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## **GLOBAL MIGRATION PERSPECTIVES**

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### **Migration, Human Rights and the United Nations**

#### **An investigation of the obstacles to the UN Convention on Migrant Workers' Rights**

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## **Global Commission on International Migration**

In his report on the 'Strengthening of the United Nations: an agenda for further change', UN Secretary-General Kofi Annan identified migration as a priority issue for the international community.

Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the UN Secretary-General, Sweden and Switzerland, together with the governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Many additional countries subsequently supported this initiative and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments on December 9, 2003 in Geneva. It is comprised of 19 Commissioners.

The mandate of the Commission is to place the issue of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary-General and other stakeholders. .

The research paper series 'Global Migration Perspectives' is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. The series is edited by Dr Jeff Crisp and Dr Colleen Thouez and managed by Rebekah Thomas.

Potential contributors to this series of research papers are invited to contact the GCIM Secretariat. Guidelines for authors can be found on the GCIM website.

## **Abstract**

This article reviews the reasons behind the low ratification record of the *United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. This Convention represents the most comprehensive treaty in the field of migrants' rights; it was adopted in 1990 and entered into force in 2003. After presenting the main issues surrounding the human rights of migrants, the history and the content of the Convention and the ratification process, it outlines, on the basis of reports commissioned by UNESCO, the major obstacles to its acceptance by states. It distinguishes four types of obstacles – linked to the content of the Convention as well as to administrative, financial and political issues – and shows that political obstacles are dominant. It concludes by describing possible ways of fostering the ratification of the Convention.

## Introduction

The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families entered into force in July 2003. It represents the most comprehensive international treaty protecting migrants' rights and is therefore a crucial instrument in fostering respect for migrants' human rights throughout the world. Along with the Conventions on children, women and victims of torture or discrimination, this Convention provides protection to one of the most vulnerable groups of human beings. It suffers however, from a lack of interest: few states have ratified it and no major immigration country has done so. This article seeks to understand the reasons behind this situation.

It relies on reports recently commissioned by UNESCO's Section on International Migration. In order to better foster the ratification and implementation of the UN Convention on Migrants' Rights, UNESCO has coordinated research projects identifying the main obstacles to this international treaty. These reports investigate the situation of migrants' rights in several regions of the world and analyse states' attitudes towards the elaboration of international standards in this field. These reports cover the following regions and countries<sup>1</sup>:

- The Asia Pacific: Bangladesh, Indonesia, Japan, South Korea, Malaysia, New Zealand, Singapore (see Piper and Iredale 2004)
- North Africa: Morocco, Tunisia, Algeria (see Elmadmad forthcoming)
- Africa: Burkina Faso (see Pacere 2004), Senegal, Nigeria
- Central and Eastern Europe: Azerbaijan, Armenia, Hungary, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Uzbekistan, Ukraine, Czech Republic, Estonia (for a review, see Patzwald 2003)

These reports do not cover the whole world and their findings can therefore not be generalised. They nevertheless document the situation in many different regions and thus provide substantial information on the various types of obstacles to the ratification of the UN Convention. Further analyses, notably in Europe and other major immigration countries, are currently underway and will be available in 2005.

## The Human Rights of Migrants

Historically, non-nationals have enjoyed very little legal protection. The dominant idea has long been that rights were connected to nationality: accordingly, aliens hardly had any rights and used to be mainly protected by the diplomatic services of their country of origin. The development of human rights, as a set of rights protecting *all* individuals regardless of their status, has brought new forms of protection to aliens (Tiburcio 2001). They have notably introduced the principle of non-discrimination, which permits only reasonable differences in treatment between nationals and non-nationals and grants migrants many civil and political human rights (Fitzpatrick 2003).

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<sup>1</sup> See Annexe 1 for a list of commissioned reports.

In principle therefore, migrants enjoy the protection of international law: the most important human rights treaties – such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted in 1966 – have been widely ratified and extend protection to all human beings, including therefore both documented and undocumented migrants (Goodwin-Gil 2000, Mattila 2000). Extension of these rights to vulnerable groups – including not only migrants, but also women, children and victims of racial discrimination – has however turned out to be difficult. These gaps motivated the elaboration of international treaties dealing specifically with the situation of these groups. By defining exactly the human rights that are available to migrants, the UN Convention on Migrants' Rights is a response to this situation, in the same way as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

The adoption of the Convention on Migrants' Rights shows that there is awareness within the international community – both among sending and receiving states – about a worsening trend in the status of human rights for migrants in many parts of the world. This awareness is fostered by media and government reports on the violations of human rights that take place during migratory processes, and notably the problems of trafficking of women and children. One should note however that there is limited empirical evidence available on the topic and thus it remains unclear whether this awareness is a matter of an increased level of abuse or of increased exposure (Taran 2000a). Despite this growing awareness, little is being done in the field of migrants' human rights. The problem is therefore not the lack of international standards: it is the lack of political will to implement them. In other words, states do not always manage to conciliate the 'nationals versus non-nationals' distinction with respect for universal human rights standards (Bustamante 2002).

Several reasons explain why migrants constitute such a vulnerable category. The very fact of crossing borders in search for employment leads migrants to operate in a transnational legal sphere characterised by many loopholes. As non-nationals, they usually have fewer rights than nationals. They have for example, very little if any input into policy-making processes that affect them directly. Moreover, they may not master the language of the host state and may be unfamiliar with its legal system and administration. They may also suffer from racism, xenophobia and discrimination, and be disturbed by the exposure to cultural and social practices that they may find alien. They also suffer from the conventional assumption that foreigners/immigrants should not have equal rights as nationals do.

Migrants' vulnerability is also increased by the sectors of economic activity in which they are active. Foreigners often have so-called 'three-D' jobs (dirty, degrading and dangerous) and are also over-represented in marginally viable and sometimes semi-legal sectors such as seasonal agricultural work, domestic services and the sex-industry, in which the protection of workers is underdeveloped. The situation is further worsened by migrants' lack of awareness of their rights, and particularly of their rights as workers. While existing trade unions sometimes seek to protect migrant workers, this is not always the case and migrants can count on very few other acknowledged institutions (such as NGOs) to support them. Undocumented migrants are even more affected by this vulnerability than legal migrants: they often constitute

a reserve of very flexible and cheap labour and their status makes it very difficult for them to have minimum work standards respected.

A complex issue regarding non-nationals' rights stems from the increasingly blurred distinction between refugees and migrants. In principle, refugees' rights are handled by the widely accepted 1951 Convention Relating to the Status of Refugees whereas migrant workers' rights are defined by the 1990 UN Convention on Migrants' Rights. In practice however, the boundary is often difficult to establish. Refugee status is granted on the basis of persecutions, and people fleeing other kinds of situations (such as civil disorders, environmental devastation or economic uncertainty) are not therefore understood as being refugees, even if they actually need protection, and fall under the 'migrant' category. On the other hand, refugees sometimes avoid presenting themselves as such as claiming this status can be a long and difficult process.

Finally, it is important to stress that increasing respect for migrants' human rights is not only a matter of improving their living and working conditions. It is also a matter of fostering their harmonious integration into receiving societies, which will ultimately guarantee social cohesion and the respect for core values such as peace and democracy. Respect for the basic human rights of all persons in each society is an essential basis for addressing and resolving the tensions and potential conflicts between people who have different interests and socio-cultural backgrounds. In a world in which more and more people are on the move, ignoring migrants' rights would seriously jeopardise the welfare, not only of migrants, but of all human beings.

### **History and Content of the Convention**

The origins of the UN Convention on Migrants' Rights lie in the work of the International Labour Organisation (ILO), which has historically been the organisation in charge of the protection of migrants since its creation in 1919. Its first efforts to promote equality of treatment between nationals and migrants and to have bilateral migration agreements between states were however stopped by the economic crisis of the thirties and World War Two (Haseneau 1991). The post-war economic boom in Western industrial states led to a renewed interest in migration and two ILO Conventions were adopted, in 1949 (ILO Convention 97) and in 1975 (ILO Convention 143). The latter already contained a section on the need to fight undocumented migration, which was met with scepticism by many sending states interested in exporting their workers. Receiving states were also critical of this Convention as they believed it discouraged temporary migration.

Shortly after the adoption of ILO Convention 143, Mexico and Morocco started a campaign for the elaboration of a United Nations Convention on migration. Apart from their dissatisfaction with former ILO treaties, these countries were reluctant to leave migration issues to the ILO because of this organisation's tripartism which grants unions too important a role for many governments. Moreover, UN Conventions are, unlike ILO treaties, subject to reservations by states. At that time, Third World countries were hoping to seize the opportunity of the oil crisis to promote a new economic order, and the UN was seen as more open to such a Third World majority than the ILO. A working group for the drafting of this new Convention was established in 1979 and chaired by Mexico and Morocco (Böhning 1991). About half

of the UN member states participated at one stage or another in this process, and on December 18, 1990, the Convention was adopted by the UN General Assembly.

The Convention is an attempt to ensure that migrants have their fundamental human rights respected. It does not therefore establish new rights but rather offers a more precise interpretation of human rights in the case of migrants. Most of the rights listed in the Convention were formulated in earlier Conventions but their application to non-nationals had not been specified. The Convention is comprehensive as it applies both to the recruitment process and to migrants' rights once they have been admitted. It also provides the first international definition of migrant workers and of certain specific categories (such as frontier workers, seasonal workers, itinerant workers or self-employed workers). It is worth noting, however, that the Convention does not always match the standard established by previous ILO Conventions: in particular, it follows the 'equality of treatment' principle, which protects migrants from discrimination but without establishing minimum standards, as ILO Conventions partly do.

The Convention is composed of nine parts<sup>2</sup>. After the definition of the concepts (part I), part II provides general non-discrimination clauses. Part III lists the rights that all migrants should enjoy, irrespective of their status, which therefore also apply to undocumented migrants; part IV then adds rights that are specific to migrants in a regular situation. Part V deals with the rights applying to specific categories of migrants, while part VI details the obligations and responsibilities of states in combating illegal migration and establishing lawful migration conditions. Finally, parts VII to IX deal with the application of the Convention as well as with possible reservations and restrictions by states.

Among the rights that all migrants should enjoy, one can notably mention the following: freedom of thought, conscience and religion; protection of their security and liberty; access to investigations, arrests and detentions carried out in accordance with established procedures; joining or forming trade unions and associations; equality with nationals in gaining access to education; transfer of their earnings; information in a language they understand about their rights; treatment as equal to nationals regarding remuneration and conditions of work, social security benefits and emergency medical care.

One of the most challenging characteristics of the UN Convention lies in its application to undocumented migrants. This category of migrants was at best ignored – and at worse excluded – by previous treaties. Undocumented migrants are granted rights in fields such as freedom of thought and religion, access to fair legal treatment, emergency medical care, domestic privacy, education of children or respect of cultural identity. They enjoy fewer rights than documented migrants, having no right in fields such as family reunification, liberty of movement and participation in public affairs. The core idea underlying undocumented migrants' rights is that all human beings are entitled to fundamental human rights, regardless of their legal status. This is however an extremely controversial topic, as the very existence of undocumented migrants constitutes a challenge to states' sovereignty: the Convention therefore needs

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<sup>2</sup> Detailed discussions of the content of the Convention can be found in the contributions to *International Migration Review's* special issue (25-4, 1991) as well as in Cholewinski (1997), de Varennes (2002) and Shirley and Hune (1991).

to find a balance between individuals' and states' rights. Even though the Convention does not encourage the regularisation of undocumented migrants and grants states total control on their admission and exclusion, this question remains one of the most sensitive issues surrounding this treaty (see also Bosniak 1991).

### **The Ratification Process**

After adoption by the UN General Assembly, the Convention is open to ratification by states. Twenty ratifications were necessary in order for the Convention to enter into force. It took 13 years to reach this threshold in 2003 and, at the time of writing (July 2004), the Convention has been ratified by 25 states. In addition, nine countries have signed it<sup>3</sup>.

So far, all the state parties to the Convention are on the sending side of the migration process. Being concerned by the situation of their citizens living abroad, they view the Convention as part of a strategy to protect their emigrants. Important sending countries such as Mexico, Morocco and the Philippines have thus ratified the Convention. It is worth noting, however, that some of these sending countries have become receiving countries. Morocco, for example, serves as a transit country for migratory flows from West Africa to Europe, a situation that has led to the more or less durable establishment of undocumented migrants in this country. Mexico is in a relatively similar situation. Having ratified the Convention, these recent receiving states are compelled to follow its recommendations in their treatment of the migrants living on their soil.

The ratification record of the Convention on Migrants' Rights is extremely low in comparison to other UN treaties. For example, the UN Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 and entered into force less than two years later. Today, 177 countries – over ninety per cent of the members of the United Nations – are party to the Convention. Similarly, the Convention on the Rights of the Child was adopted in 1989, entered into force in 1990 and has been ratified by nearly all countries on earth<sup>4</sup>. The impact of the Convention on Migrants' Rights is further diminished by the fact that no major receiving state – including Europe, North America and Australia – has ratified the Convention. The countries that have done so are home to only a very small percentage of the world's total migrant population, implying that most migrants are currently not protected by the Convention.

This lack of interest was not entirely expected. Immediately after the adoption of the Convention, it was believed, within the UN, that it would enter into force in 1991 or 1992. Even less optimistic observers expected the so-called MESCA-countries – a group of seven European states (Finland, Greece, Italy, Norway, Portugal, Spain and Sweden) that played an important role in the drafting process – to ratify; other countries – Canada, Venezuela or Argentina – were also expected to show an interest in the Convention and to ratify it (Hune and Niessen 1991: 139). But none of these countries did so. States' reluctance became clearer in the late nineties: a UN survey in

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<sup>3</sup> See Annexe 2.

<sup>4</sup> See United Nations Treaty Collection (<http://untreaty.un.org>).

1997-1998 revealed that, 36 of the 38 states that reported on the situation of migrants' rights in their country, indicated that they intended not to ratify either the ILO or the UN conventions on the matter (Bustamante 2002: 337).

This striking lack of interest is partly due to the fact that the Convention on Migrants' Rights is a relatively marginal one: it does not belong to the six core UN Conventions<sup>5</sup> and has never been given much priority. Taran (2000a) writes that, until 1996, it was even difficult to have access to the text of the Convention and that no single person anywhere in the world was working full-time on issues surrounding it. Moreover, he reports that Western governments sometimes expressed discouragement, arguing that the Convention was too detailed and ambitious and that the lack of interest in it was threatening its very relevance and usefulness.

It was not until the late nineties that some activism around migrants' rights could be observed. Within the UN, a Working Group of Intergovernmental Experts on the Human Rights of Migrants was appointed by the UN Human Rights Commission in 1997 (Bustamante 2002). It recommended, among other things, a specialised mechanism for follow-up of the protection of migrants' rights: this led to the appointment of a Special Rapporteur on Human Rights of Migrants<sup>6</sup> in 1999 (Mattila 2000, Rodriguez 2000). In 2000, December 18 became the International Migrants' Day. Moreover, a Global Campaign for Ratification of the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was launched in 1998, bringing together international organisations and NGOs to campaign for ratifications<sup>7</sup>.

The lack of interest in the Convention also indicates the unpopularity of issues surrounding migrants' rights. Despite their vulnerability, migrants are often regarded as deserving less protection than other vulnerable groups. While fostering the rights of women and children is – at least officially – an uncontested priority for most governments, this is not the case with migrants. As de Varennes argues, such differences of treatment rely on the:

widespread – and mistaken – view that migrants are somehow not entitled to the full protection of human rights because of the belief that only citizens are entitled to these rights (de Varennes 2002: 9).

It is worth noting that this disinterest in migrants' rights affects not only the UN Convention but also all other international treaties in the field of migration. As mentioned, the Convention was preceded by two ILO Conventions, the 1949 Convention No 97 and the 1975 Convention No 143, which have been ratified by only 42 and 18 states respectively. Ten Western receiving states have ratified one or both Conventions, but none of them did so after 1982, indicating a lack of interest in the

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<sup>5</sup> The six core UN Conventions are : 1. The International Covenant on Economic, Social and Cultural Rights (ICESCR, adopted in 1966 and entered into force in 1976), 2. The International Covenant on Civil and Political Rights (ICCPR, 1966-1976), 3. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965-1969), 4. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979-1980), 5. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984-1987), 6. The Convention on the Rights of the Child (CRC, 1989-1990).

<sup>6</sup> The position is currently held by Ms. Gabriela Rodríguez Pizarro. See <http://www.unhchr.ch>.

<sup>7</sup> See <http://www.migrantsrights.org> for the activities of this Global Campaign.

last two decades<sup>8</sup>. The same applies to the European Convention on the Legal Status of Migrant Workers: only eight states ratified it (out of the 41 member states of the Council of Europe) and all but two did so more than twenty years ago. It is therefore clear that international treaties dealing with migration do not attract much attention or sympathy.

There are however a few positive signs. In 2003, the European Parliament supported the ratification of the Convention<sup>9</sup>, and so did the General Assembly of the Organisation of American States in 2002<sup>10</sup>. In January 2003, Brazil's President Lula da Silva affirmed his commitment to the national human rights program, which includes the ratification of the UN 1990 Convention<sup>11</sup>. In June 2004, the European Economic and Social Committee adopted by a large majority a favourable opinion on the UN Convention on Migrants' Rights in which it encourages the Member States of the European Union to ratify the Convention and:

calls upon the President of the Commission and the current Presidency of the Council to undertake the necessary political initiatives to ensure that the Member States ratify this convention within the coming 24 months'. It also recommends a study of national and European legislation relating to the Convention<sup>12</sup>. This will hopefully contribute to draw attention to the Convention in EU states.

### **Obstacles to the Ratification of the Convention**

Little research has been dedicated to the reasons behind states' reluctance to ratify the Convention. A major difficulty is that only very few states have actually provided an explanation on the reasons why they did not consider ratification. Most states have been largely indifferent and this absence of official reaction makes it difficult to identify the obstacles. This section summarises the studies available on this issue and presents the findings of the reports commissioned by UNESCO.

As mentioned, the UN Convention on Migrants' Rights follows two ILO migration treaties. Research has been done on the obstacles to these treaties and, as the purpose of all these conventions is globally the same, it is worth recalling the findings of these studies. Following Taran (2000b), the main obstacles are the following:

- there may be only a small number of migrant workers in a country,
- economic instability and high unemployment rates prompting Governments to give preference to nationals over foreign labour,

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<sup>8</sup> The 10 Western receiving states that have ratified one or both ILO Conventions are the following: Belgium (97), France (97), Germany (97), Italy (97 and 143), Netherlands (97), New Zealand (97), Norway (97 and 143), Portugal (97 and 143), Spain (97), Sweden (143) and United Kingdom (97). Let us note that many of these countries (Italy, Portugal and Spain notably) had not yet become immigration countries at the time they ratified.

<sup>9</sup> Minutes of 30/01/2003, point L5. See <http://www.europarl.eu.int>.

<sup>10</sup> AG/RES. 1898 (XXXII-O/02). See <http://www.oas.org>.

<sup>11</sup> See <https://www.presidencia.gov.br>.

<sup>12</sup> See <http://www.esc.eu.int> (opinion nr 960).

- lack of the necessary infrastructure to apply the Conventions and high cost of implementing the instruments,
- government intervention required by these instruments is not considered the best approach,
- reluctance to enter into multilateral commitments in the area of policy on foreigners,
- complexity of a country's immigration legislation and practice as well as the fact that its legislation on this subject is constantly evolving, and
- the ILO Conventions are no longer considered appropriate given the characteristics of contemporary international migration.

Several of these obstacles also appear in the UNESCO reports on the UN Convention.

A general source of difficulties regarding the ratification of the UN Convention stems from the social transformations that took place in the world during the last three decades. The Convention was thought of in the seventies, drafted in the eighties and opened to ratification in the nineties. International migration – and the world in general – went through massive changes during this time period, which partly explains why the Convention appeared less relevant than initially expected. It was drafted on the basis of states' experience with migration in the seventies and its application to more recent migration challenges is therefore not absolutely straightforward (Lönnroth 1991).

Economically, the idea of the Convention emerged when the Western countries were in need of foreign labour force. However, by the time the Convention was adopted, concerns with unemployment had long become dominant, and migration was not a priority any more. Moreover, the Convention is a 'pre-globalisation' treaty that does not fully take into account the changes in the world economy that took place in the last decade, including the decline of the industrial sector in advanced economies, the growing importance of the service sector, the deregulation of some economic sectors, the withdrawal of the state from large segments of economic activity, and the growth of small firms and self-employment.

Similar massive changes took place in the political context. The Convention was adopted in the early nineties; at more or less the same time, the end of the Cold War raised new concerns with international migration. In Europe, the priority became the fight against illegal migration, trafficking, and the presence of undocumented migrants. The integration of migrant workers' descendants started to be viewed as increasingly problematic. The number of asylum-seekers grew rapidly, notably as a result of the conflicts in the Balkans, and became a serious issue in the political debates of most Western countries. None of these issues were high on the agenda in the seventies and the eighties. Today, they represent very important obstacles to the ratification of the Convention (Hune and Niessen 1994).

De Varennes (2002) emphasises the changes that took place in the social context. The last decades have witnessed the emergence of a somewhat hostile climate towards foreigners in some states. The presence of large numbers of culturally distinct people in urban centres has contributed to a feeling of unease towards non-citizens. While this is partly a matter of racism and xenophobia, it is also due to a general climate of uncertainty and of reluctance towards the changes affecting most societies. Increased

unemployment, decreased resources for social security programmes, political fears surrounding globalisation and terrorism contribute to this social context that is unfavourable to the ratification of the Convention.

One should finally note that the Convention, along with the other international treaties in the field of migration, relies largely on the assumption that states are entirely in charge of the migration process. And indeed, recruitment was mostly a state matter until the seventies. Today however, few migrants follow states procedures in moving from one country to another. They rely on private agencies or on their own networks. To a large extent, states now mostly tend to control and limit migration rather than organise it. In principle, this 'privatisation' of migration calls for stronger mechanisms protecting migrants, as states do not have the power to fully impose the conditions in which migration takes place. In practice however, states tend to disengage themselves from issues surrounding migrants' rights, having consequently less interest in instruments such as the Convention.

In order to have more detailed information on the obstacles to the Convention, UNESCO commissioned reports in several regions of the world. On this basis, four kinds of obstacles have been identified. A first set of problems stems from the content of the Convention, or from what is wrongly understood as being the content of the Convention. Secondly, states may experience administrative difficulties in ratifying the Convention. Thirdly, they may see ratification as leading to costs which they cannot afford. Fourthly, a wide range of political considerations hinder the ratification of the Convention.

#### *Content of the Convention*

One should distinguish between two kinds of obstacles stemming from the content of the Convention: those that are 'real' and those that are based on misunderstandings of the treaty. The Convention sometimes contains specific articles that are unacceptable for some states. In principle, this is not an insurmountable obstacle as it is often a matter of details and that this kind of problem can be addressed by reservations. States then ratify the Convention but exclude a given article. In the countries reviewed by the reports, identified cases include:

- Migrants' participation in unions: some states limit this right to documented migrants or to nationals. This is the case in Tunisia. Turkey is in a similar situation and made a reservation on this article.
- Definition of the family: given the wide diversity of family organisations in the world, difficulties in defining the family unit come as no surprise. The drafting of the Convention had already dealt with this issue (Hune 1991: 811-812). In Tunisia, the recognition of unmarried couples by the Convention is contrary to national laws. Similarly, according to Tunisian laws, children are given the name and nationality of their father whereas the Convention does not specify from which parent migrants' children are granted a name and nationality. Sri Lanka has encountered the same difficulty and has made a reservation on this article.

One should also note that none of the states that ratified the Convention have made the declaration that, following articles 76 and 77 of the treaty, enables states and

individuals to complain on the basis of the Convention. According to these articles, states and individuals believing that a state party does not fulfil its obligations have the possibility of requesting the intervention of the UN Committee monitoring the implementation of the Convention.

Apart from such details, a major problem regards misconceptions on the content of the Convention. It is not a well-known treaty, either at the level of governments and policy-makers or at the level of public opinion. In the Asia Pacific region, very active NGOs have managed to promote the Convention but its content remains unclear to many policy-makers. Only Japan and New Zealand have concretely examined the legal implications of the Convention. The Convention has very little visibility in the public sphere. As a consequence, states often have misleading ideas on its impact on their policies and practices in the field of migration. From the studies, it became clear for example that it is often believed that states parties have less freedom in elaborating their migration policies; but the Convention only deals with migrants' legal status and treatment, not at all with matters surrounding their admission. It is also frequently assumed that the Convention encourages undocumented migration by granting rights to undocumented migrants; but the Convention explicitly fosters the fight against irregular migration.

#### *Administrative obstacles*

Administrative obstacles stem from the complexity of the Convention. This treaty deals with very different sectors of states' responsibilities, including notably migration policies, access to health services, labour regulations, the educational system and legal procedures. This implies that states wishing to ratify it often face difficulties in coordinating their efforts to adapt the standards of the Convention in these different sectors: Cholewinski (1997: 201-202) has noted that:

technical questions alone ... may prevent many states from speedily accepting [the Convention's] provisions.

Several country reports showed that in many states the administration would find it difficult to manage the incorporation of the provisions of the Convention in their practices. Implementing the Convention would require an efficient administration, but in some countries that participated in the study, the relevant bureaucrats are poorly paid, work outside of their ministerial jobs and have no time to deal with such issues.

The situation is further complicated by the fact that several states have very little experience in handling migration at the policy level. They lack a legal framework for migration issues, and have no political strategy in this field. They also have no agency supposed to deal with migration-related issues and policy-makers are not well trained. As a result, states are unable to cope with the task of evaluating the impact of the Convention, comparing it with existing legal standards, and preparing the ground for political decisions on its ratification. This was reported in Japan and South Korea as well as in most Central and European states. The latter were characterised, until the 1990s, by a socialist system in which movement was restricted by central job and housing allocation and internal residence permits requirements, and therefore by a total absence of migration policy.

Moreover, in some cases (Malaysia and Singapore notably), the multiplicity of the government departments involved in the handling of migration may lead to conflicts or competition. There is consequently no clear state strategy in this field and policies change frequently. Ratifying the Convention is a major decision that cannot be taken in such a context. It requires a solid decision-making capacity at the policy level, including a capacity to oversee necessary changes in national laws to make them compatible with the Convention.

Another source of administrative difficulty is connected to the fact that migrants' rights are already dealt with by other international treaties, including notably two ILO Conventions and the European Convention on the Legal Status of Migrant Workers. Even if the UN Convention is supposed to be the most comprehensive treaty, this is reported to lead to confusion as states have no single text to follow.

### *Financial obstacles*

The Convention contains several provisions regarding measures that must be taken by states that have ratified it. These measures can be costly and are known to keep some states from ratifying. Sending states are for example supposed to provide pre-departure information and training sessions to migrants. They are also expected to enable their citizens living abroad to participate in the political life of their country and to vote. Burkina Faso, for example, ratified the Convention but the process was slowed down by fears surrounding the costs of such measures.

In some cases, the Convention requires states to treat migrants in a way that is not even affordable for nationals. For example, migrants who have been arrested but not yet judged are to be kept separately from convicted prisoners. In Burkina Faso, the State cannot afford to implement such a distinction for its own citizens and was therefore reluctant to accept it for migrants (Pacere 2004: 84-86).

Finally, the Convention requires states to develop new policies which may lead to new government expenses. This is notably the case with the fight against irregular migration. Members of the Nigerian government explained that they fear the financial burden associated with the control of their often porous borders and the training of the personnel for this task.

The weight of these financial obstacles should be qualified. While it would be highly desirable for states to have the necessary funds to implement the Convention, one must note that many other UN Conventions have been widely ratified even in the absence of adequate financial resources for their implementation. If there exists a political will to ratify a Convention, financial obstacles can be surmounted, albeit to the detriment of the impact of the Convention. This demonstrates the importance of political factors.

### *Political obstacles*

Political obstacles are by far the most important ones. They can be put in the following categories: the political economy of labour migration; social and political traditions; reticence towards the UN system; 'not being the first'; welfare and economic uncertainty; representation of migration issues; security concerns and competing bilateral and international agreements.

#### The political economy of labour migration

In many countries, migrant workers play a key-role in the way states manage their economy. In several Asian receiving states, migration is used as a source of flexible workforce that can be conveniently deported, thus serving as a mechanism to regulate economic performance and employment without political repercussions (Piper and Iredale 2004: 6). Undocumented migrants play a particularly important economic role as they provide cheap and flexible labour. From this perspective, granting rights to migrants is understood as economically counter-productive.

Moreover, the political and economic context of several receiving countries is characterised by the fact that the state protects employers more than foreign workers. It is no secret that the interests of employers and governmental officials sometimes also converge with those of recruitment agencies involved in the migration of workers. The Convention indicates that states should impose sanctions on brokers and recruiters operating illegally and assist their citizens living abroad through their embassies. But the collusion between some government members and people involved in the export business, as well as the absence of 'good governance', make such measures unlikely. This situation is obviously extremely unfavourable to the granting of rights to migrants.

In principle, sending countries should not be concerned by these factors as they should be expected to protect their emigrants. But exporting workers is economically vital to most of them and they are consequently afraid that the ratification of the Convention will jeopardise their competitiveness in this 'business'. This is particularly the case with the countries that have signed bilateral agreements with receiving countries, which could be reconsidered if sending states express the political will of protecting their citizens abroad through the Convention. The 'labour-exporting industry' is more and more demand-driven and receiving states are in a stronger position to dictate the terms and conditions of employment. This is notably reported for Bangladesh and Indonesia, which are in competition with other sending states and depend on the agreements signed with receiving countries in the Middle East.

#### Social and political traditions

Ratification of the Convention can also be inhibited by different social and political traditions. Differential treatment between segments of the population may, for example, be widely accepted and perceived as straightforward. In receiving states with multi-ethnic composition (such as Singapore for example), ethnic minorities have in the past received less protection than the majority group. Similarly,

descendants of Korean and Chinese migrants in Japan have experienced discrimination over a long period. In this context, migrants' lack of rights is not understood as a problem requiring specific policies.

The very fact of ratifying a Convention related to migration may also be a sensitive issue for a country not used to perceiving itself as a country of immigration. Many countries are home to considerable migrant populations but nevertheless do not acknowledge their status as an immigration country and stick to an image of a culturally homogeneous and mono-ethnic country. Finally, one should note that the value of human rights in general is not always straightforwardly recognised. Some Asian countries, for example, see human rights as part of a 'Western influence' and are reluctant to fully integrate them into their policies and discourses.

### Reticence towards the UN system

The lack of enthusiasm in ratifying the Convention sometimes stems from states' reluctance towards the United Nations. While they usually agree with the main values and principles of the UN, they believe the UN system to be inefficient or even bothersome. In Singapore for instance, ratification of any UN Convention was reported to be seen as an undesirable indication that a problem exists and that something must be done to address it. This is particularly the case with migration, which, according to several states, is an issue that does not need UN intervention.

The argument then is that migrants' rights are a national issue and that national legislation already provides enough protection to migrant workers. It is indeed true that in some cases (in Western receiving states in particular), the Convention duplicates provisions that already exist, even if some disparities can still be observed. One should note that this is not a convincing reason as one could argue that, if the provisions of the Convention are already contained in national laws, ratification would be an easy step that would stress states' commitment to the human rights of migrants. One problem here regards the reports that states are expected to produce on the implementation of the Convention. If the Convention is perfectly implemented, these reports appear as a source of redundant supervision costs. But in most cases, the Convention is not perfectly implemented and these reports are then feared to provide opportunities for contestation, notably by NGOs, and to give a negative image of states' practices.

### 'Not being the first'

Given the small number of states that have ratified the Convention, many countries are concerned not to be the first in their region to ratify the Convention. Sending countries are in competition to export their workers, while receiving countries are in similar competition, but to discourage undocumented migration. In such a context, no country wants to take the risk of isolating or penalising itself by ratifying the Convention. Japan, for instance is reluctant to ratify Conventions that are not popular among G7 countries. Many sending states look at what is going on in the West before taking a decision: if receiving states do not ratify, they tend to believe that ratification

is pointless. This climate is obviously not favourable to the Convention: cooperation and collaboration, rather than competition, would better promote its ratification.

This 'not being the first' factor highlights the role and responsibility of receiving states, particularly in Europe. Europe represents, along with North America and Australia, one of the major regions of immigration in the world and the states of origin of the migrants living in Europe can be expected to follow closely this region's attitude with respect to the Convention. Moreover, states in Central and Eastern Europe are currently reshaping their legislation in the process of joining the EU. Policy-makers in these countries have so far not been interested in the Convention, reportedly because they are busy adopting European norms and standards. Many of them believed that, if the EU displayed an interest in the Convention, this would strongly encourage states in Central and Eastern Europe to ratify the Convention.

Finally, the European Union plays an increasingly important role in the elaboration of migration policies in North African countries. Morocco, for example, works in partnership with Spain and the EU to fight irregular migration routes from West Africa, which very often transit through its territory. Such cooperation has fostered the elaboration of policies in which migrants' rights are far from being a priority. In other words, ratification of the Convention by European states and other Western receiving countries would not only foster migrants' rights in these regions: it would also encourage many non-Western states to follow the example. This 'not being the first' factor also shows that, while ratification is a domestic political process, it is strongly dependent on an international context characterised by a kind of competition between states.

#### Welfare and economic uncertainty

The Convention grants rights to migrants that are not always available to nationals, particularly in less developed sending countries. In this context, state intervention in favour of migrants' situation is difficult to explain to the population and politically risky. In Nigeria, unemployment and shortcomings in welfare provisions regularly provoke the anger of the population, thus making it difficult to improve the specific situation of migrants. In Indonesia and Bangladesh, migrants are mostly ex-pats, who, on average, are better off than national workers and therefore not believed to be in need of protection.

In receiving states, national workers are usually much better protected than migrants but the protection of the national welfare state has become a political priority: economic restructuring is leading to a reduction of welfare provisions and generating social conflicts. In this context, granting additional rights to migrants is perceived as too generous. In both sending and receiving countries, the issue of migrants' rights is particularly delicate in the case of undocumented migrants, who are perceived as less deserving than national workers.

## Representation of migration issues

In connection with welfare and economic uncertainty, the public representation of migration issues influences the perspectives of ratifying the Convention. Migration has infiltrated public opinion, but in a negative way, and ratifying the Convention thus becomes a political risk. Several states, in Europe and the Asia Pacific notably, have witnessed the emergence of political populism, which relies heavily on migration issues in order to exploit citizens' frustration and fears of 'invasion' by foreigners. The relationship between migration and crime is also often stressed, and undocumented migrants are often criminalized and described as 'illegal'. In some cases, mainstream political parties have borrowed these themes and used them in their political campaigns.

Measures strengthening border controls and restricting immigrants' access to social programmes have also been taken in many countries (de Varennes 2002: 28). In Asia, labour migration policies tend, broadly speaking, to limit migration, the duration of migrants' stay and their integration (Piper and Iredale 2004: 5). Such policies may threaten migrants' rights by imposing restrictions on their situation. Again, undocumented migrants are particularly affected: their rights are almost never viewed with sympathy. The Convention stipulates that even irregular migrants must have their fundamental rights respected but this is very often seen as an encouragement to illegal migration. All too often, undocumented migrants themselves are blamed for their situation. Governments are naturally reluctant to admit their failures in controlling their borders, and believe that granting rights to undocumented migrants would highlight their shortcomings in this field.

One should also note that the very notion of migrants' rights is relatively new and that many states are therefore unfamiliar with it. In both Central and Eastern Europe and in the Asia Pacific, there is a widespread perception that migrants, far from needing rights to lessen their vulnerability, are actually lucky, because they have access to better income opportunities than in their country of origin. Migrants' status is thus not understood as a source of possible exploitation or abuse, rather as an opportunity. Moreover, in Central and Eastern Europe, the process of nation-building that has been taking place since the collapse of the Soviet Union has implied a stress on national membership and its privileges in terms of rights, thus further excluding migrants from participation in the nation and from access to legal protection.

Conversely, the lack of awareness surrounding migration issues may also constitute an obstacle to the ratification of the Convention. In some Central and Eastern European states, migration is not high on the political agenda and governments therefore consider the Convention as pointless. True, one could argue that this indifference could make ratification straightforward, but the problem is that this climate also concerns policy-makers who are not trained to address these kinds of issues.

It is worth noting that, in some cases, the political climate may foster the ratification of the Convention. In the Philippines for example, the ratification of the Convention partly took place as a response to the case of a Filipino domestic worker executed in Singapore for killing her employer: the Filipino population was shocked, its demonstration prompting the ratification of the Convention (Piper 2003). In Burkina

Faso, the government had signed agreements with receiving countries to protect its citizens working abroad and therefore expected their rights to be adequately protected. The recent difficulties experienced by its citizens in countries such as Ivory Coast were not well received and led to the ratification of the Convention (Pacere 2004: 87-88). As receiving countries have not ratified it, the impact of such decisions by sending states is limited but they nevertheless constitute strong symbols of their commitment to the protection of their citizens abroad.

### Security concerns

A more recent evolution in national and international politics regards security and terrorism. The attacks of September 11 2001 in the United States and the subsequent concerns over security issues have had important consequences on migration policies. In the Asia Pacific region, many states are adopting counter-terrorism conventions with little time left to consider other treaties. Moreover, in the field of migration policies, concerns over security have incited governments to consider anti-trafficking issues as more important than broader migrants' rights. It must however be observed that disinterest in the Convention dates back much farther than security concerns: terrorism issues have therefore merely increased the reluctance to address migrants' rights.

### Competing bilateral and international agreements

As mentioned above, several sending states have ratified the Convention as a means to protect their citizens living and working abroad. However, the Convention is not the only instrument available to states that wish to protect their emigrants. Indeed, using the Convention to protect one's workers abroad remains symbolic as long as the countries in which emigrants live have not ratified it. Many citizens of Indonesia and Bangladesh work in the Gulf States, which are unlikely to ratify the Convention in the near future. Similarly, Central and Eastern European states send the majority of their emigrants to the Russian Federation and to countries in Europe, which have not ratified the Convention. For such states, ratification would create costly obligations regarding their own migrants and is thus considered as an investment with a weak cost-benefit relationship.

States may therefore look for alternative strategies to protect their workers, which include principally bilateral treaties and regional agreements. A high number of bilateral treaties on migration exist throughout the world, often with the purpose of safeguarding the fundamental rights of migrants and preventing their exploitation (International Organisation for Migration 2003). One can mention the agreements signed between Arab states to facilitate migration within the region, even if, given the relatively low internal flows, their impact has been small. North African countries have also signed several agreements with European states, but most of them are now outdated. More recently, Morocco and Tunisia have signed partnership agreements with the European Union in 1995 and 1996: migratory flows are not, however, among the core issues dealt with by these treaties, even if the Moroccan agreement mentions the need to fight against illegal migration in a bilateral way and guarantees the absence of discrimination against Moroccan workers in the EU. In Central and

Eastern Europe, several states have signed agreements with European countries and Russia in recent years.

Apart from bilateral agreements, several supranational agreements aim at handling migration flows at the regional level. In Central and Eastern Europe, these include the European Convention on the Legal Status of Migrant Workers and, in West Africa, a series of treaties of the Economic Community of West African States. Some countries do not ratify the UN Convention because they are more interested in these regional approaches. The Convention is then perceived either as redundant (as these other treaties already deal with migrants' rights) or as inefficient (as these regional agreements are better implemented).

The European Convention on the Legal Status of Migrant Workers was established by the Council of Europe in 1977 and entered into force in 1983. Among the 41 members of the Council (out of which 17 are Central and Eastern European states), the following have ratified it: France, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and Turkey. It was conceived at a time of massive labour migration, notably from Southern Europe and Turkey to Northern Europe, and therefore contains many provisions relating to the recruitment of labour that became less relevant at the end of the seventies. It complements other European Conventions, notably on human rights and social security.

This Convention is quite restrictive. Since it only applies to citizens of state parties, it actually only protects migrants from the eight countries that have ratified it. The UN Convention, in contrast, concerns all migrants, irrespective of their nationality. Moreover, while the European Convention ensures equal access to education, health and social services to migrants and deals with family reunification, it does not say anything about undocumented migrants. As EU treaties now ensure protection of EU workers in all EU states, the European Convention is irrelevant for EU citizens. The only exception is Turkey, which ratified the Convention in 1983 and is not part of the EU.

This Convention is interesting however for those Central and Eastern European states that did not join the EU in May 2004. The ratification of the Convention would benefit the high number of migrants from Central and Eastern Europe in Western Europe. It would also imply very few obligations regarding the rights of migrants living in Central and Eastern Europe, as almost none of them come from state parties of the European Convention. Many Central and Eastern European countries are therefore interested in this treaty. Ukraine signed the Convention in March 2004 and is considering ratification.

The Economic Community of West African States (ECOWAS) was founded in 1975 and is composed of fifteen states<sup>13</sup>. Between 1979 and 1985, several agreements regarding the movement of people within the region were signed; they led to the abolition of visa and entry permits and to the elaboration of simplified procedures for ECOWAS citizens settling in an ECOWAS state. They also provide for the acquisition of community citizenship, rights of residence and establishment as well as

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<sup>13</sup> Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo. For further information, see <http://www.ecowas.int>.

provisions for the regularisation of illegal migrants. Undocumented migrant workers – who compose the majority of migrants in a country like Nigeria – are nevertheless excluded.

In general, one should note that bilateral and regional agreements are never as extensive as the UN Convention. They are usually limited in scope and time and often concern migrants who are nationals of particular states. They never address the situation of undocumented workers. They do not, therefore, provide a comprehensive framework for the protection of migrants' rights, and cannot therefore be considered a substitute for the Convention (Cholewinski 1997). It nevertheless remains the case that, for states that have only limited time and energy to dedicate to migration issues, such bilateral and multilateral agreements represent relatively easy and accessible options.

### **After Ratification**

Now that the Convention has entered into force, there is a need to ensure that it has an impact on actual practices in the states that have ratified it. According to the Convention, State parties to the treaty have the obligation to report regularly on the steps they have taken to implement the Convention. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was created to monitor the way states party to the Convention abide by their obligations under the treaty. It consists of ten experts and held its first session in Geneva from 1 to 5 March 2004<sup>14</sup>. In principle, states and individuals that believe that a State party is not fulfilling its obligations under the Convention can complain to the Committee. As mentioned above however, no State party has made the necessary declaration to recognise the competence of the Committee in receiving and considering such cases, and this option is therefore not available.

While it is probably too early to assess the extent to which the Convention is actually being implemented, country reports suggest that the impact of the entry into force of this treaty may not be immediate. In Azerbaijan and Tajikistan, for example, the ratification of the Convention has had only a limited impact so far. Some policy-makers are not even aware of its existence, while others do not know that their country has ratified it. The incomplete implementation of UN Conventions is unfortunately not rare: Bangladesh and Indonesia have, for instance, relatively good ratification records of UN human rights instruments; but this does not always translate into a good implementation record, at least in part for technical reasons and because of limited resources (Piper and Iredale 2004: 8-11).

In Morocco, the Convention was ratified in 1993 but a new immigration law (loi No. 02-03 relative à l'entrée et au séjour des étrangers au Maroc, à l'émigration et l'immigration irrégulières) was promulgated in November 2003, i.e. after the entry into force of the Convention, containing articles that do not follow the spirit of the Convention. The guarantees offered to undocumented migrants are, for example, less developed than expected by the Convention. Moreover, no mention is made of family reunification, and access to medical services is only available to documented migrants. Finally, there is no reference to the rights of Moroccans living abroad to

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<sup>14</sup> See <http://www.unhchr.ch/> for information on this Committee.

take part in the political life of their country. There exists, therefore a conflict between national laws and international treaties, and it remains to be seen which set of rules will eventually be followed.

Finally, studying the impact of the Convention on the policies of state parties would be useful as this would contribute to clarifying the consequences of ratification. As mentioned, states often have misconceptions regarding this treaty leading to ungrounded fears on its impact. The entry into force of the Convention provides an opportunity to analyse its real impact and therefore to provide other countries with more convincing arguments on the consequences of ratification.

## **Conclusion and Policy Recommendations**

The range of obstacles to the acceptance of the UN Convention on Migrants' Rights is wide, and fostering further ratifications of this treaty will require substantial effort. Among the possible ways of achieving this goal, one can notably mention the following recommendations:

- Promoting a better understanding of the content of the Convention: given the misconceptions surrounding this treaty, it is worth repeating that more information is needed. States should have access to accurate knowledge on the content and impact of the Convention in order to elaborate their attitude towards it.
- A campaign in favour of the notion of rights for migrants and of the situation of undocumented migrants: the idea that migrants constitute a vulnerable group and that they need adequate legal protection is not yet accepted and needs to be promoted. Similarly, the idea that undocumented migrants deserve a minimal degree of legal protection meets strong opposition. It is necessary to stress the socio-economic contributions made by both documented and undocumented migrants, even if access to rights should never be conditioned to economic considerations. In many regions of the world, migration is a relatively recent phenomenon: its implications in terms of what is needed to reconcile it with the respect of human rights are far from being clearly understood.
- Developing capacity-building in migration policies and training local experts: all too often, migration takes place in an institutional and political vacuum or is only minimally managed by state authorities. This calls for improving state capacities in addressing migration challenges.
- Involving the social actors concerned by migration: migration is a far-reaching phenomenon that affects most segments of the societies in which it takes place. Along with states, civil society should therefore be adequately prepared to face migration. NGOs already play a key role, but other social actors – such as the media, schools, employers, unions, police and health professionals – should be involved.
- Addressing fears of 'being first' by working at a regional level: states are reluctant to take the risk of being among the first to ratify the Convention. This calls for promoting cooperation between them to avoid a competition that is extremely unfavourable to ratification of the Convention. At the regional level, states that are already party to the treaty could play a leading role.

- Encouraging Western countries to ratify: Western receiving countries are home to large migrant populations and play an influential role in shaping other countries' attitudes towards the Convention. Any strategy aiming at fostering ratification will have to address Western states' reluctance towards the Convention, despite the difficulties that can be expected.
- Helping countries implement the Convention: once the Convention is ratified and has entered into force, its implementation needs to be fostered. Along with the UN Committee monitoring the Convention, there is therefore a need to help countries – and especially sending countries – to put the Convention in practice.

The amount of work that is needed is huge, and so are the efforts that will have to be made. This may inspire some pessimism and discouragement. However, the Convention has the very merit of existing; it represents a unique agreement at the world level on the minimal degree of legal protection that migrants should enjoy. It makes sense therefore to make full use of the Convention, which remains one of the most crucial tools in improving migrants' rights throughout the world.

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## **ANNEXE 1 - LIST OF COMMISSIONED REPORTS**

Reports on North Africa and Burkina Faso have been published (see bibliography). All the other reports are available on the web site of UNESCO's section on International Migration (<http://www.unesco.org/migration>).

### **North Africa**

Droits des Migrants en Algérie - Mohamed Saïb MUNETTE, Azzouz KERDOUN, Hocine LABDELAOUI and Hassan SOUABER

Les migrants au Maroc et leurs droits - Khadija ELMADMAD

Les migrants et leurs droits en Tunisie - Hafidha CHEKIR, Monia BEN JEMIAA and Hassen BOUBAKRI

### **The Asia-Pacific**

Identification of the Obstacles to the Signing of The United Nations Convention on the Protection of the Rights of All Migrant Workers 1990: The Asia Pacific Perspective - Nicola PIPER and Robyn IREDALE

### **Africa**

The rights of migrant workers and members of their families: Nigeria - Olaide A. ADEDOKUN

Migration internationale et droits des travailleurs au Sénégal - Papa Demba FALL

Burkina Faso : Migration et droits des travailleurs - Titinga Frédéric PACERE

### **Central and Eastern Europe**

State regulation of labour migration in Armenia - Liana BALYAN

Legal aspects of labour migration in Azerbaijan - Arif YUNUSOV

The status of migrant workers in the Czech Republic in the light of 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families - Dita CERMAKOVA

Estonia: problems linked with joining the UN Convention 1990 - Luule SAKKEUS

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Needs of the Hungarian Labor Market - Nandor ZETTISH and Irina MOLODIKOVA

Rights of migrant workers and perspectives of the ratification of the 1990 UN Convention concerning their protection by the Republic of Kazakhstan - Elena SADOVSKAYA

Kyrgyzstan in the process of joining the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - A.B. ELEBAYEVA

The Republic of Moldova: the protection of migrant workers in the context of the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - Valeriu MOSNEAGA

Protection of the rights of migrant workers in Russia and prospects for joining the 1990 UN Convention - Elena TURUKANOVA

Legal status of the Ukrainian migrant workers and protection of their rights and freedoms - Irina MIKHAILOVNA PRIBYTKOVA

Labor migration in Uzbekistan and the protection of migrants' rights - L.P. MAXAKOVA

## ANNEXE 2 – STATE PARTIES TO THE CONVENTION

<b>Country</b>	<b>Signature</b>	<b>Ratification</b>
Azerbaijan		11/01/1999
Bangladesh	07/10/1998	
Belize		14/11/2001
Bolivia		16/10/2000
Bosnia and Herzegovina		13/12/1996
Burkina Faso	16/11/2001	26/11/2003
Cape Verde		16/09/1997
Chile	24/09/1993	
Colombia		24/05/1995
Comoros	22/09/2000	
Ecuador		05/02/2002
Egypt		19/02/1993
El Salvador	13/09/2002	14/03/2003
Ghana	07/09/2000	07/09/2000
Guatemala	07/09/2000	14/03/2003
Guinea		07/09/2000
Guinea-Bissau	12/09/2000	
Kyrgyzstan		29/09/2003
Mali		05/06/2003
Mexico	22/05/1991	08/03/1999
Morocco	15/08/1991	21/06/1993
Paraguay	13/09/2000	
Philippines	15/11/1993	05/07/1995
Sao Tome and Principe	06/09/2000	
Senegal		09/06/1999
Seychelles		15/12/1994
Sierra Leone	15/09/2000	
Sri Lanka		11/03/1996
Tajikistan	07/09/2000	08/01/2002
Timor-Leste		30/01/2004
Togo	15/11/2001	
Turkey	13/01/1999	
Uganda		14/11/1995
Uruguay		15/02/2001