

## International Standards

**UN Charter:** Mandates universal respect for and observance of the human rights and fundamental freedoms of all humans beings, without distinction as to race, sex, language or origin

### I. Universal Declaration of Human Rights

Pertinent parts of the preamble state that:

- Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world
- Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom
- Whereas member states have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms
- Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.
- Art 1: Right to Equality
- Art 2: Freedom from discrimination
- Art 3: Right to life liberty and Personal Security
- Art 6: Right to Recognition as a Person before the law
- Art 7: Right to Equality before the Law
- Art 9: Freedom from Arbitrary Arrest and Exile
- Art 14: Right to Asylum in other countries from Persecution
- Art 20: Right of Peace Assembly and Association
- Art 23: Right to Desirable Work and to Join Trade Unions
- Art 25: Right to Adequate Living Standard
- Art 30: Freedom from State or Personal Interference in the above rights

### II. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention)

- Came into force on July 1, 2003, though the US has not signed or ratified this Convention. 27 countries, mostly developing nations, have ratified this Convention.
- The purpose of the Convention is to provide international legal protection for migrant workers and ensure accountability of governments and other actors.
- Addresses treatment, welfare & human rights of both documented & undocumented migrants.
- Some of the goals of this Convention are to: prevent & eliminate exploitation of migrant

workers throughout the entire migration process; put an end to illegal or clandestine recruitment and trafficking of migrant workers and to discourage the employment of migrant workers in an irregular or undocumented situation; increase participation from the global community to protect the rights of migrants

- Art 7: no discrimination (i.e. origin, nationality, conviction)
- Art 8: freedom to leave & re-enter home country
- Art 44: right to family reunification, protection of appropriate measures to ensure protections & unity of family

### **III. International Covenant on Civil & Political Rights (ICCPR)**

- Countries need to protect all those in their territories

### **IV. International Convent on Economic, Social & Cultural (ICESCR)**

### **V. Committee on the Protection of the Rights of all Migrant Workers & Members of their Families**

- Sets policies on immigration
- Migrant workers should have equal access to educational, social and health services

### **VI. International Labour Organization**

- UN specialized agency which seeks the promotion of social justice and internationally recognized human and labour rights
- Since 1919, ILO has worked to develop international consensus on regulating labour migration and on protecting workers employed outside their home countries. (US is a founding member)
- Initial motivation was humanitarian, then political, then economic
- Ensures decent treatment for migrants
- Establishes policies & structures to properly manage & regulate migration
- ILO four principal strategic objectives:
  - 1) To promote and realize standards, fundamental principles & rights at work
  - 2) To create greater opportunities for women & men to secure decent employment
  - 3) To enhance the coverage & effectiveness of social protection for all
  - 4) To strengthen tripartisan and social dialogue
- Social consensus-most directly affected by labour migration, workers & employers in particular
- Despite their vast numbers & economic importance, migrant workers often lack basic legal protections and are considered cheap, docile & flexible labour
- Statistics in 2000: 3% of world population migrantes annually (175 million): 120 million are migrant workers & members of their families; others are refugees, asylum seekers and permanent immigrants
- Irregular migrant workers are especially vulnerable to exploitation and abuse because the threat of apprehension and deportation thwarts unionizing & impedes the exposing of dangerous working conditions
- Migration challenges-including mistreatment & discrimination (dirty, dangerous &

- degrading jobs that national workers reject or are not available for)
- Three major migration conventions: 1) No. 97 on Migration for Employment (1949): information on national policies, laws & regulations relating to emigration & immigration; 2) No. 143 on Migrant Workers (supplementary Provisions-1975): respect basic human rights of all migrant workers; and 3) 1990 The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- International Labour Standards- work, employment, social security, social policy & related human rights
- Minimum Standards of basic labour rights:
  - 1) Freedom of association
  - 2) The right to organize
  - 3) Collective bargaining
  - 4) Abolition of forced labour
  - 5) Equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues
  - 6) Standards & fundamental principles and rights at work
- Many remain vulnerable to human rights abuses, including restrictions to their freedom of movement, exploitation, arbitrary detention, discrimination, racism, harassment and physical or sexual violence.

## **VII. Special Rapporteur on the Human Rights of Migrants**

The Commission requested the Special Rapporteur to “examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, including obstacles and difficulties for the return of migrants who are undocumented or in an irregular situation”.

The main functions of the Special Rapporteur are:

- (a) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;
- (b) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;
- (c) To promote the effective application of relevant international norms and standards on the issue;
- (d) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;
- (e) To take into account a gender perspective when requesting and analyzing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women;

In the discharge of these functions:

- (a) The Special Rapporteur acts on information submitted to her regarding alleged violations of the human rights of migrants by sending urgent appeals and communications to concerned Governments to clarify and/or bring to their attention these cases. See Individual Complaints.
- (b) The Special Rapporteur conducts country visits (also called fact-finding missions) upon the invitation of the Government, in order to examine the state of protection of the human rights of

migrants in the given country. The Special Rapporteur submits a report of the visit to the Commission on Human Rights, presenting her findings, conclusions and recommendations. See Country Visits.

(c) The Special Rapporteur participates in conferences, seminars and panels on issues relating to the human rights of migrants.

(d) Annually, the Special Rapporteur, reports to the Commission on Human Rights about the global state of protection of migrants' human rights, her main concerns and the good practices she has observed. In her report the Special Rapporteur informs the Commission of all the communications she has sent and the replies received from Governments. Furthermore, the Special Rapporteur formulates specific recommendations with a view to enhancing the protection of the human rights of migrants. Upon request of the Commission on Human Rights the Special Rapporteur may also present reports to the General Assembly. See Annual Reports.

**Special Rapporteurs :**

Mr. J.A. Bustamante (Mexico), since August 2005 (Res. 2005/47)

Ms. Gabriela Rodríguez Pizarro (Costa Rica), since 1999

**VIII. Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live**

- Adopted on December 13, 1985 by the UN General Assembly
- Art 2: countries' laws & regulations shall not be incompatible with the international legal obligations of the state, including those in the field of human rights.
- Art 7: Non-nationals should have the opportunity to submit reasons why they should not be expelled
- Aliens should enjoy a wide range of civil rights, as well as the right to safe & healthy working conditions for wages and equal remuneration for work of equal value
- Aliens should enjoy the right to join trade unions and other associations and the right to health protection, medical care, social security, education, rest & leisure.

**IX. United Nations High Commissioner for Human Rights (Human rights of migrants- Commission on Human Rights resolution 2003/46)**

- Deals with issues of immigrant vulnerability
- Has identified the positive contributions of immigrants to the societies they adopt
- There is an importance of creating conditions that favor greater harmony, tolerance and respect
- Addresses the need to increase the interest of the international community in the effective and full protection of the human rights of all immigrants

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