

# RIGHTS AND OBLIGATIONS OF MIGRANTS

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# Rights of migrants

- the Universal Declaration of Human Rights
- the International Covenant on Economic, Social and Cultural Rights
- the International Covenant on Civil and Political Rights
- the Convention on the Elimination of All Forms of Racial Discrimination
- the International Convention on Elimination of All Forms of Discrimination against Women and
- the Convention on the Rights of the Child

- the 1951 Convention Relating to the Status of Refugees
- the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- the UN Convention Against Transnational Organized Crime and its supplementing protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and The Protocol Against Smuggling of Migrants by Land, Sea and Air

# The 1990 Convention

- reaffirms and complements already existing human rights instruments
- protects all the migrant workers and members of their families, irrespective of their legal status (the rights granted to documented and undocumented workers are not identical)

# The Preamble is also recalling:

- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- the Declaration on the Prevention of Crime and the Treatment of Offenders
- the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions
- the principles and standards elaborated within the framework of ILO, UNESCO, WHO

# The 1990 Convention

## 3 groups of HR

- rights protecting the life and dignity of migrant workers and members of their families: the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, the prohibition of slavery or servitude, forced or compulsory labour
- rights in a legal state: the right to liberty and security of person, the right to fair trial ect.
- rights characteristic for pluralism and tolerance of the society: the right to leave free any state, the right to freedom of thought, conscience and religion ect.

# The 1951 Convention

## 3 groups of HR

- refugees have the right to **treatment at least as favorable as that accorded to nationals** of the state concerned: the freedom to practice their religion and freedom as regards the religious education of their children (Article 4)
- contracting states shall accord to refugees lawfully staying on their territory **the most favorable treatment accorded to nationals of a foreign country in the same circumstances**, for example the right of association (Article 15)
- principle, that in connection to these rights, refugees deserve **treatment as favorable as possible and not less favorable than that accorded to aliens generally in the same circumstances**, such as the right to the acquisition of movable and immovable property (Article 13)

# Article 33

- the prohibition of expulsion or return ("refoulement") to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion



- rights manifest priorities adequate to their specific needs

# Obligations of migrant workers

- the obligation to comply with the laws and regulations of any state of transit and the state of employment
- the obligation to respect the cultural identity of the inhabitants of such states (Article 34)

# The 1951 Refugees Convention

- Every refugee has duties to the country in which he finds himself, which require particularly that he conforms to its laws and regulations as well as to measures taken for the maintenance of public order.  
(Article 2)

# Article 31 of the 1990 Convention

- „State parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their state of origin.“

# Article 34 of the 1951 Convention

- contracting states shall as far as possible facilitate the assimilation and naturalization of refugees