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HUMAN RIGHTS COUNCIL  
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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 Amnesty International (AI),  
a non-governmental organization in special consultative status**

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

[23 May 2008]

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

**Review, rationalization and improvement of Special Procedures mandates:  
the Special Rapporteur on the human rights of migrants**

The establishment of the mandate of the Special Rapporteur on the human rights of migrants, and its renewal in 2005, were an acknowledgment of the increasing role of migration in an interconnected world and a globalized economy. The increase in regular and irregular migration has been accompanied by a variety of human rights challenges that states need to address. The Special Rapporteur's role is crucial in the protection and advancement of the rights of migrants.

The importance of the mandate of the Special Rapporteur is highlighted by the fact that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been ratified by only 37 countries, despite being one of the nine core international human rights treaties. The current lack of a widely ratified specialized international human rights framework for protecting the rights of migrants means that there is every need for other mechanisms to monitor and promote the human rights of all migrants. Amnesty International believes the Special Rapporteur is one such mechanism and that the renewal of the mandate would be an indication that states attach importance to the protection of the rights of migrants.

Issues examined by the Special Rapporteur in recent years include the externalization of migration control policies, the criminalization of labour migration, interception and rescue at sea and smuggling and trafficking and detention; these are at the heart of the human rights issues affecting both migrants as well as sending and receiving states. The Special Rapporteur's reports provide authoritative overview, analysis and recommendations on the rights of migrants and the responsibilities of states towards them.

In its resolution 2000/48, the Commission on Human Rights requested the Special Rapporteur to include in his work schedule a programme of country visits. The acceptance of request for visits by 17 countries is a positive sign, and indicates the willingness of these countries to engage with the Special Rapporteur in a dialogue to enhance the protection of the rights of migrants in their countries. The Special Rapporteur has visited 13 out of those 17 countries, including Burkina Faso, Italy, Iran and Canada. At the same time, Amnesty International is concerned that, according to the Special Rapporteur's latest annual report - eight countries are yet to accept the Special Rapporteur's visit requests - Bahrain, Canada, Japan, Malaysia, Mauritania, Philippines, Qatar and Spain.<sup>1</sup>

The organization is further concerned that the level of state cooperation in relation to communications by the Special Rapporteur concerning allegations of human rights abuses against migrants is inadequate. The Special Rapporteur's annual report states that, from 1 January to 31 December 2007, the Special Rapporteur sent a total of 25 communications alleging violations of the rights of migrants to 22 member states. Of the communications sent, 14 were in the form of urgent appeals. The following states have yet to respond to those communications: Angola, China, Democratic Republic of Congo, Guatemala, Guinea, Lebanon, Mexico, Mozambique, Saudi Arabia (responded to some

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<sup>1</sup> See UN Doc. A/HRC/7/12, *Report of the Special Rapporteur on the Human Rights of Migrants*, 25 February 2008. Although Senegal is among those listed, the Office of the High Commissioner for Human Rights website states that Senegal has agreed to the visit in principle.

communications, but not all), South Africa, Thailand, the United States of America (responded to some communications, but not all) and Yemen.<sup>2</sup>

Migration is likely to increase; the International Labour Organization says that “the number of migrants crossing borders in search of employment and human security is expected to increase rapidly in the coming decades due to the failure of globalization to provide jobs and economic opportunities.” States must ensure that trade, economic and political gains are not pursued at the expense of migrants.

In this context of continued and increased global migration, Amnesty International believes that the Special Rapporteur has an important role to play in the promotion and protection of the rights of migrants. As such, Amnesty International calls on the Human Rights Council to:

- Renew the mandate of the Special Rapporteur on the human rights of migrants;
- Encourage states to give positive consideration to the recommendations of the Special Rapporteur;
- Urge states to fully cooperate with the Special Rapporteur on the human rights of migrants including by responding promptly and in full to his urgent appeals, communications and requests for visits.

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<sup>2</sup> See UN Doc. A/HRC/7/12/Add.1, *Communications sent to governments and replies received*, 4 March 2008.