“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
III. WORKERS’ RIGHTS: THE INTERNATIONAL LABOR ORGANIZATION
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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.
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
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
شكرا على انتباهكم

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QUESTIONS?