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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
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**SPECIFIC GROUPS AND INDIVIDUALS**

**Written statement\* submitted by the World Federation of Trade Unions (WFTU), a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2005]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The World Federation of Trade Unions:

**reaffirming** in the Universal Declaration of the Human rights, the International Pact of the Civil and political Rights, the Declaration and Program of Action of Durban(2001), the Convention the International on Human Protection of the Right of all the migratory workers and their families

**and considering** that the Declarations, Resolutions, Reports and recommendations of the Special Relater to the States members of the UN so that the preservation and protection of the human rights towards migrants and their families are nationally and internationally implemented have not found echo and on the contrary the situation had been aggravating.

Declares that added itself to those who in an increasing way, appreciate changes and regressive transformations in the world that raise great challenges to the capacity of the States.

The great majority of countries of the International Community have not had a political strategy of integral and sustainable cooperation for those who has been forced to take refuge, to emigrate to other States.

Its performance has seen lately conditional by the exigencies of the so called "globalization" on one hand, or the fight for "freedom", against the "terrorism" and local political conjunctures.

The UN conferred to the ACNUR the mandate to make and coordinate the international action to protect the refugees in the world and to find solutions to its problems in order to guarantee its rights and well-being according to is reflected in the Convention of the UN, 1951; the Statute of the Refugees and its Protocol of 1967.

In the new reality, it becomes necessary that this organism acts in a more expeditious way in the execution of its humanitarian efforts firstly the preventive one. This 61<sup>st</sup>. session of the Commission of the Human rights must promote that thousands and thousands of migrants leave limb.

We welcome the vision of parliamentarians of the world: *"... the citizenship must consider refugees like people who not only need and deserve the international protection, but that can contribute to an authentic and lasting input to the improvement and the diversification of their communities"*.

The previous session of the Commission on Human rights recognized, in its Resolutions, that racism, racial discrimination, xenophobia and the related forms of intolerance come from motives of race, colour, ancestry or national or ethnic origin and that the victims can undergo multiple or aggravated forms of discrimination for other related reasons.

It was pointed out, furthermore, that poverty, underdevelopment, marginalization, social exclusion and the economic disparities, are closely associated with such cruel

practices and contribute to the persistence of racist attitudes and practices which, in turn, generate more poverty.

In such sense, it becomes a drama that shakes the world, as every day it brings new deaths among those that flee from misery and look to the First World for the solution of their problems regardless of the risks of the passage and becoming, when arriving, citizens of second category.

The migratory flows from the South towards the countries of the North keep increasing because the causes of this exodus do not disappear.

The First World protects itself from them by means of humiliating measures, persecutions.

Every year thousands of people, who look for economic improvements, try to reach, by any route, the desired world that the propaganda of the industrialized countries idealizes.

In the Old Continent, or near the Mexican border with the United States, or in other regions, the dilemma of thousands of people who are victims of the migratory flow does not seem to have a solution, and that will be increased by the more and more dramatic inequalities of our planet, which constitute a true challenge for humanity.

Those that arrive at the receiving countries come to occupy the jobs rejected by the nationals, to cover the lack of young or trained manual labour, although they do not receive their elementary rights and are accused of being the cause of all the social difficulties.

Nevertheless, and even though the fact that the International treaty on the protection of the rights of migratory workers and its relatives took effect the past July 1<sup>st</sup>. 2003, and in spite of its economic importance and of the enormous amount of people concerned, migratory workers frequently are not protected by that legislation and are considered like a cheap, docile and flexible labour force.

This instrument, as it is well known, had been designed to improve the conditions of life of an enormous amount of people who look for employment outside their countries.

In the International Labour Organization the criterion extends of that is arising an international consensus around the idea that the regulation of the international labour migration cannot be only left into the hands of national interests and mechanisms of market.

Also it is appraised that it is necessary to act through bilateral and multilateral agreements and by means of the attachment to the international norms.

The workers who migrate in irregular form are especially vulnerable to exploitation and abuse because the threat of arrest and deportation prevents any type of union association and exposes them to dangerous labor conditions.

It is for these reasons that the World Federation of Trade Unions:

- urges the taking of actions in favor of the adoption, by the Governments, of the International treaty on the protection of the rights of migratory workers and their relatives, which took effect the 1<sup>st</sup>. of July of 2003.
- calls for the condemnation of manifestations and acts of racism, racial discrimination, xenophobia and connected forms of intolerance against migrants and the stereotypes that usually are applied to them.
- claims to reaffirm the sentence on all forms of racial discrimination and xenophobia in the access to the employment, professional formation, lodgings, instruction, health care services, and social services destined for public use.
- requires that, in accordance with their national legislation and the international legal instruments applicable to which they have adhered, the governments submit for judicial control all violations of labor laws with respect to the conditions of work of migrant workers, in particular the ones relative to their remuneration and conditions of health and security at work.
- appeals for the ratification of what was decided in previous sessions of the Commission on Human Rights relative that must be put into practice, without justifications that conceal lack of political will for it, the commitments and recommendations related to the promotion and protection of the human rights of migrants which appear in the Declaration and Program of Action of Durban.
- sustain its commitment to organize a world-wide campaign for the total elimination of racism, racial discrimination, xenophobia and the connected forms of intolerance, which was adopted in previous sessions of the Commission on Human rights.
- reaffirms its conviction that the migratory phenomenon, legal and illegal, will keep increasing as long as the misery and the poverty in the Third World Countries continues, a situation that grows because of the imposition of an economic model that globalizes social injustice.

When we approached to 55<sup>th</sup>. anniversary of the Convention of the United Nations on the Statute of the Refugees, we called to does not exist more tolerance and coexistence with discriminatory practices and breaking of all dignity condition of the person; that we gather the feelings expressed recently in the occasion of the defeat of the fascism so that do not return others "Auschwitz"; and that surpasses the lack of will and decision to fulfil declarations, recommendations and sanctions approved in the Commission of the Human rights and other world-wide scenes.

**RESPECT BY THE HUMAN RIGHTS OF REFUGEES - MIGRANTES AND  
AGAINST DISCRIMINATION!**

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