

● COMPREHENSIVE LOOK ON HUMAN RIGHTS OF MIGRANT WORKERS: AN INTERNATIONAL WIDTH



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Abstract

Inherent dignity and inalienable rights of human beings are basic and fundamental natural freedoms. These are sources for justice to all, essential for social progress, promotion for individual dignity and strengthening brotherhood in human society. All the human rights are for the betterment of human beings without considering religion, race, caste, sex, descent, and place of birth, residence, colour, political opinion, association, ideology or any of them. These rights are related to life, liberty, equality and dignity of individual guaranteed by the Constitution or embodied in international laws as enforceable by the Courts of law. Human rights of migrant workers and families of migrated workers are related to their livelihood and health. In some sectors of employment workers are not organized, they are unable to exercise their democratic rights. They have no collective voice, no approach in proper legal forum. In this paper all the burning issues in this context are being discussed.

Key words

Human Rights, Migrated workers, Life, Hardship, Dignity and Livelihood

Prologue

If a person for searching livelihood without prior fix source of earning migrates from one place to another place is called a migrated worker. In the another words, if any person moves from own home state to another state for prior settled occupation is called migrated person for labour as source of livelihood. Migrants' workers and their families are facing many challenges like- stability, safety, remuneration, daily wages, care of children, care of parents, shelter, pure water, protein food, respect, dignity, social behavior, timely payment, clothing and other essential facilities.

Today an estimated 86 million persons are working in a country other than their own country of birth.¹ Migrant workers accounted for approximately 59 percent of the world's international migrant population.² Migrant workers normally leave own country

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¹IOM International Organization for Migration, <https://www.iom.int> Last visited on 17th September 2020.

²International Labour organization Report 2018

because of economic inequality, political and other social crisis. Due to the position of migrant workers, chances for disturbances of demographics with ageing populations in some parts of the country. All migrant workers whether they are employed or unemployed want to return back in their countries. Moreover, it is a matter of international law to settle the issue of migrated workers. As a matter of fact, migrated workers related quest are population, necessity, culture, societal trend, administrative practice, and habit of worker.

International Instruments for the Protection of Migrated Workers- Provisions for the protection of human rights of the migrant workers are prescribed under the Charter of United Nations,³ Universal Declaration of Human Rights,⁴ International Covenant on Civil and Political Rights,⁵ International Covenant on Economic, Social, and Cultural Rights,⁶ Convention of Rights of Children,⁷ Convention on the Elimination of All Forms of Discrimination against Women,⁸ and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Relevant gists of the provisions of these international legal instruments are essential to be discussed in the following captions.

I Charter of United Nations- It is the source of all human rights.¹⁰ Preamble of the United Nations Charter speaks that "we the people of United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and nations larger and smaller". The reflection, object and goal of the Charter of United Nations have complete faith and acceptance of human rights and fundamental freedoms which is related to human dignity and worth. Migrant worker's human rights and fundamental freedom are protected from any kind of exploitation.

One of the basic and fundamental organs of the United Nations is General Assembly and functions of this organization are to protect and promote human rights. To fulfill this function by the General Assembly as duty is prescribed under the Article 13 (1) (a) that "General Assembly shall initiate study and make recommendation for the purpose of promoting international co-operation in the economic, social, cultural, educational, and

³United Nations Charter came into force on 24 October 1945

⁴Adopted and Proclaimed by the United Nations General Assembly Resolution 217 A (III) of 10 December 1948

⁵Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with the Article 49

⁶Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with the Article 27

⁷Adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with the Article 49

⁸Adopted and opened for signature, ratification and accession by General Assembly Resolution 34/180 of 18 December 1979, date of entry into force September 1981, in accordance with the Article 27

⁹Adopted by General Assembly Resolution 45/158 of 18 December 1990

¹⁰It was drafted on 14th August 1941. In 1945, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. Those delegates deliberated on the basis of proposals worked out by the representatives of China, the Soviet Union, the United Kingdom and the United States at Dumbarton Oaks, United States in August-October 1944.



health related field and assisting the realization of human rights and fundamental freedoms, for all without distinction as to race, sex, language, or religion" etc.¹¹ Chapter X of the UN Charter is related to the Economic and Social Council, Its Article 68 provides that the economic and Social Council set up commissions in economic and social fields and for the promotion of human rights and such other commissions as may be required for the performance of its functions.¹² Article 62 (2) of the Charter says that Economic and Social Council may make recommendations for the purpose of promoting respect for and observance human rights and fundamental freedoms for all.¹³ Commission and now Council established by the Economic and Social Council. A tremendous job is done by this institution for the promotion and protection of human rights and fundamental freedoms.

II Universal Declaration of Human Rights- The goal of Universal Declaration of Human Rights, 1948 (here in after referred as UDHR) is to provide international legal provisions for the recognition of equal and inalienable rights of all members of human families including the migrated workers, human rights of all should be protected by rule of law. It means for the protection of rights of migrated workers, law should be made by the member states. In the same way, this is also the goal of UDHR for the progress of the society, it is essential to recognize equal rights of men and women including migrated workers.¹⁴ Social security of the migrated workers is the subject matter of protection of human rights. Thus, Article 22 of the UDHR speaks about the duty of every nation and international community that "economic, social and cultural rights shall be recognized for the full development of the personality of every human being". Apart from this social security, especial rights of the workers are prescribed under Article 23 that "everyone has right to work, to free choice of employment, to just and favorable conditions of work and

¹¹United Nations Charter was signed on 26th June 1945 in San Francisco, at the conclusion of the United Nations conference on International organization, and came into force on 24th October 1945. The Statute of the international Court of the justice is an integral part of Charter. It is published in the language of Arabic, Chinese, English, French, Russian, and Spanish.

¹²The functions of Economic and Social Council of United Nations is prescribed under the Charter from Articles 62 to 66, one of the most function is to initiate study and report with respect to economic, social, culture, education, and health, human rights and fundamental freedoms may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to specialization agencies concern

¹³The term "human rights" has written seven places in the United Nations founding Charter. It is the key of human rights protection and promotion. Initially High Commissioners for Human Rights (OHCHR), now after 60 years it has been replaced on 15th March 2006 by United Nations Human Rights Council. On 13th October 2020, and news published in 14th October, UNHRC election conducted for the four seats out of 47 members Council, Pakistan got 169 votes, Uzbekistan got 164, Nepal 154, China 139, and Saudi Arab 90 votes, out of 193 member states vote, and finally Pakistan, Uzbekistan, Nepal and China became members of the UNHRC, USA has started debate about the violation of human rights of some countries became the member of the UNHRC. The head quarter of UNHRC is in Geneva. United Nations human rights programme started as a small division at UN head quarter in 1940 in New York City and later it has shifted to Geneva and upgraded to the centre for Human Rights in the 1980. The Vienna Declaration and Programme of Action, adopted at the world conference on Human Rights (14-25 June 1993). This document is called for the establishment of High Commissioner for Human Rights by the General Assembly, which subsequently created the post 20 December 1993 (Resolution A/RE/48/141).

¹⁴Preamble of Universal Declaration of Human Rights 1948; this instruments adopted and proclaimed by the United Nations General Assembly resolution 217 A (III) of 10 December 1948.

protection against unemployment¹⁵. Everyone without the discrimination has the right to equal pay for the equal work.¹⁶ Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.¹⁷ In the same way, everyone has right to make and joint trade union.¹⁸ These rights to the same person who has migrated from one place to another place as worker, moreover, how this is possible, because shortages of work and sufficient number of workers, it can be said that more workers and shortage of work. Migrated worker are trying to get the labour not to protect the rights, thus, it is suggested that first of all whenever a workers migrated from one place to another place, he should be registered in government agency only than work should be provided by private agency, work should be given through the agency, this should be strictly followed for the protection of the rights of the workers.

Migrant workers are also entitled to enjoy every right as available to the other workers of the particular country like rest and leisure, including reasonable limitations of working hours and periodical holidays with wages. However, it has found that owner of the worker is not providing any wages of holidays. This is a matter of serious concern, a complete attention is required on this issue for the benefit of the deserve class i.e. worker.

III International Covenant on Economic, Social and Cultural Rights- The object of the International Covenant on Economic, Social and Cultural Rights, 1966 (here in after referred as ICESCR) is to fulfill mandate of the Charter of United Nations that to recognize the inherent dignity, and maintain the inalienable rights of all members of the human family as a foundation of the justice, freedom and peace in the global society. Another goal of this Covenant is that to follow the principles of Universal Declaration for strengthening the every kind of rights of human beings including right to enjoy economic, social, cultural, civil and political rights. In the same way, fundamental spirit of the this Covenant is also that to promote the responsibilities, duties and recognize the rights of the others as he is expect that his right shall be recognized by others.

It is categorically states that all the state parties shall recognize the right to work of every human being based on the choice of worker as an opportunity to get his livelihood.¹⁹ This right of the worker includes training programme for getting skilled and expertise knowledge of work.²⁰ Though this is a provision for the safety and recognizing the rights of the workers but workers word includes labour and labour includes migrated labours,

¹⁵UDHR 1948 Article 23 (1)

¹⁶Ibid, Article 23 (2)

¹⁷Id, Article 23 (3)

¹⁸Id, Article 23 (4)

¹⁹International Covenant on Economic, Social and Cultural Rights 1966, Covenant adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966; Entry into force: 3 January 1978, in accordance with Article 27; This Article says that "the present Covenant shall enter into force three month after the date of the deposit with Secretary-General of the United Nations of the thirty fifth instrument of ratification or instrument of accession and after that the present Covenant shall into force after the three months, after the date of the deposit of its own instrument of ratification or instrument of accession.

²⁰Ibid, Article 6(2)



whose rights shall be protected under the provision of this Covenant. Article 7 of the Covenant states that duty of state party is to provide the just and favorable condition of work, minimum and fair wages, equal remuneration for the equal work, women shall be protected and treated equally, safety and health working conditions, rest and leisure, limitation of working hours and periodic holidays etc.²¹ This provision is equal to the provision of the Article 23 of the Universal Declaration of Human Rights.

Trade Union right is also recognized by the ICESCR 1966²² to the workers, though this right is only possible to grant the workers of organized sectors, however, unorganized sector workers may also enjoy this right by giving special legal status by the member parties. After the Second World War, World community is living in the modern civilization, thus, every human being has the right to enjoy every right as recognized in the UN Charter, Universal Declaration, and Covenants as well as National laws. In the light of these laws migrated labours are entitled to enjoy forming trade union as organized association; it should be given the awareness to them, so that they may be able to protect themselves.

One of the main aspects of the rights of the migrated workers is that there should be social security of the labour²³, for the purpose, insurance of the every worker is essential. In some governmental sector there is a provision for the insurance of worker but individual private work, study shows that there is no insurance of all the workers properly.

IV Convention on Elimination of All Forms of Discrimination against Women- A

special international law for the equal rights of women in all the fields of life is framed for protection and promotion of the human rights of women. The object and goal of the Convention on Elimination of All Forms of Discrimination against Women 1979 (here in after referred as CEDAW) is to implement the provisions of UN Charter, UDHR, ICESCR and other international legal instruments of human rights.²⁴ Prior to this Convention, it has been found that world women are not at par of men in all respect of human rights including work, dignity, status, education, health, economy, enjoyment of culture and social status etc. Henceforth, the poverty in women is more than men. This Convention has given legal directions to the state members for eliminating all kinds of discrimination by making the law in the interest of the half population of the society. The work either in the form an expert or labour by women is very essential to make social position strong in order to get economy by the women, so that equity and justice will contribute significant role towards the promotion of equality between men and women.

Protection and promotion of human rights pertaining of work and labour of women is prescribed under Article 11 of the CEDAW that "state parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, these rights are right to work, right

²¹Id, Article 7 (a), (b), (c), & (d)

²²Id, Article 8

²³Id, Article 9

²⁴Adopted and opened to signature, rectification and accession by United Nations General Assembly Resolution 34/180 of 18 December 1979; date of entry into Force: September 1981 according to Article 27.

to employment, right to free choice of profession, right to job security, favorable and beneficiary conditions of service, right to receive training, right to equal remuneration, right to social security, right to paid leave, right to protection of health, right to maternity leave, right to child care, protection during the pregnancy etc. These rights shall be reviewed periodically in the light of scientific and technological knowledge.²⁵ This provision of law includes every kind of rights equal of men to the women related to the labour and work. The problem is not in the public sector where women are working as employee but the safety of health, equal remuneration, maternity benefits and other protection is not available in the daily wages worker to women workers. The provisions provided under Article 11 of CEDAW are itself complete for the protection of the women workers, but the problem of its implementation and extension.

The acquit problem with the migrant domestic women workers, leading to violation of their human and work rights. These violations are in every spheres of the work of the domestic workers, like- passport, employment through agencies, language, social, cultural, lack of advance, and accurate information on terms and condition of employment etc. Apart the provisions of CEDAW 1979, International Labour Organization enter into the Convention for the global strategy to support its Constituents in achieving decent work for domestic workers. As part of the legal safety migrant labours can also enjoy expend of knowledge, raise awareness, promote exchange, and dialogue and develop policy tools for the protection of migrant domestic women workers.²⁶ Most of the migrant domestic women workers are either from developing and un-developing countries e.g. Bangladeshi women for domestic work in Jordan and Lebanon. In the same way, Nepali women are in other countries.

V Convention of the Rights of Child- The preamble of the Convention on rights of child herein after referred as CRC²⁷ reaffirm the object of the UN Charter for equality, freedom, justice and the peace and provides the protection to the fundamental freedom and human rights, in the dignity, worth of human person, determine to promote social progress and better standard of life of every human being. The preamble further proclaims that to recognize provisions of UDHR and human rights Covenant set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Internationally it is clear that childhood is entitled to special care and assistance. Take care of every child for all round development including education, health, and social security, and proteins food, mental and spiritual development. Recognize the safety of the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before and after birth.

²⁵Convention on the Elimination of all Forms of Discrimination against Women 1979 Article 11 (1) (a) to (f), (2) (a) to (d) and (3)

²⁶Convention Concerning Decent work for Domestic workers 2011 (No. 189) and recommendations No-201;

²⁷Convention on the Rights of the Child 1989 adopted and opened for the signature, rectification and accession by General Assembly Resolution 44/25 of 20th November 1989, entry into force 2nd September 1990 in accordance with the Article 49. Article 49(1) says that "the present Convention shall enter into force on the thirteenth day following the date of deposit with the Secretary General of the United Nations of the twentieth instruments of rectification or accession. Article 49 (2) prescribes that for each state ratifying or acceding in the Convention after the deposit of the twentieth instrument of rectification or accession, the Convention shall enter into the force on the thirtieth day after the deposit by such state of its instruments of ratification of accession.



If a child is in the womb of the mother, the protection and safeguard of mother is very necessary from the labour and regular medical checkup and during the pregnancy a balance diet, rest, proper exercise, and social safety should be provided. After the birth, it is also essential that child and mother should also be protected from the social exploitation including injurious and inherently dangerous work and labour.

The first issue is that who is the child? According to Article 1 of CRC child means every human being below the age of eighteen years under the law applicable to the child, majority is attained earlier²⁸. This provision indicates that ordinarily definition of child says that a human being less than eighteen years of age is child but if any law provides that before the eighteen years child has become major for certain purpose he may not be child and he should be treated a major.

In the situation of the child if the child is engaged in play and recreational activities, he is entitle for the rest and leisure.²⁸ Though the rest and leave in all the physical and mental activities is the legal mandate for the protection of human rights of the child, but at the same footing it is also the inherent and fundamental human right of the child that participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activities.²⁹ This is the duty of the member state to make the law for the purpose.

The most protected right relating to worker and migrated worker is prescribed under the Article 32 of the CRC which says that it is the legal duty of the state parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to harmful to the child's health or physical, mental, spiritual, moral, and social development³⁰. At the time of immature age for the development of mental capacity, education shall be given to all the tangier age of child and any kind of labour shall be avoided.

International legal provisions including CRC clearly states that "all the member state shall take steps for the minimum age for employment, working hours, conditions of employment, and other administrative, legislative, and social measures for the development of child. It shall also be the duty of member state to make the penal legal provisions in case of violation of the norms laid down by the state".³¹ Social security like education, entertainment, safety and security of health to the children is fundamental human rights for better future of the nation because today's child is the ideal future citizen.

VI Convention on Migrant Workers- The International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families herein after referred as connention is the mile stone for the protection and promotion of the human rights of uncertain work and searching of livelihood by the human being. The General Assembly

²⁸Convention on the Rights of the Child 1989, Article 31 (1)

²⁹Ibid, Article 31 (2)

³⁰Id, Article 32 (1)

³¹Id, Article 32 (2) (a), (b), (c)

of United Nations adopted this Convention by resolution No 45/158 on 18th December 1990.³²

The preamble of the Convention recognized UN concern human rights, UDHR,³³ ICESCR,³⁴ ICCPR,³⁵ CEDAW,³⁶ CRC,³⁷ Elimination of All forms of Racial Discrimination against Women (EAFDR) and other legal system of International labour Organization like- Convention of Abolition of Forced Labour and Convention against Discrimination in Education, Scientific, and Cultural Organization. The object further says that prevent all form of discrimination in the way that migrant workers may fully enjoy as equal status, dignity and protection of human rights.

Convention is applicable on all member states for the protection of human rights of migrant workers and their families without any discrimination of any kind such as sex, race, colour, language, religion, or convention, political or other opinion, national, ethnic, or social origin, nationality, age, economic position, property, marital status, birth or other status.³⁸ This has wide object which covers all the international legal efforts for the protection and promotion of the human rights of the migrant workers and their families.

The enforcement and application of the Convention is for the entire period of migration of workers and their families. Though, the definition of the migrant worker already given in the begging of this research paper, moreover, it is also relevant to quote here the various words used in the Convention for the purpose of the meaning of these words in the different sense, these are migrant worker,³⁹ frontier worker,⁴⁰ and seasonal worker⁴¹ seafarer⁴² worker on offshore installation⁴³ itinerant worker⁴⁴ project tied worker⁴⁵ specified employment worker⁴⁶ and self employed worker⁴⁷ etc. One of the essential

³² Another effort of the General Assembly for the same purpose was on 1 July 2003, which entered in to force on 1st October 2005.

³³ 1948

³⁴ 1966

³⁵ 1966

³⁶ 1979

³⁷ 1989

³⁸ The International Convention on the Protection of Rights of All Migrant Workers and Members of their Families 1990, Article 1.

³⁹ Refers to a person who is to be engaged, or has been engaged in a remunerated activity in state of which he and she is not national.

⁴⁰ If any person is habitual residence of neighboring state and from which he or she returns every day or at last once a day in a week.

⁴¹ A migrant worker who's by its character is depending on seasonal conditions and is performed only during the part of year.

⁴² It includes the fisherman, refers to a migrant worker employed on board a vessel registered in a state in which he and she is not national.

⁴³ Worker under the jurisdiction of another Nation

⁴⁴ Worker travelled in another state for short period.

⁴⁵ Migrant worker admitted to a state of employment for definite period to carry out the project.

⁴⁶ Engage by employer for certain period to complete the particular assignment.

⁴⁷ Engage in remuneration activities other than the control of employment.



aspect as definition is related to the meaning of families, it includes, persons married, equivalent to marriage, relationship according to application of law, produces effects, as well as their dependent children and other dependent persons who are recognized by the application of law, bilateral or multilateral agreements between the state concerns.⁴⁸ These definitions are applicable on migrant workers for the implementation of this Convention.

The most important part of the Convention is related to the human rights of the migrant workers and members of their families.⁴⁹ These human rights are free to leave any state and enter into own state at any time,⁵⁰ they have right to life protected by law⁵¹ protection against torture, cruel, inhuman, or degrading treatment or punishment⁵² prevention of slavery or servitude, no forced and compulsory labour⁵³ freedom of thought, conscience and religion⁵⁴ right to education of children of migrant workers, children have also the right of religious and moral education,⁵⁵ right to hold opinion without interference,⁵⁶ right to freedom of expression, including seek, receive, and impart information,⁵⁷ right to privacy, family, home, correspondence, or communications, protection from unlawful attacks on honors and reputation and interference,⁵⁸ right to liberty, security, protection against violence, physical injury, threats and intimidation, right to identification according to law, right against arbitrary arrest and detention. Right to get information about the arrest and charge in the language of understand, after arrest right to produce before the Magistrate, in case of custody and prison, right to information of the ground of arrest and custody,⁵⁹ right to consular and diplomatic authorities of the origin of state⁶⁰ right to communication, right to get help from the legal representation,⁶¹ in case of arrest to produce before the court,⁶² in case of unlawful arrest and detention right to compensation,⁶³ right to treat humanity with dignity, separate treatment from the nationalist in case of deprived from liberty in case of arrest,

⁴⁸Supra Note 38, Article 4

⁴⁹Ibid, Part III of the Convention Articles 8 to 35.

⁵⁰Id, Article 8

⁵¹Id, Article 9

⁵²Id, Article 10

⁵³Id, Article 11

⁵⁴Id, Article 12, this right has limitations on the grounds of public safety, order, health, or morals, or other's fundamental rights and freedoms.

⁵⁵Id, Article, 12 clause, 3 &4

⁵⁶Id, Article 13 clause 1

⁵⁷Id, Article, clause 2, clause 3 (a) to (d) prescribes that limitations on this right can be imposed by making the law on the ground of respect and respect of others, national security, public order, public health and public morals, purpose of prevention of any propaganda for war, preventing any advocacy of national, racial or religious, hatred that constitutes incitement to discrimination, hostility or violence.

⁵⁸Id, Article 14, this is an absolute and complete right, there is no exception of this right.

⁵⁹Id, Article, 16 clause 1 to 7

⁶⁰Id

⁶¹Id, clause 7 (a) to ©

⁶²Id, Clause 8

⁶³Id, clause 9

full rights of juvenile, during the trial separate from the conviction, no violation of equality, protection of liberty during arrest, and right to not bear any cost during arrest,⁶⁴ during the trial right to equality, right to be innocent, right to understand of language, right to defense, trial without delay, take legal assistance, examine the witness, produce own witness, help from the interpreter, right to self incrimination, right of juvenile, right to review of the sentence of conviction, in case of illegal confinement right to compensation, right to protection against double jeopardy,⁶⁵ offence only according to law, application of humanitarian law,⁶⁶ right to contractual obligation, right to authorized work and residence,⁶⁷ right to keep valid document of stay and no interference on that document,⁶⁸ right against expulsion without provision of law, right to receive decision in own language, right to appeal, right to opportunity of reasonable hearing, right to take asylum, not bear any cost in case of expulsion, right to get claims,⁶⁹ right to have consular and diplomat⁷⁰ right to recognize person everywhere before law,⁷¹ right to equal remuneration, equal right of labour laws, right to equality, right to equal employment in private contract, right to application of all the rights,⁷² right to form, join, seek aid and assistance of trade union,⁷³ equal treatment in employment, right to equal remuneration,⁷⁴ right to receive medical assistance⁷⁵ child have right to name, registration of birth and nationality⁷⁶ child also have right to education⁷⁷ right to respect cultural identity⁷⁸ right to transfer of earnings⁷⁹ right to be informed of origin⁸⁰ right to recognize cultural identity⁸¹ and right to regularization in the employment on the basis of work.⁸²

The International Convention on the Protection of Rights of All Migrant Workers and Their Families 1990 is a comprehensive International legal instrument for the all round development and complete protection of the migrant workers along with their families.

⁶⁴Id, Article 17, clause 1 to 8

⁶⁵Id, Article 18, Clause, 1, 2, 3(a) to (g), 4, 5, 6, & 7

⁶⁶Id, Article 19, clause 1&2

⁶⁷Id, Article 20, clause 1&2

⁶⁸Id, Article 21

⁶⁹Id, Article 22, clause 1 to 9

⁷⁰Id, Article 23

⁷¹Id, Article 24

⁷²Id, Article 25 clause 1 (a)&(b), clause 2 & 3

⁷³Id, Article 26, clause 1 (a) to ©, clause 2 provides that on this right "No restriction except the provision of law, this restriction may be interest of national security, public order, protection of rights and freedom of others.

⁷⁴Id, Article 27, clause 1&2

⁷⁵Id, Article 28

⁷⁶Id, Article 29

⁷⁷Id, Article 30

⁷⁸Id, Article 31

⁷⁹Ibid, Article 32

⁸⁰Id, Article 33

⁸¹Id, Article 34

⁸²Id, Article 35



It prescribes various dimensions of the human rights and fundamental freedoms with dignified life and full enjoyment of civilized principles of human society. These rights are unique for the protection of liberty, life, speech, livelihood, education, health, equal opportunity, employment, right to hearing, application of proper law, benefits of all the criminal laws, benefits of all labour laws, social security, help from the consular and diplomat, right to return their homes, equal status, enjoyment of dignified life and treat equally as nationalist are being treated equally.

VII Conclusion and Recommendations- Migrant workers and their families are facing lot of problems pertaining to protection and promotion of human rights. Legal frameworks for the safeguard of migrant workers human rights are available in international legal instruments, however, problem of its implementations and enforcements are in the every country of member states. Most of the signatories on the International Convention on the Protection of the Rights of all Migrant Workers and their Families 1990 have not applied the fundamental principles of said Convention in its letter and spirit. The worthy dignity and inherent rights of all the workers are the same as the rights of the national workers. Due to the economic problem of livelihood workers are migrating from one country to another country for searching bread and butter, moreover, they have the human rights to recognize as human being everywhere and secure their rights including food, shelter, health, entertainment, social security, relationship, privacy, education, good behaviors of others, right to join assembly, association, freedom of speech and expression etc.

Educational rights to the children of migrant workers as prescribed under International Convention shall be given priority and primary emphasis by the member states to fulfill the object that **"life of joy and happiness is possible only on the basis of knowledge and science"**. Fundamental goal and purpose of human rights is to provide happiness to the all human being of the society including workers generally and migrant workers particularly. Human rights for everyone are the necessary foundation for the development of capacity building through knowledge economy. In this context, **Mahatma Gandhi** rightly observed that **"new world and human order must breath with universal compassion and egalitarian beauty that is truth,"** he further said that **"recall the face of poorest and weaker man and ask yourself, if the step one will contemplate, for the up-liftment of those persons who really in need, that will be the help to whole society"**. Practically this is an appropriate statement for the betterment and full enjoyment of real deserve class, they are workers, in real sense they are the builder of particular well-managed society. The following basic and essential suggestions may be considered by the member states for real application of universally inherent and dignified life of migrated workers and their families-

1. Economic opportunities should be provided to workers in their own countries according to needs of their families as per the provisions of law.
2. All the provisions of related to International laws of migrant workers and other workers should be followed by member states after the observation of due process of law.
3. Economic and Social Council of United Nations continuously should review the existing international legal provisions for the promotion and protect of human rights and fundamental freedoms of human beings in global society.

4. Human rights should also be increased according to need, circumstances, civilized principles and demand of society and for the purpose international as well as national legal instruments should be amended time to time in the interest of migrated worker.
5. Registration in government agency of migrated workers should be observed strictly and for the implementation of same process, inspection, and enquiry is essential.
6. Registrations of migrated workers should be done mandatorily.
7. UNHRC members should work without prejudice and bias in fair and impartial manner for the promotion and protection of human rights.
8. Insurance of every migrated worker is essential, though, in this regard, law also exists, but it should be followed strictly and in case of any fault on the part of employer, heavy fine should be imposed on employer.
9. The provision of Article 11 of CEDAW 1979 for the protection of women shall be enforced by all member states for the purpose that law should be enacted by the all countries.
10. Social responsibilities should also be determined according to the provisions of due process of law.
11. Wages of holidays should be given to the migrated workers, for the purpose law should be changed. Awareness to all migrated workers in their interest should be legally mandatory as a duty of the government about the existing international and national legal provisions.