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## **Migrations and the problems of human rights: African women and children in focus**

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### **Abstract**

This paper focuses on the challenges of human rights protection of women and children in course of migrations. It interrogates the various violations faced by women and children as a result of lack of obligatory responses by both the citizens and governments of the States they have migrated to in the bid to escape death and hunger from militarized zones, from arid zones facing water stress and desertification; or from migrations due to political and religious persecutions. It is the position of this paper that women and children in Africa have rights which inure to them as human beings and which rights are universal and inalienable despite the non protective posture of most receiving States. This work therefore espouses the need for more international recognition of the rights of migrants, effective enforcement models through imposition of strict fines and sanctions for non-compliance of States to internationally agreed standards.

**Keywords:** Migrant, migrations, human rights, women, and children

### **Introduction**

Movement of persons from place to place within a country or across national boundaries is not new. Movement of persons across boundaries is constant and occurs at all times. People must move from one geographical location to the other for different reasons. The quest for better, more profitable and more accommodating environment for existence is usually the underlying factor for the need to relocate from the known to the unknown. It informs the willingness of persons to venture into territories unknown despite calculable and non - calculable risks. Migration becomes a solution to persons who are threatened by political unrests in their home countries or by economic and environmental hardships to seek a new lease of life in other regions or countries or even for persons who desire a change of work environment. These migrants in various instances may become a societal menace to the hosting nation especially where they remain undocumented, unemployed or unemployable and given to criminal activities to survive as human beings. Migrations can also generate positive results for the hosting country. In the words of Antonio Guterres the Secretary General of the United Nations, it may be a “positive global phenomenon. It powers economic growth, reduces inequalities, connects diverse societies and helps us ride the demographic waves of population growth and decline.” What is critical to these movements of persons is the extent the rights of such persons as human beings are protected by international instruments <sup>[1]</sup> and domestic laws as they transit countries or reside in these countries. Furthermore, this paper is particularly concerned with the more vulnerable members of the migrating public; women and children who become easy targets to all forms of criminality.

These migrants which include refugees, asylum seekers, migrant workers become easy targets of abuses by the various groups of persons they meet on their routes including the receiving government and people who would normally treat them as stateless persons and sources of social menace. Most xenophobic attacks in South Africa and elsewhere against Nigerian and other migrants for economic reasons have been attributed to faulty ideas of competitiveness for available employment opportunities between the South African citizens and the migrant population. These migrant workers face gross discriminatory government policies and laws which make it very difficult for them to get employed or deploy their skills effectively to make a living. For some migrants who succeed in setting up their own businesses, the unfavourable laws and discriminatory attitude of the citizens of the host country make it very difficult for their businesses to thrive.

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It is however important to state that the legality or otherwise of a migrant's status in the country of residence sometimes explains the extent of abuses. Although there are several vulnerabilities associated with migrations, persons who enter into countries legally have their rights somewhat protected by the extant domestic laws. Such migrants can usually move freely in their countries of residence; enjoy protection of their rights to human dignity and security of their persons and property. They can also exercise their right to employment as they are permitted to engage in gainful public or private employment to and development to effectively contribute to societal growth. Sadly however, this position remains true for a small percentage of persons leaving a greater number of persons exploited, abused and marginalized socially, economically, and politically.

This work examines the extent to which human rights standards which have international recognition and approval are applied equally to migrants and citizens who live in the same country and so are exposed to the same or similar challenges facing the human family regardless of the background, religion, sex, nationality and such like or whether the status of non-indigene imports discriminatory responses which invariably violates the rights of migrants. It is trite that States are not permitted under international law to treat their citizens different from non-citizens except in matters of elections into political offices; and generally international human rights law (IHL) through its principle of non-discrimination protects migrants in a situation of armed conflict. Civilian migrants of nations in conflict are protected under international law from indiscriminate attacks just like the civilian nationals of their State's of residence<sup>[2]</sup>. A migrant who does not by his actions change his status of a civilian to a combatant or a prisoner of war enjoys the same protection accorded the resident country's civilian population irrespective of the his nationality<sup>[3]</sup>.

### **Conceptual Framework: Migrant, Migrations, Rights, Human rights**

The concept "migrant" does not enjoy a universal application. It is a term which generally describes "any person who lives temporarily or permanently in a country where he or she was not born..."<sup>[4]</sup> A migrant is any "person who is outside a State of which he or she is a citizen or a national or in the case of a stateless person, his or her State of birth or habitual residence"<sup>[5]</sup>.

Anybody who is living and working outside his or her country can be described as a migrant. A migrant includes "a migrant worker whether documented or not, the refugee, the smuggled person, the Stateless persons and the trafficked person.

Migrations generally concern the movement of persons from one country to another with the intention of staying or settling down in their new location permanently or temporarily. In this paper this type of movement excludes internal movements within different regions of a country.

Whilst rights involve legitimate claims made by persons; which claims are to be respected by other persons within the ambit of recognized laws and protected by the State; to Henkins, human rights are those "liberties, immunities and benefits which by accepted contemporary values all human beings should be able to claim as of right of the society in which they live"<sup>[6]</sup>. The United Nations on the other hand defined human rights "as those rights which are inherent in

our nature and without which we cannot function as human beings"<sup>[7]</sup>.

### **Legal Basis for Migrations and Protection of Human Rights**

The legal basis for migrations is hinged on the humanity of all migrants profusely protected and expressed in various international instruments signed and ratified by several nations of the world. Some of these legal instruments that protect the human rights of migrants are the Universal Declaration of Human Rights (1948); the International Covenant on Economic, Social and Cultural Rights (1966); International Covenant on Civil and political Rights (1966); International Convention on the Elimination of All Forms of Racial Discrimination (1966); Convention on the Elimination of All Forms of Discrimination against women (1979); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Convention relating to the Status of Refugees (1951) and its 1967 Protocol etcetera. In some of the African countries under examination such as in South Africa<sup>[8]</sup>, laws protected the rights of migrants have been enacted.

Migrants are first of all human beings who enjoy the right to freely move within and outside their countries of origin in accordance with established domestic and international legal standards. These standards established in the Universal Declaration of Human Rights (UDHR) 1945 a foundation to most global treaties, Conventions provides that everyone has the right to life, liberty and the security of person<sup>[9]</sup> and that no one shall be held in slavery and slave trade shall be prohibited in all forms<sup>[10]</sup>. "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"<sup>[11]</sup>; and that nobody is above the law as "all are equal before the law and entitled without any discrimination to equal protection of the law"<sup>[12]</sup>. "Furthermore, everyone has a recognizable right to own property"<sup>[13]</sup>; right to freedom of thought, conscience and religion<sup>[14]</sup>; right to freedom of opinion and expression...<sup>[15]</sup> right to freedom of peaceful assembly and association and right to participate in the government of his country; right to social security; right to work, to free choice of employment<sup>[16]</sup>; right to rest and leisure; right to a standard of living adequate for health...right to education...

### **Causes and Forms of Migrations**

Overtime and different epochs, history records the movement of people and groups from on location to another in search of better opportunities for survival especially in the face of harsh environmental factors such as droughts, flooding and hurricanes. It is also trite that movements of people across boundaries both known and unknown may be out of man's desire to live and survive by escaping persecution and strife in their home countries. Migrations have also taken place simply for the fact of enjoying the proverbial "greener pastures" not available in a person's home country. The quest for better economic opportunities accounts for the existence of global migrants who exit their countries in search of better economic opportunities to maximize their full potentials. Persons whose countries are embroiled in armed conflicts may decide to migrate to more

peaceful areas. The Human Rights Watch Report captured the factors which encourage the migrations of persons to include; “natural disasters, political unrests, poverty, human rights violations, limited opportunities and little safety [17].”

### Human rights of Migrants

Migrants as members of the human family enjoy most of the basic rights available to all humans and approved under various human rights norms despite their legal status in their various States of residence [18]. According to the provisions of the International Covenant on Civil and Political Rights (ICCPR) [19] all migrants have rights to life and State parties are obligated to guaranteeing this right so that no migrant within their countries loses his right to life in arbitrary circumstances. Since the nature of migrations expose the migrants to various insecurities as they move from their own country to their destinations; crossing borders whether sea or land, and whether legally or otherwise, international conventions and protocols demand that ratifying States to these instruments enforce their duty to protect the migrant’s right to life and even prosecute violations to the migrant’s rights to life which has occurred within their territorial jurisdictions [20].

Flowing from the protection of the migrant’s right to life is the demand on States to protect aliens in their territories and ensure that they are not arbitrarily arrested or detained. The protection against unlawful and arbitrary arrest is guaranteed under the regional African Charter on Human and Peoples Rights [21]. By the provisions of this law and other international laws [22], migrants should not be unduly detained by governments in the guise of waiting for the determination of the migrant’s status and compliance with requirements of their domestic laws as concerning entry, residence and work permits. On this issue, the provisions of the European Convention on Human Rights (ECHR) against unreasonable and long detention of a migrant without providing him with the reason for the detention was tested by the European Court of Human Rights in *Saadi v the United Kingdom* [23] where the applicant who fled from Iraq to London was arrested by immigration officers and detained for more than two days without information on reasons for the detention. The European Court of Human Rights found the United Kingdom to be in contravention of Article 5(2) of the ECHR which in the ruling of the court applied “not only to those who have committed criminal offences but to aliens who often fearing for their lives have fled from their own country.”

Migrants have the right to be protected against torture and inhuman treatment by their destination countries as required by international human rights norms whether or not they have ratified the Convention against Torture [24]. Other international instruments [25] also have provisions seeking protection of persons from torture including the migrant worker [26] Migrants also have rights to liberty and security according to the provisions of the ICCPR [27].

Migrants by the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR) [28] and other conventions [29] are guaranteed freedom from all discriminations in the enjoyment of their human rights. A migrant refugee who has successfully reached his country of destination is protected under international laws from forceful and immediate repatriation to his home country under the principle of non-refoulement [30]. State parties are by the international instruments enjoined “not to refoule, or

return a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinion.” A migrant who thus faces the possibilities of persecution from his home country or faces a high risk of human rights violations is protected under international law from the risk of refoulement.

This international protective shield for the migrant refugee does not however mean that the host country is precluded from protecting itself from refugees who are in breach of their refugee status and so constitute a security threat to their sovereignty. In the African Charter on Human and Peoples’ Rights, a migrant has the right to be heard in cases of expulsion by a court of competent jurisdiction and in accordance with relevant laws on deportation of unregulated migrants. This fact readily brings to mind the recent face off between Burundi refugees in Tanzania and the Tanzanian government’s threat of repatriation by October 1, 2019 if there was continued non-compliance with the requirements of their refugee status. It is also important to state that international law protects migrants from collective expulsion by the host country [31]. Demands are made by international instruments that adequate procedural safeguards such as communicating the decision to expel the migrant in a language that would be understood by him or her, to provide both the reason and the decision to expel in writing to the migrant except such written notice would compromise the nation’s security, fair hearing and the opportunity to offer explanations be granted the migrant as to why he should not be expelled etcetera. It is also important to state that the right not to be removed arbitrarily from the host country does not protect undocumented migrants or a migrant whose status is in dispute [32].

A migrant has family rights which are globally recognized. He has a right to relate to his or her spouse, children and other family members. Towards the end of protection of the migrant’s right to a family, it is expected that consideration of possible problems and challenges that may be encountered by a migrant’s spouse, children and family members should be taken into consideration when States are faced with the decision of a migrant’s admission, detention or expulsion from or into the host country [33].

Migrants especially children like other children who are members of the human family have a right to primary education as several international instruments provide that States to which they have migrated have an obligation to provide free and compulsory primary education at public institutions [34]. The ICRMW [35] which concerns the migrant worker specifically provides that “States may not refuse or limit a child’s access to public pre-school educational institutions or schools based on a parent’s or child’s irregular situation.

The freedom of movement of migrants is protected under international law [36]. This right to freely move from place to place in their host country means that within the country, they are free to change their location like any citizen of the country. They are not to be confined to a particular section of the country. They also have the right to decide to leave the host country and return to their own country of birth. This freedom of movement within the country is coupled with the right of the migrant to enjoy community life and culture in his place of location. This right ensures that the migrant is not isolated and discriminated against by his neighbours. One factor which may restrict a migrant’s

freedom of movement to enter and remain in the country however concern agreed procedural and substantive limitations to the migrant's rights against compulsory expulsion.

According to Article 27 of the ICCPR, "migrants who belong to an ethnic, religious or linguistic minority group have the right to enjoy, practice and use their culture, religion and language together with other members of their community."

### **African Women and Children Migrants and the Problem of Human Rights**

African women and children migrants traversing countries face various forms of violations of the human rights. These violations range from the non recognition of the status of these migrants as persons protected under international laws. These two categories of persons belong to the class of vulnerable persons in the human family who face infringements. Examples of such human rights abuses abound in various countries of Africa especially at the different internally displaced persons camps (popularly referred to as ID camps) littered all over the major cities of the continent. A 2019 Human Rights Watch Report <sup>[37]</sup> describes various human rights abuses ranging from trafficking, exploitation, torture and abusive prison conditions to which Ethiopian migrants enroute the Gulf of Arden and the Red Sea to Yemen and Saudi Arabia are subjected contrary to international legal norms. According to the Report, several factors have combined to drive thousands of Ethiopians to migrate without documentation from Ethiopia and to seek refuge without appropriate legal status in Saudi Arabia passing through Yemen.

Some of the identified factors which encourage these migrations include the implications of droughts that have ravaged parts of the country, hunger and famine, unemployment and poverty. Many of these migrants face untold hardship at sea and on land which cause the death of many while a large number end in detention centers of Saudi Arabia awaiting forceful deportation for non compliance with the Saudi border rules, labour or residency laws. It is recorded that these migrants face different forms of violence, threats and extortions from traffickers and smugglers who capitalize on their unregulated migrations to violate their human rights; they become illegally incarcerated without adequate food, water or medical supplies for long periods of time. Some of these migrants were beaten by migrants and traffickers and even shot at Saudi border authorities while attempting to cross by land.

In its 2014 Report the Human Rights Watch had documented several human rights abuses faced by Ethiopian migrants in war torn Yemen en route Saudi Arabia. According to the report, the migrants faced torture in detention camps run by traffickers to extort money from the migrants, constant raping of the women at such detention centers. For migrants who succeeded in entering Saudi Arabia, the horror tales did not cease as many were captured by Saudi guards for illegally crossing the Saudi border or living in Saudi Arabia without documentation and thrown into months of detention before deportation to Ethiopia. Some of the detention centers identified by the migrants are the Jizan Central Prison and the Shmeisi Detention Center in Jeddah. Most of these centers were overcrowded with inadequate sanitary conditions. It was also recorded that the migrants charged with illegal migrations and confined in

various detention grounds awaiting deportation were not given fair hearing, were not given opportunity to have legal representation to challenge the charges against them but were convicted and subsequently deported.

The plight of the Ethiopian migrants into Saudi Arabia is worsened by the fact that Saudi Arabia is not a party to the 1951 Refugee Convention and has refused to be bound by its provisions. It has also not established a viable asylum program which would assist migrants apply and process necessary documentation for protection against deportation.

The case migrants and refugees in Libya are similar to the situations described in Ethiopia <sup>[38]</sup>. According to the Report, migrants from Libya and passing through the Mediterranean to Italy faced various forms of human rights abuses. Some of the migrants including women and children were intercepted and taken to different detention centers run by the Department of Combating Illegal Migrations (DCIM) in Libya. According to the Report about 53, 285 refugees and asylum seekers were registered by UNHCR in 2018 with 9% of the adult refugees being women and 10% children who were mainly unaccompanied.

These number of migrants it was reported were "held in unofficial centers such as hangars, warehouses, unfinished buildings, farms and other places run by armed groups, smugglers and traffickers." Migrants who are women and girls were constantly raped and sexually abused by the official and un-official guards at the various detention centers. In Libya it was also reported that the Special Deterrence Force (SDF) which controlled the *Mitiga* detention facility tortured and ill treated the migrants and refugees. There was overcrowding in the centers, coupled with inadequate food and water supply. Migrants generally faced forced prostitution to obtain concessions from their captors and those who detained them until they departed Libya.

In South Africa, most migrants face racism and xenophobic attacks. African migrants who willingly leave their countries and move to South Africa for various reasons such as the quest for better working conditions and improved standard of living face racial hate. Despite reasons adduced for migrating into South Africa, it is on record that such migrants despite extant South African legal instruments which seek social inclusion "face discriminations, draconian laws, xenophobia and violation of their fundamental human rights." These migrants are treated as unwanted competition for employment opportunities in South Africa and so blamed for most crimes.

In Nigeria, migration issues on policies and management are managed by the National Commission for Refugees, Migrants and Internally Displaced persons (NCFRMI) and the National Immigration Service (NIS). Nigeria like most African countries with porous borders experiences great influx of foreigners who remain largely un-documented and pass themselves off as citizens of the country. Some of these migrants give environmental challenges, political unrest, warfare and various forms of persecutions as the reasons for migrating into Nigeria. Some of the violations faced by the women migrants are sexual harassment and rape. The overcrowding of migrants termed illegal in Nigerian camps with insufficient basic amenities of water and food constitute clear breaches of international law. Some migrant women and girls are targets for human trafficking in Nigeria for sexual purposes especially against the background of general unemployment of the youths. This same reality of

unemployment makes the right of a migrant worker to gainful employment to remain a mirage.

For the African child migrant who accompanies a parent or any other person(s) into another country, the story of abuse remains rife. Their right to basic education is not protected by the host country which claims no obligations to the child who is not a citizen. The lack of organized provision for refugees and migrants expose the child to various forms of criminality to assuage hunger pangs. They are turned to beggars on the streets with no permanent home as their rights to a family life provided under international law are abused. The child's right to life and survival in a strange country is not usually guaranteed. This achievement of this right to life is further deemed where the host country is in a state of hostility. Some of these children who are of school age may become drafted as child soldiers against international standards.

### **Challenges to the protection of the Human rights of the African migrant woman and child**

The challenges to the protection of the identified African migrant woman and child in this paper include the weak institutions of African States, the non domestication of relevant international legal framework by some African States, the absence of relevant domestic laws and strategies for coping with issues of different forms of migrations, corruption and lack of enlightenment of both the public, government ministries and law enforcement agencies.

The migrants's right to social security is a mirage in most African countries that lack effective social security schemes for their citizens<sup>[39]</sup>. In the case of Libya, the OHCHR Report of 2018, clearly highlighted the challenges to the identifiable human rights problems of migrants in the area to inadequate legal frameworks to tackle the problem of refugees and migrants. For instance, Libya like Saudi Arabia is not a party to the 1951 Convention on the Status of Refugees. It has also not subscribed as a party to the 1967 Protocol on the Convention on the Status of Refugees. Also, under the Libyan legal framework, every irregular and undocumented entry, stay or exit from the country is a criminal offence which justifies the different detention centers.

Banditry and general lawlessness in Libya make protection of the human rights of migrant women and children difficult. While most of the women become sex tools, the children become exposed to irregular military trainings and the use of drugs. Xenophobia and racial discriminations against "sub-saharan African migrants and refugees" in South Africa are also rife. In fact the recent spate of attacks left many Nigerians and other Africans dead; and has led to diplomatic frictions between Nigeria and South Africa to the extent that Nigeria has started evacuating her citizens from South Africa. The Boko Haram incursion in the North Eastern part of Nigeria, the banditry in the region and the general pervasive corruption in the country have all contributed to worsen the plight of migrants in the country. The rights of these women and children not to be subjected to torture or other cruel, inhuman or degrading treatment and punishment is violated by the State hounding, quarantining and regular deportations of such persons.

### **Concluding Remarks**

In conclusion, migrants whether legal or illegal are first and foremost human beings and so remain entitled to the

protection of internationally acknowledged rights and privileges adjudged inalienable and inherent to every member of the human family. It is the position of this paper that the migrant status of persons should not therefore be allowed to derogate their humanity. It is further advocated that a human rights approach which insists that State governments and operators place the humanity of the migrant far above the mode of entry into the country of residence as specific migration policies can be put in place to properly manage the incidences of migrations.

Migrants are persons who move from their countries of birth to other countries for various reasons and so become exposed to dangers and violations of their rights as members of the human family en route their new destinations. These persons who are essentially civilians are protected under international law in cases where they encounter hostilities in form of armed conflicts in the areas they have migrated to. Many parts of Africa experienced armed conflicts at different times such as occurred in the central African Republic, Somalia, South Sudan, Democratic Republic of Congo and is partly responsible for the exodus of many persons from these countries. According to the United Nations, the number of migrants reached 244million globally in 2015<sup>[40]</sup>.

Most migrants in the African continent are subjected to indignities as foreigners in the receiving nations. The general poverty facing many African nations compound the problem of migrants who are treated with hostilities by the indigenes and so denied access to basic human needs of food, clothing and shelter and further exposed to all kinds of deprivations and restrictions as to their liberty and freedom of movement. The migrants become very vulnerable to all kinds of human rights abuses because of their unauthorized entry and lack of citizenship of their countries of residence. These migrants are treated as security risks by their host countries since their entry is unauthorized and they remain largely un-documented. Migrants are often seen as exploitable and expendable, a source of cheap, docile and flexible labour, constrained to 3-D work or working conditions: dirty, dangerous and degrading, that nationals are unavailable for and /or unwilling to accept<sup>[41]</sup>."

- This paper adopts some of the recommendations of the UNSMIL/OHCHR in the Report on Libya; to wit; that international pressure be mounted on members of the United nations who are in contravention of international conventions to immediately end all practice of "mandatory and automatic detention of migrants; and release all migrants and refugees arbitrarily held in various detention centers.
- State parties should encourage the enactment of domestic laws to criminalize the detention of children.
- Entry, stay or exiting of persons from countries should not be criminalized as the case in Libya but should be regulated by extant international laws and conventions.
- Where migrants are detained according to domestic laws, adequate controls should be put in place by the government to ensure that the human rights of the migrants are protected, particularly, women and children should not be lumped with men and also female rather than male guards should be placed over the women to reduce the incidence of sexual harassments and rape.
- The immediate ratification of all extant international conventions protecting the rights of refugees and migrants.

The application of stiffer economic and other sanctions by the United Nations on erring nations violating the rights of migrants.

## References

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8. The Refugees Act (1988) which provides for the reception and protection of rights of asylum seekers.
9. Universal Declaration of Human Rights (UDHR) 1945; Art. 3.
10. *Ibid*, Art. 4
11. *Ibid*, Art. 5
12. *Ibid*, Art. 6
13. *Ibid*, Art. 17
14. *Ibid*, Art. 18
15. *Ibid*, Art. 19
16. *Ibid*, Art. 20-23
17. International Organization for Migration's World Migration Report, 2018.
18. United Nations General Assembly Res. 217 A (III) (UDHR), art 1.; Universal Declaration of Human Rights 1948; however by the provisions of the International Covenant on Civil and Political rights (ICCPR), art 25 which pertains to political participation, State parties can make domestic laws which excludes the rights of migrants in its internal democratic processes.
19. ICCPR, art 6
20. An example of such international instrument which protects the right to life of migrants lost at sea and demands that States with territorial jurisdiction of the ship at the time takes adequate steps to rescue and protect individuals aboard the ship regardless of legal status is the United Nations Covenant on the Law of the Sea (UNCLOS), art 98. Also, note the provisions of International Convention on Maritime Search and Rescue, 1979; chapter 2.1.10
21. Art. 6;
22. ICRMW; art 16(4)which provides that to escape the tag of arbitrary arrest and detention, such detention of a migrant worker must be "prescribed by law" and "be in pursuit of a legitimate aim under the Convention."
23. (GC) no. 13229/03, ECHR 2008, paras 67-74
24. Arts 2 (1)(2)
25. ICCPR, art 7; AFCHPR, art 5
26. ICRMW; art 10 which provides that every migrant worker has the right to be free from torture and cruel, inhuman or degrading treatment
27. Art 9(1)
28. ICESCR 1966; art 2(2)provides that State Parties should "undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discriminations of any kind as to race, colour, sex, language,religion, political or other opinion, national or social origin, property, birth or other status"
29. ICCPR 1966; art 2(1); ACHPR, arts 7(1) and 12 (4);Convention on the Rights of the Child (CRC) 1989; International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work; art 2 which provides for non discrimination in the workplace; while art 17(1)provides that even where a migrant worker is detained for any reason, he must be given humane treatment throughout the period of detention.
30. Convention Relating to the Status of Refugees 1951; art 33(1); Convention against Torture (CAT), art 3
31. See generally, ACHPR, art 12(5); ICRMW, art 22(1) which insists that migrant workers cases should be decided on individual rather than collectively; Protocol 4 to the ECHR, art 4
32. ICCPR, art 13
33. See generally, ICRMW, arts 17(6) which requires that when a migrant worker is detained, States should take appropriate measures to ensure the protection of the unity of the families of migrant workers.
34. Convention on the Rights of the Child (CRC), art 28(1)(a); International Covenant on Economic, Social and Cultural Rights (ICESCR), art 13(2a)
35. Art 30
36. See International Covenant on Civil and Political rights (ICCPR), art 12; ICRMW, art 39; CRC, art 10(2)
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