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

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Securing rights for all migrants*

International Educational Development, Inc. (IED) and the Association of Humanitarian Lawyers (AHL) have been concerned by the situation of migrants for some time.¹ We note a lacuna in existing norms that leaves some migrants without adequate protections. We believe the International Migrants Bill of Rights (IMBR) provides the framework to protect all international migrants.

The Council has continued the efforts to protect all migrants begun under the Commission on Human Rights, and the current Special Rapporteur of the Council, Francois Crépeau, has made considerable progress in this regard.

While the work the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by the General Assembly resolution 45/158 of 18 December 1990 (Migrant Workers Convention), has done a great deal to protect migrant workers and their families, migrants in other situations are not covered. Furthermore, major migrant receiving states have not ratified the Convention, leaving migrant workers in those States unprotected.

The IMBR Initiative began in 2008 to generate a universal and rights-based set of standards to protect the rights of all migrants. It began with students in Georgetown Law's Global Scholar Program and grew to include students from the Center for Migration and Refugee Studies at American University in Cairo, the Minerva Center for Human Rights at the Hebrew University of Jerusalem and the Migration Studies Unit at the London School of Economics. Using the 1951 Convention and 1967 Protocol Relating to the Status of Refugees and the Migrants Workers Convention and other human rights law, refugee laws, and labor laws, the IMBR creates a set of human rights standards that protects all migrants with the dignity and humanity to which they are entitled.

Nowhere is the need for such standards to be implemented than in the situation of migrants in Africa. While people in Africa have migrated for centuries, African countries are now experiencing migration movements that include political refugees, seasonal workers, undocumented migrants, unaccompanied minors, and nomads. Intercontinental migration in parts of Africa is a key to survival for many people for both ecological and economical reasons. However, this has brought about a whole array of new problems such as the spread of communicable diseases, the trafficking of persons, major problems with the protection of refugees, crises in border management, and increasing claims of national security to impede further migrants. If not handled comprehensively in scope and on a continental basis, Africa could experience yet another wave of humanitarian disasters.

The number of migrants in Africa is expected to increase, posing more economic, environmental, and political implications that cannot be solved by individual countries due to fragile economies and resources. The current focus on the socioeconomic effect of migration does not address the lives and experiences of individual migrants and the hardship they face. Further, African States face many different migration challenges – migrants due to droughts in some areas, migrants due to political upheavals in others, migrants due to historical and seasonal movements, and the like. An increasing number of African migrants seek to resettle in European countries, causing a backlash from formerly

* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

¹ Association of Humanitarian Lawyers researcher Anarose Reardon-Helferd assisted in the preparation of this document.

receptive States due to the sheer numbers. Thus local, regional and international efforts will have to be coordinated and comprehensive.

Special Rapporteur Crépeau has already addressed the catastrophe of the migrants in North Africa arising in Tunisia, Libya and Egypt that spilled over primarily into Italy, Greece and Turkey. However, collaboration between transit, receiving, and countries of origin is still needed to uphold migrant's rights. Individuals continue to risk their lives in search of security and opportunities and find themselves in vulnerable situations and at risk to exploitation and extortion. Governments need to address border management, migrant displacement, and organized crime aimed at migrants. Cooperation and confidence building measures between the States involved is still needed. The upcoming visits by the Special Rapporteur to other States in Africa will provide a wider perspective of the multifaceted issues involved with migrants throughout the continent. In this regard, we encourage him to pay special attention to the growing numbers of migrants who are female, as well as growing climate change migrants. In regards to the health issues, including the spread of communicable diseases, we urge him to consult with the World Health Organization.

The IMBR is an important tool towards the goal of increase protections for migrants who are not migrant workers. Of particular use is providing definitions as currently international law does not have an agreed-upon legal definition of who is considered a migrant and what rights are at stake for them. The rights granted to subcategories of defined migrants such as migrant workers, refugees, and trafficked persons, are limited to categories of migrants and do not cover all situations. The IMBR advocates that all persons who are migrants, regardless of circumstance, have the right to a set of protections recognized on an international level: it unites the conventions and laws to form a coherent and unified framework for the protection of the rights of all categories of migrants. We urge the Council as a whole and the Special Rapporteur in particular to work cooperatively with the Committee on Migrant Workers and other relevant committees and groups to undertake initiatives to foster the development of such a framework along the lines of that of the IMBR.
