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Human Rights Council

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Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Nigeria (on behalf of the African Group): draft resolution

17/... Migrants and asylum-seekers fleeing from recent 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, sex, language, religion, political or other opinion, colour or national or social origin, property, birth, or other status, including the right to life and security of the person,

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,

Recalling also the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967,

Underlining the important role of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including those of migrants and asylum-seekers,

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 or her own, and to return to his or her country,

Recalling States' obligations under international human rights, humanitarian and refugee Law, in particular regarding the principle of *non-refoulement*, including from territorial waters,

Recalling the responsibility of States to take the requisite steps per the international obligations to provide assistance to persons in distress at sea, including such persons fleeing the recent events in North Africa, Reiterating the obligations of countries and organizations whose ships patrol the Mediterranean Sea to provide assistance to non-seaworthy boats leaving North Africa, including the Libyan Arab Jamahiriya,

Affirming that crimes and human rights violations against migrants and trafficking in persons continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication

1. *Expresses its alarm* at the continuing vulnerable situation, of migrants and asylum seekers seen in recent events, of migrants and asylum-seekers who have suffered untold hardship and, in some cases, even death as they attempt to flee recent events in North Africa, particularly in the context of recent events;

2. *Also expresses its alarm* at the fact that, after having been compelled to make dangerous journeys, including in crowded and unsafe boats, the above-mentioned migrants are subjected to life-threatening exclusion, detention, rejection and xenophobia;

3. *Further expresses its alarm* 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, according to accounts of survivors and family members, more than one thousand two hundred people are still unaccounted for;

4. *Recognizes that, despite the efforts made by countries of destination on the northern shores of the Mediterranean sea to host migrants and asylum-seekers fleeing from recent events in North Africa, as well as the significant greater efforts made by burden of this situation falling falls disproportionately on neighbouring North African countries, which imposes a disproportionate burden on the latter countries and commends, for their solidarity, the governments and people of those countries, humanitarian actors, including UNHCR, IOM, ICRC, international and local NGOs, and those governments and individuals who have supported their activities for their solidarity shown by these countries;*

5. *Reaffirms the need to respect the humanitarian fundamental principle of non-refoulement from territorial waters and lands- [where applicable] including in the context for the thousands of people fleeing the events in the North African region;*

6. *Emphasizes that, in a spirit of solidarity and burden-sharing, countries of destination should deal with the arrival of thousands of migrants and asylum-seekers fleeing recent events in North Africa, including its humanitarian dimension, in non-seaworthy boats in a humane way and in compliance accordance with their international obligations under international human rights law, ;*

7. *Calls for a comprehensive inquiry, by the concerned countries of destination, into the very troubling allegations that sinking vessels carrying migrants and asylum-seekers fleeing the recent 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 call made by the Council of Europe in this regard on 9 May 2011;*

8. *Requests the United Nations High Commissioner for Human rights to pay particular attention to the situation of migrants and asylum-seekers fleeing recent events in North Africa described in the present resolution, to report to the Human Rights Council at its eighteenth session and to provide updates thereon;*

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