

L.13 // Nigeria (Africa Gp1) (1)  
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Item 3

HRC/17/.....

### **Migrants and Asylum Seekers fleeing from events in North Africa**

*The Human Rights Council,*

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour or national origin, including the right to life and security of the person (HRC res. 15/16 pp1 modified using elements of article 3 of the UDHR)

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (HRC res 15/16 pp 2)

Recalling also the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967, (HRC res. 12/6 pp4)

Underlining the important role of the Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants and asylum-seekers (HRC res. 12/6 pp10)

Reaffirming that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and to return to his country, (HRC res. 15/16 pp5)

Recalling the States' obligations under international Human Rights, Humanitarian and Refugee Law, in particular the principle of *non-refoulement*, including from the territorial waters (inspired from HRC res 8/8 op 5 (d))

Reiterating the obligations of countries and organizations whose ships patrol the Mediterranean Sea to provide assistance to non-sea worthy boats leaving North Africa, including Libya (EXT/ASSEMBLY /AU/DEC/(01.2011 § 12 slightly modified)

**Op 1** Alarmed at the continuing vulnerable situation, within the recent events, affecting migrants and asylum-seekers who have suffered untold hardship and in some cases even death, as they attempt to flee from North Africa,

**Op2** Alarmed at the fact that after having been compelled to make dangerous journeys, including in crowded and unsafe boats, these migrants are subjected to life threatening exclusion, detention, rejection and xenophobia (inspired from HC presentation to the HRC'17<sup>th</sup> session)

**Op 3** Alarmed also at the fact that since the beginning of the recent events in North Africa, there have been several reports of boats sinking and in this regard, notes with sadness the death at sea of several hundreds of people, mostly African citizens, after their boats sank and that based on accounts from survivors and family members, more than 1,200 people are unaccounted for so far (language from UNHCHR Update no 26- Humanitarian Situation in Libya and the Neighboring Countries 27 May 2011 + language from M. Mevlüt Çavusoglu, President of the Parliamentary Assembly of the Council of Europe (pace) statement of 09/5/11)

**Op4** While acknowledging the efforts made by countries of destination on the northern shores of the Mediterranean sea to host migrants and asylum-seekers fleeing from North Africa, recognizes that the burden of this situation is disproportionately falling on neighboring North African countries and commends the solidarity shown by these countries;

**Op 5** Reaffirms the need to respect the humanitarian principle of *non-refoulement* from territorial waters and lands for the thousands of people fleeing the events in the North African region (EXT/ASSEMBLY /AU/DEC/01.2011 § 12 slightly modified)

**Op 6** Emphasizes that in a spirit of solidarity and of burden-sharing, countries of destination should deal in a humane way and in compliance with their international obligations with the arrival of migrants and asylum seekers by non-sea worthy boat of several thousands (inspired from M. Mevlüt Çavusoglu, President of the Parliamentary Assembly of the Council of Europe (PACE) statement of 09/5/11)

**Op 7** Calls for a comprehensive inquiry into the very troubling allegations that sinking vessels carrying migrants and asylum seekers fleeing the events in North Africa were abandoned to their fate despite the alleged ability of European ships in the vicinity to rescue them and welcomes the Council of Europe's 'call of 09/5/11 in this regard (HC statement to the HRC'17<sup>th</sup> session)

**Op 8** Requests the High Commissioner for Human rights to pay particular attention to the situation of migrants and asylum seekers fleeing from North Africa described in this resolution and to report to the Council at its eighteenth session and to provide updates thereon.

**Op 9** Requests also the Special Rapporteur on migrants and all other relevant special procedures mandate holders to pay particular attention to the situation of persons fleeing by sea, including from North Africa, and who are denied assistance or rescue when approaching the countries of destination and to report regularly to the Council thereon.