



International Migrants Day
18 December 2023

Respect cultural rights of migrants and members of their families

GENEVA (19 December 2023) – On International Migrants Day, which this year coincides with the 75th anniversary of the Universal Declaration of Human Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Special Rapporteur in the field of Cultural Rights Alexandra Xanthaki called on States to redouble efforts to ensure can fully exercise their human rights, including cultural rights, notably by combating their marginalization and minimizing all forms of discrimination against them. Below is their full statement:

“As we celebrate the 75th anniversary of the Universal Declaration of Human Rights and on the occasion of International Migrants' Day on 18 December, it is more necessary than ever to remind States of their legal obligations to respect and implement cultural rights of migrant workers and members of their families. These rights are an integral part of the fundamental and inalienable rights inherent in the dignity of all human persons.

According to the UN Population Division, in 2023 there will be more than 281 million migrants living outside their country of origin or birth, out of a total population of 7.5 billion. International migration involves people living in different cultural and geographical contexts. As highlighted by the Special Rapporteur in the field of cultural rights in her 2023 [report](#), States have to protect and promote the rights of migrant to their cultures, defined as sets of values, attitudes, perceptions, and knowledge, which guide individual and collective actions in each environment. They have to create and facilitate, through continuous and sustained action and with the active participation of migrants, environments in which migrant workers can give meaning to their actions, experiences, and life in general and can interact with all sections of the population. Respect for cultural identities contributes to the resilience of migrant workers and their families. The status of migrants in having their cultural rights realised in irrelevant.

We reiterate our concern that the unjustified repression of cultural practices and toleration of stereotypes and negative narratives about migrants and their cultures of origin in host societies can lead to discrimination, resentment and even violence against migrant people. Limitations to cultural rights must be an exception, justified on a legitimate aim and proportionate to such aim. We express our concern that the issue of welcoming the migrant population and integrating them into transit and destination societies is a subject that strongly divides public opinion. We urge States to take

specific measures, created with the active participation of the migrants, to ensure their better understanding of the host society but also importantly, to educate the host society about the cultural resources of all migrant workers, their histories, philosophies, traditions and visions for the future.

Beyond the enrichment of the society with fresh and new ideas, we recall the major and irrefutable contributions being consistently made by migrants in the arts and cultural resources. From popular arts such as music and cuisine, to painting and modern art, literature, architecture, decoration and haute couture, migrants and their descendants have never ceased to contribute to the vitality and international influence of the world's cultural capital and "genius".

We also recognize the role of culture in building a common and peaceful society. The promotion and protection of the rights of migrant workers and members of their families undeniably contribute to social, economic, and political stability. They strengthen peace and enrich the diversity and cultural heritage of both home and host societies.

We recommend the need to redouble efforts to achieve the goal of full exercise of their rights by migrants, notably by combating their marginalization and minimizing all forms of discrimination against them. We emphasize the principles enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Article 31, paragraphs 1 and 2, states that States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin, and that States Parties may take appropriate measures to support and encourage efforts in this regard. This disposition should be read in conjunction with article 15 ICESCR and its evolving jurisprudence.

We reaffirm that States are obliged to ensure that migrant workers and members of their families can fully and effectively exercise, without discrimination of any kind and in full equality before the law, all human rights and fundamental freedoms as set forth, in particular in Art. 27 of the United Nations Covenant on Civil and Political Rights, as well as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (of March 2009 - A/RES/63/174).

We draw the attention of States to the relevant provisions of objective number 17 of the Global Compact for Safe, Orderly and Regular Migration, which calls for the elimination of all forms of discrimination and for the encouragement of a public debate based on factual analysis, to change the way in which migration is perceived. We therefore invite States to take all legislative and regulatory measures to facilitate the full enjoyment of cultural rights by the entire migrant population, in practice, in fact and in law, and without discrimination of any kind."

END

The [Committee on the Protection of the Rights of All Migrant Workers and Members of their Families](#) monitors States parties' adherence to the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), which to date has [59 States parties](#). The Committee is made up of [14 members](#) who are independent human rights experts drawn from around the world, who serve in their personal capacity and not as representatives of States parties. Learn more with our animations on the [Treaty Body system](#) and the [Committee on Migrant Workers](#).

Alexandra Xanthaki (Greece) was appointed [UN Special Rapporteur in the field of cultural rights](#) in October 2021. Ms. Xanthaki works as a Professor of Laws at Brunel University London, United Kingdom. Throughout her academic career, Ms. Xanthaki has published over 50 publications relating to the cultural rights of minorities and indigenous peoples, cultural diversity, cultural heritage, balancing cultural rights with other rights and interests, and multiculturalism and integration in international human rights law. She has worked with NGOs, civil society and has consulted States on such issues.

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

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