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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 14 (a)

SPECIFIC GROUPS AND INDIVIDUALS:

MIGRANT WORKERS

Algeria*, Angola*, Argentina, Bangladesh, Bolivia*, Brazil*,
Cameroon*, Cape Verde, Chile, Colombia, Congo, Costa Rica*,
Cuba, Democratic Republic of the Congo, Ecuador, Egypt*,
El Salvador, Ethiopia*, Guatemala, Guinea*, Haiti*, Honduras*,
India, Indonesia, Liberia, Madagascar, Mauritius, Mexico,
Morocco, Mozambique, Nicaragua*, Pakistan, Paraguay*, Peru,
Philippines, Russian Federation, Rwanda, Senegal, Sri Lanka,
Tunisia, Turkey*, Uganda*, Uruguay, Zimbabwe*: draft resolution

1999/... Human rights of migrants

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming also that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including on the basis of national origin,

Noting that the estimated number of migrants in the world is currently one hundred and thirty million, of whom as many as thirty million could be in an irregular migratory situation,

Deeply concerned at the manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, costume and culture,

Bearing also in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of migrants, independent of their migratory status,

Recalling its resolutions 1998/16 of 9 April 1998 and 1997/15 of 3 April 1997 and its decision to reconvene the working group of intergovernmental experts on the human rights of migrants with the mandate to gather all relevant information on the obstacles existing to the effective and full protection of the human rights of migrants and to elaborate recommendations on strengthening the promotion, protection and implementation of the human rights of migrants,

Having examined the report of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80), especially chapter VI containing the working group's findings on obstacles to the effective and full protection of the human rights of migrants,

Welcoming the recommendations of the working group,

Resolved to intensify its efforts to improve the situation of migrants and to ensure their human rights and dignity, independently of their migratory status,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to appoint, for a three-year period, a special rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, with the following functions:

(a) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(b) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants;

(c) To promote the development and effective application of international legal instruments on the issue;

(d) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

4. Requests the Special Rapporteur, in carrying out his/her mandate, to give careful consideration to the various recommendations of the working group of intergovernmental experts aimed at the promotion and protection of the human rights of migrants;

5. Invites the Special Rapporteur, in carrying out this mandate and within the framework of the Universal Declaration of Human Rights and all other international instruments, to seek and receive information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and from intergovernmental organizations, other competent

organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

6. Requests the Chairman of the Commission, after consultations with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of migrants;

7. Requests all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested, including by reacting promptly to his/her urgent appeals;

8. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

9. Invites the Special Rapporteur to contribute to the preparatory committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the objectives of the Conference, including by identifying major issues to be considered by the Conference;

10. Requests the Special Rapporteur to submit a report on his/her activities to the Commission at its fifty-sixth session;

11. Requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his/her mandate;

12. Decides to examine this question further, as a matter of priority, at its fifty-sixth session under the same agenda item.
