



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Violence against women migrant workers

Commission on Human Rights Resolution: 2004/49

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice, and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights, held in Vienna in June 1993, the International Conference on Population and Development, held in Cairo in September 1994, the Fourth World Conference on Women, held in Beijing in September 1995, and the World Summit for Social Development, held in Copenhagen in March 1995, and their five-year reviews,

Welcoming the entry into force, on 29 September 2003 and 25 December 2003, respectively, of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and acknowledging with appreciation the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 1 July 2003,

Recalling the pertinent provisions that apply to women migrant workers in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (A/CONF.189/12 and Corr.1),

Reaffirming the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia, and related intolerance,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security for their citizens,

Deeply concerned over the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries as well as by traffickers in some countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Recognizing the importance of continued cooperation at the bilateral, regional, interregional and international levels in protecting and promoting the rights and welfare of women migrant workers,

Noting that women migrant workers are particularly vulnerable to violence,

1. *Takes note* of the note by the Secretary-General (E/CN.4/2004/71) and his report on violence against women migrant workers submitted to the General Assembly at its fifty-eighth session (A/58/161);

2. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76 and Add.1-4), which focuses on an analysis of the situation of women migrant domestic workers;

3. *Calls upon* all Governments to take all necessary measures to ensure the full enjoyment of human rights by women migrant workers and encourages Governments to seek ways to eliminate causes that put them at risk;

4. *Also calls upon* concerned Governments, in particular those of countries of origin and destination, if they have not yet done so, to put in place penal sanctions to punish traffickers and perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence and trafficking with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelter and other measures that will allow them to be present during the judicial process, to safeguard their dignified return to the country of origin as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;

5. *Invites* the States concerned, specifically countries of origin and destination, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers in violation of their human dignity;

6. *Reaffirms emphatically* the duty of States parties to the Vienna Convention on Consular Relations of 1963 to ensure full respect for and observance of the Convention, in particular article 36 with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

7. *Encourages* States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the United Nations Convention against Transnational Organized Crime and its two additional protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as well as the Slavery Convention of 1926;

8. *Decides* to continue its consideration of this question at its sixty-second session under the appropriate agenda item.

56th meeting
20 April 2004

[Adopted without a vote. See chap. XIV.- E/2004/23 – E/CN.4/2004/127]