

MIGRATION AND DWINDLING RIGHTS OF MIGRANTS

The problem of migration seems to arise in two ways. First, is people leaving their country of origin due to civil unrest, insurgency or persecution and moving to seek refuge in lands deemed to be at peace. A most recent example of this is the Rohingya refugee crisis caused by Rohingya Muslims leaving Myanmar as a result of ethnic persecution to seek refuge in neighbouring Bangladesh. Another example is the estimated 5 million Syrians who have had to flee Syria's civil war causing what was dubbed in 2015 as the Europe migration crisis. The second way is people leaving their countries of origin to seek greener pastures i.e. economic or financial betterment mostly in western countries. We see this with African migrants taking the risk of crossing the Atlantic Ocean by boat to get to the shores of Europe and Latin Americans seeking to enter the united states of America albeit illegally through the southern border. Whether these migrants are coming in as refugees or asylum seekers, their main motivation seems to be a better life or offer of better opportunities than what they had in the country they left. In an attempt to control the number of people entering and encumbering on resources, States have adapted stringent and more often than not inhumane treatment of these people with total disregard of the rights such persons are entitled to under international law. This, in my opinion, is the most pressing concern in International Human Rights Law.

The United Nations Charter states in its preamble that "we the peoples of the united nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person... have determined to promote social progress and better standards of life in larger freedom". Again, the Universal Declaration of Human Rights observes that "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world". Reports have shown disturbing trends in the treatment of irregular migrants, asylum seekers and refugees in countries. Extensive border patrol seeking to bar such migrants from gaining state access has brought in its wake approaches which have elicited an outcry from Human rights watchers as violations of the inherent human rights of these persons. Although irregular migration is not a criminal act migrant are often locked up in prison-like conditions, criminalized and expelled from States sometimes even to countries where they risk persecution and torture. In 2018, Human Rights Watch described the condition in which migrants were detained in Libya as nightmarish. It also alleged that the European Union was complicit, stating that although Europe knows of the conditions faced by the migrants, it continues to support the Libyan Coast Guard to intercept people and return them to detention centres in Libya. In the United States, reports have been made of adults being detained in packed Border Patrol cells, ill-treated, malnourished, and with no access to phones or lawyers. In summary, the migrant crisis has become a human rights crisis fuelled by the general distrust for migrants fearing them to be terrorists or criminals and a growing selfish approach of States to protecting and growing their resources for for their own citizens instead of seeking the collective welfare of humanity within the spirit of the UN Charter.

On the whole, it appears states and other actors within the international system today have lost sight of the goal that brought international actors to the table between 1945 to 1948 to design the present architecture for peace and security and the protection of human rights within it. International actors today must once again draw inspiration from that goal and begin once again to take the human rights of all people, whether fleeing from war or seeking a better life more seriously. There are enough human rights instruments to make the world a better place. What is lacking is the lack respect of these by some actors and the reluctance of others to hold them accountable or uphold the rights of all persons

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