



ACP OBSERVATORY ON MIGRATION
 OBSERVATOIRE ACP SUR LES MIGRATIONS
 OBSERVATÓRIO ACP DAS MIGRAÇÕES

THE RIGHT(S) THING TO DO:

Migration, development and human rights in African, Caribbean and Pacific countries



*An Initiative of the ACP Secretariat,
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ACP Observatory on Migration

The ACP Observatory on Migration is an initiative of the Secretariat of the African, Caribbean and Pacific (ACP) Group of States, funded by the European Union, implemented by the International Organization for Migration (IOM) in a Consortium with 15 partners and with the financial support of Switzerland, IOM, the IOM Development Fund and UNFPA. Established in 2010, the ACP Observatory is an institution designed to produce data on South-South ACP migration for migrants, civil society and policymakers and enhance research capacities in ACP countries for the improvement of the situation of migrants and the strengthening of the migration–development nexus.

The Observatory was established to facilitate the creation of a network of research institutions and experts on migration research. Activities are starting in 12 pilot countries and will be progressively extended to other interested ACP countries. The 12 pilot countries are: Angola, Cameroon, the Democratic Republic of the Congo, Haiti, Kenya, Lesotho, Nigeria, Papua New Guinea, Senegal, Timor-Leste, Trinidad and Tobago and the United Republic of Tanzania.

The Observatory has launched research and capacity-building activities on South-South migration and development issues. Through these activities, the ACP Observatory aims to address many issues that are becoming increasingly important for the ACP Group as part of the migration–development nexus. Documents and other research outputs and capacity-building manuals can be accessed and downloaded free of charge through the Observatory’s website (www.acpmigration-obs.org). Other upcoming publications and information on the Observatory’s activities will be posted online.

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Document prepared by Leila Marzo, former Junior Researcher, and Susanne Melde, Research Officer, at the ACP Observatory on Migration. The authors would like to thank Olivier Ferrari, Christina Oelgemöller, Monika Peruffo and Kristina Touzenis for their insightful comments on an earlier draft.

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1. Introduction

Effective protection and respect for migrant's human rights, as established by international, regional and national legislation, is necessary in order to ensure that the individual conduct secure and productive lives. It is also necessary to ensure respect of the rule of law and a larger productive and well-functioning society. Nonetheless, **migrants' human rights violations are still widespread and commonplace in international migration** (GMG, 2008). Violations of rights can be **both the cause and the consequence of migration**, making respect for human rights a **significant issue at the country of origin, in transit and at the destination country among ACP countries**.

The legal regime governing human mobility is divided into different subcategories. These are:

- (1) **the law of international treaties**,
- (2) **customary law**, and
- (3) **soft law**, meaning non-binding instruments adopted by States and intergovernmental organizations

The issue with regards to the implementation of the international human rights conventions at national level is that it often distinguishes between citizens and non-citizens. Through citizens' rights the power (and possible arbitrariness) of the state was limited. **Today citizenship is based on the understanding that rights and political membership are linked to being a member of a nation-state** (Basok et al., 2006), which per definition does not include migrants while residing in another country. Citizenship guarantees the existence of the State's power over its nationals (Siciliano, 2012: 121). While with the rise of importance of non-state actors, such as transnational corporations, the role of the state has been affected, it is still the principle duty-bearer towards citizens and their protection. At the same time, **state sovereignty also defines who can enter a country and thus become part of the jurisdiction of a country, in this case migrants**. Therefore, there clearly are human rights aspects to traditionally sovereign questions about the admission, treatment, and removal of non-nationals. Reconciling these disparate elements of human rights of migrants and sovereignty has not been very successful so far (Goodwin-Gill, 2000: 164).

While not a new topic, neither an issue which lacks support in hard law, **implementation of international and regional standards still to some extent pose a significant challenge**. This background note will therefore provide an overview of some of the main aspects of the rights of migrants to outline the debate and issues at stake, while taking a focus on ACP countries. Good practices will be presented, together with recommendations on how to foster a rights-based approach to migration and development.

2. Human rights of migrants

International migration law, of which part is stipulating the human rights of migrants, has been compared to a puzzle, with many pieces that need to be put together to get the full picture (Lillich, 1984: 122). The legal regime governing human mobility is divided into different subcategories. These are: (1) **the law of international treaties**, (2) **customary law** and (3) **soft law**, meaning non-binding instruments adopted by States and intergovernmental organizations (Chetail, 2012).¹

2.1 International human rights treaties relevant to migration

There are **nine core human rights treaties**.² Migrants are thus entitled to fundamental rights as human beings which are enshrined in the main Human Rights Covenants listed above, while certain subgroups of migrants are covered by the protection stipulated in **special treaties**. These include labour migrants,³ trafficked persons and smuggled migrants,⁴ refugees and asylum-seekers,⁵

- 1 These can include declarations and recommendations by international bodies that provide guidance on the interpretation of international conventions and foster intergovernmental cooperation.
- 2 International Convention on the Elimination of All Forms of Racial Discrimination (entry into force: 1969); International Covenant on Economic, Social and Cultural Rights (entry into force: 1976); International Covenant on Civil and Political Rights (entry into force also in 1976); Convention on the Elimination of All Forms of Discrimination against Women (entry into force in 1981); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entry into force: 1987); Convention on the Rights of the Child (entry into force: 1990); **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (entry into force: 2003); Convention on the Rights of Persons with Disabilities (entry into force in 2008); International Convention for the Protection of All Persons from Enforced Disappearance (entry into force 2010).
- 3 International agreements include ILO Convention No 29 concerning Forced Labour (entry into force: 1932); ILO Convention No 87 concerning Freedom of Association and Protection of the Right to Organise (1950); Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1951); ILO Convention No 97 concerning Migration for Employment (1952); Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1957); ILO Convention No 105 concerning the Abolition of Forced Labour (1959); ILO Convention No 111 concerning Discrimination in Respect of Employment and Occupation (1960); ILO Convention No 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (1964); ILO Convention No 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1978); ILO Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2000).
- 4 Convention against Transnational Organized Crime (2003); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003); Protocol against Smuggling of Migrants by Land, Sea and Air (2004).
- 5 Convention relating to the Status of Refugees, 1954, and the related 1967 Protocol; Agreement relating to Refugee Seamen (1961) and the Protocol to the Agreement relating to Refugee Seamen (1975).

internally displaced persons (IDPs) and those rights covered by consular and diplomatic law.⁶ Trade law,⁷ maritime and air law are also applicable to certain persons on the move (Chetail, 2012). Thus **not only human rights law is relevant but also thematic or group-focused international agreements.**

In addition, several agreements have been concluded at the **regional levels**. Some focus on human rights⁸ and others on rights related to free movement.⁹ Given the large number of regional groupings that ACP countries belong to, with several being members of various, and the predominance of intraregional mobility, the regional component seems to be another relevant level of engagement for rights issues in ACP countries. **Harmonization of existing national laws, with regional frameworks and protocols in place, should thus be considered a priority in parallel with international obligations** (see Ouchou et al., 2013 for the East African Community).

A key issue in international migration law is the **ratification of treaties versus their implementation**. Once an international treaty is signed, usually by the Head of State, a state can no longer take actions which go against the obligations in the instrument. Through ratification at national level the state has an obligation to implementation. Ratification thus means that new legal instruments need to be passed at national level and existing laws amended if contrary to the treaty purpose. The passing of national laws does however not guarantee their actual implementation for different reasons. In some cases, countries sign and ratify a convention without the political will or capacities to realize and protect those rights (Hafner-Burton and Tsutsui, 2005).

2.2 Customary law

Certain human rights norms are considered *jus cogens*, or obligatory norm, in international law. The **principles of non-discrimination and equality before the law** are such mandatory norms. These fundamental rights mean that no

6 Vienna Convention on Diplomatic Relations (1964); Vienna Convention on Consular Relations (1967).

7 General Agreement on Trade in Services (GATS; 1995).

8 Relevant to ACP countries are: 1981 African Charter on Human and People's Rights; 1990 African Charter on Rights and Welfare of the Child; 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); 1969 American Convention on Human Rights.

9 In Africa: 1979 Protocol relating to Free Movement of Persons, Residence and Establishment; Protocol on the East African Community Common Market (PEACCM; 2009); 1983 Protocol on Freedom of Movement and Rights of Establishment of Nationals of Member States within the Economic Community of Central African States; Caribbean: Caribbean Single Market Economy (1989) and agreement on portability of social security benefits, 1997.

one should be discriminated against when it comes to the applicability of national laws. The principle of equality before the law thus applies to migrants as well and has been emphasized several times by regional and international monitoring bodies. **Differential treatment of migrants/non-nationals** – which is different from the principle of non-discrimination – is justifiable if it is **proportionate for the implementation of a State’s immigration policy**, thus leaving a large room for manoeuvre to States (Chetail, 2012). In practice, this often leads in particular to irregular migrants not being entitled to the same rights as lawful residents due to the irregular status of the migrants through having gained unlawful entry to a country.

The Inter-American Court on Human Rights considered that **undocumented workers could not be discriminated against in the enjoyment of their labour and social security rights** (Chetail, 2012; Weissbrodt and Divine, 2012).¹⁰ Argentina is a good example of how foreigners are treated equally in their 2004 migration law, including irregular migrants. This policy has functioned as a model for migration law reforms in other countries in the South American region.

Main aspects that make migrants a group with a need for a higher level of protection:

Their **vulnerability**,
 Their **exclusion**, and
 Their **involvement in the informal sector**.

3. The importance of protecting the rights of migrants

Having seen the legal framework, this section highlights the **main aspects that make migrants a group with a need for a higher level of protection**: their **vulnerability, exclusion** and their **involvement in the informal sector**, connected to the two previous aspects.

3.1 Vulnerability

Migrants constitute in many cases a vulnerable group. Not only do they suffer an **inadequate juridical protection** in many countries, but their vulnerability can also be linked to a list of **adverse economic, social and institutional factors that impede migrants’ enjoyment of rights** (Ghosh, 2003). For example, they might not master the official language(s); they can be unfamiliar with the host state’s legal system and administration; and they can be detached from their traditional supports and family. The vulnerability of migrants can even result in their death, where for example there have been numerous articles in the press

¹⁰ Advisory Opinion on ‘Juridical Condition and Rights of the Undocumented Migrant’, 2003.

describing many cases of migrants drowning in unsafe vessels or suffocating to death in overcrowded truck ships that give cause for deep human rights concerns (Bhabha, 2005).

Migrants, however, are a heterogeneous category. Not all of them face the same vulnerability regarding the protection of other rights that some specific groups are entitled to (GMG, 2008). **Some of the most vulnerable migrants are children, refugees, women, disabled, irregular migrants, elderly migrants and those with disabilities.**

3.2 Exclusion – occupying the space of ‘nonexistence’

Exclusion can mean discrimination, which is prohibited in all Human Rights treaties (GMG, 2008). Conversely, **racial and xenophobic discrimination have ended up being part of the everyday lives that affect migrants, both documented and undocumented** (Rodríguez, 2005).

A study on Senegalese migrants in Côte d’Ivoire and Gambia (Coulibaly et al., 2013) shows the reality of inequalities that migrants face by comparison to the nationals of the country in essential areas such as **health and education**. For example, the study found that migrants from Senegal in Côte d’Ivoire and Gambia end up paying twice the price to access health services as a penalty for not being a full citizen. In this way, citizenship clearly implies exclusion of non-members and this exclusion can be described as a space ‘where people are but where they do not exist’, what Coutin calls a *space of nonexistence* (2003).

3.3 Vulnerability and exclusion related to work in the informal sector

As a consequence of the vulnerable position of migrants, and related to their feeling of exclusion, **migrants in many cases end up getting involved in the informal sectors of the economy where they face abuse and violation of their rights as a result of their undocumented status**. What is more, exploitation often starts before they have even left home. In many countries in the South, unregulated recruitment agencies target the vulnerable, demanding huge loans to cover their fees for arranging travel and placing them in work (Rylance, 2010).

This abuse of migrant workers is present all over the globe, and is hard to combat because many companies are increasingly moving their production activities to the informal sector where legal requirements of pay and working conditions are not followed. Since undocumented workers have practically no

power, their employers can pay lower wages and offer no job security or safety in the workplace (Mattila, 2001). Further, since human rights violations against migrants in the informal sector are not visible in the public sphere, they are particularly difficult for civil society to monitor. One of the main measures to protect basic worker rights are the **International Labour Organization (ILO) standards**. They establish a worldwide minimum level of protection from inhumane labour practices through the adoption and implementation of these measures. Many activities to protect working rights have been taken up by the International Organization for Migration (IOM), such as the launching of the campaign to combat human trafficking, ‘We are All workers-We have rights and duties’ in Jordan, to help sensitize the public on this issue (IOM, 2013).

4. Links between migration, development and human rights

Human rights have been considered a key issue in the migration – development debate, including in fora such as the annual, state-led and informal **Global Forum on Migration and Development (GFMD)**.¹¹ Nonetheless, similar to the ‘mainstreaming’ of human rights into development cooperation, often human rights are mentioned without fully integrating them conceptually and in practice. To ensure a **proper rights-based approach to migration and development** would mean to consider e.g. access to education for migrants not a goal, but an entitlement. In this case, if migrants are barred from entering schools or other social and health services, to give an example, they would need to have effective access to redress.

A ‘rights-based approach to migration’, founded on references to international legal obligations by states parties to international human rights conventions (see for instance Elias, 2010), was also not transferred effectively to the migration and development debate. This normative approach has been particularly promoted by the ILO, with a focus on workers’ rights due to its mandate (Grugel and Piper, 2007).

Patrick Taran (2009) highlights the tension between the protection of migrants’ rights as an expression of normative values in many industrialized states and the inherent logic of the neoliberal profit-maximization dictum that hinders their actual implementation in practice:

Rights and social protection carry costs, an implication that confronts the logic of globalized economic competition. Limitations in the exercise of rights by migrant workers are directly linked to assuring that their labour remains a competitive advantage. (2009: 152)

¹¹ See in particular the meeting under the Mexican Chairmanship in 2010: www.gfmd.org/en/docs/mexico-2010.

Taran further draws out ‘a broader clash between value systems’ (2009: 157), being a rights-based approach and an economic interest-driven approach where political and economic spheres intersect.

5. Ratification of the Convention on the Rights of Migrant Workers and Members of their Families (1990) in ACP countries

As mentioned previously, one of the main obstacles in protecting migrants’ rights is the implementation and enforcement of existing human rights instruments. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW hereafter) also suffers from a lack of ratification. This section will look into the ratification of the ICMW in ACP countries and look at why these countries have presented so little interest in ratifying this convention.

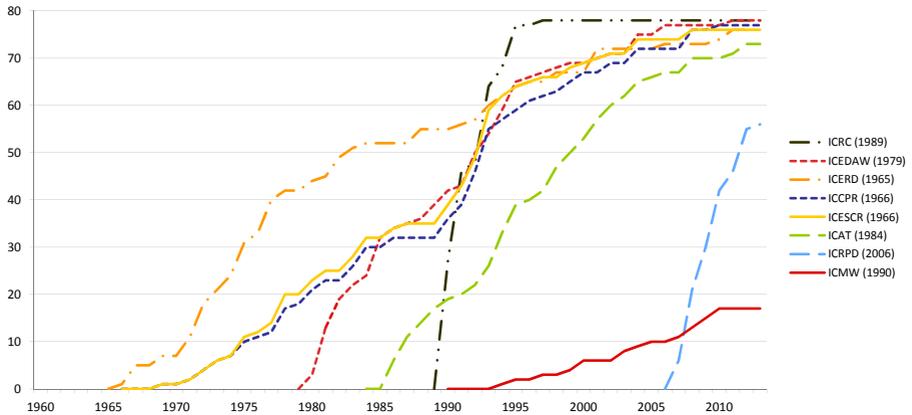
The ICMW covers the entire migration process of migrant workers and members of their families.

It extends them rights and protection at all stages: preparation, recruitment, departure and transit; stay in States of employment; and their return to and resettlement in their countries of origin or in States of residence (Art. 1). It has been described by de Guchteneire and Pécoud, as a ‘more precise interpretation of human rights in the case of migrant workers’ (2009: 8). Figure 1 represents the number of ratifications of UN international human rights treaties per year in the ACP countries and provides an idea of the attention it has had from these states. Regarding the ICMW, **a total of 17 ACP countries¹² have acceded or ratified it out of the 46 ratifications it currently has** (data from 15 April 2013). Figure 2 gives the general picture of ratifications of the treaties at a global level. From comparing both graphs one can see that ACP countries do not ratify less than other countries.

The ICMW extends migrant workers and their families rights and protection at all stages: preparation, recruitment, departure and transit; stay in States of employment; and return to and resettlement in countries of origin or in States of residence (Art. 1).

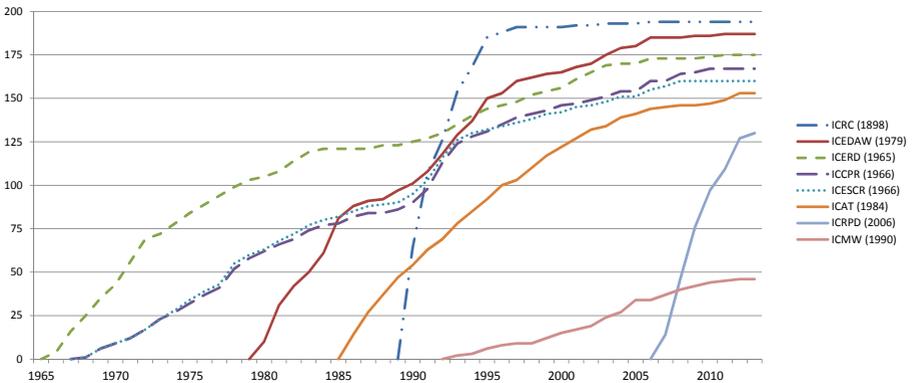
¹² These countries are: Burkina Faso, Cape Verde, Ghana, Guinea, Guyana, Jamaica, Lesotho, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Seychelles, St. Vincent and the Grenadines, Timor-Leste and Uganda.

Figure 1: Ratification of international human rights treaties in ACP countries, 1965 to 2013 as of 15 April 2013 (Cumulative Ratifications).



Source: By authors with data extracted from United Nations (n.d.).

Figure 2: Ratifications of international human rights treaties worldwide, 1965 to 2013.



Source: Adapted from Ruhs (2012).

Note: ICERD = International Convention on the Elimination of All Forms of Racial Discrimination; ICCPR = International Covenant on Civil and Political Rights; ICESCR = International Covenant on Economic, Social, and Cultural Rights; ICEDAW = Convention on the Elimination of All Forms of Discrimination Against Women; ICAT = Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; ICRC = Convention on the Rights of the Child; ICMW = International Convention on the Protection of All Migrant Workers and Members of Their Families; ICRPD = Convention on the Rights of Persons With Disabilities.

Many reasons could be mentioned here which would clarify why there has been this slow level of ratification and implementation of the ICMW in ACP countries. Some reasons to consider are for example, that **some African countries do not ratify the ICMW because they are more interested in the existing agreements at the regional level**. In West Africa there are a series of treaties of the Economic Community of West African States (ECOWAS). These aim at managing migration flows, so the ICMW is then perceived either as redundant (as these other treaties already deal with migrants' rights) or as inefficient (as these regional agreements are better implemented). The ECOWAS provides, for example, for the acquisition of community citizenship and provisions for the regularization of illegal migrants. Nevertheless, undocumented migrant workers – who compose the majority of migrants in a country like Nigeria – are nevertheless excluded (Adedokun, 2003).

In the Asia Pacific region, very active NGOs have managed to promote the ICMW but its content remains unclear to many policymakers. **The ICMW has very little visibility in the public sphere and as a consequence, states often have misleading ideas on its impact on their policies and practices in the field of migration** (Piper and Iredale, 2004). As for the Caribbean States, they are still at the beginning of realizing the full implications of existing migration dynamics (Barrow-Giles and Marshall, 2003) and many of them have not ratified the ICMW despite being a region facing many migration issues.

6. Case studies: Africa, Caribbean and Pacific

Many are the examples that could be given to illustrate the violation of migrants' rights around the globe. This section **presents three South–South migration case studies from African, Pacific and Caribbean countries where human rights and human development have been affected in one way or another**. These have been selected for being cases that occurred very recently and because they well exemplify various migrants' human rights issues, covering several types of migration: from internally displaced migrants due to natural disasters, like in the case of Papua New Guinea, to stateless persons in the Dominican Republic, to victims of human trafficking in Gabon. In no way does this selection signify that the countries mentioned are the only ones that struggle with adherence to and implementation of Human Rights standards.

6.1 Pacific: Internally displaced persons (IDPs) from Manam Island, Papua New Guinea

There is a lack of reliable information about the number of displaced persons due to natural disasters and their human rights concerns (OHCHR, 2011). The case study presented here exemplifies some of the human rights issues that IDPs in Papua New Guinea (PNG) are facing after having been evacuated from their island. This was due to the 2004 volcanic eruption that displaced a total of 9,000 inhabitants in Manam Island. The population from this island was sent to camps with no possibility of returning as, in 2005, 85 per cent of the island was covered in ash.

The volcano is still active today, with the most recent eruption being in January 2013 (Dawnport, 2013). **The main human rights concerns here are the conditions that displaced persons live in and the problems they have to face, such as gender-based violence and discrimination issues, reported sexual abuse and domestic violence as well as clashes with the local community claiming the land they were on was theirs** (OHCHR, 2011). All of these issues worsen as time passes. There is the serious risk that protracted displacement situations lead to more critical rights issues, such as lack of access to basic services (e.g. health and education).



Evacuation of Manam Island, PNG

6.2 Caribbean: Haitian descendants in Dominican Republic – a case of statelessness

Most of the Haitians that first arrived in the Dominican Republic migrated in search of a job in the sugar cane plantations. Haitian labourers have been described as the ‘backbone’ of the Dominican Republic’s wealth (Wooding and Moseley-Williams, 2004: 88).

Haitian descendants range from Haitian immigrants who have lived in the Dominican Republic for many decades, to second and third generation ‘Haitian-Dominicans’- people of Haitian descent who were born in the Dominican Republic (Wooding and Moseley-Williams, 2004: 16). **One of the major preoccupations in the country is the non-recognition of**

the nationality of some of these Haitian descendants, who were born in the Dominican Republic, and also that they do not have Haitian citizenship. This denial of nationality and cause of statelessness¹³ has brought many conflicts, as this is denying the right to equality before the law, to a name and to recognition of their legal personality – rights which are set out in the American Convention on Human Rights which has been ratified by the Dominican Republic (Wooding, 2006).



*'If I'm not from here, where do I come from?'*¹⁴

6.3 Africa: Trafficking of Nigerian migrant workers in Gabon

Hardly any reports have been written on the situation of trafficked persons in Gabon. **This country is considered mostly a destination country for victims of human trafficking.** The US Department of State places Gabon under Tier 2,¹⁵ which means that it is a country whose government does not fully comply with the US Trafficking Victims Protection Act's minimum standards,¹⁶ but is making significant efforts to bring themselves into compliance with those standards. **Many of the migrants trafficked to Gabon are from West African countries and the majority arrive from Benin, Togo, Nigeria and Guinea** (US Department of State, 2012). Victims are typically trafficked into the country by boat, arriving on deserted beaches. The journey some of these migrants make by boat sometimes has a tragic ending, such as the case of the recent boat found on the Nigerian coast, where 166 migrants were on board and more than 40 did not survive.¹⁷

13 According to UNHCR there are at least 12 million stateless people worldwide who need to become citizens.

14 Source: www.dominicantoday.com/dr/local/2012/10/31/45608/Dominican-official-slams-Human-Rights-body-on-stateless-Haitians (accessed 05 April 2013).

15 Tier Placement is based more on the extent of government action to combat trafficking than on the size of the problem. The US Department places each country in the TIP Report (2012: 37) onto one of the four existing tiers.

16 For the TVPA minimum standards see: www.state.gov/j/tip/rls/tiprpt/2011/164236.htm.

17 Article in Reuters: Sunk Nigerian boat was carrying trafficked migrants: survivors by Akpan, A. and Sotunde, Afolabi (2013). Available at: www.reuters.com/article/2013/03/20/us-nigeria-accident-idUSBRE92J1C720130320 (Accessed 07 April 2013).

In the case of Nigerians, the great majority of those who are trafficked are migrant workers who originally chose to leave Nigeria in search of a better life, but immigration restrictions did not allow them to do it in a regular, legal and transparent way, so they turn to smugglers to facilitate their travel and work placement abroad (Nwogu, 2006). Girls that are trafficked to Gabon generally work in domestic servitude, market vending and restaurants (US Department of State, 2012). In all, the dimension of trafficking-migration necessitates legal protection of the rights of migrant workers.

7. Conclusions, recommendations and good practices

In ACP and other developed and developing countries, **human rights issues are not specific to migrants, but of general concern**. It may therefore be more valid to approach for instance workers' rights in a holistic way, keeping the specific vulnerability of migrant workers in mind when designing specific instruments to enforce existing laws and international obligations (Melde, 2011).

In addition, it is important to understand that **migrants' rights are not just important because of the need and obligation to protect the individual human being, but also because of the link these have with development**. It has been recognized that **without the protection of human rights the human development potential of migration will be hampered**, even if this claim is still far from being a reality today.

Without the protection of human rights, the human development potential of migration will be hampered.

ACP States should set their preferences towards protecting the rights of migrants, at the country of origin, transit and destination.

As South–South migration flows are greater than South–North flows (Hujo and Piper, 2007), it is very important that the ACP Group of States set their preferences towards protecting the rights of migrants, at the country of origin, transit and destination. The **regional level** seems to be of particular importance, both in terms of regional human rights frameworks and given that almost all six ACP regions have enacted or drafted free movement protocols. Nonetheless, these protocols do not replace Human Rights obligations, but simply represent a specific legal framework for movement.

The key recommendations are:

7.1 Legal Framework

- 👤 There is no need to have more international legal instruments to protect the right of migrants, but there is an urgent need to intensify the efforts across the board to ensure that the Human Rights commitments that States entered into at the international level are **effectively put into practice** at the national legislative level (GMG, 2008: 25).
- 👤 There is need to **harmonize national legislation** with the relevant international agreements and regional free movement protocols (Coulibaly et al., 2013).
- 👤 Regional or bilateral agreements, such as ECOWAS, do not provide a comprehensive framework for the protection of migrants' rights, and cannot therefore be considered a substitute for the **International Convention on Migrant Workers** or other international or regional legal instruments pertaining to rights (Cholewinski, 1997).
- 👤 **Dual citizenship** should be encouraged in order to protect migrants' rights and support their integration in countries of destination, while keeping links with their country of origin. It could also help development in the country of origin in various ways; by facilitating cross-border labour mobility and increase remittance inflows (Nalane et al., 2012; Oucho et al., 2013). In addition, dual citizenship can potentially allow for enhanced political participation at home by the diaspora, through securing the **right to vote** (Marcelino et al., 2013).
- 👤 **Good practice:** Concerning the case of labour migrants, which are a very big part of contemporary migration and directly or indirectly linked to the world of labour (ILO, 2004), a good practice on their treatment are the **migration laws from Rwanda** (Immigration Law 2006), which is the State considered as the one having the most comprehensive and versatile immigration legislation among the East African Community countries, regulating both citizen and foreign labour in the country. The Rwandan law does not grant preferential treatment to foreigners or nationals as it governs locals and nationals, and internal as well as international migrants without discrimination (Oucho et al., 2013).

7.2 Increase the awareness on Human Rights of Migrants

- 👤 There might be now an opportunity to **put the human rights of migrants at the top of the agenda** through the international discussions that are

taking place, such as the United Nations High-level Dialogue (HLD) on Migration and Development in October 2013 and the annual Global Forum on Migration and Development.

-  In order to protect the rights of migrants it is very important that they themselves have a good understanding of what rights they are entitled to and have credible knowledge of the situation they are in (Mehta and Gupte, 2003). **NGOs and migrants' associations**, such as the Senegalese associations in The Gambia and Cote d'Ivoire, often play a key role in **awareness-raising among migrants**.

7.3 Cooperation between stakeholders and further research

-  **Cooperation** between Governments in countries of origin, transit and destination, civil society and migrants themselves is essential to **ensure that international Human Rights Instruments are implemented** (GMG, 2008).
-  In order to protect migrants from their vulnerability and exclusion, an example could be if migrant associations could establish **voluntary health insurance and social protection schemes** for the migrants that, in the vast majority, are participating in the informal labour market (Coulibaly et al., 2013). However, it needs to be kept in mind that the provision of these services remains the main responsibility of the State.
-  Further **research is needed in the area of human rights and migration, as well as their link with development**. A study on Nigerian diasporas (Olatuyi et al., 2013) proposed that more State involvement is needed to seek appropriate measures to redress the violation of the diasporas rights in the host community, to help their participation in the development of their countries.

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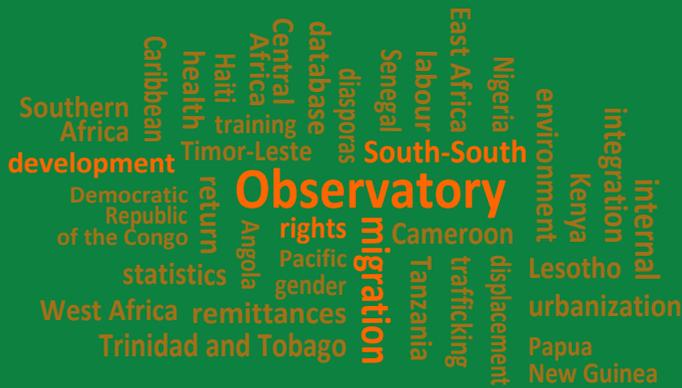
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ACP Observatory on Migration

20, rue Belliardstraat (7th floor)
1040 Brussels - Belgium

Tel.: +32 (0)2 894 92 30 - Fax: +32 (0)2 894 92 49

ROBrusselsACP@iom.int - www.acpmigration-obs.org



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