What is the Migrant Rights Convention?

The International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families (also known as the Migrant Workers Convention), provides the first comprehensive definition of an “international migrant,” and identifies the protections that are essential to migrants and their families, such as the same rights to education and healthcare as national citizens. The UN General Assembly approved the Migrant Workers Convention on December 18, 1990, in response to growing international interest and concerns in addressing the issue of global migration. It went into affect in July 2003 after the minimum 20 countries had ratified or acceded to it.

Today, 49 countries have ratified the Migrant Workers Convention, including Mexico and the Philippines. Although the US was one of the nations involved in the original drafting of the document, it continues to withhold support as do all major migrant-receiving countries around the world.

Why do we need human rights standards for migrant workers and their families?

Although migration is characteristic of our history as people on this planet, many factors —social, political, economic, environmental—have changed the rate and type of migration we have been seeing over the past three decades. Globalization has contributed to the displacement of millions of workers (often from the Global South), forcing them to leave their places of birth in search for better opportunities for them and their families (often in the Global North). Corporations benefit from this displacement by gaining a cheap labor force, and migrants end up being treated as disposable “commodities” and suffer unfair working conditions.

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The Migrant Workers Convention defines an international migrant worker as (article 2): “a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national.” It goes on to recognize without distinction both men and women as migrant workers, and extends fundamental human rights to all migrant workers and members of their families, both documented and undocumented. The policy defines migrants as more than just economic beings but as social beings and covers all aspects of the migration process. Migrant workers and their families are treated as a unit, with family reunification as the goal. It establishes the principle of “equality of treatment” with nationals for all migrant workers and members of their families in a number of areas such as the legal sphere, access to employment, and access to education for their children.

Once countries have achieved ratification, their governments must ensure that their laws and policies are consistent with the provisions of the Convention. They must submit regular reports to the Committee on Migrant Workers concerning the legislative, judicial, administrative and other measures taken to be in accordance with the standards set out by the Convention. In this way, the Committee on Migrant Workers identifies and promotes good practices concerning the implementation of the Convention.

Global migration has increased due to corrupt and repressive governments, war and national conflict, as well as environmental disasters such as the 2004 South Asian tsunami and the 2010 earthquake in Haiti. Under these conditions, people often suffer the loss of personal and political rights including religious freedom, the right to education, control over their bodies and the lives of their children, and rights to their land, just to name a few. All the while, the migration process has become increasingly dangerous as desperate migrants cross international borders without the benefit of immigration documents. Many migrants have died while crossing difficult terrains and seas through highly militarized border zones around the world.

Migrant workers and their families remain a vulnerable population due to the lack of immigration status or citizenship—“outsiders” who have little to no say in policies that directly affect their lives in the countries that receive them. In addition, discrimination based on racism, xenophobia, sexism and homophobia all contribute to the ill treatment of migrant workers and their families and particularly affect those that are already marginalized such as women, children and people of color. These types of injustices are enabled and perpetuated through anti-immigrant legislation, fueled by the anti-immigrant sentiment that scapegoats migrants as the cause of economic hard times.

What can you do to support the Migrant Workers Convention?

Without a doubt, ratification of the Convention in the U.S. is a longterm proposition. A first step towards supporting the Migrant Workers Convention is to commit to helping raise awareness, within immigrant communities themselves and the general public.

Endorse NNIRR’s Call for Support of the Convention to help show public support for this important human rights agreement as we build our campaign for ratification in the U.S.

Stay connected! We’ll keep supporters updated on progress towards ratification, including information on how you can be more involved. Information, outreach and educational tools will be continually updated and available through our website at www.nnirr.org.