Resolution adopted by the General Assembly

[on the report of the Third Committee (A/55/602/Add.2 and Corr.1)]

55/92. Protection of migrants

The General Assembly,

Recalling its resolution 54/166 of 17 December 1999,

Considering that the Universal Declaration of Human Rights\(^1\) 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 the provisions concerning migrants adopted by the World Conference on Human Rights,\(^2\) the International Conference on Population and Development,\(^3\) the World Summit for Social Development\(^4\) and the Fourth World Conference on Women,\(^5\)

Bearing in mind the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants,\(^6\)

Taking note of Commission on Human Rights resolution 2000/48 of 25 April 2000, on the human rights of migrants,\(^7\)

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

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\(^1\) Resolution 217 A (III).
\(^2\) See A/CONF.157/24 (Part I), chap. III.
\(^4\) See Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.
\(^5\) See Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
\(^6\) E/CN.4/2000/82.
Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their States 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 to their States of origin of migrants who are non-documented or in an irregular situation,

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

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

Underlining the importance of the creation of conditions that foster greater harmony between migrant workers and the rest of the society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Taking note with appreciation of the recommendations on strengthening the promotion, protection and implementation of the human rights of migrants of the working group of intergovernmental experts on the human rights of migrants8 established by the Commission on Human Rights,

Noting the efforts made by States to penalize the international trafficking of migrants and to protect the victims of this illegal activity,

Taking note of the decisions of the relevant international juridical bodies on questions relating to migrants, in particular advisory opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, regarding the right to information about consular assistance within the framework of due process guarantees,

1. Welcomes the renewed commitment made in the United Nations Millennium Declaration9 to take measures to ensure respect for and protection of 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;

2. Requests all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights10 and the international instruments to which they are party, which may include the International Covenants on Human Rights,11 the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,11 the International

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9 See resolution 55/2.
10 Resolution 2200 A (XXI), annex.
11 Resolution 39/46, annex.
Convention on the Elimination of All Forms of Racial Discrimination,12 the
International Convention on the Protection of the Rights of All Migrant Workers and
Members of Their Families,13 the Convention on the Elimination of All Forms of
Discrimination against Women,14 the Convention on the Rights of the Child15 and
other applicable international human rights instruments;

3. Strongly condemns all forms of racial discrimination and xenophobia
with regard to access to employment, vocational training, housing, schooling, health
services and social services, as well as services intended for use by the public, and
welcomes the active role played by governmental and non-governmental
organizations in combating racism and assisting individual victims of racist acts,
including migrant victims;

4. Calls upon all States to review and, where necessary, revise immigration
policies with a view to eliminating all discriminatory policies and practices against
migrants and to provide specialized training for government policy-making and law
enforcement, immigration and other concerned officials, thus underlining the
importance of effective action to create conditions that foster greater harmony and
tolerance within societies;

5. Reiterates the need for all States to protect fully the universally
recognized human rights of migrants, especially women and children, regardless of
their legal status, and to provide humane treatment, in particular with regard to
assistance and protection, including those under the Vienna Convention on Consular
Relations,16 regarding the right to receive consular assistance from the country of
origin;

6. Reaffirms the responsibility of Governments to safeguard and protect the
rights of migrants against illegal or violent acts, in particular acts of racial
discrimination and crimes perpetrated with racist or xenophobic motivation by
individuals or groups, and urges them to reinforce measures in this regard;

7. Urges all States to adopt effective measures to put an end to the arbitrary
arrest and detention of migrants, including by individuals or groups;

8. Requests all Governments to cooperate fully with the Special Rapporteur
of the Commission on Human Rights on the human rights of migrants in the
performance of her mandated tasks and duties and to furnish all information
requested, including by reacting promptly to her urgent appeals;

9. Encourages Member States that have not yet done so to enact domestic
criminal legislation to combat international trafficking of migrants, which should
take into account, in particular, trafficking that endangers the lives of migrants or
includes different forms of servitude or exploitation, such as any form of debt
bondage, sexual or labour exploitation, and to strengthen international cooperation
to combat such trafficking;

10. Welcomes the recommendations of the Special Rapporteur that close links
be established between her work and that of the Preparatory Committee for the
World Conference against Racism, Racial Discrimination, Xenophobia and Related

12 Resolution 2106 A (XX), annex.
13 Resolution 45/158, annex.
14 Resolution 34/180, annex.
15 Resolution 44/25, annex.
Intolerance, within the framework of the objectives of the Conference, and encourages her to assist in the identification of the main issues that the Conference should address;

11. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

12. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution under the sub-item entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”.

81st plenary meeting
4 December 2000