



International labour standards on migrant workers are basic Human rights: Impact and implementation a grim reality

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Abstract

Migration has occurred throughout history, and contemporary trends certainly show that it will keep on increasing in the future. It has been a fundamental part of human history, shaping and reshaping societies, cultures and economies. The twenty-first century is undoubtedly no exception. The millions of migrants who move within countryside or travel from developing to developed countries today are the latest picture of an age-old tradition. In 2013 United Nations, estimated the number of International Migration Worldwide reaches 232 million. Across the world, core labour rights, are considered by many to be basic human rights. Nevertheless, over half of the world's workers -more than 1.5 billion people - still work in vulnerable, contingent jobs; they are low-paid; their fundamental rights are not protected; and they have little or no security in the event of unemployment or the materialization of personal risks. The present attempts to study the various provisions of International labour standards of ILO for protection of migrant workers the human rights at work. The paper also highlights that inspite of a plethora of laws there is a wide gap in the existing legal and policy framework and practical approaches for protecting the basic human rights of the migrant workers. The legislative bodies and the policy makers exhibits a lackdaiscal approach towards incorporating ILO norms related to migrant workers within the legislative and policy framework respectively.

Keywords: migrant labour, international labour organisation, migration, human rights, violation

Introduction: Labour Migration and International Labour Organisation (ILO)

The preamble of the ILO Constitution states 'the protection of the interests of workers when employed in countries other than their own' to be one of the main tasks of the Organisation. As Valticos writes:

'foreign workers and in particular migrant workers are often isolated in countries with whose laws and customs they are not familiar, they are more likely to be exploited and are often unable to defend their interests effectively. It is therefore natural that the ILO should devote special attention to their protection'^[1].

International migration is a well-known phenomenon, involving flows of more than 100 million people per year and a growing number of countries. The bulk of migrants travel in search of employment, taking their families with them; it is estimated that there will be 214 million international migrants in the world in 2010. International Labour Office estimates that economically active migrants will number some 105.4 million in 2010; these and family members accompanying them will account for almost 90 per cent of total international migrants. On the basis, the admission of migrant workers falls into two broad categories

a) Permanent migration

Referring to admission of workers falling under different immigration categories (i.e. family reunification, highly skilled) for an indefinite period of stay, that is, a stay without a time limit imposed by the destination country.

b) Temporary migration

Referring to admission of workers (sometimes referred to as

"guest workers") for a specified time period, either to fill year-round, seasonal or project-tied jobs, or as trainees. Seasonal labour migration is the most familiar form of temporary labour migration.

The forces motivating migration are diverse and multifarious, and global explanations may not apply to all individual situations. Poverty, conflicts, famine and oppression are certainly among the major causes of migration, but there are other factors as well. Some of the motivations for crossing national borders include population stress on scarce natural capital; wages inequality between poor and rich countries; growing urbanization; decline in the cost of transport and communications, resulting in increasing interfaces among societies; the dearth of respect for human rights in some countries; and establishment of migration networks by earlier migrants. In the future, climate change may raise migration pressures^[2].

International migration is an important feature of the present time and it has reached unprecedented proportions in some regions^[3]. While international migration can be a positive experience for migrant workers, but many suffer pitiable working and living conditions, including low wages, unsafe working environments, a implicit absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia. Their potential benefits are often worn by inadequate regard to the security of migrant workers' rights, resulting in their abuse^[4].

The International Labour Organisation was created in 1919 at the post-war Peace Conference in Paris as Part XLII of the Treaty of Versailles, originally an agency of the League of Nations, also created in 1919; it became the united Nation's first agency when it was established in 1946. In 1944 the

Philadelphia Declaration was the ILO's statement of intent to expand its operations especially in setting and monitoring basic labour rights. This declaration, which redefined the aims of the ILO, remains the ILO's guiding manifesto. It includes the principles like:

"Labour is not a commodity, Freedom of expression and-of association are essential to sustain progress, Poverty everywhere constitutes a danger to prosperity everywhere and all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and spiritual development in conditions of freedom and dignity, economic security and equality of the opportunity".

The ILO being UN'S agency with a mandate is to improve standards and conditions of work, and to encourage productive and decent employment throughout the world. The ILO's most important function is to adopt- conventions and recommendations, which set minimum labour standards internationally [5]. The ILO's Governing Body has identified eight conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition• of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. There are currently over 1,200 ratifications of these conventions, representing 86% of the possible number of ratifications.

Human and labour rights of migrant workers are articulated in the international labour conventions adopted by the tripartite members of the ILO. Migrant workers are entitled to the enjoyment of these rights by the mere fact of being workers. ILO member States are bound to apply the conventions they have ratified [6].

Basic Labour Rights are Human Rights; ILO Approach

What is characteristic of fundamental human rights in the labour field is that they are universal rights in the sense that they are applicable regardless of a country's level of economic, political or other development. Unlike the economic, social and cultural rights enunciated in the United Nations International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), which can as a matter of law be achieved 'progressively' (article 2(1)), the fundamental principles and rights for which the International Labour Organization stands cannot be made subject to prior economic development. The principles apply in full here and today, the rights specified in international labour standards apply in full one year after ratification.

Most core labour standards that are held today to be of key importance date back to the early years of the codification process of human rights: the rights of workers to associate in the defence of their interests; freedom from slavery or forced labour; and everyone's right to equal opportunity and treatment. Children, by contrast, are new- corners to the world of international human rights. The 1989 Convention on the Rights of the Child signalled this elevation to human rights status. The international Labour Organization, almost a generation earlier, had adopted an international standard designed 'to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest

physical and mental development of young person's [7]. When in the 1990s newspapers and TV increasingly featured children who were trafficked into debt bondage or made to work as prostitutes or perform hazardous industrial or agricultural work, the Organization's members elaborated a further standard that obliges ratifying countries to eliminate as a priority the worst forms of child labour [8]. The discussions surrounding globalization in the 1990s led to a distinction between labour rights that are fundamental and others that have lower status. The dice have been cast and are unlikely to be juggled again for a while. Exactly which rights in the labour field are fundamental human rights is indicated hereunder [9].

1) Freedom of association

It was the UDHR that boldly proclaimed that 'everyone has the right to freedom of assembly and association [10], and 'everyone has the right to form and to join trade unions for the protection of his interests [11]. The two 1966 Covenants reiterated these principles in slightly different and still gender-insensitive language. 'Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests [12]. States Parties...undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests [13]. The International Labour Organization's two core standards in this field are Convention Nos. 87 [14] and 98 [15].

2) Elimination of all forms of forced or compulsory labour

The global human rights codification in this area began with the League of Nations Slavery Convention 1926. Twenty-seven years later, the UN General Assembly amended this Convention by a Protocol. In 1956, it supplemented it by the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. The Universal Declaration on Human Rights affirmed the basic principles summarily by stating: 'No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms [16]. The International Covenant on Civil and Political Rights covered slavery and forced labour in one comprehensive article. 'No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited [17]; and 'No one shall be required to perform forced or compulsory labour [18]. The two core standards of the international labour Organization in this area followed those of the League of Nations and United Nations with a short time lag and by focusing on work Convention No. 29 [19] and 105 [20].

3) Abolition of Child Labour

While children were the first subject of protective labour legislation at the national level, 174 years elapsed before article 24(1) of the ICCPR recognized children as a possessor of human rights at the international level. A further 13 years later, in 1989, the wide-ranging Convention on the Rights of the Child was adopted by the United Nations. The International Labour Organization's core standards in this field are Convention Nos. 138 [21] and 182 [22].

4) Elimination of discrimination in respect of employment and occupation

UN instruments usually have a general non-discrimination clause among their initial provisions ^[23]. They also contain specific equality provisions aimed at men and women or that extend to specific categories or which are open-ended in terms of the scope of their application. The UDHR lays down a long-cherished principle of the workers' movement: 'Everyone, without any discrimination, has the right to equal pay for equal work ^[24]. The two Covenants are broader:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status ^[25]. The International Labour Organization's two core standards in this field are Convention Nos. 100 ^[26] and 111 ^[27].

Basic Human Rights *Vis-a-Vis* Migrant Workers Rights

The 20th century is the century of democracy and assertion of Human Rights and social justice for women, children, workers, the poor and the down trodden. It was the century when values of compassion and humanity were recognised and the remaining vestiges of slavery and feudalism, outlawed. The basic constitutional principles in all democratic nations recognize the right of everyone to live with dignity and have assured rights to education and health. The Charter of United Nations reaffirms the faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and workmen and of nations large and small; and to promote social progress and better standards of life in larger freedom ^[28].

In the present-day highly interdependent world, "full recognition and effective respect of human rights assume far greater importance than in a society where, over a wide range of conduct, individual and national freedom are affected relatively little by the conduct of others; labour standards become a necessary corollary of human rights; and both human rights and labour standards tend to become increasingly international in character ^[29].

Much before the United Nations proclaimed the Universal Declaration of Human Rights in 1948, the International Labour Organisation had enshrined many principles in its Constitution. The Preamble to the Constitution of the International Labour Organisation declares "recognition of the principal of freedom of association" and of "equal remuneration for work of equal value" to be the means of improving conditions of labour and of establishing peace. The Declaration of Philadelphia reaffirms that "freedom of expression and of association are essential to sustained progress, and that all human beings irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

As far as action by the ILO itself is concerned, virtually all of activities its difficult programs are aimed at making a reality of the rights and freedoms proclaimed in the Constitution of the ILO, they also are effective mean of implementing many of the rights mentioned in the Universal Declaration of human Rights and the international Covenants of human rights which

concern of ILO's work in the field of human Rights aims *inter alia* at safeguarding freedom of association; abolition of forced labour; elimination of discrimination in employment; promotion of equality of opportunity, protection of children from economic exploitation, minimum wages, social security, and adequate conditions of work and life ^[30].

The Migrant Workers Convention is a great achievement in the area of human rights protection of migrant workers; Many complicated issues relating to migrant workers were brought before the international community by way of this Convention ^[31]. The International Convention on the Rights of All Migrant Workers and Members of their Families i.e. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 articulates even more broadly than the specific ILO instruments the principle of equality of treatment between migrant workers and nationals before the court and tribunals, with respect to remuneration and other working conditions as well as with regard to migrant workers' access to urgent medical assistance and education for children of migrant workers ^[32].

The Human rights documents that are well established in the sphere of international law speak of many of the rights that are mentioned in the Migrant Workers Convention. The right to work and the enjoyment of just and favourable conditions of work have been established by the International Covenant on Economic, Social and Cultural Rights. A close examination of these Articles reveals that it is directed towards 'every one' and encompasses in it 'all workers. That mean, these rights are available to everyone including aliens. Therefore, State Parties will have to guarantee a national treatment to all including migrant workers. Similarly, almost all rights enumerated in the Universal Declaration of Human Rights begin with the wording 'everyone'.

The Migrant Workers Convention has in many articles, adopted the same language of other human rights instruments and substituted the word migrant workers' in the place of a general term used there. Article 10 of the Migrant Workers Convention is a modification of the language of the Article 5 of the Universal Declaration of Human Rights. Hence, it establishes that migrant workers shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment There are many other such modifications that can be seen in the Migrant Workers Convention The provisions of Migrants Workers Convention, which proscribe servitude and compulsory labour, are nearly identical to the provisions of International Covenant on Civil and Political Rights. So also, the provisions dealing with freedom of religion, mentioned in Migrant Workers Convention are nearly, identical to the provisions in the Universal Declaration of Human Rights and that of the International Covenant on Civil and Political Rights.

The Migrant Workers Convention, in many of its Articles has expanded the provisions of other human rights instruments Right to life has been established in the Universal Declaration of Human rights and its provisions have been elaborated in the International Covenant on Civil and Political Rights,; However, when coming to the Migrant Workers Convention, the provisions are very much elaborate so as to protect migrant workers and members of their families. Similarly, the provisions dealing with right to privacy, freedom of

expression, etc to get an elaborate description in the Migrant Workers Convention.

There are certain rights that are unique to the Convention. The special protections to migrant workers with respect to expulsion from a country, needs a special mention. Migrant Workers Convention provides for the prohibition of collective expulsion. However, provisions and circumstances of expulsion are incorporated. It clearly says that in a case of expulsion, each case of expulsion shall be examined and decided individually. This provision goes in tune with the provisions that are mentioned in the Covenant on Civil and Political Rights.

The Covenant on Civil and Political Rights plainly mentions that no one shall be imposed merely on the ground of inability to fulfil a contractual obligation. Migrant Workers Convention while accepting this principle adds to it certain other principles that are essential for the migrant workers. It mentions that no migrant worker or member of his or her family shall be deprived of his or her authorisation of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorisation or permit. This provision is unique and highly relevant as far as the protection of migrant workers is concerned^[33].

Migrant Labour and Human Rights violation

The right of a human being is as old as mankind. The primitive man was a living more or less like any other animal. The physically strong would annihilate the physically weak. The survival of the fittest was the order of the day. But when the process of civilization began a human being became conscious of his rights. The modern human thought to culture and civilization gifted human rights which later on found its place in the Constitutions of almost every nation. There can be no better index of the ideals and aspirations of a nation than its Constitution. Because of these basic rights are inherent in every human being, they are known as human rights. The struggle to preserve, protect and promote basic human rights continues in every generation and in every society. A new right arises from the womb of the old.

Concept of human rights varies from person to person, society to society and nation to nation. The developing countries no doubt believe in democracy and human liberty, but to millions of people living in those countries, freedom and dignity are only of academic interest. Their central problem is to get enough to eat and to wear and to get a roof under which they may live. The satisfaction of hunger alone is a worthwhile achievement for them in the foreseeable future. The main thing is to fill the stomach first^[34].

After World War I, the League of Nations and the International Labour Organisation set in motion a global codification process of human rights. It was given new urgency by the 'barbarous acts which have outraged the conscience of mankind' perpetrated by European and East Asian fascist regimes. The 1948 Universal Declaration of Human Rights (UDHR), from which these words are quoted, re-launched the codification that, 18 years later, gave rise to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). A number of Conventions and Declarations have since been elaborated on specific subjects

under the auspices of the United Nations and some of its agencies, notably the International Labour Organisation.

During the Cold War, national and international human rights bodies, activists and scholars, especially in developed countries, focused primarily on the assertion and development of civil and political rights. The labour field attracted comparatively little attention. The more recent political and academic concern with 'governance' has likewise not paid much attention to the world of work. Numerous analytical and empirical studies exist that dissect and measure notions such as democracy, development and corruption. But the human rights of workers, which protect them as social and economic actors or as the subjects of employer's decisions or of governmental action or inaction, continue to lead the life of a wallflower-nice to know they are there, but of little interest to the uninitiated. The fact that most fundamental of them are expressions of cherished civil and political rights is barely modified.

The world Summit for Social Development held in Copenhagen in 1995 gave labour rights political boost when Heads of state committed their countries to respecting a set of fundamental international Labour Organisation Conventions. In 1998 this resulted in the adoption by the Organization of the Declaration on Fundamental Principles and Right at Work and its Follow-up, as well as in the designation of selected Conventions as 'Fundamental'. What is characteristic of fundamental human rights in the labour field is that they are universal rights in the sense that they are applicable regardless of a country's level of economic, political or other development^[35].

Migration has occurred throughout history, and current trends certainly indicate that it will continue to increase in the future^[36]. The United Nations (UN) estimates that in 2013 some 232 million people were living outside their country of birth or citizenship for more than one year. This represents just over three per cent of the world's population and would rank such migrants, if living within the same territory, as the world's fifth largest country. Migration today is motivated by a range of economic, political and social factors. Migrants may leave their country of origin because of conflict, widespread violations of human rights or other reasons threatening life or safety^[37].

International labour migration has emerged as a major global issue that affects most nations in the world and ranks high on the international, regional and national policy agendas. On the one hand, there are many positive aspects to cross-border migration. Through their labour, migrant workers contribute to growth and development in their countries of employment. Their countries of origin greatly benefit from these workers' remittances and the skills they acquire during their migration experience. Yet the migration process also poses serious challenges. Many migrant workers, especially low-skilled workers, face exploitative

Working conditions and enjoys only limited human and labour rights. Women, increasingly migrating on their own and now accounting for almost half of all international migrants, face specific protection problems^[38].

International law on human rights establishes unequivocally that migrants and members of their families are first and foremost human beings, the holders of universal human rights whose dignity and security require specific protection. Consequently, they enjoy the protection of international

human rights law like anyone else, even if they are in an irregular situation as can be the case with migrants^[39] but still migrant workers are less protected, as they are not nationals of the state in which they work. They are, therefore, exposed to the state's arbitrary or unjust exercise of authority. So also, employers often discriminate and ill-treat them. That mean, they are in a disadvantageous position when compared to that of nationals. Migrant workers, therefore, qualify for special protection^[40].

The Universal Declaration of Human Rights advocates for the right to social security, economic, social security and cultural rights as indispensable for the individual's dignity and free development of individual's personality^[41]; the right to work, free choice of employment, just and favourable condition of work, protection against unemployment, including the right to join trade unions^[42]; right to adequate family health^[43]; the right to education^[44] and so on. These rights are also emphasized in the conventions for the protection of women, children, indigenous people and migrant workers. They also form the core components of the Declaration of the Right to Development^[45]. The workers in the informal sectors including Migrant Labour are deprived of most of these rights^[46].

Labour is primarily a human being and secondarily a worker and as a human being entitled to the inalienable human rights. In other words, human rights are relevant for workers in all categories and situations regardless of whether they are organised or unorganised. Human rights, however, acquire a different meaning and significance in case of unorganised labour.

The dichotomy in relationship between unorganized labour and human rights arises out of the fact that human rights are fixed concepts which are non-negotiable or with which no compromise can be made while unorganised labour or labour in the informal sector is susceptible and vulnerable to rapid changes in terms of change in nature of work, change at the work place, change in the mode of production and delivery of services and so on. The migrant workers suffer the pangs of separation and dislocation of home life and family life and find the process of adjustment with the new work situation extremely difficult. It is in this context that human rights acquire a new meaning and dimension for these workers. They need to be continuously assured and reassured that they are also human beings entitled to the same inalienable human rights as any other human^[47].

Migrant Labourers are easily susceptible to various diseases and mortality rates are also high. None of the employers provides medical and health facilities to migrant labour^[48]. Children who are flowers of home, family and society and who invariably accompany the migrant parents are deprived of the access to educational opportunity. Not only their childhood is lost, all joy and excitement associated with childhood are lost. The petals of childhood wither away before blossoming into the flowers of youth and manhood^[49]. There is a breeding source of perpetual violation of human rights of the most neglected social segment in India particularly, in the North-West region comprising Punjab, Haryana, Himachal Pradesh, and Jammu and Kashmir. Movement of inter-state Migrant Labour is perennial to this region from different states, especially, Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, Andhra Pradesh and Tamil Nadu. The male members, along with her families, women

and children, move to this region in quest of their livelihood. Reluctantly they are subjected to exploitation, violation of their human rights, fundamental freedom and are often in Bondage^[50].

Mere existence of international standards relating to protection and promotion of human rights has no meaning unless they are enforced and implemented by enacting laws and creating general awareness about the existing machinery to address the violations of human rights^[51]. However, the common criticisms of the ILO is that it is good at setting standards, but in a weak position to enforce them^[52].

Impact of ILO's Fundamental Conventions: A Grim Reality

Across the world, core labour rights, are considered by many to be basic human rights. Why in the contemporary world should one want to measure the achievement of these rights? Essentially, because their non-achievement cripples millions of lives and many economies, too - and that is well worth documenting^[53]. Nevertheless, over half of the world's workers - more than 1.5 billion people - still work in vulnerable, contingent jobs; they are low-paid; their fundamental rights are not protected; and they have little or no security in the event of unemployment or the materialization of personal risks. The most acute social and employment challenges remain in South Asia and Sub Saharan Africa, where 75 percent of the workers are employed in contingent labour. Some 2.3 million workers die annually from workplace-related accidents and illnesses. The majority of work-related health hazards remain prevalent in developing countries, where many of the dangerous economic sectors are located, such as the agriculture, mining, and fishing industries.

Take the right to organize and bargain. Well heeled 'western' neo-liberals decry unions as interfering in the workings of the market, and they hold up the ideal of atomized labour markets where individuals are traded like apples and oranges. In labour markets, ordinary workers do get gobbled up like apples and oranges. In single party! Single union regimes, they are herded like sheep to where they are told to go. Assured of having a real voice, trade unions are responsible and respected partners for both employers and governments; their loyalty to deals struck pays handsome productivity gains. In 2014, workers in at least 53 countries were either dismissed or suspended from their work for attempting to negotiate better working conditions through collective representation. Governments in at least 35 countries arrested or imprisoned workers as a tactic to prevent collective representation and in nine of those countries, murder and unexplained disappearances of workers were used as means of intimidation^[54].

Forced labour is morally reprehensible to all except those who perpetrate it and profit from it, economically, it actually inefficient. It can also be downright criminal in nature. The profits that landlords, recruiters, middlemen, traffickers and others make on the back of the poor are not legitimate by the mere fact of being profits. Modern forms of trafficking boys and girls, adult men and women into brothels or sweatshops generally deprive the workers of protection in the event of accident or illness and the State of revenue^[55]. In 2012, the International Labour Organization (ILO) estimated that nearly 21 million people are victims of forced labour globally. This

includes women and girls who are sold into prostitution and vulnerable migrant workers who are forced to work in harsh conditions when their passports are taken from them or out of fear of deportation.

There is wide acknowledgment that child labour must be abolished, in 2012, 168 million children around the world, which is 10.6 percent of children worldwide, were still involved in child labour. Eighty-five million children engaged in "hazardous work," which includes, for example, small-scale mining and quarrying, where the children endanger their health by carrying heavy loads for long hours, setting explosives, and inhaling harmful dust while crawling through narrow tunnels.' There are an estimated one million children working in the mining industry, where they are often exposed to dangerous toxins, such as lead and mercury, while mining diamonds, gold, and precious metals in Africa; gems and rocks in Asia; and gold, coal, emeralds, and tin in South America ^[56]. Unacceptable work stunts children's bodies, minds and mortgages their future, often leaving an indelible mark on their lives, sometimes even on the lives of their own children.

Most of the today's workers encounter discrimination in access to work and while being employed - women, racial, ethnic, social or religious minorities, among other!. Deeply seated traditions and status ascriptions have only recently come to be challenged. The horrors of fascism were sufficiently powerful to propel equality questions on the political agendas of some countries ^[57]. Women continue to be overwhelmingly discriminated against, relative to men, in the global labour market. According to the 2013 ILO Equal Pay Report, the global earnings gap between male and female workers stands at 22.9 percent. Many of the production workers employed in Global Supply Chains (GSC5), but particularly women in developing countries, are employed in appalling conditions, working unrestricted hours and without even the most minimal safety and health conditions.

In addition, developed states have witnessed intensified migration patterns in recent years, with growing number of migrant and offshore workers entering their borders. There are estimated 232 million migrants workers around the world. One of the most troubling consequences of this development is that in many countries, workers who are not recognized as citizens of the state -such as migrant workers - are only partially or not at all protected by the domestic labour laws. The ILO's International Labour Migration Survey revealed that fewer than half of the countries surveyed had national legislation that ensures some form of protection against discrimination at work for migrant workers. In Kuwait and Saudi Arabia, for example, the national social and labour laws do not apply to migrant workers.

One endeavour, undertaken by the ILO, was the 1998 Declaration on Fundamental Rights at Work, known as the "Social Declaration," which prioritized a narrow list of core labour rights: (1) freedom of association and an effective right to collective bargaining; (2) the elimination of all forms of forced or compulsory labour; (3) the effective abolition of child labour; and (4) the elimination of discrimination in respect of employment and occupation. These four core rights were incorporated into most bilateral and multilateral trade agreements that have since followed the Declaration. Nevertheless, as described above, these rights are consistently violated across the globe. Moreover, the focus on only four

core rights has been criticized as too narrow and as compromising other ILO standards ^[58].

Conclusion

Migration per se is basically not objectionable but it becomes objectionable as it is invariably associated with a situation which gives rise to deprivation and exploitation. This is a situation where human greed and rapacity replace the finer instincts of cooperation, support, service and help. Such deprivation and exploitation are consequences imposed on the migrant workers. All their hopes and aspirations are belied; the promises made to them by the recruiting agents remain elusive. The concept of decent work and protection of human rights becomes coterminous or synonymous. In this context decent work becomes possible, feasible and achievable not merely on account of clean, safe, healthy and congenial work environment but on account of recognition of the basic human right of each person who is at the workplace.^[59] Even in Information Age the people are locked in and the ideas are locked out. Too many people are suffering from wide ranging injustices. The basic question before us is whether 21st Century would ensure to common citizen of world a life of dignity free from fear and want. It should be the responsibility of the every state to promote development and the institutions in a manner where social and economic democracy would be a way of life, inequalities of income should be removed and to eliminate the inequalities of status. The state should provide facilities and opportunities to ensure development by appropriate economic and social reforms and also to provide opportunities for the development of human personality by ensuring and enforcing inalienable fundamental human rights. Now the time has come that human rights be adopted as a way of life ^[60].

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12. Article International Covenants on Civil and Political Rights (ICCPR), 1966, 22(1).
13. Article International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, 8(1).
14. Freedom of Association and Protection of the Right to Organize Convention. The Convention establishes and defines the right of workers and employers to set up and join occupational organisations, federations and confederations and to organise their administration and activities. Current status states have ratified Convention, 1948, 154.
15. Right to Organise and Collective Bargaining Convention, The Convention seeks to protect workers and their organisations against anti-union discrimination and interference by employers and to promote voluntary collective bargaining. Current Status: states have ratified it, 1949, 164.
16. Article UDHR 4.
17. Article ICCPR 8(1).
18. Article (a) ICCPR 8(3).
19. Forced Labour Convention, The Convention seeks to achieve the early abolition of forced or compulsory labour being all work or service exacted under the means of any penalty and for which a person has not offered himself voluntarily. The instrument is of continuing interest and States have ratified it, 1930, 178.
20. Abolition of Forced Labour Convention, The Convention seeks to suppress the use of any form of forced or compulsory labour for five specified purposes. Currently Convention has been ratified by states, 1957, 175.
21. Minimum Age Convention, The Conventions requires governments to set and enforce a minimum age or ages at which children can enter into different kinds of work. The general minimum age for admission to employment should not be less than 15 years, though developing countries may make certain exceptions to this rule, and a minimum age of 14 years may be applied where the economy and education system are insufficiently advanced. Currently Convention has been ratified by states, 1973, 169.
22. Abolition of the Worst Forms of Child Labour Convention, It obliges ratifying countries to 'take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency'. Current Status: Currently the Convention has been ratified by 180 states, 1999.
23. Examples are Article 2 UDHR, Article 2(1) and Article 3 ICCPR, Article 2(2) and Article 3 ICESCR.
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25. Article ICCPR 26.
26. Equal Remuneration Convention, All workers receiving remuneration in the meaning of the Convention (that is to say, the ordinary, basic or minimum Wage or salary and an additional emoluments aid by the employer to the worker and arising out of the workers employment). In envisages applications of the principally of equal remuneration for work of equal value without discrimination based on sex. Current Status: 173 States have ratified the Convention, 1957.
27. Discrimination (Employment and Occupation) Convention, The Convention Aims at the elimination in the field of employment and occupation of discrimination based on race, colour, sex, religion political opinion extraction, social origin, and all other causes specified by a ratifying state. "(The references of national extraction is intended to cover distinctions made on the basis of the persons place of birth, ancestry on foreign origin and is not aimed at distinctions made between the citizens of the ratifying member state and non-citizens). Current Status: The Convention has been ratified by States, 1958, 174.
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