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Addendum

Thematic discussion on the theme “Violence against migrants, migrant workers and their families”

1. At its 3rd and 4th meetings, on 24 April 2012, the Commission considered agenda item 4, which read as follows:

“Thematic discussion on the theme “Violence against migrants, migrant workers and their families”.

2. For its consideration of agenda item 4, the Commission had before it a note by the Secretariat containing the discussion guide for the thematic discussion on violence against migrants, migrant workers and their families (E/CN.15/2012/5) and a note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice (E/CN.15/2012/19).

3. With the Chair presiding, the thematic discussion on item 4 was led by the following panellists: Conny Nxumalo (South Africa), Vitit Muntarbhorn (Thailand), Emmanuel Guevara Isla (Mexico), Luísa Maia Gonçalves (Portugal), Nonkululeko Sindane (South Africa), Atul Kumar Tiwari (India), Raluca Simion (Romania), José Manuel Sáenz Valencia (Colombia) and Suzanne Sheldon (United States of America).

4. The Chair made an introductory statement. An introductory statement was also made by a representative of the Secretariat and the United Nations Special Rapporteur on the human rights of migrants. Statements were made by the representatives of Germany, Thailand, Tunisia, Austria, China, Cuba, the Philippines, Algeria, the United States of America, the Russian Federation, Japan,



Canada, Mexico, Turkey and Argentina. The observers for Ecuador, on behalf of the Group of Latin American and Caribbean States, Azerbaijan, Spain, Israel, El Salvador, Venezuela (Bolivarian Republic of), Morocco, Switzerland, Indonesia, the Republic of Korea and the Dominican Republic also made statements. Statements were also made by the observers for the European Union, the Office of the United Nations High Commissioner for Human Rights, the International Organization for Migration and the International Federation of Red Cross and Red Crescent Societies. The observers for the Academic Council on the United Nations System, the International Sociological Association, the Japan Federation of Bar Associations, the Global Alliance against Traffic in Women and the Friends World Committee for Consultation also made statements.

Summary by the Chair

5. At the end of the thematic discussion, the Chair summarized the salient points as follows:

6. The positive economic, social and cultural contributions of migrants to societies worldwide were stressed, as well as the need for the political discourse and the media to support that positive image to avoid fuelling discrimination, xenophobia and violence.

7. Member States had an obligation to protect the human rights of migrants, migrant workers and their families regardless of their migratory status. Violence against migrants was unwarranted and unjustifiable in modern societies based on the rule of law and human rights.

8. In order to develop and implement evidence-based policies and measures to prevent and address violence against migrants, migrant workers and their families, there was a need for comparable and disaggregated data on their victimization and vulnerabilities.

9. Efforts should be made to identify, support and protect all migrants, especially women and children, who had been victims of crime, including trafficking in persons.

10. The rights of children of migrants and unaccompanied children should be given high priority, and any decision should be made in line with the best interests of the child. Children should not be detained on the basis of their irregular status.

11. Women migrant workers, in particular domestic workers, were particularly vulnerable to abuse and exploitation; therefore, special measures should be put in place to prevent and protect them from crimes and violence.

12. Borders were considered places of high risk of violence to migrants, and measures were needed to build the capacity of law enforcement personnel in this regard.

13. There was a need for comprehensive, coordinated and multidisciplinary national strategies and measures to address violence against migrants, migrant workers and their families. Different forms of such violence were highlighted, including physical, psychological and sexual violence, extortion, exploitation,

kidnapping and even murder. Discrimination, xenophobia and racism facilitated violence against migrants.

14. Good practices implemented by countries of origin included programmes to support and protect their nationals abroad, including through pre-departure training, monitoring of recruitment agencies, special measures to ensure accountability for crimes committed abroad, bilateral agreements with destination countries and training of consular officials.

15. To ensure better integration of all migrants in destination countries, awareness-raising measures were necessary, including in cooperation with the media and at the community level. In this regard, it was considered important that migrants have access to essential services such as education and health care.

16. Access to the justice system was equally important, especially for irregular migrants, who were particularly vulnerable to violence and less likely to seek redress and justice. Several Member States had taken measures to regularize the status of irregular migrants, in some cases to ensure their willingness to testify in criminal prosecutions.

17. The criminal justice system should recognize violence, xenophobia and discrimination as aggravating circumstances in crimes against all migrants, including in the smuggling process. Legislative reform measures undertaken by Member States in areas such as migration law, criminal law and civil law were mentioned.

18. Member States, in cooperation with relevant international, regional and non-governmental organizations, were encouraged to support the ratification and effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and relevant human rights instruments.

19. Countries of origin, transit and destination should strengthen cooperation at the bilateral, regional and national levels, to protect migrants, migrant workers and their families from all forms of violence. Mutual legal assistance, judicial and police cooperation and extradition were of particular importance in this regard. Reference was made to regional initiatives such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, European Union legislative frameworks and cooperation with the Central American Integration System.