



## Economic and Social Council

Distr.: Limited  
27 March 2012

Original: English

---

### Commission on Crime Prevention and Criminal Justice

#### Twenty-first session

Vienna, 23-27 April 2012

Item 4 of the provisional agenda\*

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

##### Turkey: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

#### Elimination of violence against migrants, migrant workers and their families

*The General Assembly,*

*Reaffirming* the Universal Declaration of Human Rights,<sup>1</sup> in articles 1 and 2 of which it is stated 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 forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

*Recalling* its resolution 66/172 of 19 December 2011 entitled “Protection of migrants” and its resolution 66/128 of 19 December 2011 entitled “Violence against women migrant workers”,

*Reaffirming* that the States parties to the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

---

\* E/CN.15/2012/1.

<sup>1</sup> General Assembly resolution 217A (III).

<sup>2</sup> General Assembly resolution 2200A (XXI), annex.



*Welcoming* the renewed commitment made in the United Nations Millennium Declaration<sup>3</sup> to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies,

*Bearing in mind* that States have obligations under international law to exercise due diligence to prevent crimes from being perpetrated against migrants and to investigate such crime and punish the perpetrators and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims of such crime,

*Affirming* that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and that eradicating such crime requires concerted international response, based on assessments, and genuine multilateral cooperation among the countries of origin, transit and destination of victims of such crime,

*Recalling* the obligation of States parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>4</sup> to afford migrants appropriate protection against violence,

*Aware* of the increasing number of migrants worldwide, and bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their countries of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as economic and social difficulties,

*Recognizing* the positive contributions that migrants frequently make, including through their eventual integration into their host society, and the efforts that some host countries undertake to integrate migrants and their families,

*Underlining* the importance of creating conditions that foster greater harmony, tolerance and respect between migrants and the rest of society in the States in which migrants reside, in order to eliminate manifestations of racism and xenophobia aimed at migrants,

*Deeply concerned* about acts of intolerance, discrimination and violence, or credible threats of violence, aimed at migrants, migrant workers and their families,

*Underlining* that such acts constitute violations of the fundamental rights of migrants, migrant workers and their families, such as the right to life, the right to bodily integrity and the right to work,

*Encouraged* by the increasing interest of the international community in ensuring the effective and full protection of the human rights of all migrants,

*Underlining* the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

---

<sup>3</sup> General Assembly resolution 55/2.

<sup>4</sup> United Nations, *Treaty Series*, vol. 2241, No. 39574.

*Bearing in mind* the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

*Having resolved* to ensure respect for the human rights and fundamental freedoms of all migrants, migrant workers and their families,

*Having considered* the note prepared by the secretariat of the United Nations Office on Drugs and Crime for the thematic discussion on violence against migrants, migrant workers and their families,<sup>5</sup>

1. *Affirms* its determination to eliminate violence against migrants, migrant workers and their families;

2. *Expresses deep concern* at and strongly condemns the continuing perpetration of criminal acts and acts of racism, racial discrimination, xenophobia and related intolerance aimed at migrants, migrant workers and their families in all regions of the world;

3. *Calls upon* Member States to adopt measures for preventing and effectively addressing cases of violence against migrants, migrant workers and their families and to ensure that the victims of such crime receive humane and respectful treatment from States, regardless of their status;

4. *Urges* Member States to take urgent and effective action against all forms of racism, discrimination, xenophobia and related intolerance that impede the access of migrants, migrant workers and their families to employment, vocational training, housing, schooling, health services and social services, as well as other services intended for use by the public;

5. *Also urges* Member States to adopt, implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, discrimination, xenophobia and related forms of intolerance, thereby contributing to the prevention of human rights violations and promoting respect for cultural, ethnic and religious diversity;

6. *Emphasizes* the need for international cooperation in addressing issues relating to transnational organized crime, including where they involve violence against migrants, migrant workers and their families, urges States parties to the United Nations Convention against Transnational Organized Crime,<sup>6</sup> and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing that Convention,<sup>7</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention,<sup>8</sup> to fully implement those legal instruments, and calls upon States that have not done so to consider ratifying or acceding to those legal instruments as a matter of priority;

7. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>9</sup> as a matter of priority, and

<sup>5</sup> E/CN.15/2012/5.

<sup>6</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>7</sup> Ibid., vol. 2241, No. 39574.

<sup>8</sup> Ibid., vol. 2237, No. 39574.

<sup>9</sup> Ibid., vol. 2220, No. 39481.

requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

8. *Calls upon* Member States to take measures to ensure that migrants, migrant workers and their families have access to a system of justice for violations of their human and labour rights, irrespective of their status;

9. *Urges* Member States to fully use, where pertinent, international cooperation in investigating and prosecuting crime involving violence against migrants, migrant workers and their families, and to develop an adequate legal framework to allow for extradition, mutual legal assistance and international cooperation in relation to such crime;

10. *Invites* Member States to take immediate steps to incorporate into national crime prevention strategies measures to prevent, prosecute and punish crime involving violence against migrants, migrant workers and their families, as well as violence associated with racism, xenophobia and related forms of intolerance;

11. *Calls upon* Member States to review and, where necessary, revise their migration laws, policies and practices in accordance with their obligations under international human rights instruments, with a view to eliminating all discriminatory practices against migrants, migrant workers and their families so that they are free from racial discrimination;

12. *Welcomes* the active role played by international and non-governmental organizations in combating racism, discrimination, xenophobia and related intolerance and in assisting individual victims of such acts, including those who are migrants;

13. *Encourages* all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education, and also encourages States, while upholding the best interests of the child, to foster the successful integration of migrant children into the educational system and the removal of barriers to their education in host and receiving countries;

14. *Emphasizes* the crucial role of education, including human rights education, training and learning, and a variety of awareness-raising measures that contribute to the creation of tolerant societies in which mutual understanding may be ensured;

15. *Calls upon* Member States to provide specialized training for government policymaking, law enforcement, border control, migration and other officials concerned, including in cooperation with non-governmental organizations and civil society, with a view to creating conditions that foster greater harmony and tolerance within societies;

16. *Calls upon* Member States, intergovernmental organizations and non-governmental organizations to cooperate with the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as with the Office of the United Nations High Commissioner for Human Rights and the Special

Rapporteur on the human rights of migrants, and to take into account their recommendations;

17. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-third session on the implementation of the present resolution;

18. *Invites* the Commission on Crime Prevention and Criminal Justice to consider this issue further in a comprehensive manner.

---