

Секция «Английский язык и право (на английском языке)»

International treaty on migrants

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International human rights instruments, including those relating to fundamental rights at work, and international labour standards are essentially sets of minimum legal provisions drawn up at international conferences to provide guidance, and often specific language, for national legislation, policy and practice. International instruments comprise both conventions and declarations, although the latter are not binding unless they represent customary international law. On the one hand, while the 1948 Universal Declaration of Human Rights (UDHR)[1] and the 1998 ILO Declaration of Fundamental Principles and Rights at Work[2] are not legally binding treaties, they do express widely accepted principles and rights found in the legally binding instruments of international human rights and international labour law, many of which are also recognized as customary international law. On the other hand, the 1966 UN International Covenant on Civil and Political Rights (ICCPR)[3], the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)[4], the other human rights treaties, as well as international labour standards in the form of ILO conventions are binding upon the countries which have ratified them. In contrast, ILO recommendations, which are another form of international labour standard, provide non-binding guidance, either as a complement to accompanying ILO conventions or on stand-alone subjects, on which all ILO Member States are bound to report as to the effect given. A unique characteristic of international labour standards, including those relating to fundamental rights at work, is that these are designed not only by governments but also by employers' and workers' representatives, who together with governments comprise ILO's tripartite structure. Likewise, general comments and recommendations adopted by the human rights treaty bodies serve to provide guidance to States Parties on the implementation of their treaty obligations under the core international human rights treaties.

These instruments usually define the rights and entitlements of the persons and populations concerned, and may establish their obligations as well. They also lay out guidelines to states and provisions for implementing rights and obligations, including mechanisms for application and supervision. In some areas, such as international migration, international instruments may provide for specific measures and mechanisms of international consultation and cooperation to implement basic principles regarding rights, obligations and governance mechanisms.

Modern-day international norms addressing refugees and migrants began to emerge nearly a century ago. The need to provide for protection of workers outside their own countries was identified early in this process. It was explicitly raised after the First World War in the Treaty of Versailles, which also established the Constitution of the International Labour Organization.

The first specific international treaty on migrant workers was drawn up in the 1930s, and the ILO Migration for Employment Convention (Revised) (No. 97) [5] was adopted in 1949, shortly after UDHR emerged in 1948. Coincidentally, instruments and mechanisms to provide for recognition and protection of refugees also emerged shortly after the First World War. The specific instruments providing the basis for national migration laws, policies and practice have been elaborated in seven branches of international law:

1. International human rights law
2. International labour law/standards

3. International refugee law
4. International criminal law
5. International humanitarian law
6. International consular law
7. International maritime law

Источники и литература

- 1) United Nations: <http://www.un.org/en/universal-declaration-human-rights/>
- 2) International Labour Organization: <http://www.ilo.org/declaration/thedeclaration/textdeclaration/en/index.htm>
- 3) The Office of the United Nations High Commissioner for Human Rights :
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- 4) The Office of the United Nations High Commissioner for Human Rights:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
- 5) International Labour Organization: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB>