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## **CONVENTION ON MIGRANT WORKERS' RIGHTS ENTERED INTO FORCE !**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (New York, 18 December 1990) was met on March 14, 2003, with the deposit of the 20th instrument of ratification by Guatemala. The Convention entered into force on 1 July 2003. Today, there are 22 ratifications. The latest one was deposited on June 5 by Mali.

### **International Law on Migrants' Rights Protection Enters Into Force**

On 1 July 2003, the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will enter into force as an instrument of international law that will ensure protection and respect for the human rights of all migrants.

Adopted on 18 December 1990 by the United Nations General Assembly, the Convention is a commendable effort by the international community to respect and protect the human rights of this vulnerable group of people. However, despite the universal involvement of UN member states in the drafting process beginning in 1990, it had to take more than a decade for the Convention to obtain the minimum of 20 State ratifications necessary for it to enter into force and become part of international law.

In March of this year, Guatemala ratified the Convention as the 20th ratifying State, thus leading to its entry into force on the 1st of July. Currently, there are 22 States that ratified the Convention, with El Salvador and Mali following soon after Guatemala. In addition, 10 more States have become signatories as the preliminary step towards ratification.

"It took almost thirteen years for this important instrument to become part of international law. And these years involved a lot of campaigning from among civil society organizations in all parts of the world, actively promoting and popularizing the Convention and urging their governments to ratify," says Genevieve Gencianos, International Coordinator of Migrants Rights International (MRI). MRI is a global civil society network of migrant associations, human rights advocates, labour and church-based groups, and experts promoting the human rights of migrants. The organization, through its network of non-governmental organizations, has been instrumental in launching the global campaign for ratification of the Convention in the different countries and at the Geneva level.

#### **Vulnerability of Migrants as Non-nationals in the State**

Migrants, because of their status as non-nationals, are automatically excluded from certain rights and privileges accorded to nationals of the state. Moreover, in the case of

undocumented migrants, the situation is worse because they are highly vulnerable to exploitation, oppressive conditions at work and without any social security.

"The Convention's entry into force as part of international law strengthens fundamental human rights norms and principles, including non-discrimination, in the treatment of migrants. It sets the framework for cooperation that States can use in dealing with international migration," stresses William Gois, the regional coordinator of Migrant Forum in Asia (MFA). MFA is an umbrella organization of non-governmental organizations defending the dignity and human rights of migrants in Asia. Furthermore he adds, "by its coming into force the Convention gives due recognition to this dynamic yet vulnerable group of persons who play a significant role in the development of host and sending countries. They free individuals in host countries to be more gainfully employed by taking up the 3D jobs, i.e. dirty, dangerous, and demeaning, while at the same time contribute to the growth of the economy of their countries of origin through their remittances."

He also stresses that, "we must not forget that the Convention also recognizes the protection of the rights of the families of migrant workers. The social costs of migration have unfortunately been starkly reflected in the families of migrant workers. The Convention aims to help nations draw up policies that address and redress the social costs of migration which eats into the very institutions that sustain human communities."

The case of women migrant workers

Currently, there are 175 million international migrants worldwide, about half of which are women. Many of these female migrants are migrant domestic workers coming from the least developed and developing countries.

"Women migrant domestic workers are highly vulnerable and are always in danger of exploitation and several forms of abuses by reason of their being women and migrants at the same time," says Yenny Hurtado, President of the Sindicato de las Trabajadoras del Servicio Domestico (Domestic Workers Union) in Colombia.

Yet despite the vulnerabilities that they face, women are forced to work abroad in order to provide food, housing, healthcare and other basic needs for their families back home. They are valuable "economic and social change actors" and should be given proper protection. Ms. Hurtado's group campaigned for the Convention and got their government to ratify.

"With the Convention ensuring the economic, social and cultural rights of migrants, including women migrants, State parties hold the obligation to protect and fulfill these rights, towards improving the lives of migrant women," emphasized Ms. Hurtado.

National security measures and rising racist and xenophobic sentiments

The entry into force of the Convention comes at a time when international human rights protection for non-nationals in host countries is urgently needed. Particularly in the backlash of September 11th, the implementation of national security measures undertaken by States to fight terrorism are likewise posing a threat to the rights of immigrants, refugees and communities of colour.

In the US, for example, the National Network for Immigrant and Refugee Rights (NNIRR), an alliance of immigrant and refugee rights groups and activists, warns that domestic measures to

protect national security and tighten immigration controls portend a dangerous escalation of the domestic war on the rights of immigrants, refugees, and communities of colour, thereby increasing militarism and racism against these communities. "The entry into force of the Convention as an international law reiterates fundamental respect and protection of human rights, which is imperative in any State effort towards strengthening real human security," declared Catherine Tactaquin, Director of NNIRR.

### International Migration as a Development Issue

Meanwhile, reports continue to come in daily of migrants dying at land borders or drowning at sea. But instead of understanding the causes of these deaths, States, particularly the rich developed countries in the North, are responding with more strict immigration policies and border control measures that can only lead to more deaths and dangers to migrants.

In view of this, migrants' rights advocates call the attention of these countries to start understanding that people leave their homelands for reasons of survival. "The disparity in wealth distribution, with poor countries becoming poorer as exacerbated by the failure of prevailing economic models of globalization, results in the forced migration of people," cautions Mayan Villalba, Director of Unladkabayang Migrant Services Foundation, a grassroots organization mobilizing migrants' savings into local economic investments in the Philippines. "In order to address the phenomenon of international migration, we have to understand its complex links with globalization, so we can embark on a rights-based approach to development that will create the conditions for people to stay, instead of leave" emphasized Ms. Villalba.

### Continued Campaign for Universalization of the Convention

Thus, given the trends, the phenomenon of international migration will continue to increase and the issues brought by it. But with an international human rights instrument on their side, civil society organizations are confident that they now have an internationally-recognized instrument in defending migrants' human rights.

"For while we celebrate the entry into force of the Convention on July 1st, we acknowledge the crucial role of migrant communities and campaigns in the ratification process," says Nonoi Hacbang, Director of the Commission for Filipino Migrant Workers (CFMW), a network of Filipino migrant communities in Europe.

"We welcome July 1 as a historic turning point for migrants rights and we see it as an enhancement of the universal respect for human rights. July 1 is a new beginning, and as migrant communities, we commit ourselves to actively participate in the on-going ratification campaign and towards ensuring that the Convention becomes a universal instrument for the protection of the rights of all migrant workers and their families," concluded Mr. Hacbang.