

## HUMAN RIGHTS WATCH

### Protecting the Human Rights of Refugees, Asylum Seekers, Migrants and Internally Displaced Persons

Suggested Language from Human Rights Watch, August 6, 2001

**Incorporating  
Proposed Amendments to the 12 July 2001 Draft Programme of Action ~~For Equality and Non-Discrimination~~ Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (A/CONF.189/PC.3/8) and the Draft Declaration (A/CONF.189/PC.3/7).**

Note on formatting: ~~Double strikethrough~~ indicates suggested deletion of text; **Bold** indicates suggested addition of language; *italics* indicates text of 12 July 2001 draft Programme of Action (A/CONF.189/PC.3/8 and the 12 July 2001 Draft Declaration (A/CONF.189/PC.3/7).

The following comments apply to all sections of the draft Programme of Action and draft Declaration relating to refugees, asylum seekers, migrants and internally displaced persons.

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#### **Suggested changes and additions to the Draft Programme of Action (A/CONF.189/PC.3/8).**

#### **I. SOURCES, CAUSES, FORMS AND CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

Under 2: Add new text;

**The World Conference urges States to recognize that;**

- **Racism, racial discrimination, xenophobia and related intolerance are among the root causes of forced mass displacement and refugee crises and that many refugees are forced to leave their country of origin because of a well founded fear of persecution on the grounds of race, ethnicity or nationality;**

- **That durable solutions to refugee crises can only be found if the international community reaffirms its commitment to collectively and effectively address these root causes, with urgency and without discrimination.**

## **II. VICTIMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

### **Subtitle: Migrants**

#### 30. Keep text

*Request all States to condemn any proposal that would lead to a generalized rejection of migrants and actively to discourage all racist demonstrations that generate negative feelings of rejection against migrants.*

#### 31. Keep text

*Urges non-governmental organizations and civil society to include monitoring and protection of the human rights of migrants within their programmes and activities and to make efforts to sensitise Governments and public opinion about the need to prevent and punish unlawful acts based on racism, racial discrimination, xenophobia and related intolerance.*

#### 32. Add text

*Requests States to fully and effectively promote and protect the human rights and fundamental freedoms of all migrants, as reflected in the Universal Declaration of Human Rights and the international human rights instruments to which they are parties, regardless of their immigration status, and in particular those of women, children and detainees, and to treat them with humanity and to give them legal protection and, where appropriate, ~~material assistance~~ **other services** including health care, **education and shelter** as well as access to other social and economic rights, bearing in mind a gender perspective; they should also furnish information and education on the rights of migrants and adopt and promote integration policies.*

#### 33. Keep text

*Encourages States to engage in information campaigns to ensure that the public receives accurate information regarding migration issues, including the contribution of migrants to the host society and the vulnerability of migrants in an irregular situation.*

#### 34. Delete text, language is included in 35

~~Underlines that family reunification has a positive effect on integration and calls upon States to facilitate family reunion, with due regard to the need for family members to have an independent status.~~

35. Keep text

*Underlines that family reunification has a positive effect on integration and calls upon States to facilitate family reunion, with due regard to the need for family members to have an independent status. The World Conference urges all States to grant to asylum-seekers, refugees and migrants access to basic economic and social rights.*

36. Keep text

*Recommends that States take concrete measures to avoid discriminatory practices with respect to vocational training, the type of posts that migrants may occupy, the type of contracts accorded to migrant workers, the right to seek employment in any part of the country, regulations governing working conditions, trade-union activity and access to judicial and administrative tribunals to air grievances concerning discrimination.*

37. Add text

*Urges States:*

- a) *To develop policies and action plans, and to reinforce and implement preventive measures, to foster greater harmony and tolerance between migrant workers and host societies with the aim of eliminating the growing manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence, perpetrated in many societies by individuals or groups and directed towards migrant workers and their families, persons of migrant origin and resident foreign workers;*
- b) *To review and revise their immigration laws, policies and practices so that they are free of discrimination against migrants, **asylum seekers and refugees** and compatible with their obligations under international human rights instruments, including the prohibition of excessive use of force;*
- c) *To ensure the development of specific measures concerning migrants and ~~refugees~~ ~~non-nationals~~, which actively involve the host society and non-nationals in integration programmes and encourage respect for cultural diversity, to promote their fair treatment and to facilitate, where appropriate, their integration into social, cultural, political and economic life, and to promote their participation in the decision making process;*
- d) *To monitor and ensure ~~pay~~ increased attention to the non-discriminatory/fair and equitable treatment of migrants, **asylum seekers, refugees** and ~~refugees~~ ~~non-nationals~~ regardless of their status, ~~including asylum seekers and refugees~~, as well as members of minority groups, detained by public authorities; specifically, these*

*detainees should receive effective legal assistance and, ~~where appropriate~~, the assistance of a competent interpreter, at all stages of their detention, particularly during interrogation;*

- e) To ensure that police and immigration authorities respect, amongst other aspects, the standards regarding dignified and non-discriminatory treatment of migrants, **asylum seekers and refugees**, through specialized training courses for administrators, police officers, immigration officials and other interested groups;*
- f) To consider the question of the recognition of the professional and technical work of migrants, with a view to recognizing their contribution in their new countries of residence;*
- g) To take measures to ensure that migrant workers and members of their families enjoy all human rights, particularly those related to fair remuneration, pensions, access to education, social services and protection of culture irrespective of their race, colour, descent, ethnic origin, gender, religion or political affiliation;*
- h) To consider adopting and implementing immigration policies and programmes that would enable immigrant women and children who are victims of spousal or domestic violence to free themselves from abusive relationships; these policies **should** ~~could~~ ~~for example~~ allow abused immigrant women to file for **legal immigration status relief** without their abuser's knowledge and give them the ability to cooperate with law enforcement to prosecute the abusers.*

#### 38: Keep text

*With the increased proportion of women who are migrants, States are urged to place special focus on gender issues and gender discrimination, particularly the multiple barriers faced by women when gender, socio-economic class, race and ethnicity intersect; detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution that women make to the economies of their countries of origin and destination/host countries, in particular when reporting to treaty bodies.*

#### Subtitle: Refugees

#### 39 Add text

*Urges States to comply with their **legal** obligations, under international human rights, refugee and humanitarian law, relating to the promotion and protection of the human rights of refugees, asylum seekers, other forced migrants and internally displaced persons. **Recognising that these legal obligations are in keeping, inter alia, with the principle of non-refoulement which is the cornerstone of international refugee protection, urges States to implement fully their obligations under the 1951***

**Convention Relating to the Status of Refugees, and its related Protocol, and to accede to those instruments where they have not already done so. States that have maintained a geographical limitation incompatible with the non-discriminatory intention of the 1967 Protocol should withdraw it.** ~~The States should also fulfil their humanitarian obligations/take seriously their humanitarian obligations/commitments regarding the protection and assistance needs of refugees and internally displaced persons, without discrimination between/among the different regions of the world, in keeping with the principles of international solidarity, the principles of international protection and their commitment to international cooperation to share responsibility sharing. responsibilities, burden-sharing/responsibility sharing and the resettlement of refugees in their countries.~~

40. Add text

*Urges States to recognize the different barriers that refugees and asylum seekers and immigrants face as they endeavour to participate in the economic, social, political and cultural life of their countries, and encourages States to develop strategies to facilitate inter alia the long-term integration of these persons into their new countries of residence and the full enjoyment by them of their human rights in consultation with the Office of the United Nations High Commissioner for Refugees and other organizations, as appropriate;*

41 Keep text

*Urges States, in collaboration with the Office of United Nations High Commissioner for Refugees and other relevant organizations, as appropriate, to take effective steps to protect internally displaced or refugee women and girls from violence and to investigate any such violations and bring those responsible to justice;*

42 Keep text

*Calls for all measures relating to asylum-seekers and refugees to be fully in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, and urges all States to grant asylum-seekers, refugees and internally displaced persons access to economic, social and cultural rights in accordance with international human rights obligations;*

43 [See Human Rights Watch policy on right to return of Palestinian refugees - <http://www.hrw.org/campaigns/israel/return/>. Human Rights does not believe that individual countries should be singled out in the draft Programme of Action or Declaration]

*[Urges Israel to revise its legislation based on racial or religious discrimination such as the law of return and all the policies of the occupying Power which prevent the*

*Palestinian refugees and displaced persons from returning to their homes and properties, in violation of their right to return].*

Add new text.

**The World Conference urges all States to cease the arbitrary detention of asylum seekers and refugees and to recognize the effect that this practice has on the growth of a climate of xenophobia.**

**Subtitle: other victims**

64. Keep text

*Urges States to pay special attention to situations of racism, racial discrimination, xenophobia and related intolerance when designing policies, strategies and programmes for children, [in particular, girls and children living in especially difficult circumstances, situations of exploitation or in need of special protection, inter alia: (a) abandoned or displaced children; (b) children who live or work in the street; (c) child labourers; (d) child victims of trafficking and economic exploitation; e) sexually exploited and abused children; (f) children affected by armed conflict; and (g) child victims of poverty/children orphaned by AIDS; (h) children separated from their parents/families, migrant children, children belonging to ethnic minorities, asylum-seekers and refugees]; ONGOING 2<sup>nd</sup> PrepCom*

Add new text

**The World Conference urges States to take or strengthen measures, including through bilateral or multilateral co-operation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as systematic gender discrimination, violence against women, poverty, underdevelopment, lack of equal opportunity.**

**III. MEASURES OF PREVENTION, EDUCATION AND PROTECTION AIMED AT THE ERADICATION OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS**

69. Keep text

Urges States to adopt or strengthen, as appropriate, national programmes for eradicating poverty which take account of the needs and experiences of [indigenous ~~populations~~ peoples, people of African descent, ~~people of minority descent~~, migrants, refugees, asylum-seekers ~~and~~ other ethnic, racial, cultural, religious and linguistic groups or minorities], /individuals and groups affected by or vulnerable to racism, racial

discrimination, xenophobia and related intolerance, and also request that they expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes.

### **Subtitle: National level**

#### **Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism and related discrimination**

##### **79. Keep text**

*Calls upon States to comply with their obligations under applicable international human rights instruments and domestic human rights and labour laws in protecting the rights of migrants and their families;*

##### **81. Add text**

*Urges States to assess and review legislation and administrative measures to ensure their ongoing efficacy, and to amend, rescind or nullify, as required, laws and regulations, **particularly immigration laws**, which create, perpetuate or contribute to racism, racial discrimination, xenophobia and related intolerance.*

##### **82. Add text**

*[~~Urges encourages/urges~~ all States to enact and implement, as appropriate, laws against trafficking in persons and smuggling of migrants, and to take into account, in particular, policies and practices that endanger their lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery and ~~sexual or~~ labour exploitation; also encourages States to create, as appropriate, inter-ministerial task forces or national focal points to combat trafficking in persons **and provide adequate protection and remedies for victims of trafficking**, to allocate resources to ensure law enforcement and the creation of adequate judicial institutions to deal with such cases, and to reinforce bilateral, regional and international co-operation, including with non-governmental organizations that assist victims to combat this traffic;]*

##### **Add new text**

**-The World Conference calls upon States to take legislative steps to ensure that all international law applicable to the human rights of migrants, refugees and asylum seekers is incorporated into their domestic law. States should also ensure that migrants, refugees, internally displaced persons and asylum seekers, have access to effective judicial remedies according to international legal standards.**

**-The World Conference urges States to recognize the vulnerability of internally displaced persons, asylum seekers, refugees and migrants to racial violence and to**

**review, promote and implement legislative and administrative policies to prevent and respond effectively to such violence both in countries of origin and host States.**

**-States should establish more effective preventive and early warning strategies to identify and monitor ethnic conflicts and potential sources of ethnic violence with a view to preventing the mass displacement of particular populations on the basis of their race, religion, ethnicity, or nationality.**

**-The World Conference urges States to apply the Guiding Principles on Internal Displacement, particularly those provisions relating to non-discrimination, whenever they are applicable, recognizing that they reflect and are consistent with international human rights law and international humanitarian law.**

**Subtitle: Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination**

94. Keep text

*Requests/ urges States that have not yet done so, without delay, to sign and ratify, or accede to/ consider signing and ratifying or acceding to and implementing fully the following instruments:*

- (e) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and to prohibit and prevent discriminatory treatment against foreigners and migrant workers, inter alia, concerning the granting of visas, work permits, family conditions, housing and access to justice, based on race, colour, descent or national or ethnic origin;*

Under 94, Add new text

*Requests/ urges States that have not yet done so, without delay, to sign and ratify, or accede to/ consider signing and ratifying or acceding to and implementing fully the following instruments:*

- The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. States should ensure that all legislation relating to asylum-seekers and refugees is fully in accordance with these instruments. States that have maintained a geographical limitation incompatible with the non-discriminatory intention of the 1967 Protocol should withdraw it, and recognize that such a limitation constitutes discrimination under article 3 of the 1951 Convention. The principle of non-refoulement, as enshrined in Article 33 of the 1951 Convention, Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,**



and a recognized principle of customary international law must be scrupulously observed.

- **The 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and other international instruments dealing with nationality and Statelessness with regards to the right of all individuals not to be arbitrarily stripped of their nationality, and principles of non-discrimination in the conferral or denial of nationality. States should pay particular attention to the role that disputed nationality or arbitrary deprivation of nationality can play in causing situations of mass displacement.**

After 94 Add new text

**-The World Conference recalls that human rights and fundamental freedoms apply to all persons within a State's jurisdiction, irrespective of their race, nationality or legal status.**

**-The World Conference calls upon States to reaffirm the fundamental right of all individuals to seek and enjoy asylum, as stipulated under the 1948 Universal Declaration of Human Rights and reaffirmed in the 1967 General Assembly Declaration on Territorial Asylum. States should repeal discriminatory immigration policies which act as a deterrent and can obstruct the right to seek and enjoy asylum.**

**-The World Conference urges States to withdraw any reservations from international human rights documents, particularly where such reservations would discriminate against non-nationals.**

**-The World Conference urges States to take the necessary measures to ensure that the fundamental principles of non-refoulement and non-discrimination enshrined in international refugee instruments are upheld. No person should be expelled, extradited, or returned to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or persecution on account of his or her race, religion, nationality, membership of a particular social group, or political opinion. Governments should not return asylum seekers to so-called "safe third countries" where they may be at risk of direct or indirect refoulement, or other serious human rights violations. Mindful of Article 3 of the 1951 Convention, States should immediately cease the discriminatory practice of excluding asylum seekers on the basis of their country of origin without a serious consideration of their asylum claim. Such practices could result in returning refugees to countries where they may face persecution, torture, and even death.**

**-Affirming that refugee status determination is declaratory in nature, States should apply, without discrimination, all the guarantees within the 1951 Convention Relating to the Status of Refugees, as well as all relevant international human rights law to all refugees and asylum seekers within their jurisdiction. All States should adopt a more inclusive interpretation of the 1951 Convention, as intended by its drafters and as reflected by article 1(2) of the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa and the Organization of African Unity.**

97. keep text

*[~~calls upon~~ Urges all States that have not yet done so to consider ratifying or acceding to ~~to ratify~~ [the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and] the Migration for Employment Convention (Revised), 1949 (No. 97) ~~and~~ the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), **the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Minimum Age Convention, (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization, and to prohibit and prevent discriminatory treatment against foreigners and migrants workers, inter alia concerning the granting of visas, work permits, family conditions, housing and access to justice, based on race, colour, descent or national or ethnic origin. ];***

### **Subtitle: Policies and practices**

Data Collection, Disaggregation, Research and Study

116. Keep text

*Invites States to promote the study and adoption of an integral, objective and long-term approach to all phases and aspects of migration, which will deal effectively with both its causes and manifestations and pay special attention to the prevention and punishment of illegal acts motivated by racism, racial discrimination, xenophobia and related intolerance, wherever they may occur;*

117. Add text

*Recommends that further studies be conducted on how racism, racial discrimination, xenophobia and related intolerance ~~may be~~ are reflected in laws, policies, institutions and practices and how this ~~may have~~ has contributed to the vulnerability, victimization and exclusion of migrants, **asylum seekers and refugees**, especially women and children.*

Add new text

**-The World Conference urges governments to regularly collect and make public statistical data and information regarding the numbers and condition of refugees, asylum seekers, migrants, and internally displaced persons in their territory.**

**- States should conduct further research into how their national immigration and asylum laws may, directly or indirectly, contribute to racism and xenophobia against migrants, asylum seekers and refugees.**

**Subtitle: Action-oriented policies and action plans, including affirmative action to ensure non-discrimination in particular as regards access to social services, employment, housing, education, health care etc**

127. Add text

*Urges States to establish national programmes to promote the access, without any discrimination, of people of African descent, Mestizos, migrants, **asylum seekers, refugees** and other ethnic, racial, cultural, linguistic and religious groups, minorities, and indigenous peoples, where they exist, to education, medical care and other social services. **States should aim to ~~to~~ eliminate by the year 2010 the disparities these groups experience, inter alia, in infant mortality rate, childhood immunization, HIV/AIDS, heart disease, cancer and other contagious diseases.***

128. Add text

*Urges States to specifically include prohibition of direct and indirect discrimination on grounds of actual or presumed nationality or national origin in civil, administrative and labour law to combat effectively discrimination against non-nationals, particularly migrant workers, ~~and~~ **refugees and asylum seekers**. National anti-discrimination legislation should specifically include access to and provision for effective judicial, administrative and other remedies for non-citizens.*

**Subtitle: Immigration Policies**

132. Add text.

*Urges States to consider policies and programmes to reduce income and wealth inequality, recognizing the close association between poverty and racism, racial discrimination, xenophobia and related intolerance. The World Conference also requests States to take additional steps to protect economic, political, social and cultural rights on a non-discriminatory basis, by ensuring an increase in the delivery of public services and access to social justice and rights for indigenous peoples, people of African descent,*

*migrants, asylum seekers, refugees and other ethnic, racial, cultural, religious and linguistic groups or minorities;*

Add new text;

**-The World Conference urges States to consider providing legal migration avenues, available to all without discrimination on any grounds, as one means of combating the trafficking of persons, particularly women and children vulnerable to recruitment by traffickers.**

**- The World conference recognizes that the detention of asylum seekers, refugees and migrants can contribute to negative and xenophobic perceptions of these groups, and often amounts to arbitrary detention in violation of Article 9 of the 1966 International Covenant on Civil and Political Rights. In accordance with Article 31 of the 1951 Convention Relating to the Status of Refugees, States should not impose penalties on asylum seekers or refugees, on account of their illegal entry, presence or lack of legal documentation.**

**-As a general rule asylum seekers should not be detained. The detention of asylum seekers is an exceptional measure that must be imposed in a non-discriminatory manner, for a minimal period and must be for reasons prescribed by law and for specified reasons that are recognized in international standards.**

**-Detainees should be informed of the reasons for detention in a language that they understand. All decisions to detain asylum seekers should be automatically referred for review to a judicial or other competent, independent, and impartial authority. Asylum seekers in detention must have access to free and independent legal counsel, a free and impartial interpreter, UNHCR, and other available NGOs.**

**-Children under the age of 18 should never be detained. Asylum seekers should never be detained in prisons or penal facilities with convicted criminals, criminal suspects, or those awaiting trial, unless they are charged or convicted of a criminal offence. Special attention should be paid to the particular needs of women asylum seekers in detention.**

**-The World Conference calls upon States to recognize that the operation of restrictive immigration policies, incorporating, inter alia, carrier sanctions, visa requirements, the posting of immigration officials in countries of origin, so-called “safe third country” practices, proposals for the “regionalization of refugee protection” through the creation of “safe havens”, and expedited decision making and removal procedures have had a negative effect on the protection of refugees, asylum seekers and migrants. Such policies often target particular groups of asylum seekers and migrants on the basis of their ethnicity, race, or nationality, with a view to stemming the movement of people. They obstruct the right of asylum seekers and refugees to freely leave their own countries and undermine the**

**fundamental right to seek and enjoy asylum from persecution. All of these policies contribute to the negative and racist stereotyping of refugees, asylum seekers and migrants as criminals and create an environment within which discrimination and xenophobia against these groups thrive and consequent acts of racist violence are rationalized. States should take steps to promote the positive contribution of refugees, migrants and asylum seekers to society and operate asylum and migration policies that focus on protecting the rights of refugees, migrants and asylum seekers rather than on border control and law enforcement mechanisms.**

#### **Subtitle: Employment**

Add new text

**- The World Conference urges States to fulfil their obligations under the International Covenant on Economic, Social and Cultural Rights and not to discriminate on grounds of race, ethnic, national or social origin, or any other basis against migrants legally resident within their jurisdiction in employment practices and policies. States should also take steps to protect those who are vulnerable to forced labour, such as trafficked persons, particularly women and children and should apply the 1998 International Labour Organization Declaration on Fundamental Principles and Rights at Work to all persons within their territory.**

#### **Subtitle: Health, environment**

Add new text:

**-The World Conference calls upon States to provide asylum seekers, refugees and migrants access to basic economic and social rights that comply with international legal standards. States should avoid forms of support which lead to increased stigmatisation of asylum seekers, refugees and migrants.**

#### **Subtitle: Role of politicians and political parties**

Add new text:

**-The World Conference urges Governments, politicians and political parties to ensure that their members refrain from making public statements that are likely to encourage racist sentiments among the public and to avoid inflammatory rhetoric regarding immigration, recognising that this gives rise to a hostile environment within which discrimination and xenophobia against asylum seekers, refugees and migrants thrive and consequent acts of racist violence are rationalized.**

#### **Subtitle: Education and awareness raising measures**

Add new text

**-The World Conference stresses the importance of education in addressing racism, racial discrimination, xenophobia and related intolerance against migrants, asylum seekers and refugees. Particularly, States should ensure that the public are aware of the social, economic and cultural benefits that all migrants can contribute to society. States should also raise public awareness about the plight of refugees and asylum seekers and the need for all States to cooperate in providing international protection.**

**Subtitle: Training of professional groups in public administration and in administration of justice**

171 Keep text

*The World Conference also urges States to develop anti-racist and gender-sensitive human rights training for personnel in the administration of justice, law enforcement agencies, security and health-care services schools and migration authorities, paying particular attention to immigration officials, border police and staff of migrant detention centres, as well as for UN personnel.*

172. Add text

*Urges countries receiving migrants to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of migrant detention centres, local authorities, other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, **asylum seekers and refugees** in order to prevent racial conflicts and avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance;*

173. Keep text

*Urges States to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child - and gender-sensitive issues and it should encourage co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.*

Add new text

**-Law enforcement officials should be appropriately trained to respond to racially motivated violence against refugees, asylum seekers, and migrants. Effective action must be taken to promptly investigate, arrest, prosecute, and punish those**

responsible for acts of racist violence against refugees, asylum seekers, and migrants, including acts by public officials and law enforcement officers.

**Subtitle: Information, communication and the media including new technologies**

Add new text

**-The World Conference urges Governments, politicians and political parties to counteract inaccurate, racist and xenophobic stereotyping of migrants, refugees and asylum seekers in the media, recognize the profound influence that such stereotyping can have on public opinion and encourage informed public debate on asylum and immigration matters.**

**Subtitle: International level**

Add new text

**-The World Conference urges States to take or strengthen measures, including through bilateral or multilateral co-operation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment, gender discrimination and violence against women**

**-The right of all trafficked and smuggled persons to seek asylum and to be protected against refoulement must be upheld. Migration control measures aimed at curbing the trafficking and smuggling of persons should not interfere with governments' international refugee protection obligations.**

**IV. PROVISION OF EFFECTIVE REMEDIES, RECOURSE, REDRESS, [COMPENSATORY] AND OTHER MEASURES AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS**

**Subtitle: Legal Assistance**

Add new text

**-The World Conference urges Governments to monitor and pay increased attention to the fair and equitable treatment of migrants, asylum seekers and refugees regardless of their status, who have been detained by public authorities. Specifically these detainees should receive effective legal assistance, access to UNHCR, NGO's, other support groups and the assistance of a competent interpreter. This should happen at all stages of their detention, particularly during any interviews.**

**-The World Conference urges States to ensure that asylum seekers are granted legal assistance to effectively pursue their asylum claims, particularly, that they should be granted legal and social assistance when seeking to judicially review administrative decisions, at a level no less favourable to that of nationals.**

**Subtitle: Remedies, Reparations, Compensation**

Add new text

**-The World Conference calls upon States to ensure that refugees who have been victims of torture or other gross violations of human rights as a result of ethnic conflict, or for any other reason, have the opportunity to seek compensation and redress through access to judicial or other remedies. States should recognise the right to return as the most fundamental form of redress for refugees.**

**-The World Conference urges States to assume responsibility in assisting returned or resettled refugees and internally displaced persons to recover property and possessions lost or destroyed as a result of ethnic, internal or international armed conflict. When recovery of property and possessions is not possible States should provide means for such persons to obtain appropriate compensation or just reparation.**

**V. STRATEGIES TO ACHIEVE FULL AND EFFECTIVE EQUALITY, INCLUDING INTERNATIONAL COOPERATION AND ENHANCEMENT OF THE UNITED NATIONS AND OTHER INTERNATIONAL MECHANISMS IN COMBATING RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP**

**Sub-title : International Legal Framework**

New para. 219 bis : Add new text :

**Urges States to reaffirm their commitment to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and to ensure that all measures relating to asylum-seekers and refugees are fully in accordance with these instruments. Calls upon States to continue to cooperate with the Office of the United Nations High Commissioner for Refugees to ensure accession to and the effective compliance with and implementation of these instruments and to protect refugees and asylum seekers against racist and xenophobic acts, policies, and practices.**

**Subtitle: Regional /International Cooperation**



New para. 222. bis.: Add new text

**Urges States to cooperate with the Office of the United Nations High Commissioner for Refugees to promote the protection of refugees and asylum seekers at a regional and international level and to ensure effective international solidarity and co-operation among States. In particular, calls on States to reaffirm their commitment to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, to ensure that all measures relating to asylum-seekers and refugees are fully in accordance with these instruments, and to uphold the fundamental principle of non-refoulement.**

223. Add text

*Urges States to support or otherwise establish **national, bilateral, regional, and international** comprehensive dialogues on migration that focus not only on law enforcement and border control, but also on the promotion and protection of the human rights of migrants and on the relationship between migration and development. The World Conference calls upon States to involve civil society in these dialogues.*

225. Add text

*Expressing its deep concern over the severity of humanitarian sufferings of affected civilian populations, the World Conference requests the relevant international institutions to continue rendering urgent financial and humanitarian assistance to populations expelled from their homes and calls for **efforts to enable** ~~enabling~~ the refugees and internally displaced persons to return to their homes voluntarily, in safety and dignity, **with full respect for their human rights and fundamental freedoms.***

## **PROPOSED ADDITIONS TO DRAFT DECLARATION (A/CONF.189/PC.3/7).**

PP24. Add text

*[Affirming] that racism, racial discrimination, xenophobia and related intolerance [acts] are against the dignity of humankind, [may] constitute [flagrant/most serious] violations of human rights, offenses to humanity, obstacles to friendly and peaceful relations among peoples and nations and are among the root causes of many internal and international conflicts, including armed conflicts **and the consequent forcible displacement of populations;** (Ongoing, 2<sup>nd</sup> PrepCom)*

22. Add text

*We recognize that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and **related forced displacement** and very often one of its consequences and recall that non-discrimination is a fundamental principle of international humanitarian law. We underscore the need for all parties to armed conflicts to scrupulously abide by the rule laid down in this body of law and for States and the international community to remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination;*

36. Keep text

*We also express our deep concern that indicators in the field of education, employment, health, housing, infant mortality and life expectancy, for many people, especially [racial], cultural, religious, linguistic, ethnic or national [and sexual] minorities or groups, indigenous peoples, Africans and people of African descent, people of Asian descent, migrants, asylum seekers, refugees, internally displaced persons and persons with disabilities, are lower than the average within the national population, as a consequence of racism, racial discrimination, xenophobia and related intolerance;*

48.Delete text;

We recognize the positive economic and cultural contributions made by migration to both countries of origin and destination; ~~and that orderly migration can provide a benefit to all our societies;~~

49.Add text

~~We reaffirm the sovereign right of each State~~ **urge States, to formulate in formulating** ~~apply its own~~ legal frameworks and policies for migration, including the granting of permission to migrants to enter, stay, or engage in economic activity, **to do so in the context of applicable international human rights instruments and domestic human rights and labor laws in protecting the rights of migrants and their families, while** noting that undue stress on restrictive ~~admission/~~immigration policies may produce negative stereotyping and thus adversely affect persons belonging to targeted groups and the integration of non-nationals;

50. Add text

*We note with concern and condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants, **asylum seekers and refugees** and the **negative** stereotypes ~~usually~~ applied to them, and reaffirm the responsibility of States to protect the human rights of migrants living in their territory and under their jurisdiction against illegal acts by their agents or by individuals or groups motivated by racism, racial discrimination, xenophobia and related intolerance; and stress the need for their fair, just and equitable treatment in the society and in the workplace;*

51. Add text

*We highlight the importance of creating conditions conducive to greater harmony, tolerance and respect between migrants, **asylum seekers and refugees** and the rest of society in the country in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants, **asylum seekers and refugees**. We underline that family reunification has a positive effect on integration and calls upon States to facilitate family reunion, with due regard to the need for an independent status on the part of family members;*

52. Add text

We are mindful of the situation of vulnerability in which **migrants, asylum seekers and refugees** frequently find themselves, owing, *inter alia*, to their absence from their countries of origin and to the difficulties they encounter because of differences in language, customs and culture, as well as economic and social difficulties and obstacles to the return of migrants who are undocumented or in an irregular situation;

55. Delete text

*The problem of ~~refugees and displaced persons~~ **forcible displacement** represents one of the most serious challenges **facing** the international community ~~has been faced with over the last decade~~. **We recognize that racism, racial discrimination, xenophobia, ethnic violence and related intolerance are among the root causes of forcible displacement and refugee crises and that many refugees are forced to leave their country of origin because of a well-founded fear of persecution on the grounds of race, ethnicity or nationality.***

~~Millions of people have been forcibly expelled from their homes and subjected to ethnic violence and hostilities. Refugees and displaced persons already for many years have been deprived of the elementary living conditions and exercise of the most fundamental human rights and freedoms, enshrined in the Universal Declaration of Human Rights, including the right to live in dignity and safety and fully participate in social and economic life in their places of permanent residence. This problem in particular undermines efforts of the countries in transition to re-build their national economies by detracting from their limited resources, causes social tensions and puts into jeopardy the promotion of their sustainable development;~~

New 55 bis: Add new text

**Refugees and asylum seekers are frequently the subject of racist and xenophobic policies, practices, discrimination and attacks in their countries of refuge. The World Conference reaffirms the centrality of the 1951 Refugee Convention and its 1967 Protocol and highlights the importance of ensuring that all measures and legislation relating to refugees and asylum seekers are fully in accordance with these instruments. Particular attention should be given to the fundamental principles of non-refoulement and non-discrimination enshrined in these international refugee instruments.**

New 56: Add new text

**The World Conference recognizes that many refugees, asylum seekers and internally displaced persons are deprived of their most basic economic and social rights and are unable to live in dignity and safety and participate fully in the social and economic life of their place of residence. We underline the importance of providing asylum seekers, refugees and internally displaced persons with access to basic economic and social rights in compliance with international legal standards.**

New 57: Add new text

**The World conference recognizes that the arbitrary detention of asylum seekers, refugees and migrants can contribute to negative and xenophobic perceptions of these groups, and is in violation of Article 9 of the 1966 International Covenant on Civil and Political Rights, and Article 31 of the 1951 Convention Relating to the Status of Refugees, which prohibits states from imposing penalties on asylum seekers or refugees on account of their illegal entry, presence or lack of legal documentation. The World Conference underlines that as a general rule asylum seekers should not be detained. The detention of asylum seekers is an exceptional measure that must be imposed in a non-discriminatory manner, for a minimal period and must be for reasons prescribed by law and for specified reasons that are recognized in international standards. The World Conference recognizes that children under the age of 18 should never be detained and that asylum seekers should never be detained in prisons or penal facilities with convicted criminals, criminal suspects, or those awaiting trial, unless they are charged or convicted of a criminal offence. Special attention should be paid to the particular needs of women and girls in detention who, in the absence of effective protection measures, are often vulnerable to sexual assaults or other forms of violence.**

58. Add text

The World Conference underlines the urgency of addressing the root causes of displacement and of finding durable solutions for displaced persons, including voluntary return in safety and dignity, **with respect for fundamental human rights, local integration and third country resettlement.** We recognize that durable solutions to refugee crises can only be found if the international community reaffirms its commitment to collectively and effectively address root causes, with urgency and without discrimination.

120. Add text

We reiterate that the international response and policy, including financial assistance, towards refugee ~~situations~~ **and other situations of forced displacement** in different parts of the world should not be guided by consideration of race, colour, descent, culture, language or national or ethnic origin of the refugees **or displaced persons** concerned, and, in this context, urge the international community to extend assistance as requested by concerned States towards resolving the refugees' situation, especially in the

developing countries, through economic and financial assistance aimed at, inter alia, removing the root causes of the displacement of such people;

Add new text

**We also note with concern that ethnic, racial, cultural, religious and linguistic groups and minorities, indigenous people, migrants, asylum seekers and refugees and internally displaced persons still suffer from widespread inequality and racial discrimination and/ or are victims of racism, racial discrimination, xenophobia and related intolerance;**