



**Discussing the Protection of the Rights of All Migrant
Workers and Members of Their Families**
HRC

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Introduction

One cannot deny that it is a dynamic and ever-growing, globalized world we live in today. Through progress in systems of policy implementation, impactful advancements in technology and the increasing interconnectedness of areas around the world, we have come a long way since the implementation of 'The General Agreement on Tariffs and Trade' of 1947, which is described as one of the first documents promoting globalization (by means of global trade). However, as is often quoted, in every gain there is a loss, and it would be naïve to ignore the implications of such interconnectedness. With increased globalization, it becomes easier each year for people around the world to migrate from developing countries, especially in the search for job opportunities.

Under the International Labor Organization, migrant workers are protected against labour exploitation under several human rights treaties, however, with workers in an isolated environment and limited supervision, they are subjected to exploitation and abuse.

Definition of Key Terms

Migration

To move from one place to another. Internal migration takes place within the borders of a country, external migration or emigration takes place when someone moves to a different state, country or continent.

Migrant worker

Refers to a person who has migrated to a country in search of employment.

Labour migration

A term used to describe the movement of people from one place to another (migration) in search of employment.

International Labor Organization (ILO)

International Labor Organization (ILO) is a UN agency responsible for promoting social justice and human/labour rights.

Organization for Economic Cooperation and Development (OECD)

Organization for Economic Cooperation and Development (OECD) is an organization of 37 member nations that discuss economic and social policy

(Workers') Remittance

The act of labour migrants when they part of their earnings back to their origin country to support their families. Nowadays, these remittances have been growing rapidly and are in fact the largest source of income for several developing countries.



Ageing population

When the majority of the population of a particular country is no longer in the age of the productive workforce (for most countries, this is >65), creating a problem for sustaining economic productivity in the country.

General Overview

Trends in labour migration

The number of migrant workers around the world has risen by 3% since 2017 according to the estimates from the ILO. In addition, the number of youth migrant workers, from ages 15-24 has also increased in an upward trajectory of 9% since 2017. This is likely due to the increasing youth unemployment rates in developing countries, thereby creating a push factor to emigrate out of such countries.

The report titled 'ILO Global Estimates on International Migrant Workers: Results and Methodology' (refer to Appendix for the site) showcases that the indicated international migrant workers are an integral part of the world economy, making up for 5% of the global labour force. However, many migrant workers are often in unprotected and/or temporary jobs which increases the risk of layoffs and worsening working conditions. Migrant workers are likely to be centralized in sectors of the economy including demeaning and dangerous jobs which are often limited in social safety and protection. By lacking access to health care services, they risk living in extreme poverty before being deported to countries struggling with decrepit economies and rising unemployment rates.

A crisis within a crisis

In light of the COVID-19 crisis, the vulnerabilities of migrant workers were intensified due to their limited access to support services. *"The pandemic has exposed the precariousness of their situation. Migrant workers are often first to be laid-off, they experience difficulties in accessing treatment and are often excluded from national COVID-19 policy responses,"* a statement released by the Director of ILO Conditions of Work and Equality Department, Manuela Tomei. With a motive to restrict the movement of the labour force, migrants have been monitored and their movement has been restricted as a way to counter the pandemic. It is enforced by government bodies to restrict the immigration of labour, (arguably) the pandemic is used as a tool to prohibit migration.

The majority of international migrant workers are concentrated in high-income countries. Collectively Europe, (central) Asia and North/South America are home to 63% of all migrant workers.

As of early 2020, most migrant workers (99 million) are men while 70 million are women. Compared to men, women migrant workers tend to face more social and



economic challenges. Statistics indicate that women can experience gender discrimination in employment and lack networks, making it hard for them to adjust to their work and family life in a foreign country. Discrimination in the workplace continues to negatively affect the socio-economic position of women globally. On the other hand, despite the difficulties, migration creates an improvement in status for women within their homes and communities. Female migrations currently make significant contributions to the economy of their home country by means of private remittances.

International migrant workers make significant inputs to the countries they work in by providing assistance in essential sectors including health care, transportation, agriculture, and food processing.

Impact of labour migration

Depending on migratory flows patterns, skills/age/sex of the migrants, and the employment situation of the destination country, labour migration can have various effects for the origin and destination countries.

Firstly, labour migration can benefit both the origin and destination countries. Most More Economically Developed Countries (MEDCs) tend to face shortages in menial skills in the healthcare and IT sectors. Through (focused) education and skills training, developed countries can fill these needs. More specifically, most countries where migrants emigrate have low literacy and education rates, thereby establishing a largely unqualified working population. Additionally, semi-skilled migrants can fill gaps in agriculture and other primary sectors which do not require specialized skills in developed countries (wherein most citizens work in tertiary sectors). Recruiting migrant workers are hired, or seen as beneficial, because of the possibility to adapt them to meet urgent demand. They're often seen as 'safety net' solutions whenever there is a lack, or insufficiency (however this is not usually the case), of necessary skills for certain jobs.

In addition, immigration has the advantage of reducing the pressure of ageing populations. This is an issue that generally faces developed countries, for example, Japan and Thailand are currently combatting this issue. Labour migrants can help aid the issue as they can replace/add on to the remaining workforce population.

Most importantly, labour migration heavily contributes to the positive relationship between migration and development. This is primarily through remittances sent, by migrant workers, the transfer of knowledge, and the formation of trade networks and businesses. Through work experience, higher education and skills training, many migrants acquire new skills in their destination country, which can be relevant to the development necessities of their origin country.

Developments in international migration trends illustrate changes in the policies of the members of the OECD as they have focused more so on the growth of asylum



requests and recruiting of (skilled) foreign workers. Throughout 2002 and 2003, multiple OECD countries, namely France, Greece, Portugal, and Denmark, passed policies in reference to the entry, stay and employment of foreigners. In addition, Switzerland, the United Kingdom, and the Netherlands made changes to their legislation regarding asylum.

Major Parties Involved

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW) is a treaty adopted by the General Assembly without a vote in 1990. This treaty was created in the hope to “*guarantee dignity and equality in an era of globalization*”. The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) was created in collaboration with CRMW to ensure its implementation.

The United Kingdom of Great Britain and Northern Island

There has been a steady increase in migrant workers in the UK since 2004 and as of 2021, they comprise approximately 18% of the workforce. Stemming from the economic recession in 2020, unemployment rates have been increasing for both labour migrants and UK workers. However, for migrants, the rates have increased sharply throughout 2020. This is likely due to the differences in the types of jobs most migrants do, compared to UK-born workers. For example, the majority of migrants worked in the hospitality sector, which was largely afflicted by the pandemic.

Kingdom of Thailand

Abuses of migrant workers in Thailand have been documented by the Human Rights Watch substantially over the years wherein thousands of migrant workers from Laos, Burma, Vietnam, and Cambodia have fled from Thailand in fear of arrest and punishment. This stems from the enforcement of penalties on migrant workers without an official permit, decreeing up to 5 years in prison.

Migrants are prohibited from registering a union with Thai authorities, which is necessary for legal status. According to the Asia Director of the Human Rights Watch, “*The lives of migrant workers in Thailand are frequently unsafe and uncertain. The government's discriminatory law only exacerbates that. Instead of putting forward new regulations that violate migrant workers' rights, it is time to get serious about those who abuse migrant workers.*”.

Republic of South Africa

Recently introduced measures to encourage the immigration of skilled workers, especially those from developing countries. Due to its relatively industrialized



economy, South Africa is home to the largest number of immigrants on the African continent, making up 5% of the country's overall population.

United States of America

American industries are currently facing a labour shortage regardless of plenty of job openings because American citizens are reluctant to return to work (especially) in low wage industries. These sectors include construction, hospitality, transportation as well as private services such as salons and repair services. The resigning numbers have hit a record high. Although welcoming foreign workers can help assist the issue, the US closed borders, in the hope to secure American workers.

Timeline of Key Events

December 1948 1949	Universal Declaration of Human Rights is adopted by the UNGA. The International Labor Organization creates the Migration for Employment Convention
1975	ILO establishes the convention regarding Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers – which outlines the rights of 'irregular' migrants and calls for strict measures against migrant smugglers
1976	UNGA passes Resolution 31/127 to affirm the ILO convention of 1975 and specifically expresses concern over the discrimination endured by labour migrants
1985	UNGA publishes the Declaration on the Human Rights of Individuals Who are not Nations of the Country in which they Live. This is significant in recording the human rights of non-citizens, including labour migrants.
1986	Immigration Reform and Control Act is passed by the US Congress. Legislation regarding strict border controls and the criminalization of migration is adopted
December 18 th 1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW) is adopted by the UNGA
July 1 st 2003	Global Commission on International Migration is initiated by the UN Secretariat. This is the first global panel on international migration
2004	The Committee on Migrant Workers (CMW), which is in charge of overseeing the implementation of CRMW, holds its first session in Geneva



2011	ILO creates the Domestic Worker Convention 189 and Recommendation 201, which calls for legal protection for domestic workers as well as upholding gender equality amongst the labour population
2012	The total number of remittances sent by labour migrants to developing countries has increased by 300% since 2000 (\$401 billion)

Previous attempts to resolve the issue

As is written in the 'Timeline of Key Events' section of this report, there have been several conventions/resolutions released regarding the rights of migrant workers. The International Convention on Migrant Workers (and its Committee) remains to be the backdrop of succeeding legislations, (refer to Appendix for the link).

Possible Solutions

"Labor migration policies will be effective only if they are based on strong statistical evidence. These policies can then help countries respond to shifts in labour supply and demand, stimulate innovation and sustainable development and transfer and update skills."

– Rafael Diez de Medina, Director of the ILO Department of Statistics

The Director of the EU Agency for Fundamental Rights (FRA) states *"All workers have the right to seek and get justice from exploitative employers. Irregular migrants are no exception. EU rules protect the rights of workers to get justice. EU countries need to step up their efforts to protect irregular migrants from labour exploitation, compensate victims and ensure employers pay all due wages, especially now during the pandemic"*. Although this statement is general, due to its introductory purpose, including preambulatory clauses of this nature allows for establishing the appropriate tone of recognizing the problem and working to solve it. This applies mainly to EU member states but can also be submitted by non-EU states who have a similar motivation.

It is also important to recognize legislation/legal documents such as workers' or residence permits, workplace laws, and compensation of exploited workers while submitting clauses. For example, workplace inspections are extremely helpful in identifying (and thereby preventing) labour exploitation. However, there is also an issue regarding the sharing of migrants' personal data with immigration authorities by labour inspectors. This discourages workers from reporting cases of workplace abuse. Therefore, it could be an idea to create policies regarding the recruiting of labour



inspectors and easing on enforcing immigration law – in order to encourage the submission of human rights violation claims.

While writing clauses for your resolutions, it may be wise to refer to the 'International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families' which was adopted by the General Assembler in 1990 (refer to Appendix). Although it is a relatively old document, the principles of basic human rights are taken into account, and therefore can apply as a helpful backdrop for any written resolutions. More specifically, part III focuses on the 'Human Rights of All Migrant Workers and Members of their Families'.

Appendix/Appendices

- *ILO Global Estimates on International Migrant Workers Results and Methodology*. Migration Data Portal. "Migrant Rights." *Migration Data Portal*, 9 Dec. 2021, www.migrationdataportal.org/themes/migrant-rights.
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