



OHCHR

ZACATECAS DECLARATION

15 October 2004

International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection

The International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection, organized by the National Human Rights Commission of Mexico and the Office of the United Nations High Commissioner for Human Rights with the support of the Human Rights Commission of Zacatecas, was held in Zacatecas, Mexico, on 14 and 15 October 2004.

The Workshop was opened by the Governor of Zacatecas, Ms. Amalia García, and attended by representatives of the Mexican Senate, the government of Zacatecas, and 25 state human rights commissions of Mexico. Seventeen national institutions from Albania, El Salvador, Guatemala, Honduras, India, Mexico, Morocco, New Zealand, Nigeria, Panama, Paraguay, Peru, the Philippines, Spain, Thailand, Ukraine and Venezuela were represented by their Chairs or other senior officials.

The participants in the International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection

Hereby adopt the following Declaration:

Recalling the universal instruments agreed upon by States to safeguard the human rights and fundamental freedoms of all individuals, including migrants,

Unedited version

including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and underlining the contribution they can make to international peace and security, alongside the Charter of the United Nations, as well as the relevant regional instruments,

Reaffirming the universality, indivisibility and interdependence of all rights, civil, political, economic, social and cultural,

Welcoming the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and recognizing the important work that its Committee to Protect the Rights of all Migrant Workers and Members of Their Families is mandated to undertake,

Recognizing that the International Convention provides an important baseline for assessing respect for migrant workers' rights,

Recognizing also the unique role played by national institutions in applying international human rights standards at the national level, including as provided for in the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134 of 20 December 1993, annex), regarding the ratification of international human rights instruments, thereby ensuring sustainability of human rights protection,

Noting that the situation of migrant workers and their families has become a critical contemporary human rights issue worldwide, particularly in relation to exploitation by traffickers, people smugglers, recruitment agents and corrupt officials; deaths and injury in transit; discrimination, exploitation, vulnerability and sexual abuse in countries of destination; and treatment in cases of detention, arrest and repatriation,

Recognizing that it is impossible to suppress the desire to migrate by legal means and enforcement, in particular where it results from conflict, unemployment, poverty or oppression,

Noting that migration can also be seen as a positive force and that migrants can make a valuable contribution to economic development, diversity and better relations among peoples.

Noting also the importance of inter- and intra-regional relationships among national institutions, given the nature of migration and their capacity to share information and support each other when dealing with migrants and specific migration issues,

Recognizing the importance of appropriate, complete and current information concerning the status of the rights of migrants, taking note that a number of national institutions have prepared reports containing such information,

Noting the urgent need for a strong global and regional framework for migration that addresses:

- (a) The push factors in countries of origin, including lack of good governance, poverty, civil conflict, unemployment and lack of development;
- (b) Fair and efficient processes to facilitate meeting labour needs in receiving countries;
- (c) Investment in infrastructure, training of personnel and coordination of policy structures to manage migration flows and protect migrant workers; and
- (d) Protecting all the human rights and the dignity of migrants in all circumstances,

Stressing that in order to fulfil their mandates, national institutions require adequate resources and that it is a responsibility of the State to ensure this,

Declare they will:

1. Treat the protection and promotion of migrants' rights as a priority and for that purpose/to that end identify focal points for this area within their institution;
2. Intensify efforts to ensure awareness of the rights of migrants, including

through human rights education and awareness-raising campaigns;

3. Undertake measures, together with their Governments, to protect the economic rights of migrant workers, in particular, to promote the establishment of fair tariffs for transferring money earned by migrants from their countries of stay to their home countries;
4. Continue to urge their Governments, particularly those of receiving States, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
5. Continue to urge their Governments to ratify the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention;
6. Take a more active role in the United Nations treaty body reporting process and request the respective treaty bodies to take into account issues relating to migrants in considering States parties' reports and to engage directly with national institutions on this subject;
7. Engage in legislative advocacy to facilitate the review of domestic legislation regarding the rights of migrants in order to ensure its conformity with international standards and obligations with respect to the protection of human rights, especially in relation to non-discrimination;
8. Make representations to Governments on legislative proposals, in particular to ensure that the human rights of migrants are not breached by counter-terrorism legislation;
9. Encourage the preparation of status reports concerning the rights of migrants and alleged violations of their rights and include in their annual reports particular reference to the rights of migrants and actions undertaken by the

national institution and the Government to ensure the promotion and protection of those rights;

10. Encourage States to ensure appropriate broad-based dialogue at the national level among Government, national and state institutions and civil society based on assessments regarding the rights of migrants inter alia through seminars, workshops and media programmes.
11. Encourage the creation of mechanisms for communication and coordination between human rights institutions in order to exchange information on specific cases or general problems relating to violations of the fundamental rights of undocumented migrants as well as migrant workers, which will enhance cooperation and facilitate possible intervention by these institutions, in accordance with their mandates;
12. Encourage, where relevant, the establishment of regional information databases of countries of origin, routes and points of crossing and places of detention of migrants, with a view to reinforcing the work of institutions responsible for migration and consular offices;
13. Work, where possible, with consular services to ensure that migrants, both regular and irregular, are treated according to human rights principles and standards;
14. Promote programmes and information campaigns on human rights awareness for migrant workers, both prior to departure and after arrival, which can also assist in the reintegration of returning migrants, especially women and children migrants who often face stigmatization upon their return.
15. Identify the most cost-effective mechanisms for providing the best possible assistance to migrants in places of detention and share best practices that can strengthen the overall protection of migrants.
16. Establish regional cooperation between national institutions of the countries with major migratory flows, including joint task forces, the establishment of

special modes of communication and advocacy for migrant workers abroad, including for the recognition and protection of their cultural rights.

17. Share research findings regarding migrant workers at home and abroad and call for the assistance of the Office of the United Nations High Commissioner for Human Rights in this regard.
18. Provide training to the administrative, judicial, immigration and security sectors to ensure respect for all the human rights of migrants.
19. Provide support, including legal aid, to migrants, who often have difficulty accessing systems of justice.
20. Ensure that States respect their international human rights obligations, particularly in regard to the non-derogable rights of all migrants.
21. Call for support from the Office of the United Nations High Commissioner for Human Rights in relation to its role in combating the trafficking of persons, in particular women and children, including in addressing the causes thereof as well as the provision of adequate remedies.
22. Address the vulnerability of migrants and their families to HIV/AIDS.
23. Promote the adoption of national plans of action and ensure that they take into account the rights of migrant workers, and call upon Governments to ensure that national institutions take their rightful place in the policy-making process in relation to migration.
24. Strengthen links with civil society, including migrants' organizations, in ensuring that all rights of migrants are respected domestically, regionally and internationally.
25. Engage with the International Labour Organization, which has a critical role to play in the protection and promotion of the rights of migrant workers, and call

on the Office of the United Nations High Commissioner for Human Rights to facilitate this process.

26. Agree to return to the conclusions of their discussions, preferably no later than at the meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in April 2005.

The participants express their gratitude to the National Human Rights Commission of Mexico and the Office of the United Nations High Commissioner for Human Rights for the organization of the Workshop and to the Human Rights Commission of Zacatecas for its support. They extend particular appreciation to the Governor of the State of Zacatecas and other state authorities for their warm hospitality. They note the important contribution of the Mexican Federation of Public Organizations for the Protection of Human Rights and non-governmental organizations.

Adopted in Zacatecas, Mexico, 15 October 2004