

# UNITED NATIONS

## Press Release

### **CONVENTION ON PROTECTION OF RIGHTS OF MIGRANT WORKERS TO ENTER INTO FORCE NEXT JULY**

19.03.2003

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will enter into force on 1 July 2003, following Guatemala's ratification of the treaty last Friday.

The Convention seeks to play a role in preventing and eliminating the exploitation of migrant workers throughout the entire migration process. In particular, it seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and to discourage the employment of migrant workers in an irregular or undocumented situation. It provides a set of binding international standards to address the treatment, welfare and human rights of both documented and undocumented migrants, as well as the obligations and responsibilities on the part of sending and receiving States.

More than 150 million migrants, including migrant workers, refugees, asylum seekers, permanent immigrants and others, live and work in a country other than that of their birth or citizenship. They represent 2 percent of the world's population. Persons who qualify as migrant workers under the provisions of the Convention are entitled to enjoy their human rights regardless of their legal status. The Convention reflects an up-to-date understanding of migratory trends as seen from the point of view of both States of origin and host States of migrant workers and their family.

The Convention breaks new ground in defining those rights which apply to certain categories of migrant workers and their families, including: 'frontier workers', who reside in a neighbouring State to which they return daily or at least once a week; seasonal workers; seafarers employed on vessels registered in a State other than their own; workers on offshore installations which are under the jurisdiction of a State other than their own; itinerant workers; migrants employed for a specific project; self-employed workers.

The Convention also imposes a series of obligations on States parties in the interest of promoting "sound, equitable, humane and lawful conditions" for the international migration of workers and members of their families. These requirements include the establishment of policies on migration; the exchange of information with other States parties; the provision of information to employers, workers and their organizations on policies, laws and regulations; and assistance to migrant workers and their families.

The Convention was adopted and opened for signature, ratification and accession by the General Assembly in December 1990. To date, it has been ratified or acceded to by the following twenty-one States: Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, El

Salvador, Ghana, Guatemala, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay.

### **Implementation of Convention**

How States abide by their obligations under the Convention will be monitored by a panel, to be known as the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, consisting of 10 experts serving in their personal capacity. The election of Committee members by the States parties is set to take place before the end of the year. The membership of the Committee will rise from 10 to 14 experts when 41 ratifications have been registered.

States parties accept the obligation to report on the steps they have taken to implement the Convention within a year of its entry into force for the State concerned, and thereafter every five years. Under the treaty, a State party may recognize the competence of the Committee to receive and consider communications from or on behalf of individuals within that State's jurisdiction who claim that their rights under the Convention have been violated. If the Committee is satisfied that the matter has not been, and is not being, examined in another international context, and that all domestic remedies have been exhausted, it may call for explanations, and express its views.

### **Other international mechanisms for protection of migrants**

The entry into force of the Convention will reinforce and complete a series of other measures already taken by the United Nations to ensure adequate protection of all migrant workers and their families. The International Labour Organization (ILO) has been in the forefront of efforts to secure and maintain a fair deal for migrant workers and their families since the 1920s. Also, a Special Rapporteur of the Commission on Human Rights has been looking since 1999 at ways and means to overcome obstacles to the full and effective protection of the human rights of migrants, including difficulties for the return of those who are "undocumented"