

## CAUSING FACTORS OF MIGRATION AND HUMAN RIGHTS

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### Abstract

The said article on the study of the migration process of the motivation and push factors for migration and analysis of the human rights of the people, the cause of the migration of one state party can be the cause of human rights as the citizens of the country who make the behavior as a decision and on the other hand, it is very important for the migrants. There are many contributing factors to migration, including economic, political, socio-political, human rights factors, natural, health-related, cultural and educational factors. States where the level of social and economic life is low, human rights are not protected, the citizen has no income, there are small and unpromising opportunities for employment, due to which the unstable political environment loses a large part of citizens over time, therefore migration can be due to both labor and family factors.

The article also discusses the facts of migration and the directions caused by political factors and cold-blooded confrontations in the past, the First and Second World Wars led to the largest-scale migrations and changes in residential location. Also important is the structure and nature of migration, which can be shaped by the causes of violence and war. In international migration, human rights are particularly relevant and important, systemic or legal problems before leaving the country, and the attitudes of migrants towards them in the receiving state, are their rights fully protected?

The important research results in the article are:

- Migration has acquired its character based on historical facts from the past, for example population migration is frequent from East Africa to North Africa, from East Africa to Europe, as well as population migration from Islamic states to Europe due to the insecurity of the population, especially women's rights, with the motive of providing physical protection and security.
- The desire to get an education and simply to travel remains a contributing factor to migration among young people.
- The factors causing migration in international migration remain: the right to life, the right to personal freedom, the right to religious freedom, freedom of movement and movement, freedom of speech, the right to physical security.

**Key words:** migration, challenge, human, right.

### Introduction

In the recent period, the cases of migration have increased worldwide, people leave their native countries and cities much more intensively, they make these decisions for various reasons, often it is impossible to achieve the goal or situation they have determined in the current living conditions. For example, if they stay, they will not be able to improve their socio-economic background of life, they will not be able to get quality education, they will not be able to be employed in promising companies, they will not be able to be compensated for their work adequately, better than the subsistence minimum, with enough pay to live and support their families. The right to life and life safety are also a problem, despite the existence and action of human rights protection conventions, formal and informal international organizations, the issue of physical and life safety of citizens of many states is still unresolved, the motive of saving life and living in a safe environment is also one of the important motivations and

prerequisites for migration. Taken for different purposes, it is logical that if everything is in order, citizens will not leave their native countries, so the statistical indicators of migration reveal quite a lot of problems, as well as give a lot of useful information about the states where the number of immigrants is high. In migration processes, the analysis of its causative factors and human rights are particularly relevant, conventions and international human rights are especially important, what steps are taken to eliminate problems, what forecasts exist in terms of the increase or decrease of migration and what possible results these indicators can bring to developed and developing countries.

## **1. Migration processes, beginnings and causative factors**

### 1.1 Migration, beginnings, main factors

Population migration is quite a complex and diverse process, migration can be determined by various motives. Citizens of different countries decide to leave the city, region, country for different reasons, the most common and powerful factor of migration in the world is the deterioration of the economic and social living standards, in the case of some countries, the indicators and statistics of migration deteriorate periodically because they are unable to improve the economic and social conditions. International migration processes literally concern all states, which are manifested by the movement of people. Migration is a way and a solution for people in search of improvement of the quality of life, while migration processes facilitate the exchange of products, money, ideas through universal channels. According to the study, which was conducted in the city of Moniva and studied the causes of migration, the determining, influencing and pushing factors of migration were identified, in other words, pushes and influences, which are explained by the magnitude of economic, social, political, cultural, environmental, health, education, transportation values. Influential in this sense is the economic factor, which is less considered as a push, but is a significant cost-influencing factor in the migration process.

<sup>1</sup> Politically unstable situations, violence, hostilities, confrontations between countries, which have a direct proportional impact on the movement of the population and migration processes, are the determinants of the nature of migration, in particular the driving factor. Such facts are well remembered by history, the first important date is the year 1857, when the Ottoman Empire implemented the reform known as "Tanzimat", history also well remembers the First World War 1914-1918 and the forced displacements caused by it, the refugees who moved from Belgium to Armenia, as well as the French, migration of the population of Italy and Austria Hungary to Turkey. <sup>2</sup> Of course, the mass processes of migration continued during the Second World War, many facts of forced displacements are remembered in history, which were in the past and are still ongoing today. In this way, the unstable political environment and confrontations, which are taking place in the form of a war situation, are considered to be the factors that cause migration, in particular, give a forced push. In such situations, the population is focused on self-preservation, this type of migration is sharp, fast and growing in nature, it is not characterized by a slow pace, unlike only economic, social, cultural or educational factors, which gradually and slowly causes the outflow of the population to more developed countries.

Migration and its direction is also determined by the desire to increase income while their income level is very low, for this reason people choose countries with high wages in the labor market, where working in low positions allows earning more money than is possible in the case of working in their native countries. <sup>3</sup> In the case of Africa, migration to northern countries is driven by war, to escape dictatorial regimes, terrorism, famine, and more. The differences between the causes of migration between continents and countries are large, for example the main motivations for migration from Central and East Asian countries are low standards and quality of life. The motives of the population migrating to the territory of Europe are mainly caused by better service, education, income, and improvement of living conditions. According to 2020 UNHCR statistics, the number of international migrants reaches 281 million people, which represents 3.6% of the world population.

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<sup>1</sup> Gatrell, P., Refugees and forced migrants during the First World War, *Immigrants & Minorities*, Vol.26 No.1-2, 2008, page.82-110.

<sup>2</sup> Titan, E., Ghita, S., Covrig, M., Migration Phenomenon: A globalization Effect or a Cpnsequence of poverty? *Procedia-Social and Behavioral Sciences*, Vol.62,2012 page. 367-71.

<sup>3</sup> UNHCR, Global Trends forced Displacements In 2020, Denmark, June 18.2020.

From the point of view of research on the nature of migration, the research carried out by the professor of the University of Zeged, Hungary, is important. The method of qualitative analysis was used, with the help of which the natural perceptions and feelings of people were analyzed. 9745 respondents were interviewed under the conditions of the research, the research was carried out in 2019, the respondents were selected according to the snow team. As a result of the research, the contributing factors of migration were identified, which are discussed in the article, the historical character of migration was revealed as a result of significant confrontations and war, and the migrated society speaks about the motives of escaping from conflicts, violence, oppression of human rights, environmental degradation, economic and social hardship. The rights of migrants are also mentioned among the legal laws that take care of the rights of international migrants (International Convention for the Protection of Migrant Workers and Members of Their Families (ICRMW)). The convention equally applies to and protects temporary and undocumented, illegal immigrants. States are obliged to protect the rights of migrants in accordance with international law, and at the same time they must control those who wish to cross and leave the country's borders and their rights.

From the point of view of protection of rights, the rights of refugees are also important. Refugees are people who are persecuted because of race, religion, nationality, membership of a particular social group or political opinion, are outside the country's borders and need asylum. The rights of refugees are spelled out in the 1967 Protocol to the Refugee Convention. Protection of their rights means protection of the right to life, protection from torture, cruel, barbaric, violent and harsh treatment.<sup>4</sup> Protection of the rights of legal or illegal migrants, refugees and stateless persons are the most important parts of the convention, the purpose of the convention is to create a safe, non-discriminatory environment for stateless persons, to take care of their rights to have a defined status. Any state must ensure the protection and monitoring of migrants' rights, security, very often immigrants face obstacles, including harsh working conditions in the service environment, inconsistency of living conditions, low pay rate compared to other resident citizens, as well as problems in obtaining various necessary services and controlling costs. part. How correct is it for immigrants to receive, for example, double the cost of health care? How important is the protection of labor rights of immigrants in foreign countries? Are all listed stages sufficiently controlled?

The results of the research, which was carried out in 2019, identified the causes of migration by region, as well as the main directions of migration on one continent. In the case of the African region, there are frequent examples of migration from one region to another, for example from West and Central Africa to North Africa (1471 respondents), from East Africa to North Africa (657 respondents), from East Africa to Europe, and the USA.<sup>5</sup> The causes of migration of the African population are violence and lack of security system, lack of human rights, economic factor, poverty of social services, emigration processes are also caused by the fact that everyone around them leaves the country and they themselves come to the decision to leave the country.

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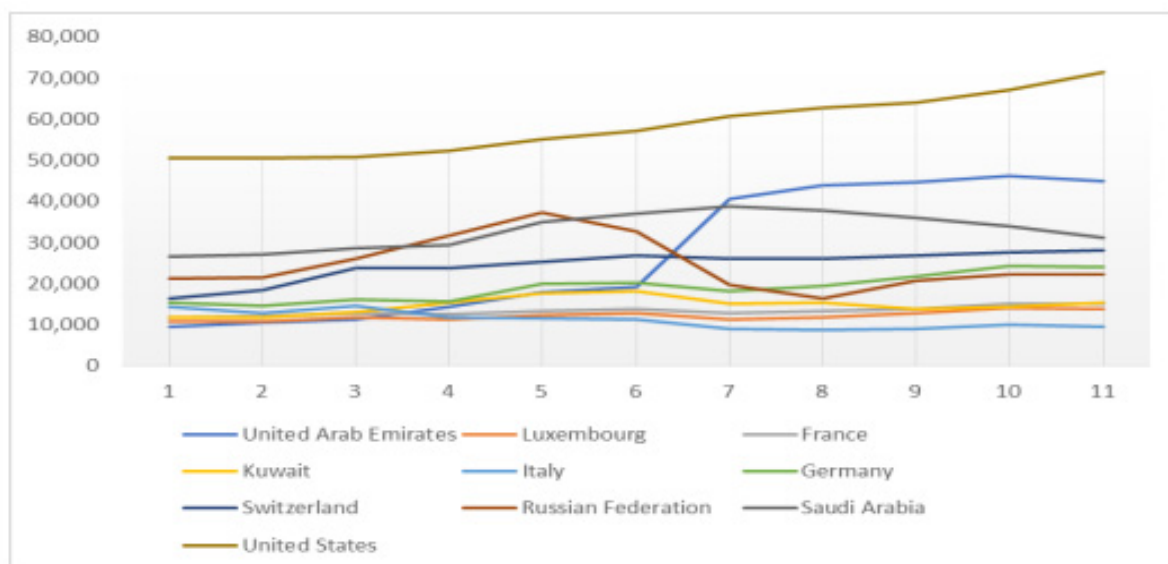
<sup>4</sup> Bosniak, L. S., Human Rights, State Sovereignty and protection of undocumented migrants under the international migrant workers convention, *International Migration Review* Vol.25 No.4, page.737.

<sup>5</sup> Mohammed Thoriq Bahri, *Understanding the pattern of international Migration: Challenges in human rights protection.*

West/Central African to North Africa	Violence and General Insecurity	7.3	East Africa to Southern Africa	Violence and General Insecurity	60.1
	Lack of Rights	30.7		Lack of Rights	33.5
	<b>Economic Reason</b>	<b>94.8</b>		Economic Reason	59.1
	Personal/Family Reason	22.4		Personal/Family Reason	28.0
	Lack of Social Services/Poorly Governed	37.2		Lack of Social Services/Poorly Governed	8.8
	Everybody Around me Was Leaving	42.2		Everybody Around me Was Leaving	3.8
	Environmental Factors	2.3		Environmental Factors	1.5
East Africa to North Africa	Violence and General Insecurity	61.5	East Africa to Europe	Violence and General Insecurity	54.4
	Lack of Rights	60.7		<b>Lack of Rights</b>	<b>82.9</b>
	<b>Economic Reason</b>	<b>62.3</b>		Economic Reason	17.4
	Personal/Family Reason	36.6		Personal/Family Reason	5.2
	Lack of Social Services/Poorly Governed	30.1			
	Everybody Around me Was Leaving	4.4			
	Environmental Factors	0.6			

In the case of South America, the population flows to Canada, the main motives being to find a job and improve income. In order to improve the economic situation, the population also emigrates from Central Europe. Also important are the results of Kleve, which describes migration processes in Central, East and South Asia. Population migrates from Middle East Asia to South Asia (1007 respondents) from Bangladesh to Malaysia (333 respondents). The leading reasons for migration and emigration are violence and the lack of a central security system, 62.7%, personal and family goals 45.9%, the leading reasons for migration from Middle East Asia to South East Asia are violence and problems of the general security system, 77.1%, as well as human rights Defects 33.9%.

The international migration view is also important, according to which the target countries of the highest immigration flow are America, Saudi Arabia, Russia, Switzerland, Germany, Italy, Kuwait, France, Luxembourg, and the United Arab Emirates. And the countries from which most emigrants leave their homeland: India, China, Mexico, Philippines, France, Egypt, Nigeria, Pakistan, Bangladesh and Germany.



<sup>6</sup> Mohammed Thoriq Bahri, Understanding the pattern of international Migration: Challenges in human rights protection.  
<sup>7</sup> OCDE, International Migration Outlook: Annual Report, International Migration, 2006, page.1-330,

## 2. Human rights and migration

The most important part of human rights is equality, regardless of differences, different skin color, sex, religious belief, ethnic origin or race, people are protected by law and enjoy all rights, the essence of which is related to freedom of life and opinion. As we know, the lack of freedom of speech can be the basis for people to leave their place of residence, the country, in such conditions of life when a citizen cannot express his political, religious will, views and is limited due to the shortcomings or weakness of the society or human rights protection system, he may make a decision to leave the country. In general, in order for a person to fully experience life, he needs freedom, a stable and satisfactory standard of living, security and a place in society. In Asian countries, where human rights and women's rights are systematically violated due to strict religious rules and legislation built on traditions, immature living conditions are created, as evidenced by the recent protests in the state of Iran. In many cases, when we talk about the legal shortcomings of human rights, we come to the point that the civil constitution is the most adapted to these rights, in Islamic states, the legislation based on traditions and religious rules restricts the rights of people, especially women, and is a contributing factor to migration movements. On the other hand, the continuation of the post-migration problem in the human rights section is the insecurity of immigrant rights. The security and protection of rights part improves legal employment rates, political and cultural evolution. Okon (2018) sees human rights as rights given to humans by God. It is not allowed to ignore and reclassify human rights in modern conditions when the main and primary concern of any state should be the protection of individual and collective rights.<sup>8</sup>

According to the 2014 Summary Report of the International Organization for Migration, a very high rate of migration in terms of outflow of citizens was recorded in Nigeria between 1990–2013, from 465,932 to 1,030,322. From 1990 to 2010, the rate increased to 56.7%. Destinations are especially important, the majority of Nigerians would go to the United States of America, the reason being the working and living conditions there and the quality of protection of the rights of immigrants, this is the main contributing factor to immigrating, starting employment or studying in America.

Basic human rights such as:

- Right to live,
- the right to personal freedom,
- Right to religious freedom,
- the right to move,
- the right to a fair trial,
- Freedom of speech and expression of opinion.
- Right to assembly and association<sup>9</sup>

Immigrant rights that are often violated or ignored include:

- Right to live;
- the right to personal freedom;
- Right to religious freedom;
- the right to move;
- the right to a fair trial;
- freedom of expression of speech and opinion;
- the right to assemble and unite;

In fact, all of the listed human rights points are valid and need to be protected, the right to life can be broken down into several important points:

- the right not to be killed;
- The right not to be killed unjustly;
- The right to have a peaceful life;

<sup>8</sup> Okon, G, B (2018). Media and national development. Course lecture note at Department of english and Communication Arts. Ignatius Ajuru University of Education.

<sup>9</sup> European Convention on Human Rights, Articles I-X, 10.1950.

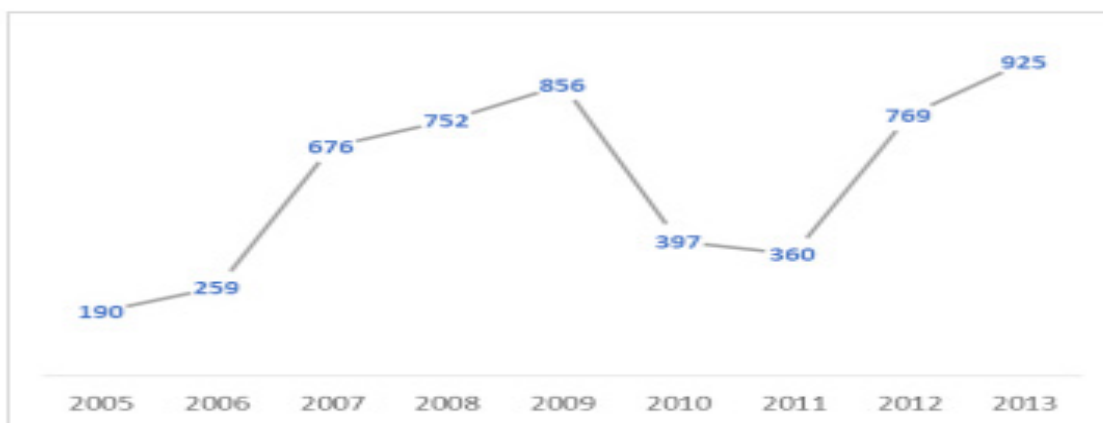


Among the human rights, the right to life is considered as a basic right, like food, clothing, medical care and others. There are cases in the world when immigrants are killed or physically harmed for no reason, in some cases the facts of the crime remain unnoticed and are not investigated by the relevant authorities.

- The fifth article of human rights talks about the right to personal freedom and security, no one has the right to violate a person's personal freedom and endanger his life.
- When immigrants are arrested, the state is obliged to inform them in a language they understand about their rights, the reasons for their arrest, as well as the charges brought against them.
- In case of arrest, immigrants have the same rights as citizens of the country to receive all services in full,
- To benefit from the free assistance of an interpreter if he cannot understand or speak the language used in court.

Freedom of religious belief, the right to be a follower of any belief, has an important place among the rights of a person and, therefore, of immigrants, very often society excludes people who have a religious belief that is significantly different from them. A society with a low acceptance culture will often not be very positive towards people of different beliefs, especially if they are newcomers, job seekers and immigrants. The state is obliged to prevent any illegal resistance or attempt to suppress rights and to support immigrants, to ensure their safety.

According to Human Rights, Trafficking Statistics 2017, 24.9 million migrants were enslaved, 16 million (64%) were used as labor, 4.8 million (19%) were sold into sex slavery, and 4.1 million (17%) were forced into forced labor. . The facts of terrorism and trafficking are still relevant in the territory of South East Asia, the statistics of which are characterized by an increasing rate in the period of 2011-2013.



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The aspect of hearing and fair treatment is also important, in particular, the Nigerian police often illegally arrest citizens without valid reasons and criminal facts, and it is also a problem to try them by lynching for certain crimes, theft and others. Such countries, where constitutional, security, human rights systems are violated, law enforcement agencies are criminalized, it is difficult to talk about ways to reduce migration flows. Such type of states do not have development, as well as the population living there, considering these problems, they try to help themselves and turn to America and European countries for asylum. An important part of the rights of immigrants, as well as a part of general human rights, is the right to join organizations of various nature and importance, these organizations can be of a political nature, regardless of whether people cause problems with the state due to personal political opinions. Organizations of this type may also have a religious character. Moving in Nigeria is a particular problem, in fact this process is constantly associated with fear for the locals, not to mention freedom of speech and free will of expression. All existing factors are an important part of the rights of potential or existing immigrants and their provision is the prerogative of states.

There are frequent xenophobic and discriminatory attitudes towards immigrants from the local population of different countries, xenophobic, which refers to their fears in terms of losing national

<sup>10</sup> Human Rights First, Human Trafficking by the numbers, Human rights first trafficking by number report 2017, accessed June 17, 2022.

values, customs and rules, and discriminatory facts, which imply the oppression and exclusion of immigrants due to their different ethnic origin, Because of skin color, sexual orientation, religious beliefs, cultural differences and other characteristics, often local people do not have tolerant attitudes and acceptance towards immigrants, refugees.

Although human rights legislation should protect everyone equally regardless of citizenship, permanent residence, emigration or refugee status, its deficient nature and inadequate seriousness is still a problem, the contrast in attitudes when the rights of a permanent citizen of a country, a local resident and an emigrant are violated, This is discussed in the Convention on the Human Rights of Immigrants, which was issued by the International Organization for Migration. <sup>11</sup> „Migrants have the same rights under international human rights principles as everyone else regardless of their status in the country, including the right to security.“<sup>12</sup>

In the shortcomings of the process of adoption and implementation of the standards for the protection of immigrants' rights, the changes made by the states in the last ten years are discussed, only 16 states have accepted and ratified the 1990 convention, which is not enough to improve the overall situation. The adoption of this convention is equally important for all states in terms of ensuring the protection of human rights. In fact, progress is very slow. The fact that the states do not agree to the adoption and ratification of the Convention shows an indifferent attitude towards the recognition and protection of the rights of immigrants. However, it must be noted that the problem was not only in the weakness of interest, but in the activities promoting the dissemination of the Convention, in particular, the dissemination of the 1990 Convention agreement, conditions, and data was not carried out perfectly. Despite the rather high number of secretaries, volunteers and employees working in international organizations, as well as in the manual of the International Organization for Migration, where the shortcomings of the convention are discussed, it is said that even the human rights convention agreement could not be obtained properly, only photocopies were difficult to access. However, until 2001, no specific responsible person was designated who would carry out the delivery and distribution to the relevant international organizations of the Convention. Accordingly, European diplomats and government representatives expressed dissatisfaction with the 1990 Convention at conferences, international meetings, and discussions:

The convention was unrealized, impractical in terms of international standards as too ambitious and detailed;

The convention is irrelevant because the states have not expressed their desire to recognize and accept it;

There are many facts of gross violations of human rights. In 2000, white policemen in South Africa raped defenseless black citizens. This fact was evaluated by the international mass media as "the worst racism and violence pornography". This fact revealed the existence of racism problems in South Africa, and similar facts are Evidence of the existence of xenophobia. The interesting part about this fact is also that the three men who were assaulted were from Mozambique as illegal migrants, at that time the police were in flagrant violation of the European Convention, according to which no warrantless, warrantless arrests were allowed, although the police arrested illegal migrants and deported them. The South African government deported 600,000 migrants. In the conditions of the SAMP-South Africa field project research, it was determined that migrants are provided with low security conditions in various work environments where they have to perform work physically, on farms, on construction sites and others.<sup>13</sup>

According to the research carried out by the South African Material Project (SAMP), in which 500 respondents, citizens of Zimbabwe, Namibia, Mozambique and Lesotho were interviewed, open-ended questions were used for the research, through this method, the nature of verbal and physical violence from authorities and citizens was analyzed. The African Commission on Human Rights concluded:

<sup>11</sup> International organization for migration- The human rights of migrants, P 22.

<sup>12</sup> David S Weissbrodt and Clay Collins, The Human Rights of Stateless Persons, Human Rights Quarterly, Vol.28 No.1, 2006, page.245-76.

<sup>13</sup> International organization for migration- The human rights of migrants, P 108.

"It is clear that just being black is not enough to protect yourself from racism, especially if you are from neighboring African countries, you can be a victim of the same discrimination and abuse or worse."

It is important to consider some of the results of the study, where the respondents' attitudes towards refugees and stateless migrants are clearly visible. When asked whether immigrants should have the right to freedom of movement and expression, South African respondents think that illegal immigrants should have this right the least at 2.8% and citizens almost always at 86.4%. Should they provide protection and security for illegal immigrants? According to respondents, illegal immigrants should be least protected. The smallest number of respondents support illegals in terms of provision of social services and provision of their security by the police, 11.4% and 8.9%.

In the second part of the survey, which deals with refugees, kindness and tolerance are also less visible, a very small number of respondents think that security and social services should be least accessible to them. The evaluation of communication with non-citizens is also negative, in fact 60% of the respondents choose not to communicate with them.

#### SOUTH AFRICAN ATTITUDES TO RIGHTS FOR CITIZENS AND MIGRANTS

	Always	Sometimes	Never
<b>Should be granted right to freedom of speech and movement<sup>1</sup></b>			
Citizens	86.4	13.1	0.5
Temporary workers	12.8	43.3	43.7
Illegal immigrants	2.8	12.7	84.4
<b>Should be granted right to legal protection<sup>2</sup></b>			
Citizens	90.8	8.7	0.5
Temporary workers	23.9	52.7	23.2
Illegal immigrants	8.3	29.2	62.2
<b>Should be granted right to police protection<sup>3</sup></b>			
Citizens	92.6	6.7	0.6
Temporary workers	30.1	45.6	24.1
Illegal immigrants	11.4	27.1	60.9
<b>Should be granted right to social services<sup>4</sup></b>			
Citizens	96.2	3.8	0
Temporary workers	29.7	45.6	24.6
Illegal immigrants	8.9	28.3	62.7

1. Literally "Depends on the circumstances".

TABLE 10  
SOUTH AFRICAN ATTITUDES TO RIGHTS FOR REFUGEES

	Always	Sometimes <sup>1</sup>	Never
Should be granted right to freedom of speech and movement	3.3	27.3	69.3
Should be granted right to legal protection <sup>2</sup>	13.3	43.5	42.8
Should be granted right to police protection <sup>3</sup>	16.7	40.7	42.2
Should be granted right to social services <sup>4</sup>	16.9	40.6	42.4

#### PERSONAL CONTACT WITH NON-CITIZENS

	1998	1999
Great deal of contact	4	8
Some contact	15	29
Hardly any contact	20	16
No contact	60	44

Source: 1998 and 1999, SAMP (South Africa Survey).



## 2.1 European migration projections

Forecasts developed by the European Political Laboratory, published in Luxembourg in 2018, discuss possible scenarios for the development of migration, predict the ways that will promote immigration for developed countries, and for developing or troubled countries, increase the number of citizens who emigrate, who want to leave the country, Europe has recently transformed from an emigration region to an immigration region precisely because the working conditions, the labor market, the quality of education, the background and condition of social economic life have improved, similarly, the solution for low and medium development countries in terms of reducing migration rates is to create better housing, labor, social, educational conditions in the part.

Whether free, visa-free, or open channels, greater access to transportation, flights, and other innovations tend to reduce migration flows, so states should think carefully before developing more open migration systems, as this decision may stimulate an outflow of able-bodied citizens. Once the channels are opened, it is very difficult to regulate and stop the flows and migration rates. Unplanned implementation of this reform can produce unproductive results.

### Conclusions

The foundation of the migration processes was laid by the "Tanzimat" reform, which made possible the entry of religiously displaced persons and non-displaced persons into the territory of Turkey, while the rights of all minorities were protected within the framework of this reform. Mass displacements are also related to the First and Second World Wars, which were initially caused by war situations, in the case of Africa, migration between regions is caused by various reasons, including poverty, insecurity of human rights, dangerous environment and violence. The reasons for migration can be the desire to get an education, trying to escape from poverty, meeting personal needs, trying to escape from conflict and violent environment and so on.

Taking into account the data from different continents of the world, the most problematic zones are the eastern and southern zones of the African continent, compared to all other factors, the statistics are aggravated and the unstable, dangerous environment is growing at a rapid pace, which can lead to a massive outflow of the population and emptying the country of able-bodied citizens. Based on the discussed and analyzed information, we can conclude:

- The problem of human rights protection is not only at the level of states and institutions, the problem is not created only by their inaction or indifference, the problem is created by the citizens' lack of awareness of human rights, the results of which were confirmed in the South African study.
- The most severe forms of human rights violations in the civilized world are found in the form of trafficking, unfortunately it cannot be eliminated, the state needs to take much stricter measures to fight against trafficking, as well as strict punitive measures.
- According to forecasts developed by the European Political Laboratory, the introduction of open migration systems may bring different results to developed and developing states. In developed countries, the risk factor that a massive outflow of citizens will follow simplified visa regimes is small, while in developing countries, it may lead to the flow of continuous flows of migration, which the state cannot regulate or stop, therefore the state will be at the front of a critical situation, in terms of emptying the country of the most capable and powerful flows. A state that cannot provide its citizens with a suitable living environment, social economic background, education and health care system, cannot provide a security system without pre-determined forecasts should not implement this type of policy.
- The state should not only take care of the formal implementation of the international rights convention in the legislation, but also develop a strict control system, take periodic measures in terms of updating the security mechanism, study the statistics of human rights violations and accordingly determine those weak points that need to be strengthened.

- Due to the fact that the process of understanding human rights starts from an early age and its realization is directly related to education, it is necessary to more actively introduce the process of understanding human rights in the educational system of the school.

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