

# **MIGRANTS RIGHTS BULLETIN**

**PILOT ISSUE: OCTOBER-NOVEMBER 1999**

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### **1. Introducing the Bulletin**

We are pleased to share with you this first, pilot issue of *Migrants Rights Bulletin*, a service of the International Migrants Rights Watch Committee. This bulletin is intended to be a brief regular update on news and views on efforts worldwide to advance the protection of the basic human rights of migrants. For the time being, we intend to produce it in a brief four page format, together with a two page “feature report,” and to distribute it by electronic and/or postal mail to subscribers. It will also be posted on the WorldWideWeb site of the Global Campaign for Ratifications of the migrants rights convention: [www.migrantsrights.org](http://www.migrantsrights.org)

The main purpose of this bulletin is to encourage and guide engagement in the **global campaign for migrants rights**. Its objectives are to keep those concerned with migration issues and migrants human rights updated on relevant developments internationally, to facilitate exchange of news and views among those working in the diverse regional and national contexts, and to share perspectives and analysis on relevant issues.

Your comments, suggestions and contributions are most welcome. Indeed, this bulletin can only be useful and successful if it carries stories about what is happening in each of the countries, regions and institutions where people are engaged in campaigning for the human rights of migrants. So please, send in updates on what is happening where you are, and how

you are responding!

### **2. Special Rapporteur on Human Rights of Migrants**

Following her appointment in August, the UN Special Rapporteur on Human Rights of Migrants, Ms Gabriela Rodriguez of Costa Rica, has moved quickly to start the urgent work laid out in her mandate. In September, she held a first round of consultations with international organizations and specialists in Geneva to refine her working terms of reference and to establish a work program for coming months. Letters were sent to all governments and to international organizations requesting all relevant information and data. The Secretariat of the Office of the UN High Commissioner for Human Rights is compiling information and data towards the preparation of an initial report to be presented to the UN Commission on Human Rights next March.

In its resolution adopted by consensus last April 27 (No. 1999/44), the UN Commission on Human Rights established a broad and comprehensive mandate for the Special Rapporteur. The “SR” is “*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.”*

The Special Rapporteur is requested “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.”

The Special Rapporteur is requested “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;”

The SR is also invited 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.”

All Governments are requested “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,” and governments are further encouraged “to give serious

consideration to inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively.”

The Bureau of the Human Rights Commission has made an appropriate choice in naming Gabriela Rodriguez as Special Rapporteur. She has had a long experience in migration and human rights. Her professional specialization has been in the field of psycho-social attention to refugees and migrants. Ms. Rodriguez worked for several years with the French agency CIMADE serving refugees and migrants after being exiled from her native Chile. She is the past-President of ARMIF, the Regional Association on Forced Migration in Central America and Mexico, and directs El Productor, a Costa-Rica based development agency. She currently directs a comprehensive services program for IDPs (internally displaced persons) in Colombia, under the auspices of the International Organization for Migration (IOM).

Gabriela’s work will be successful to the extent that non-governmental organizations and migrant groups, as well as governments and international agencies, submit credible data, information and analysis. Material should be sent to:

Special Rapporteur on Human Rights of Migrants  
 c/o Ms. Bruna Molina  
 Office of the High Commissioner for Human Rights (OHCHR)  
 Palais des Nations  
 1211 Geneva 10  
 e-mail: [bmolina-abram.hchr@unog.ch](mailto:bmolina-abram.hchr@unog.ch)

### **3. Latin America—Progress on the Convention**

According to colleagues in Roman Catholic organizations in various Latin American countries, some progress is being registered in consideration of the 1990 International Convention on migrants rights in the region.

The news is as follows:

*Ecuador:* Ratification of the Convention is included in the National Human Rights plan

adopted by Cabinet; discussions are being held in the legislature towards introduction of ratification legislation. Roman Catholic church bodies and other organizations are continuing to publicly advocate for ratification.

*Central America:* A meeting in September of representatives of Caritas national sections, International Catholic Migration Commission delegates and the National Bishops Conferences of all Central American states worked out a collective approach for pushing for ratifications in the Central American countries.

Meanwhile, at a Puebla inter-governmental process meeting on human rights and migration held in Guatemala in September, reference was made to supporting ratification by countries in the region. The Puebla process has already in the past expressed the need for governments to address undocumented migrants and basic HR.

*Costa Rica:* there have been two meetings by Catholic delegations with the vice minister for immigration, a third meeting is pending to discuss a proposal that could lead to Costa Rica signing the convention.

*Guatemala:* the convention is under discussion in the senate.

*Mexico:* Observers have noted that the reservations made by *Mexico* in its ratification may be anti-constitutional, and could eventually be dropped.

#### 4. Recent Ratifications of the 1990 Convention on migrants rights

Since early this year, Azerbaijan, Mexico and Senegal have acceded to or ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, bringing to 12 the number of States party to this UN human rights treaty. (20 are needed for it to “enter into force” and become effective.) Bangladesh and Turkey have also now signed the Convention, the preliminary step to ratification. The current status of the Convention is as follows:

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STATUS : Signatories: 6. Parties: 12.

Note : The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by Resolution 45/158<sup>1</sup> of 18 December 1990 at the forty-fifth session of the General Assembly of the United Nations. The Convention is open for signature by all States in accordance with its article 86 (1).

Participant	Signature	Ratification, accession (a)
Azerbaijan		11 Jan 1999 a
Bangladesh	7 Oct 1998	
Bosnia and Herzegovina		13 Dec 1996 a
Cape Verde		16 Sep 1997 a
Colombia		24 May 1995 a
Chile	24 Sept 1993	
Egypt		19 Feb 1993 a
Mexico	22 May 1991	8 Mar 1999
Morocco	15 Aug 1991	21 Jun 1993
Philippines	15 Nov 1993	5 Jul 1995
Senegal		9 Jun 1999 a
Seychelles		15 Dec 1994 a
Sri Lanka		11 Mar 1996 a
Turkey	13 Jan 1999	
Uganda		14 Nov 1995 a

This status chart, the text of the Convention, as well as Human Rights Commission resolutions and reports

related to migrants rights are available on the website of the UN High Commissioner for Human Rights, at [www.unhchr.ch](http://www.unhchr.ch)

## 5. Asia Takes Lead in December 18 Day of Solidarity with Migrants

A growing number of initiatives in different regions are picking up on the idea of celebrating December 18 as an *International Day of Solidarity with Migrants*. In 1998, organizations in countries throughout Asia held activities and events on or around December 18 to give visibility to concerns with protection of migrants human rights and to specifically call for ratification of the 1990 International Convention on migrants rights.

Again this year December 18 will be the focus of activities for the ongoing "Rights and Roots" campaign taken up by non-governmental organizations in some 15 Asian countries. One example of the numerous "grass roots" initiatives is the effort by the Migrant Services Centre of the Sri Lankan National Workers Congress to organize in 10 rural localities around Sri Lanka. The village-level programs will "reflect on problems and issues and dedicate to pursue actions with a view to over coming major issues of concern to migrants, particularly women."

Meanwhile, a national forum in Rome, Italy, attended by members of parliament and senior staff of cabinet ministries, recommended that the Italian parliament hold a first hearing on ratification of the 1990 Convention this December 18.

The UN Working Group of Intergovernmental Experts on Human Rights of Migrants made a recommendation that just such an international day be established in its final report to the UN Commission on Human Rights last March. The report stated, "It is recommended that the United Nations designate a day as the International Day of the Migrant in order to highlight and promote the human rights of migrants. 18 could be designated as the International Day of the Migrant, taking into account that the 1990 Convention on Migrants was adopted by the General Assembly on 18 December 1990."<sup>1</sup>

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<sup>1</sup> Report of the working group of intergovernmental experts on the human rights of migrants... UN Economic and Social

However, a formal proposal to make such a designation has not yet been taken up by any permanent UN body, such as the Commission on Human Rights. The commission could take up the proposal, by elaborating and adopting a recommendation that the UN Economic and Social Council officially make such a designation.

## 6. Feature Report Supplement: ILO reviews instruments on protection of migrant workers rights

The special feature article, included as an *insert* to this pilot issue of the *Migrants Rights Bulletin*, summarizes the current status and prospects for the two main International Labour Office (ILO) conventions addressing protection of migrant workers' rights.

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The *Migrants Rights Bulletin* is compiled and written by Patrick Taran, Director of the International Migrants Rights Watch Committee.

Editorial review by Joseph Oneka, Cathi Tactaquin and Mayan Villalba, members of the IMRWC Executive Committee.

Material from this bulletin may be cited and reproduced for further circulation. We appreciate acknowledgement of the source.

Letters to the editor are encouraged.

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"Migrants Rights Watch" is the independent global monitoring body focusing on human rights of migrants. Founded in Cairo in 1994, its 26 members are drawn from human rights, legal, trade union, migrant and religious backgrounds in Africa, Asia, the Caribbean, Europe, Latin America, the Middle East, North America and the Pacific.

Its purposes are to promote full respect for

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Council, document E/CN.4/1999/80 .. March 1999, paragraph 109.

migrants rights and dignity world-wide, advocate for implementation of international standards for the protection of migrants human rights, and facilitate support for and coordination among migrant associations, civil society organizations and concerned international agencies.

