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THE ROLE OF INTERNATIONAL ORGANIZATIONS IN PROTECTING THE RIGHTS OF INTERNATIONAL LABOR MIGRANTS

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ABSTRACT

This paper reviews the role and importance of international organisations in protecting international labour migrants' rights. Millions of people are crossing borders to seek employment, and the protection of their rights is essentially related to their fair treatment, social security, and access to justice in a foreign country. Key organisations, such as the International Labour Organization and the United Nations, have developed conventions, policies, and frameworks that would guide labor migrants for workplace conditions, social protection, legal assistance, and family reunification. This article examines the shifting landscape of labor migrant rights using international conventions and organizational activities, along with the problems involved in creating and implementing such protection for them across the world. Current works to adapt international standards to the heterogeneous requirements of labor migrants and reviews future strategies that will enhance these protections at a global level, are also given due consideration.

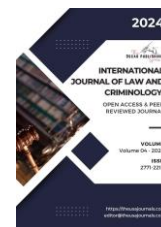
KEYWORDS

International organizations, labor migrants, protection of rights, International Labour Organization, United Nations, social protection, fair labor practices, international conventions, migrant rights, family reunification.

INTRODUCTION

The forces of globalisation, coupled with economic inequalities, have driven millions into employment in countries other than their own, giving rise to a massive international labour migrant population. For such a population, the hope of an improved living standard is

met with vulnerability in work conditions, inaccessibility to social benefits, and threats of exploitation. Protection of the rights of international labour migrants should lie at the heart of their welfare and equitable treatment. This paper explores the



extent to which international organizations, particularly the International Labour Organization and the United Nations, further and protect such rights.

RESULTS

The International Labour Organization, ILO, was founded in 1919 as a League of Nations specialized agency. Since then, it has become the only international institution for the protection of workers around the world, including international labor migrants. Labor standards and protection for workers have been ILO concerns since the establishment, both as means toward social justice and international stability. The adoption of international labor standards represents one major initiative of the ILO to extend protection for labor migrants. The basic protections of migrant workers are enunciated in the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), among which are the principles of non-discrimination, fair recruitment, safe working conditions, and social security.

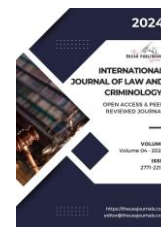
Convention No. 97, on Migration for Employment, prohibits discrimination against migrant workers and makes provisions against fraudulent recruitment with the intent to exploit them. The later Convention No. 143 deals with abusive migration practices and asks for equal rights of migrant workers, protection against exploitative conditions of work, and adequate measures against employers engaging in such activities. These conventions have become reference points for member states, many of whom have used them in developing national policies for protection.

Another flagship ILO initiative is the Decent Work Agenda, which has gone so far as to establish a threshold for decent pay, safety at workplaces, and social protection policies to achieve general welfare.

To labor migrants, the Decent Work Agenda offers an opportunity to secure improved working conditions since it acts as a guide toward the implementation of just employment policies and safety standards by member states. By working with governments, employers, and workers' organizations, the ILO lets programs be enacted that curb abusive practices while extending labour migrants' access to social benefits. For example, the Southeast Asia Safe and Fair Programme by ILO works with local governments in keeping women migrant workers from further abuse. It provides them with safe and fair treatment when working in host countries.

The United Nations, established in 1945, has taken an active lead in advancing the protection of human rights, including migrant workers. The UN, through its specialized agencies such as the International Organization for Migration and the United Nations High Commissioner for Refugees tackles labor migrant issues by providing policy guidance, integration programs, and safe migration channels. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, passed by the UN General Assembly, is the most comprehensive international agreement in the protection of the rights of migrants across borders. This Convention has been an assertion of migrants' rights to be treated equitably with respect to access to medical care, education, and social security.

However, despite the above-mentioned importance of this convention, it has often suffered from problems of ratification, in that many states make utmost efforts not to be completely obliged by the convention's provisions because of issues relating to sovereignty, resource distribution, and domestic labor markets. It does, however, provide a model for numerous national policies and has inspired multiple regional agreements on protecting the rights of labor migrants, most



notably within the framework of the European Union and the African Union.

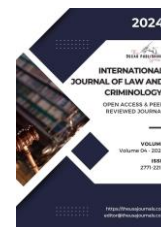
The 2018 adopted Global Compact for Safe, Orderly, and Regular Migration presents yet another milestone in the UN's efforts at managing migration in a manner respectful of human dignity and rights in labor. Nonbinding perhaps, the Compact urges nations toward the best practices in the governance of migration, such as combat against human trafficking, access to legal channels, and fair labor treatment for migrants. It also fosters cooperation in such a way that calls upon states to work together in devising migration policies that are beneficial to both sending and receiving countries. Example- The Compact acted as a vehicle for the creation of bilateral agreements between Latin American and European countries aimed at smoothing the migration process and ensuring fair conditions for migrants' work. Social protection stands as another major domain in which international organizations advocate for rights regarding labor migrants. Legal, administrative, and financial barriers all commonly prevent migrants from receiving social benefits in their host countries. To this end, the ILO's Social Protection Floors Recommendation, 2012 (No. 202) recommends minimum levels of social protection through which member states can extend health care, income security, and other basic services to migrants. This recommendation underlines the principle that all, including migrants, should have access to health care and social insurance, including income support in case of need, for instance, when they fall sick or become unemployed.

Social protection floors provide a basic level of protection; many are particularly vulnerable, such as labor migrants. The ILO, through collaborations with countries, tries to establish frameworks where migrants can get these benefits either through

bilateral agreements or by promoting portability of benefits. For instance, the ILO has facilitated the creation of social security arrangements between countries like the Philippines and Saudi Arabia, which have allowed the latter's Filipino labor migrants to keep their social benefits when they return to the Philippines. This would be necessary to ensure that migrant workers could receive support without loss of benefits associated with crossing international borders.

Labor migrants in the sectors that are not well monitored, like agriculture, construction, and domestic work, are among those most at risk of being exploited. At the same time, abuse prompts a number of the initiatives regarding migrant workers to protect themselves by proposing a range of protective measures. In 2014, the Forced Labour Protocol of the ILO further refined the commitment of this organization in its effort to eradicate forced labor by adding more stringent measures on governments to protect labor migrants from coercion, exploitation, and abuse.

Another priority of the UN is human trafficking, considered to be one of the worst forms of exploitation that labor migrants suffer. In this respect, UNODC and the Global Compact on Migration work toward the creation of safe migration pathways that reduce the risk of trafficking and exploitation. Such organizations support anti-trafficking laws in every nation, seeking transparency in recruitment practices so as to break down such networks preying on labor migrants. An example is that UNODC's Blue Heart Campaign raises awareness and supports prevention programs to provide migrants with knowledge of their rights and ways to seek help when facing potential exploitation. This has been further strengthened through protection against abuse by the ILO Fair Recruitment Initiative, which ensures that the



recruitment practices are ethical, legal, and transparent. Through this program launched in several countries, it is working with sending and receiving countries to control private recruitment agencies, raise awareness among migrants, as well as guarantee fair treatment of the former in the recruitment process. For instance, the ILO in Nepal has partnered district level governments to develop systems to monitor recruitment agencies to help protect labor migrants from exorbitant fees and false contracts.

Despite the significant achievements that have been recorded in this field, a lot still needs to be achieved if the rights of labor migrants are to be secured globally. To begin with, there is inadequate ratification by countries of the Migrant Workers Convention of the UN and other similar conventions due to political and economic resistance by receiving countries. Besides, the discrepancy in national level standards on labor yields unequal protection for labor migrants because of the absence of mechanisms in certain countries for the enforcement of workers' rights effectively. Furthermore, restrictive immigration policies can deprive labor immigrants of access to social benefits, making them even more vulnerable to abuse.

To combat these crises, international organizations are addressing the two areas of increasing the number of ratification efforts and enhancing mechanisms for better enforcement at national levels. These include various collaborative initiatives of international organizations with local governments and NGOs aimed at enabling them to access migrant workers directly and raise awareness about their rights. Better data collection and monitoring also reveal where labor migrants do not enjoy adequate protection. This therefore informs specific interventions. For example, in Latin America, the ILO and UN work with national governments to collect statistics on conditions of labor migrants; they use data to develop policy

enhancements and publicize labor migrants' economic contributions. 6. Challenges to Effective Implementation of International Protections

Although international organizations like the International Labour Organization and the United Nations have drafted wide-ranging frameworks in the protection of labor migrant rights, there are a number of residual problems impeding the translation of these protective measures into substance. Serious problems exist in the form of the poor ratification of key conventions such as the UN's International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The most frequent grounds on which conventions are mentioned by many countries as barriers to ratification are concerns with national sovereignty, economic impact, and resource allocation. Lacking universal ratification, conventions cannot be uniformly enforced; accordingly, many labor migrants fall between a patchwork of protections. Variability in national policies further complicates efforts to enforce rights among labor migrants. The diversity in labor laws, immigration policies, and social protections is so varied among countries; thus, treatment and rights accorded to labor migrants become incoherent between and amongst different countries. In some countries, labor migrants may have restricted or no access to some services, such as health and social security, and so it is difficult to keep the same standard of protection constant. Such fragmentation in national policies also affects the mobility across borders and pursuits of help by labor migrants, most especially in regions that have complex immigration laws or restrictive visa policies.

Another significant challenge is a set of lack of mechanisms for enforcement within some countries. Even when international conventions are ratified, implementing and enforcing such standards at the local level can be challenging, especially for nations

with limited resources or weak regulatory frameworks. Most of these labor inspection systems within low-income and middle-income countries are really underfunded, with limited staffing, which reduces the capacity for monitoring labor conditions to prevent exploitation. It is these restrictive immigration policies that worsen these very problems by excluding labor migrants from access to legal protections or social benefits. Labor migrants may also be discriminated against or stigmatized in many host countries—a situation that makes it difficult for them to seek redress or claim their rights. 7. Further Protection: A Way Forward In order to keep up with these challenges, international organizations are adopting new strategies with an aim to increasing protection for the rights of labor migrants. One of the key areas of focus is the ratification of conventions that protect the rights of labor migrants. The ILO and UN are encouraging an increasing number of countries to ratify the conventions, such as the Migrant Workers Convention, particularly in those regions with high flows of migration. The organizations intend to maintain dialogue and present successful case stories so as to be able to show more economic and social benefits of compliance with the rights of labor migrants to attract more countries into these frameworks.

Another promising direction involves improving enforcement mechanisms both at the national and international level. The collaboration with local governments, NGOs, and labor unions is of particular importance in this respect. Labor unions and NGOs perform a variety of tasks that include monitoring working conditions, reporting abuses, and providing direct support to labor migrants so that they would know their rights and where to seek protection. This makes the interventions to be more focused and culturally relevant to address particular challenges that

face labor migrants in enhancing partnerships between international organizations and local entities.

Data collection and monitoring is enhanced to identify gaps in protection, with the attendant assurance that policies will respond to the actual needs of the labor migrants. International organizations, through data collection and analysis on the demographics of labor migrants, working conditions, and utilization of social services, would further be in a position to determine the shortfalls in protecting these individuals and, subsequently, advocate policy changes. The UN and ILO have begun collaborating with governments to establish databases that provide real-time insight into labor migration patterns. For instance, in the event of monitoring by international organizations of areas with the largest concentration of migrant laborers—the Middle East and Southeast Asia—they will be able to plan some strategies for addressing very specific issues like wage theft, unsafe working conditions, and inadequate health service availability.

CONCLUSION

Besides these measures, portability of social benefits has increasingly been considered to be an effective means of protecting labor migrants' rights. Migratory ILO has actively been in support of and worked toward the promotion of bilateral or multilateral agreements that allow migrants to keep their social security benefits upon migration across borders. The agreements protect the labor migrants' entitlements from being lost either at home upon return or upon retransfer to a new host country, hence economic security as well as welfare.

In an increasingly migratory world, international organizations bear principal responsibility for the protection of rights associated with international labor migrants. The development of conventions, pleading

for equal treatment, and the promotion of social protection-activities embraced by organizations like the ILO and UN-constitute part of the continuing struggle for equal treatment of labor migrants. Migration is a shifting landscape, and in the same vein, strategies and commitments by international organizations must also be continuously evolved if the rights of labor migrants around the world are to be realized. It is only through persistent effort and cooperation at the global level that any prospect for a future can be entertained where all labor migrants everywhere enjoy fair treatment, safety, and respect.

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