



**NATIONAL HUMAN RIGHTS
COMMITTEE – 9 MAY 2018**



كلية القانون
College of Law
جامعة قطر QATAR UNIVERSITY



NATIONAL HUMAN RIGHTS COMMITTEE – 9 MAY 2018

“An Introduction to the International Legal Framework for the Protection of Workers”

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OVERVIEW

- 🏢 **I. Introductory Remarks**
- 🏢 **II. Workers' Rights: An International Human Rights Law Perspective**
- 🏢 **III. Workers' Rights: The International Labor Organization**
- 🏢 **IV. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**
- 🏢 **V. Workers' Rights: Problematic Aspects**
- 🏢 **VI. Qatar and Workers' Rights – The Way Forward**





I. INTRODUCTORY REMARKS

📖 The protection of the rights of workers and the United Nations (UN) System

📖 A multitude of international instruments

📖 The rights and freedoms stipulated in the Universal Declaration of Human Rights apply equally to migrants as to any other individual

📖 Preamble to the Constitution of the International Labor Organization (ILO) of 1919 and the Declaration of Philadelphia of 1944








II. WORKERS' RIGHTS: AN INTERNATIONAL HUMAN RIGHTS LAW PERSPECTIVE

International Bill of Rights:

 Universal Declaration of Human Rights

 International Covenant on Civil and Political Rights

 International Covenant on Economic, Social and Cultural Rights

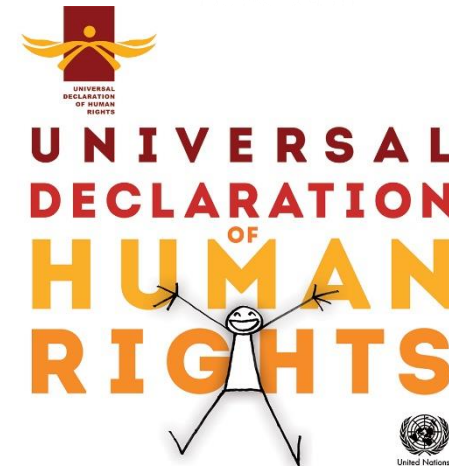
 Instruments protecting all human beings regardless of their nationality and legal status



II. WORKERS' RIGHTS: AN INTERNATIONAL HUMAN RIGHTS LAW PERSPECTIVE

Additional UN instruments

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Convention on the Rights of the Child (CRC)



II. WORKERS' RIGHTS: AN INTERNATIONAL HUMAN RIGHTS LAW PERSPECTIVE

Regional instruments

Arab Charter on Human Rights



II. WORKERS' RIGHTS: AN INTERNATIONAL HUMAN RIGHTS LAW PERSPECTIVE

📖 The importance of international and regional instrument

📖 A number of basic or fundamental rights are frequently violated in respect of migrant workers


📖 These rights are found in the general international human rights instruments and are also protected by most national constitutions





III. WORKERS' RIGHTS: THE INTERNATIONAL LABOR ORGANIZATION

The role of the International Labor Organization

 A specialized agency the UN

 Established in 1919 to internationally recognized human and labor rights



International
Labour
Organization





III. WORKERS' RIGHTS: THE INTERNATIONAL LABOR ORGANIZATION



كلنا
نريد
العدالة
والحرية
والسلام
والثقة
والاحترام
والشفافية
والنزاهة
والصدق
والالتزام
والعمل
المجتهد
والجهد
المؤثمر
والالتفات
الى
الآخرين




III. WORKERS' RIGHTS: THE INTERNATIONAL LABOR ORGANIZATION

Main ILO Conventions

 Migration for Employment Convention, 1949 (Revised)

 Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143)

 The principles enshrined in these instruments provide, inter alia, an important framework for guidance on what should constitute the basic components of a comprehensive labor migration policy and the protection of migrant workers



International
Labour
Organization

Conventions & Recommendations





IV. THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

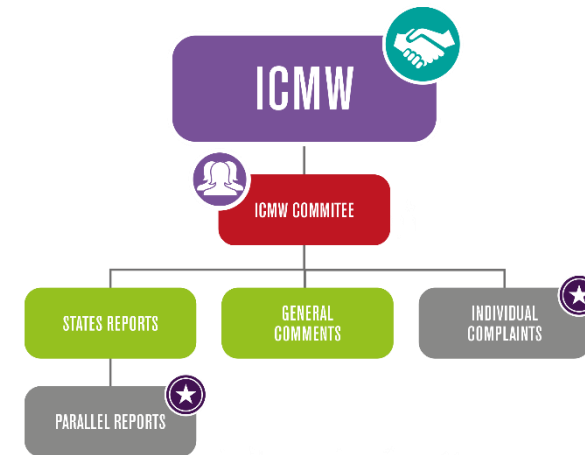
🏠 The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)

🏠 Adopted in December 1990

🏠 1 July 2003

🏠 States parties: 51

INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (ICMW)



IV. THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

📖 The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) – Main Strengths

- 📖 It furthers the rights and protections of persons migrating for employment
- 📖 States are not permitted to exclude any category of migrant worker from its application
- 📖 Principle of equality of treatment between migrant workers (irrespective of status) and nationals before the courts and tribunals (remuneration, working conditions, access to urgent medical assistance etc.)





V. WORKERS RIGHTS: PROBLEMATIC ASPECTS

- International and regional backdrop to labor migration has changed significantly – Do international instruments provide adequate protection?
- The regulation of private recruitment agencies
- Irregular migration



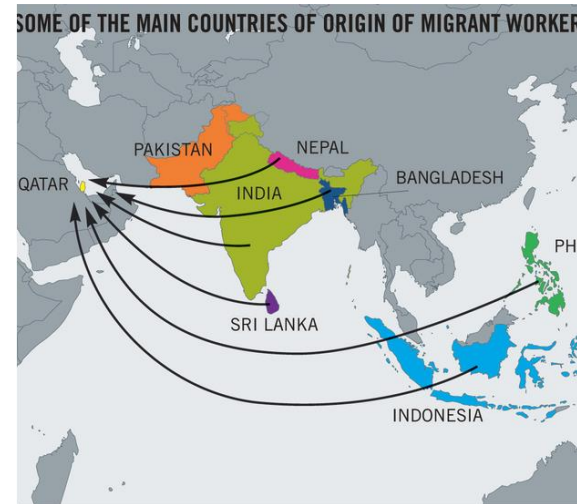


VI. QATAR AND WORKERS' RIGHTS – THE WAY FORWARD

🏢 Qatar has the highest proportion of migrants of any country in the world

🏢 Complaints against Qatar before international institutions (Human Rights Council, ILO etc.)

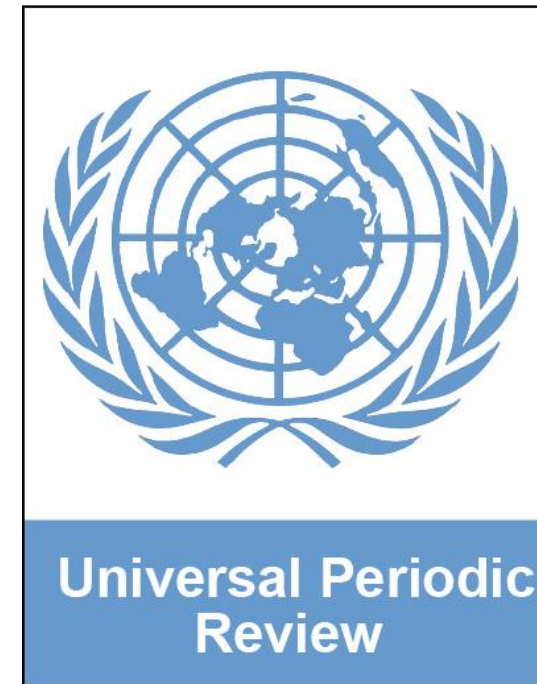
🏢 Qatar has embraced recommendations and taken steps towards improving its laws





VI. QATAR AND WORKERS' RIGHTS – THE WAY FORWARD

- 📖 The Universal Periodic Review of Qatar in 2010 and 2014
- 📖 Recommendations focused, *inter alia*, on the rights of migrant workers
- 📖 Qatar was invited to improve the legal framework (e.g. Kafala law) and to ratify a series of UN and ILO Conventions





VI. QATAR AND WORKERS' RIGHTS – THE WAY FORWARD

Positive steps include:

The Law No. 21 of 2015

Qatar is considering ratifying the ICCPR

Collaboration with the ILO with the view to further modernizing the legal framework





THANK YOU FOR YOUR ATTENTION

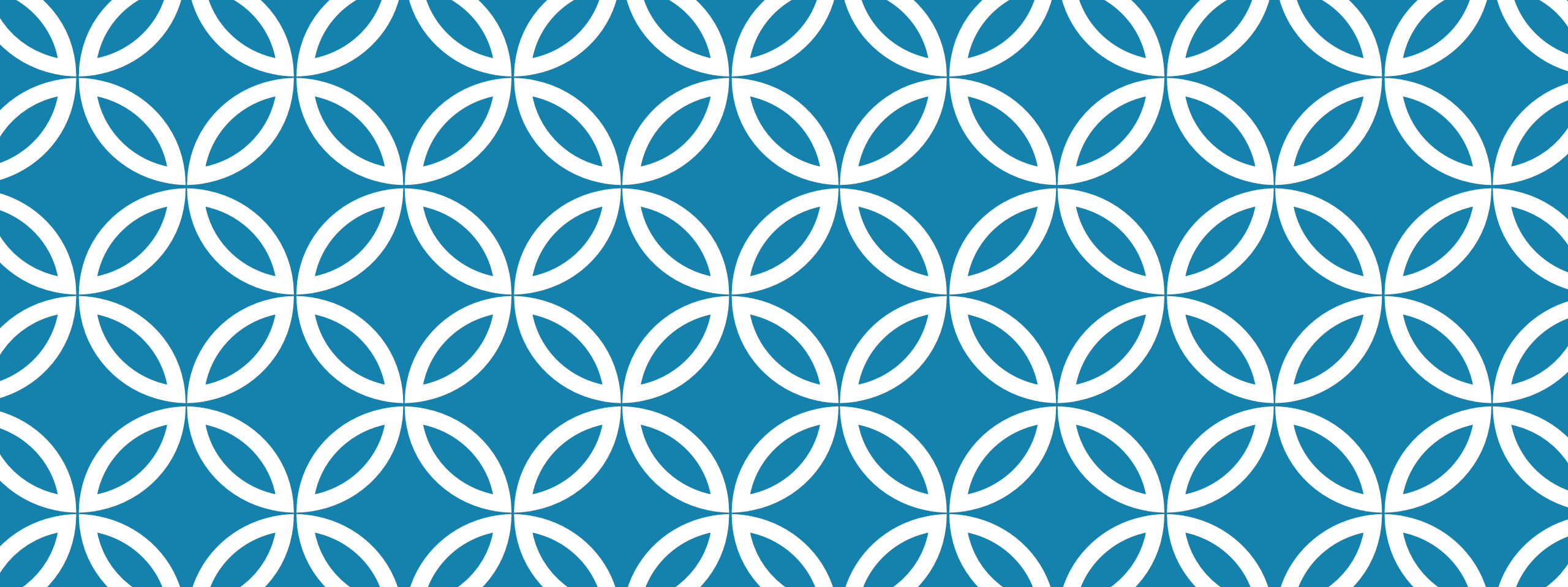
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QUESTIONS?



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