

## 2. Migrants have human rights too

People who leave their country for social and economic reasons and not for protection are often belittled and vilified. They are seen as 'only' economic migrants, as though they did not have any rights. Refugees and asylum seekers – those who have not yet

been formally recognized as refugees – get caught up in this too. They are labelled "bogus", "queue jumpers", and sometimes even "terrorists". These claims are usually made by people

who see some political or other advantage to be gained from using these labels.

In a globalizing world, awash with economic disparities, internal and sometimes international conflict, and a continuing prevalence of massive human rights violations in many places, the pressures on people to move are likely to increase rather than decrease.

Crossing an international border does not deprive asylum-seekers and refugees of their human rights. In the same way, other migrants who have crossed an international border also have human rights. Human beings have human rights, whatever label they are given and wherever they are.

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.* Art. 2 Universal Declaration of Human Rights

One of the most important rights common to all migrants, including refugees and asylum-seekers, is the right to non-discrimination. This right is at the core of all our human rights.

There is an international agreement specifically about protecting the rights of migrant workers – the *Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. However, it has not yet come into force because not enough governments have agreed to be bound by it.

## 3. If refugees and migrants have rights, what is the problem?

Worldwide, there are an estimated 175 million migrants living outside their countries.

Discriminatory – and sometimes xenophobic and racist – practices and policies seriously affect the protection of the rights of migrants, including refugees and asylum-seekers.

The majority of the world's 16 million refugees are in poor countries, where they often languish in a legal and protection limbo, with host governments reluctant to protect them, at the same time as obstacles exist which prevent them from finding an avenue to effective protection elsewhere.

Many governments, particularly in richer countries, devote huge amounts of time, energy and resources to preventing migrants, including asylum seekers and refugees, from entering their territory.

Armed border guards "seal" borders. Airlines stop people from boarding flights to safety. Naval ships are sent out to block boats carrying desperate asylum seekers from arriving on their shores. Hostile immigration officials and complex procedures can prevent them from finding protection or the security they need to get on with their lives. And visa restrictions prevent people from travelling to safety or some measure of security.

A number of governments even hold migrants, including refugees and asylum seekers, in detention. Many of these measures are in direct violation of international standards. For a great number of these refugees, asylum-seekers and

migrants, their lives and their families' lives have been put on hold. They want to get on with them. Human rights are about recognising the basic right of everyone to live in dignity.

*We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.* Declaration, World Conference against Racism, 2001

## 4. *Social and economic rights are human rights*

Amnesty International undertakes research and advocacy for the protection and promotion of the human rights of refugees, asylum-seekers and migrants. Amnesty International's mission includes promoting and protecting economic, social and cultural rights. As an organization, we are committed to opposing grave abuses of economic, social and cultural rights where these abuses arise from a policy of discrimination, or are abuses of the rights to freedom of conscience and expression, freedom from discrimination, or physical and mental integrity.

Some refugees, asylum-seekers and migrants experience violations of their economic, social and cultural rights in their home countries.

This also happens in their countries of asylum or receiving countries and often arises out of discriminatory policies and practices.

The rights that are at stake include:

- The right to work
- The right to health
- The right to education
- The right to food
- The right to housing

Refugees and migrants returning to their countries can also experience problems in re-establishing themselves. Programs for the voluntary repatriation or return of refugees or migrants need to be sustainable if they are not to result in further forcible displacement or non-voluntary migration. Respect for economic, social and cultural rights is essential in ensuring sustainability and solutions.

*All human rights are universal, indivisible and interdependent and interrelated.*

Vienna Declaration and Programme of Action, 1993.

# RIGHTS WHEREVER YOU ARE

## 1. *Refugees and asylum-seekers have human rights*



**Every day people make the agonizing decision to leave their homes, communities and countries.**

**Some leave because they are afraid. They are afraid for their lives, and for the lives of their children and loved ones.**

**Others leave because their social or economic situation has compelled them to do so.**

Many leave for a combination of reasons – fear and violation of their rights as well as social and economic deprivation.

Some leave by air. Others travel by boat. The majority go by road, many of them on foot. Some fall into the hands of people smugglers and traffickers, who run a lucrative and dangerous business.

Every refugee is the result of a government's failure to protect their human rights. Some of those governments commit violations, others tolerate them, and others are unable to prevent them from happening.

Refugees are entitled to international protection. More than 140 governments have an international agreement for the protection of refugees – the *1951 Convention relating to the Status of Refugees*. In some parts of the world, like Africa and the Americas, there are regional agreements between governments for the protection of refugees.

In December 2001, many governments came together and reaffirmed their commitment to the *1951 Refugee Convention*, recognising its "enduring importance".

*Everyone has the right to seek and to enjoy in other countries asylum from persecution.*

Art. 14 Universal Declaration of Human Rights

*If you would like to know more about Amnesty International's work on refugees, asylum-seekers and migrants, please contact your national section or the International Secretariat in London on:*

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