

- ♦ most legislation relating to migrants was recent or still in the process of being drafted, and that legislation tended to be framed in general terms and was compartmentalized; some states were very open to incorporating international law into domestic legislation while others remained committed to a focus on their own domestic legislation;
- ♦ 15 of the responding governments openly acknowledged the incidence of racism and xenophobia towards migrants;
- ♦ the core of the problem of racism and xenophobia lay in day-to-day practices where the primary manifestations occurred and where they proved to be the most tenacious; manifestations of racism, xenophobia and discrimination could not be changed through the adoption of legislation alone and other measures, including the proper implementation of legislation, integration policies, information and education were needed; the awareness of governments of problems faced by migrants with regard to racist-based hostility did not necessarily reflect an understanding of migrants' vulnerability but might indicate instead the government's awareness of only the social repercussions; and
- ♦ with regard to manifestations of discrimination and hostility, the responses raised the question of whether society was governed by a culture of rule by law — enforcement of deficient laws, or rule of law — legislation for the benefit of the wider community, free of protection gaps and discrimination.

The concluding commentary on the complexity of the issue refers to aspects that could or should be incorporated into future work, including: a review of international instruments relevant to the problems identified in various forums, including the Commission on Human Rights; a review of existing statistical information and data on those problems; the promotion of the ratification of relevant UN and ILO conventions and, in particular, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the need to expand the gathering of information through a follow-up questionnaire; the need to introduce a gender perspective as well as a "children dimension" when addressing the problems of migrants; the need to promote full compliance with the relevant articles of the Vienna Convention on Consular Relations to ensure that migrants may communicate with their respective consular representatives in the countries in which they find themselves; the need to ensure the promotion and protection by all governments of the human rights of undocumented or irregular migrants; and the need for a permanent UN mechanism to serve as a clearing-house for information on questions relevant to the full protection of the human rights of migrants.

With these and other points in mind the WG set out a programme of work for future sessions, incorporating: an in-depth examination of information, statistics and normative sources currently available, including inputs from

relevant intergovernmental and non-governmental organizations; consultations and interaction with UN treaty bodies and special mechanisms, in order to compile information on the human rights of migrants and to avoid duplication of activities; a follow-up to the questionnaire; organization of expert meetings on specific issues — e.g., vulnerability of migrants, gender perspectives, trafficking of migrants, xenophobia, gaps in the protection of human rights of migrants; and elaboration of recommendations to strengthen the promotion, protection and implementation of the human rights of migrants.

The report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and efforts to promote the Convention (E/CN.4/1998/75) simply notes that as at 1 December 1997, the Convention had been ratified or acceded to by Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Morocco, the Philippines, Seychelles, Sri Lanka and Uganda and signed by Chile and Mexico. Twenty ratifications are needed before the Convention can enter into force.

### Resolutions of the Commission on Human Rights

Under agenda item 11, the Commission adopted three resolutions related to migrant workers. [The resolution on violence against women migrant workers is discussed under the section on "Women".]

#### Resolution on the International Convention

The resolution (1998/15) was adopted by consensus. The Commission, *inter alia*: expressed concern at the situation of migrant workers and family members and the marked increase in migratory movements, especially in certain parts of the world; underlined the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society in the state in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia; expressed deep concern at the growing manifestations of racism, xenophobia, discrimination and ill treatment against migrant workers; urged countries of destination to review and adopt, as appropriate, measures to prevent excessive use of force by police and migration authorities and to organize training courses on human rights for them; called on states to consider signing and ratifying the Convention as a matter of a priority; and welcomed the launch of a global campaign for entry into force of the Convention.

#### Resolution on migrants and human rights

The resolution (1998/16) was adopted by consensus. The Commission, *inter alia*: expressed deep concern at the increasing manifestations of racism, xenophobia, discrimination and ill treatment against migrants; noted the vulnerability in which migrants frequently find themselves, in part because of differences of language, customs and culture in the countries in which they reside;