments have at times reported being refused entry to detention centres or border areas.<sup>55</sup>

51. Lack of independent monitoring in the context of pushbacks and similar measures in remote areas,<sup>56</sup> as well as in the context of international agreements, programmes and other arrangements for the externalization of border and migration policies, is of concern.<sup>57</sup>

52. Surveillance tools, such as satellites, radar systems, laser range finders, drones and thermal and high-resolution cameras, sometimes enhanced by artificial intelligence, have increasingly been used in border control to automate the processes of identifying and tracking people on the move, often in the absence of effective monitoring arrangements. Surveillance footage is also rarely shared with accountability mechanisms.<sup>58</sup> Infrastructure in border governance is increasingly reliant upon machine learning, big data, automated algorithmic decision-making systems, predictive analytics and related digital technologies, which can also run counter to monitoring efforts.<sup>59</sup>

53. Monitoring the use and human rights impact of technology in migration governance is inherently challenging due to limited public information surrounding its purpose, development and use and the lack of integrated human rights safeguards. Freedom of information requests are often denied on national security grounds, effectively obstructing public oversight.

<sup>53</sup> European Network of National Human Rights Institutions, “Strengthening human rights accountability at borders”, July 2022, p. 7. See also submissions from Border Violence Monitoring Network and Quaker United Nations Office.

<sup>54</sup> See submission from Lawyers for Human Rights.

<sup>55</sup> European Network of National Human Rights Institutions, “The human rights of migrants at borders”, p. 32.

<sup>56</sup> Committee on Enforced Disappearances, general comment No. 1 (2023), paras. 35 and 36. See also [A/HRC/47/30](#), [A/HRC/50/31](#) and submission from Border Violence Monitoring Network.

<sup>57</sup> See, e.g., European Court of Auditors, *The EU Trust Fund for Africa: Despite New Approaches, Support Remained Unfocused* (2024).

<sup>58</sup> [A/HRC/54/22/Add.5](#), para. 23. See also OHCHR and University of Essex, “Digital border governance: a human rights-based approach”, September 2023; and Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, “Border management and human rights: collection, processing and sharing of personal data and the use of new technologies in the counterterrorism and freedom of movement context” (2021).

<sup>59</sup> See [A/HRC/48/76](#).

54. Individual access to people on the move can also be complex. Individuals in transit are often difficult to locate and interview, in particular when undocumented or in extremely vulnerable situations, requiring monitors to quickly build trust. Maintaining contact as individuals continue their journeys is equally challenging. Effective monitoring may require following people across borders and tracking their progress across multiple locations.<sup>60</sup>

55. Obstacles to gaining access to information on individual cases,<sup>61</sup> as well as lack of systematic collection and publication of data on migration governance, disaggregated by age, sex, disability, migration status and other relevant variables, also have an impact on the effectiveness of independent monitoring.<sup>62</sup>

## **E. Effectiveness in driving change and accountability**

56. Human rights monitoring is not an end in itself; it should lead to change, including more effective, rights-compliant migration governance frameworks, and accountability. However, often there are few institutional avenues through which to ensure that monitoring findings feed into legislative, policy or operational reviews. While many national human rights institutions are mandated by law to present their reports in parliaments, parliaments are not always required to consider or debate the findings. For civil society organizations, channels to influence decision-makers based on the findings from monitoring are even more limited.<sup>63</sup> It is crucial that States acknowledge and act upon findings from independent monitoring efforts, including evidence gathered by civil society organizations, recommendations from national human rights institutions and/or national preventive mechanisms, and independent enquiries, for example by ombuds institutions.<sup>64</sup>

## **V. Conclusion and recommendations**

57. **There is an urgent need for robust, systematic and comprehensive human rights monitoring across all aspects of migration and border governance. This is most effective when States' internal mechanisms and independent human rights monitoring work in a complementary manner.**

58. **Human rights monitoring plays a central role in identifying violations, understanding patterns and causes, proposing solutions, promoting accountability, and preventing further harm. Its ultimate goal is to reinforce the State's capacity to uphold its human rights obligations. There are many promising examples highlighted in the present report of the integration of monitoring across the full spectrum of migration governance.**

59. **Despite these efforts, gaps and challenges remain. These include: lack of systematic monitoring, limited technical capacity, lack of an enabling environment, insufficient independence and financial autonomy, lack of financial resources, restricted access, and limited impact in driving meaningful change and accountability.**

60. **In order to enhance human rights monitoring in the context of migration, a number of recommendations are outlined below.**

61. **At the national level, Member States should:**

(a) **Establish and strengthen internal mechanisms to ensure effective oversight of all public and contracted private entities carrying out migration and border governance functions, systematic collection and publication of disaggregated**

<sup>60</sup> OHCHR, *Manual on Human Rights Monitoring*, chap. 26, pp. 12 and 13.

<sup>61</sup> See submission from AsyLex.

<sup>62</sup> See submission from Lawyers for Human Rights. See also European Parliamentary Research Service, *The Return Directive 2008/115/EC: European Implementation Assessment* (Brussels, 2020), pp. 83–85.

<sup>63</sup> See submission from Border Violence Monitoring Network.

<sup>64</sup> European Network of National Human Rights Institutions, "Strengthening human rights accountability at borders", July 2022, p. 20.

data, accessible and effective complaint mechanisms, and robust measures to promote transparency, participation, accountability and redress in migration and border governance;

(b) Consider establishing public, multi-stakeholder mechanisms with a broad legal mandate for independent human rights monitoring of all aspects of migration and border governance; and ensure that these mechanisms complement rather than replace existing independent monitoring carried out by civil society organizations and other relevant actors;

(c) Systematically include human rights reporting and monitoring clauses in laws, policies and programmes on migration and border governance;

(d) Grant national human rights institutions, ombudsman institutions and national preventive mechanisms a broad mandate and extend the scope of their monitoring to all individuals and aspects of migration and border governance, in line with the Paris Principles and the Optional Protocol to the Convention against Torture, respectively;

(e) Protect the institutional, functional and financial independence of national human rights institutions, national preventive mechanisms and other independent national monitoring bodies, in line with the Paris Principles, the Optional Protocol to the Convention against Torture and General Assembly resolution 77/224, as well as civil society organizations engaged in monitoring; and ensure adequate funding, while avoiding influence on monitoring activities;

(f) Facilitate the access of independent monitors to places, people, records and files, including their access to all relevant information and disaggregated data, inter alia, on the use of digital technologies in the context of border and migration governance, places where individuals are detained or have their freedom of movement restricted, and processes, including border admission, screening and registration processes, and pre- and post-return procedures; and ensure that independent monitors are empowered to interview people on the move and officials privately;

(g) Secure civic space to provide a safe, accessible, protective and enabling environment for civil society organizations, migrant associations, family collectives and other bodies engaged in migration monitoring, including by ensuring access to public information and the freedom to speak out and associate without violence, retaliation, threats and pressure from State and non-State actors, by condemning publicly, investigating and prosecuting such acts, and by recognizing publicly the importance and legitimacy of their monitoring;

(h) Ensure that relevant stakeholders, including unions and labour inspectorates, are involved in monitoring efforts and are made aware of challenges faced by migrant workers;

(i) Put in place institutional channels, including through parliaments and working groups within ministries, to allow for the systematic presentation of monitoring findings, public reporting and debate to catalyse follow-up action;

(j) Put in place structures to implement recommendations from monitoring activities and ensure both legal accountability (independent and effective investigations into allegations of violations of human rights) and administrative accountability (institutional avenues to ensure that findings of monitoring feed into the evaluation and review of laws, policies and procedures).

62. Independent human rights monitors are encouraged:

(a) To cooperate with each other to complement mandates and expertise, including by making use of modern information and communications technology with the aim of maximizing the impact of monitoring findings;

(b) To interact regularly with the regional and international human rights system to draw attention to retaliation that they may face, share monitoring findings

and advocate for the implementation of recommendations formulated by regional and international bodies and mechanisms.

63. At the transnational and regional levels:

(a) States should include human rights monitoring clauses in international or bilateral agreements related to migration or border governance and ensure regular post-implementation monitoring of the human rights implications of ongoing agreements;

(b) Other stakeholders are encouraged to explore options for building regional alliances and networks in support of monitoring activities, including cross-border cooperation to monitor both sides of a border, stay in touch with persons as they move, and facilitate the use of evidence gathered in one jurisdiction to inform action or advocacy in another.

64. Regional bodies, mechanisms and networks are encouraged:

(a) To offer protection and support to civil society organizations and to national human rights institutions, national preventive mechanisms and other independent national monitoring bodies involved in monitoring in the context of migration that are subject to reprisals and intimidation for their monitoring work;

(b) To receive and use monitoring findings from diverse sources, publicize them and encourage States to act on them;

(c) To continue to conduct monitoring visits, in coordination with national independent monitors, to assess challenges identified at the national level, including by examining cross-border human rights concerns, and follow up through public reporting or other appropriate measures.

65. At the international level:

(a) Member States should systematically address migration and border governance in their periodic reports to United Nations treaty bodies and in the context of the universal periodic review;

(b) Member States should report on human rights monitoring activities as part of their voluntary reporting on the implementation of the Global Compact for Safe, Orderly and Regular Migration at the regional and international levels and use the International Migration Review Forum to pledge to enhance independent national and cross-border human rights monitoring;

(c) Member States and the Human Rights Council should support the implementation of the monitoring mandate of OHCHR, with a specific focus on human rights violations in the context of migration;

(d) The Human Rights Council should support the strengthening of independent human rights monitoring at international borders. This could include giving due consideration to the call from civil society organizations to establish an international independent monitoring mechanism to foster human rights compliance and accountability at international borders.<sup>65</sup>

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<sup>65</sup> See the joint letter from civil society organizations addressed to the States members and observers of the Human Rights Council, entitled “The UN Human Rights Council should urgently respond to the global pattern of deaths, torture and other grave human rights violations at international borders”, June 2023, available at <https://quino.org/sites/default/files/timeline/files/2023/EN%E2%80%9393Joint%20Letter%20Calling%20for%20Mechanism%20on%20HR%20violations%20at%20borders%20-%20English%20-%20signatories%2025%20June.pdf>.