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**CHARTER OF THE RIGHTS OF MIGRANTS**

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Preamble:

Migration and exile in the majority of cases are associated with the need to overcome poverty, escape conflict and rise to the challenge posed by economic and environmental hardship. However, it remains above all, and for all people, a means of preserving human dignity and is thus directly related to the need to respect human rights and basic liberties.

In the light of the discrimination manifested by a number of national legal systems, as well xenophobic and racist practices, it is imperative that the political parties and governments, members of the Socialist International, demonstrate their commitment to fighting to overcome these injustices by adopting a Charter of Fundamental Rights for Migrants, Refugees and Asylum Seekers.

Globally, migrants contribute to the economic and social development of their countries of origin and destination, due to the transfer of funds, skills and know-how, as well as investment in every sector, thereby reducing unemployment and permitting cultural exchange. Migration has thus contributed towards the achievement of Millennium Development Goals (MDG), reducing poverty by increasing household income and investing in human capital, leading to improvements in health, education and the consumption of goods and services. Nonetheless, if migration is not managed correctly, it can also have negative effects, both for the migrants and the countries of origin, transit and destination. It is a widely held view, however, that migration generally acts as a catalyser for growth, and that migrants remain the agents of development.

This view has been reiterated in the deliberations and conclusions of a number of key world forums, whose outcome has been that the participant States and organisations have now called for migration to be included as part of the post-2015 development agenda.

Faced with these challenges, initiatives for the protection of migrants, the promotion of their rights, acknowledgment of their contribution and integration in return, have been developed at high level, between the countries of departure, transit and destination in the United Nations, African Union, European Union and the ACP.

Although, in recent years, there has been an improvement in some countries, as far as legislation covering migrants is concerned, there has been a noticeable worsening in the treatment of illegal immigrants, asylum seekers and refugees. The latter often fall victim to networks of traffickers, both in their country of origin and host country, suffering economic and sexual exploitation, torture and acts of violence, and often being housed in camps or detention centres under inhumane conditions. The number of victims who have perished at sea, on unseaworthy vessels crossing the Mediterranean to the Andaman Sea, bears witness to the scale of the tragedy.

For progressively minded people, it is becoming an urgent requirement not only to provide effective protection for the basic human rights of migrants, founded on the universal values of human dignity, freedom, equality, solidarity, democratic principles and the rule of law, but also to draw to the

attention of international public opinion the need to act before it is too late; before the problems associated with the flows of migrants create more victims.

The Charter of Rights for Migrants, Asylum Seekers and Refugees is based on the principles set out in the following basic universal texts, all of which affirm their commitment to respect for human life and basic liberties:

The Declaration of the Rights of Man and the Citizen of 28 August 1789;

The United Nations Charter of 26 June 1946;

The Universal Declaration of Human Rights of 10 December 1948;

The African Charter on the Rights of Man and Peoples adopted on 27 June 1981, which entered into effect on 21 October 1986;

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 18 December 1990;

The European Union Charter of 2000;

The International Convention on Migrants' Rights of 2003.

Enjoyment of these rights calls for recognition of our responsibilities and duties towards others, both with regard to present as well as future generations of human beings.

## **PART I: HUMAN DIGNITY**

### Article 1: Right to Life

All migrants have a right to life.

### Article 2: Right to Dignity

The dignity of migrants, just like anyone else, is inviolable and must be respected and defended.

### Article 3: Right to Asylum

Asylum, in accordance with the UN Convention on the Status of Refugees of 28 July 1951, must be guaranteed for all those who suffer persecution. Asylum and humanitarian protection must be granted on an individual or collective basis, whenever persecution is directed against an entire people, a minority or group.

### Article 4: Physical and Mental Wellbeing

All legal or illegal migrants, asylum seekers and refugees, have the right to expect their physical and mental wellbeing to be safeguarded through the prohibition of torture, and inhumane and degrading punishment and treatment.

### Article 5: Prohibition of Slavery and Forced Labour

All practices such as slavery, servitude, forced or obligatory labour, and human trafficking shall be prohibited.

### Article 6: Right to Citizenship

All migrants shall have a right to become citizens of their host country, under fair conditions. Stateless people shall in particular be granted such an opportunity, in line with the UN Convention on the Reduction of Statelessness of 30 August 1961.

## **PART II: LIBERTIES**

### **Article 6: Freedom of Movement**

All migrants residing legally in their host country shall be at liberty to move freely and stay anywhere within the territory of that country.

### **Article 7: Right to Safety**

The safety of migrants must be ensured everywhere and in all circumstances in the countries of transit and in the host countries.

### **Article 8: Right to Privacy**

All migrants shall have the right to expect their private and family life as well as the sanctity of their home to be respected.

### **Article 9: Freedom of Thought, Conscience and Religious Belief**

All migrants shall enjoy freedom of thought, conscience and religious belief and be at liberty to practise their faith collectively, in public or private, in the form of worship, teaching and the performance of rituals.

### **Article 10: Freedom of Expression**

All migrants shall have the right to freedom of expression, opinion and communication subject to respect for the law and regulations of their host country.

### **Article 11: Freedom of Association**

All migrants shall be free to gather and associate at all levels of political, trade union and civic activity, subject to respect for the law of their host country.

### **Article 12: Freedom to Work**

All migrants residing legally shall be free to work and engage in enterprise in their countries of origin and host country.

## **PART III: EDUCATION**

### **Article 13: Right to Education**

All migrants and members of their family shall have the right to an education. That right shall include equitable and unrestricted access, in accordance with the Universal Declaration of Human Rights (Right to Education), to a high standard of primary education and to secondary education at all levels, including for the daughters of migrants and returning migrants. Parents shall also be at liberty to educate and provide religious instruction for their children according to their religious, philosophical and educational convictions, subject to the law of their host country.

### **Article 14: Professional Training**

All migrants must be guaranteed access to professional training as well as the right to establish educational institutions, subject to the law of their host country.

## **PART IV: EMPLOYMENT**

### Article 15: Decent Employment

All legally resident migrants shall have the right to seek decent employment, and to work, become established and provide services in conditions equivalent to those enjoyed by all citizens of the host country. Illegal migrants, asylum seekers and refugees must be protected against professional exploitation.

### Article 16: Access to Employment Services

All legally resident migrants shall have right of access to a free employment service, and be protected against unfair dismissal in accordance with current legislation in their host country.

### Article 17: Working Conditions

All migrant workers shall be entitled to respect for their dignity and to enjoy decent working conditions in accordance with health and safety standards.

### Article 18: Holidays

All migrant workers shall have the right to work no longer than the maximum statutory working hours and to benefit from daily and weekly rest periods as well as paid annual holidays, as specified by current legislation.

### Article 19: Child Labour

The employment of child labour shall be prohibited. Professional exploitation of children must be punishable under the law of the host country.

## **TITRE V: RESPECT FOR DIVERSITY**

### Article 20: Equality under the Law

All people are born free and equal under the law, irrespective of their place of birth.

### Article 21: Discrimination

All discrimination on the grounds of race, colour, gender, ethnic or social origin, language, religion or other convictions, or physical condition is prohibited.

### Article 22: Respect for Diversity

Transit and host countries shall be required to respect cultural, religious and linguistic diversity.

## **PART VI: PROTECTION OF MIGRANTS**

### Article 23: Ownership of Property

All migrants shall be entitled to enjoy ownership of whatever property he or she has acquired legally, including intellectual property, and to use, dispose of and bequeath it, and shall only be deprived of it for reasons of public interest and in accordance with local legislation.

#### Article 24: Expulsion

Collective expulsions shall be prohibited without proof of irregularity.

No migrant may be denied entry, deported or extradited to a State in which it has been proven that there is a likelihood he or she may be subject to the death penalty, or to inhuman or degrading treatment.

#### Article 25: Diplomatic and Consular Protection

All migrants residing in a State which is not their country of origin shall enjoy the consular and diplomatic protection of their country of origin and of any other country represented in the State of residence, under the same conditions as those enjoyed by the nationals of that State.

#### Article 26: Abuse

Migrant workers shall be entitled to protection against all forms of discrimination, work exploitation and abuse, especially poorly qualified workers, female migrant workers and children.

### **PART VII: HEALTH AND SOCIAL SECURITY SERVICES**

#### Article 27: Health Care

All migrants shall have right of access to preventive medicine and health care facilities under the conditions established by current legislation and national practices. All illegal migrants, asylum seekers and refugees shall be entitled to basic medical care.

#### Article 28: Social Security Benefits

All migrant workers shall have right of access, in accordance with current legislation, to social security benefits covering maternity, work accidents, dependency or old age, as well as loss of employment.

### **PART IX: EQUALITY UNDER THE LAW**

#### Article 29: Equality of Treatment by Administrative Authorities

All migrants shall be entitled to impartial treatment of their affairs and to seek help, within the requisite time limits and in an equitable fashion, from the State institutions and other administrative bodies of the host country, whose decisions must be duly justified. Illegal migrants, asylum seekers and refugees shall have the right to be informed about the legislation and administrative procedures that affect them in the countries in which they find themselves.

### **PART X: JUSTICE**

#### Article 30: Presumption of Innocence

All migrants shall benefit from a presumption of innocence, in accordance with national and international laws.

Article 31: Right to a Defence

All migrants must be guaranteed the right to a defence at law, of which it is a sacred principle. Illegal migrants, asylum seekers and refugees shall similarly be entitled to a defence at law as well as the presence of interpreters during legal proceedings before administrative and judicial courts.

Article 32: Application of Punishment

The principle of legality and proportionality of offences and punishments must be respected for all migrants.

Article 33: Legality of Punishment

No migrant may be tried or punished twice by a criminal court for the same offences, misdemeanours or crimes.

**PART XI: FIELD OF APPLICATION OF THE CHARTER OF MIGRANTS**

Article 34: Interpretation of Laws and Principles

The limits placed on the exercising of the rights and liberties granted under this Charter must be specified by law in the transit and host countries.

Article 35: Scope of the Charter

The provisions of this Charter must be enforced by means of legislative and executive action by the various States and International bodies concerned.

Article 36: Abuse of Law

The provisions of the present Charter of Migrants, having regard for national legislation and practices, should not be interpreted as including the right to act in contravention of the fundamental rights recognised by this same Charter.

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