

Article 1.
All human beings are born free and equal
in dignity and rights.



International Migrants' Day 2009: FIDH and Lawyers for Human Rights call on the Republic of South Africa to ratify the United Nations Convention on Migrant Workers

Open Letter to Mr Jacob Zuma, President, Republic of South Africa

Paris, Nairobi, 18 December 2009

Your Excellency,

On the eve of International Migrants' Day, we are writing to you to urge your government to take immediate steps to increase the protection of migrant workers in your country.

One year from now we will mark the 20th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). The ICRMW is the cornerstone of international protection of migrants' rights. As yet, South Africa has not ratified this core United Nations instrument. Today, we call upon you to do so, thereby demonstrating your commitment to ending the violations and exploitation suffered daily by migrant workers.

More than 200 million persons across the world are migrants, representing nearly 3% of the world population. All countries are affected by migration either as origin, destination or transit countries and all states are thus confronted with the challenges of developing effective migration policies with human rights at their core.

Although, for many, migration is a positive experience, many others migrate under duress and face severe hardships in their countries of destination. Migrant workers all over the world remain particular targets of abuse, discrimination and exploitation by traffickers, smugglers and employers. Yet an instrument is at your government's disposal to minimise this and to strengthen their legal protection.

The ICRMW recognises the specific vulnerabilities of migrant workers and promotes humane and lawful working and living conditions and the need for increased protection. It provides guidance on the elaboration of migration policies, which can only be effective if they are based on legal standards and the rule of law. This Convention is thus a vital part of efforts to combat exploitation of migrant workers and members of their families.

Since its adoption by the United Nations General Assembly in 1990, the ICRMW has been ratified by 42 states. However, in order to become an effective instrument for fighting violations of migrants' human rights, all states, those of departure, transit and destination of migrants, must ratify.

In February 2008, FIDH published the report of an international fact finding mission in South Africa that revealed serious violations of the rights of migrant workers including arbitrary or illegal arrests,

detention and deportations, exploitation at work, restricted access to health services and facilities, precarious living conditions, limited access to education or lack of effective remedies, as well as abuse and physical violence from the local population¹. FIDH urged the South African government to strengthen the legal framework to protect migrants' rights.

In Polokwane and De Doorns migrant workers are victims of violent attacks as recent events have shown. Moreover, there is an important concern for the exploitation of migrant workers in the workplace. This situation reveals the necessity of specific protections for migrants.

We therefore urge the Government of South Africa to seize this occasion to ratify the ICRMW and to send a strong message to the international community of your commitment to the protection of the human rights of all human beings, including migrant persons. We strongly hope that on the occasion of the 20th anniversary of the Convention we can also celebrate its ratification by South Africa.

We would be very interested to receive your Government's views on the matters raised in this letter and look forward to hearing from you.

Yours sincerely,



Jacob van Garderen
Lawyers for Human Rights

Souhayr Belhassen
FIDH President

¹ FIDH, "South Africa : Surplus People? Undocumented and Other Vulnerable Migrants in South Africa", 2008