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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina, Belgium,* Bolivia (Plurinational State of),* Germany,* Haiti,* Ireland,* Luxembourg,* Mexico, Peru, Portugal,* Sweden,* Turkey,* Uruguay: draft resolution

41/... The human rights of migrants

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and recalling also the Declaration on the Right to Development,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

Recalling further General Assembly resolution 73/195 of 19 December 2018,

Recognizing that migration has been and will continue to be part of the human experience throughout history,

Expressing deep concern at the increasing trend of xenophobia, discrimination and hostility towards migrants in societies and the disproportionate sanctions for irregular migration, which might have a negative impact on the fulfilment of human rights globally,

Bearing in mind the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with their obligations under international law,

* State not a member of the Human Rights Council.



Mindful of the responsibility of the Human Rights Council to promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner,

Recalling the mandate of the Human Rights Council, as established by the General Assembly in its resolution 60/251 of 15 March 2006,

Welcoming the decision of the Secretary-General to establish the United Nations Network on Migration to ensure effective and coherent system-wide support for Member States in migration-related matters,

1. *Reaffirms* the duty of all States to effectively promote, protect and respect the human rights and fundamental freedoms of all persons, without discrimination of any kind, in conformity with the Universal Declaration of Human Rights and their obligations under international law;

2. *Recommits* to ensuring full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status, and to supporting countries of origin, transit and destination in the spirit of international cooperation, taking into account national circumstances;

3. *Welcomes* the role of the United Nations High Commissioner for Human Rights as member of the Executive Committee of the United Nations Network on Migration, and requests the Office of the High Commissioner to maintain an active engagement therein, including by involving all relevant human rights bodies and special procedures, to ensure efficiency in mainstreaming human rights in the context of international migration, and to provide practical guidance to States that require it on the development of their national migration policies;

4. *Invites* special procedure mandate holders and the treaty bodies, in accordance with their respective mandates and in coordination with the United Nations system as a whole, to contribute to the objectives of the United Nations Network on Migration;

5. *Takes note* of the report of the Special Rapporteur on the human rights of migrants,¹ and requests him to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

6. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur on the human rights of migrants;

7. *Decides* to remain seized of the matter.

¹ A/HRC/41/38.