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SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

**Written statement* submitted by the Organization for Defending Victims of Violence,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Migration is one of the most important issues of the new century. Approximately 175million people, one out of every 35 in other words, is a migrant.

Although migration is not something new, over the last fifteen years however, the number of people who have crossed geographical boundaries in search of a better life, have alarmingly increased. All countries are the birth places, and places where migrants move to or from.

Migrant workers make up an important part of the workforce of most of the advanced industrial countries of the world. While developing countries are the place of departure of migrants, according to the Organization for Economic Cooperation and Development (OECD), developed countries are seeking foreign skilled workers.

The migration of the workforce is a fast growing development in Iran. In the last year alone 285thousand skilled workers left Iran. Having the second largest young population in the world with 40% living below the poverty line, Iran has seen 871,770 people migrate to other countries between 1987 and 1997, with 355,575 of them being young.

The conditions of migrants, migrant workers in particular, are very poor according to international human rights standards. The lack of good treatment of immigrant workers by government officials and employees, lack of transparent and useful laws in accordance with human rights standards, the lack of health and security in the destination country (in repatriation camps in particular), the lengthy process of dealing with cases, all contribute towards the violation of migrant workers human rights. It is therefore necessary for the international community and international organizations to pay particular attention to migration.

Despite the efforts of international organizations in the drafting of an international convention for the rights of immigrant workers to be recognized, there is still not enough universal will for the implementation of the convention.

These types of conventions have not been ratified by most countries. The International Labour Organization (ILO) Migration for Employment Convention (C66) of 1939, for example, has not been accepted by any country. Also despite the references of the last few decades international conventions to the observation of the rights of migrant workers, such as the World Conference on Human Rights (Vienna 1993), the International Conference on Population and Development (Cairo 1994), World Summit on Social Development (Copenhagen 1995), and the Fourth World Conference on Women (Beijing 1995), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has not been ratified by all countries.

Of course migration can be seen as beneficial for the economy and society, but without policy-making and adoption of solutions the benefits will not be fully materialized. Since migrant workers' rights are being violated extensively in all parts of the world, the Organization for Defending Victims of Violence (ODVV) would like to bring to attention a number of these cases.

ILLEGAL MIGRATION AND OR HUMAN TRAFFICKING

Restrictive laws and policies regarding migration, pursuit and punishment, the presence of the police and the army has turned migration into a crime, and has caused the growth of illegal migration and corruption, growth of human trafficking networks, xenophobia within societies. All these factors result in the multiplication of the terrible conditions of immigrants, immigrant workers in particular. Therefore it is very important to devise and draft practical human rights policies at national and international levels.

According to the Working Group's report which was released following the 49th Session of the Commission on the Status of Women in March 2001, the prevention of migration, particularly

migrant workers, which is an obstacle in job needs, has caused for the human trafficking market – illegal migration – to develop.

Exploitation in the job market, particularly getting immigrant workers working illegally, alongside political and economic clauses, and the law enforcement officers, multiply the threat of illegal migration and human trafficking further.

In the Secretary-General's report to the Commission on Human Rights on human rights and human trafficking, illegal migration and trafficking have been mentioned as complex and dangerous, which have affected international human rights concerns.

Currently illegal migration and trafficking is the third largest trade in the world. According to the UN Convention on Organized Crime and its Protocol (2000), state that due to its broad dimensions, human trafficking or illegal migration is an organized crime.

There's no doubt that aside from the drafting and passing of practical laws, it is more important to implement the laws. The only way to fight illegal migration is through the cooperation of governments with international organizations. Also the establishment of mechanisms for safe migration can to a large extent help reduce the human rights violations that occur as a result of illegal migration and human trafficking.

For example if illegal migrants, who mostly fall prey to traffickers, want to escape the grips of the organized criminals, they end up in camps where they await their return to their countries. Often they are not kept in the best of conditions in these camps.

The ODVV believes that international organizations, the United Nations in particular, can push countries to join international conventions regarding illegal migration and human trafficking. By appropriation of credit for education of society, and an increased role for non-governmental organizations, the UN can take positive steps towards the reduction if not elimination of human trafficking and illegal migration.

IMMIGRANT WOMEN AND CHILDREN WORKERS

Financial crisis, followed by the inability of the people living in impoverished regions, has created a wave of opportunities in destination countries, for migrant workers to be exploited.

The number of migrant women workers from Asian countries in European countries is increasing.

Women's denial of access to employment which has resulted only 10% of employment being allocated to them in Asian countries, and its direct link to economic issues, has resulted in a large number of women to turn to migration to seek employment and better living conditions.

According to statistics, 36% of women migrant workers who are hired as domestics have university education. Most of these women, who have children, are forced to leave their children behind in their homelands, in order to be able to work in the destination countries. Others are forced to take their children along, living in terrible conditions and sometimes dangerous.

Most women migrant workers hide from the government of the country they have emigrated to, due to being in the country illegally or concern of losing their jobs. Therefore they very rarely go to governmental organizations to seek help and advice. This alone increases the violation of their rights.

The ODVV believes that special government departments should be established to work on women migrant workers issues, and to provide assistance for the improvement of their living conditions, with the help of international organizations.

MIGRANT SKILLED WORKERS AND THE BRAIN DRAIN

The migration of skilled workers or the brain drain has always been one of the main problems of developing countries. This is more so visible in Iran, North Korea and the Philippines. Approximately 25% of Iranian expatriates that live in EU countries have higher university education. This figure respectively is 15% and 10% for North Korea and the Philippines.

According to the International Monetary Fund (IMF) figures 105,000 from Iran, 228,000 from India and 165,000 from China with higher university education have migrated to the United States.

According to the IMF in 1999, out of 41 countries Iran was at number one country with the highest number of migrant skilled workers.

According to some figures the total number of Iranian migrants in the late 90s were put at 2million (skilled workers), and the Iranian society at the same time took in 2million unskilled migrant workers.

According to the Iranian Science Ministry, in 2000, 220,000 scientific and management skilled workers migrated to Western countries.

Developing countries annually lose billions of dollars due to the migration of skilled workers. This is why despite having 80% of the population of the world, developing countries only have 20% of the world income and 10% of the scientific capacity of the world.

According to figures, 80% of skilled workers migrate solely for employment and better living conditions. Most of these migrants leave their home countries with little or no knowledge of the laws and regulations of the destination country. Most of the information they have of the destination country is unofficial, that are given to them by third parties.

The ODVV believes that through the management of joint civil society and governmental organization projects of any country, the United Nations can raise the awareness of immigrant workers, be they skilled or unskilled.

The ODVV believes with the expansion of global discourses, will there be less migrant workers who fall victims to society in the 21st Century. Through the potential of 130 member states and international organizations that are members of the International Organization for Migration (IMO), more positive work can be done, because the efforts of countries alone in the realization of human rights standards for immigrant workers is not enough. Through the practical management of the IMO, and through regional and global cooperation of NGOs, can the rights of migrant workers be realized.
