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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Question of international legal protection of the  
human rights of individuals who are not citizens  
of the country in which they live

Amendments by the delegation of Mexico to the revised  
draft declaration on the human rights of individuals  
who are not citizens of the country in which they live  
(annex to document A/35/363)

1. In the title of the Declaration and throughout the preamble and articles, replace the word "individuals" by the word "persons".
2. In the title of the Declaration and throughout the preamble and articles, replace the words "citizen" and "citizens" by "national" and "nationals" respectively.
3. In the title and articles, replace the words "in which they live" and "in which they reside" by the words "in which they find themselves".
4. At the end of the fourth preambular paragraph add: "religion, political or other opinion, national or social origin, property, birth or other status".
5. In the last two lines of the fifth preambular paragraph, replace the words "reside and work in" by the words "reside in and visit"; and in the eighth preambular paragraph, replace the words "residing and may be working in" by the words "residing in and visiting".
6. In the seventh preambular paragraph, replace the word "provides" by "reaffirms".
7. In article 1, delete the word "lawfully" and insert the words "or visits" after "resides in". The paragraph becomes paragraph 1.

Add a second paragraph to article 1 as follows: "Diplomatic representatives, consular agents and other internationally protected persons, in addition to the fundamental rights accorded them under the present Declaration, shall receive the treatment to which they are entitled under the relevant conventions and in accordance with international law."

8. In article 2, delete the words: "Every State is entitled to expect that".

9. In article 3, replace the word "distinguish" by the words "establish distinctions"; replace the words "or affect" by the words "and in any way restrict the full exercise of"; add at the end "within the jurisdiction of that State".

10. In the first paragraph of article 4, delete the word "civiles" /Spanish only/; replace the words "obligations imposed upon a non-citizen by article 2" by the words "obligations of non-nationals referred to in article 2 of the present Declaration".

At the end of subparagraph (ii), replace the words "language used in court" by the words "official language of the State".

In subparagraph (iii), delete the words "and are absolutely necessary", "compelling" and "public policy".

In subparagraph (v) add "and to live with his family".

11. In article 8, add at the beginning of the first sentence: "If he carries on a lawful paid activity in the country in which he finds himself,"; replace the words "obligations imposed on a non-citizen by article 2" by the words "obligations of non-nationals referred to in article 2 of the present Declaration". The paragraph becomes paragraph 1.

In subparagraph (ii), delete the words "in accordance with national laws in force".

In subparagraph (iii), delete the words "subject to national laws in force".

In subparagraph (iv), replace the words "participation in national schemes" by the words "their participation in the corresponding national schemes"; delete the words "and that undue strain is not placed on the resources of the State".

Add a paragraph 2 to article 8 as follows: "With a view to protecting the basic rights of non-nationals carrying on lawful paid activities in the country in which they find themselves, such rights may be specified by the Governments concerned in multilateral or bilateral conventions."

12. At the end of article 9, paragraph 2, add: "also in accordance with national laws in force".