



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



Human rights of migrants

Commission on Human Rights resolution 1999/44

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,

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,

Taking note of the large and increasing number of migrants in the world,

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, custom and culture, as well as the economic and social difficulties and obstacles for the return of migrants who are non-documented or in an irregular situation to their States of origin,

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

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

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),

Taking note with appreciation of the recommendations of the Working Group,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

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, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation, 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, wherever they may occur;
 - (c) To promote the effective application of relevant international norms and standards 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;
 - (e) To take into account a gender perspective when requesting and analysing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women;
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, and to take into consideration relevant human rights

instruments of the United Nations to promote and protect 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 request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs 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 Special Rapporteur, in carrying out his/her mandate, to take into account bilateral and regional negotiations which aim at addressing, inter alia, the return and reinsertion of migrants who are non-documented or in an irregular situation;
7. 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;
8. 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;
9. 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;
10. 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;
11. Requests the Special Rapporteur to submit a report on his/her activities to the Commission at its fifty-sixth session;
12. Requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his/her mandate;
13. Decides to examine this question further, as a matter of priority, at its fifty-sixth session under the same agenda item.

56th meeting

27 April 1999

[Adopted without a vote. See chap. XIV.]

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