

## RATIFICATIONS OF INTERNATIONAL CONVENTIONS ON MIGRATION / MIGRANTS RIGHTS

(As of 28 April 2023)

- ILO Migration for Employment Convention (Revised), 1949 (No. 97)
- ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)

### STATUS:

ILO Convention 97: **53** ratifications

ILO Convention 143: **29** ratifications

ICRMW: States Parties: **58** plus **11** signatories pending ratification

**Summary: 95 States have ratified/acceded to one or more of these three instruments** (+HK-SAR)

State (In bold, has ratified one or more instruments)	Ratification ILO C-97	Ratification ILO C-143	Ratification or accession (a) 1990 Convention		Signature 1990 Convention
<b>Albania</b>	02 Mar. 2005	12 Sept. 2006		05 June 2007	
<b>Algeria</b>	19 Oct. 1962		(a)	21 Apr. 2005	
<b>Argentina</b>				23 Feb. 2007	10 Aug. 2004
<b>Armenia</b>	27 Jan. 2006	27 Jan. 2006			26 Sept 2013
<b>Azerbaijan</b>			(a)	11 Jan. 1999	
<b>Bahamas</b>	25 May 1976				
<b>Bangladesh</b>				24 Aug 2011	07 Oct. 1998
<b>Barbados</b>	08 May 1967				
<b>Belgium</b>	27 July 1953				
<b>Belize</b>	15 Dec. 1983		(a)	14 Nov. 2001	
<b>Benin</b>		11 June 1980			15 Sept. 2005
<b>Bolivia</b>			(a)	12 Oct. 2000	
<b>Bosnia &amp; Herzegovina</b>	02 June 1993	02 June 1993	(a)	13 Dec. 1996	
<b>Brazil</b>	18 June 1965				
<b>Burkina Faso</b>	09 June 1961	09 Dec. 1977		26 Nov. 2003	16 Nov. 2001
<b>Cambodia</b>					27 Sept. 2004
<b>Cameroon</b>	03 Sept. 1962	04 July 1978			15 Dec. 2009
<b>Cape Verde</b>			(a)	16 Sept. 1997	
<b>Chad</b>				22 Feb. 2022	26 Sept. 2012
<b>Chile</b>				21 Mar. 2005	24 Sept. 1993
<b>Colombia</b>				24 May 1995	
<b>Comoros</b>	15 Jul 2021	15 Jul 2021			22 Sept. 2000
<b>Congo (Brazzaville)</b>				31 Mar 2017	29 Sept. 2008
<b>Cuba</b>	29 Apr. 1952				
<b>Cyprus</b>	23 Sept. 1960	28 June 1977			
<b>Dominica</b>	28 Feb. 1983				
<b>Ecuador</b>	5 Apr. 1978		(a)	06 Feb. 2002	
<b>El Salvador</b>				14 Mar. 2003	13 Sept. 2002
<b>Egypt</b>			(a)	19 Feb. 1993	
<b>Fiji</b>				19 Aug 2019	
<b>France</b>	29 Mar. 1954				

Gabon					15 Dec. 2004
<b>Gambia</b>				28 Sept 2018	20 Sept 2017
<b>Germany</b>	22 June 1959				
<b>Ghana</b>			(a)	08 Sept. 2000	
<b>Granada</b>	9 July 1979				
<b>Guatemala</b>	13 Feb. 1952			14 Mar. 2003	07 Sept. 2000
<b>Guinea</b>		05 June 1978	(a)	08 Sept. 2000	
<b>Guinea-Bissau</b>				28 Sept 2018	12 Sept. 2000
<b>Guyana</b>	8 June 1966			7 July 2010	15 Sept. 2005
Haiti					5 Dec 2013
<b>Honduras</b>				11 Aug. 2005	
<b>Hong Kong (China SAR)*</b>	22 Jan. 1951				
<b>Indonesia</b>				31 May 2012	22 Sept. 2004
<b>Israel</b>	30 Mar. 1953				
<b>Italy</b>	22 Oct. 1952	23 June 1981			
<b>Jamaica</b>	22 Dec. 1962			25 Sept. 2008	25 Sept. 2008
<b>Kenya</b>	30 Nov. 1965	09 Apr. 1979			
<b>Kyrgyz Republic</b>	10 Sept. 2008		(a)	29 Sept. 2003	
<b>Lesotho</b>				16 Sept. 2005	24 Sept. 2004
Liberia					22 Sept. 2004
<b>Libyan Arab Jamahiriya</b>			(a)	18 June 2004	
<b>The FYR of Macedonia</b>	7 Nov. 1991	17 Nov. 1991			
<b>Madagascar</b>	14 June 2001	11 Jun 2019		13 May 2015	24 Sept 2014
<b>Malawi</b>	22 Mar. 1965			23 Sept. 2022	23 Sept. 2022
<b>Malaysia (Sabah)</b>	03 Mar. 1964				
<b>Mali</b>			(a)	06 June 2003	
<b>Mauritania</b>		23 Sep 2019	(a)	22 Jan. 2007	
<b>Mauritius</b>	02 Dec. 1969				
<b>Mexico</b>				8 Mar. 1999	22 May 1991
<b>Moldova</b>	12 Dec. 2005				
<b>Montenegro</b>	03 June 2006	03 June 2006			23 Oct. 2006
<b>Morocco</b>				21 June 1993	15 Aug. 1991
<b>Mozambique</b>				19 Aug 2013	15 Mar 2012
<b>Netherlands</b>	20 May 1952				
<b>New Zealand</b>	10 Nov. 1950				
<b>Nicaragua</b>			(a)	26 Oct. 2005	
<b>Niger</b>			(a)	18 March 2009	
<b>Nigeria</b>	17 Oct. 1960	23 March 2023	(a)	27 July 2009	
<b>Norway</b>	17 Feb. 1955	24 Jan. 1979			
Palau					20 Sept. 2011
<b>Paraguay</b>				23 Sept. 2008	13 Sept. 2000
<b>Peru</b>				14 Sept. 2005	22 Sept. 2004
<b>Philippines</b>	21 April 2009	14 Sept. 2006		05 July 1995	15 Nov. 1993
<b>Portugal</b>	12 Dec. 1978	12 Dec. 1978			
<b>Rwanda</b>			(a)	15 Dec. 2008	

<b>Saint Lucia</b>	14 May 1980				
<b>San Marino</b>		23 May 1985			
<b>Saint Vincent and the Grenadines</b>				29 Oct 2010	
<b>Sao Tome &amp; Principe</b>				10 Jan 2017	06 Sept. 2000
<b>Senegal</b>			(a)	09 June 1999	
<b>Serbia</b>	24 Nov. 2000	24 Nov. 2000			11 Nov. 2004
<b>Seychelles</b>			(a)	15 Dec. 1994	
<b>Sierra Leone **</b>	25 Aug 2021	25 Aug 2021			15 Sept. 2000
<b>Slovenia</b>	29 May 1992	29 May 1992			
<b>Somalia</b>	08 Mar 2021	08 Mar 2021			
<b>Spain</b>	21 Mar. 1967				
<b>Sri Lanka</b>			(a)	11 Mar. 1996	
<b>Sweden</b>		28 Dec. 1982			
<b>Syria</b>				02 June 2005	
<b>Tajikistan</b>	10 Apr. 2007	10 Apr. 2007		08 Jan. 2002	07 Sept. 2000
<b>Tanzania (Zanzibar)</b>	22 June 1964				
<b>Trinidad &amp; Tobago</b>	24 May 1963				
<b>Timor Leste</b>			(a)	30 Jan. 2004	
<b>Togo</b>		08 Nov. 1983		16 Dec 2020	15 Nov. 2001
<b>Turkey</b>				27 Sept. 2004	13 Jan. 1999
<b>Uganda</b>		31 Mar. 1978	(a)	14 Nov. 1995	
<b>United Kingdom</b>	22 Jan. 1951				
<b>Uruguay</b>	18 Mar. 1954		(a)	15 Feb. 2001	
<b>Venezuela</b>	09 June 1983	09 June 1963		25 Oct 2016	4 Oct 2011
<b>Zambia</b>	02 Dec. 1964				

\*China notified 1 July 1997 regarding continued application of ILO Convention 97 in Hong Kong Special Administrative Region.

\*\* Conventions C-97 & C143 will enter into force for Sierra Leone on 25 Aug 2022

Texts & information on ILO Conventions at <https://www.ilo.org/dyn/normlex/en/f?p=1000:12001::NO::>

Text & information on the ICRMW at <http://www2.ohchr.org/english/bodies/cmw/cmw.htm>

## COMMENTARY ON RATIFICATION OF INTERNATIONAL CONVENTIONS ON MIGRATION/MIGRANTS RIGHTS

As of 28 April 2023, there are **100 countries** that have **ratified, acceded to or signed** at least one of the three international conventions on migrant workers.

**95 States** have formally ratified or acceded to one or more of these three instruments. These countries have taken on binding international commitments to put migrants' protection and migration policy explicitly under rule of law in national legislation and policy. (That is nearly half –49%– of the 193 members of the United Nations.)

**58 States have acceded to or signed and ratified the ICRMW**; 11 others have *signed* it, making a total of **69 States** that have at least signed this Convention. *Ratification* following *signature* of the Convention establishes the full State commitment to abide by the principles and provisions of the Convention; to domesticate these in national law, implement and enforce them; as well as to submit periodic reports to the treaty supervisory Committee on Migrant Workers. States can also formalize adherence to the Convention directly by one-step *accession*. While States that have signed but not yet

ratified the ICRMW are not accountable to international supervision and reporting, signature signifies the State's support for the principles in the Convention and its intention to ratify; it establishes consent to be bound by (the) treaty expressed by signature, an obligation specified in the Vienna Convention on the Law of Treaties of 1969, Article 12.

Today, one third of the 58 countries that have ratified the ICRMW host important migrant/immigrant populations. Four States Parties to the ICRMW each host populations of well over 1 million migrants (including refugees) --Argentina, Mexico, Nigeria, Turkey and Uganda-- while another dozen are significant countries of destination as well as of transit with numbers of migrants/foreign-born in the hundreds of thousands: Algeria, Azerbaijan, Chile, Colombia, Ecuador, Egypt, Ghana, Indonesia, Morocco, Peru, Senegal, Syria (prior to civil war), Uruguay. Given that today most countries experience emigration, immigration and transit migration, all States Parties host migrant/immigrant populations and thus have significant domestic obligations in implementing --and reporting on-- the ICRMW.

Eleven Member States of the European Union have ratified one or both ILO Conventions on migration for employment/migrant workers. They thus established legal foundations for migration policy and practice based on equality of treatment for foreign workers in regular situations, protection of migrant workers labour and social security rights, and international cooperation. Legal studies conducted in nearly a dozen European countries have shown that existing legislation in most is already largely in accord with the terms of the ICRMW. Several studies concluded that resistance to ratification may be more a matter of political posture than overcoming legal or juridical obstacles.

### **The three International Conventions on migrant workers**

These three complementary universal instruments provide the necessary legal framework not only for protection of migrants' human rights including labour rights, but also for national migration policy and international cooperation to regulate migration:

- **1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)**
- **ILO Migration for Employment Convention, 1949 (C-97)**
- **ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (C-143)**

The ICRMW explicitly applies the rights elaborated in the International Bill of Rights (Universal Declaration on Human Rights and the 1966 International Covenants on Political and Civil Rights and on Economic, Social and Cultural Rights) to the specific situation of migrant workers and members of their families. Other instruments have similarly done so for other groups (e.g., women, children persons with disabilities, indigenous peoples). This makes the ICRMW a comprehensive instrument of legal guidance for States in the formulation of migration policy. The complementary ILO Conventions on migration for employment (C-97 and C-143) provide specific standards regarding migrant worker employment and occupation. The ICRMW drew in large part from concepts and language in the two preceding ILO Conventions

The ILO Migration for Employment Convention No. 97 provides foundations for equal treatment between nationals and regular migrants in recruitment procedures, living and working conditions, and access to justice, tax and social security. It sets out details for contract conditions, participation of migrants in job training or promotion, provisions for family reunification, and appeals against unjustified termination of employment or expulsion, as well as other measures to regulate the entire migration process.

The subsequent ILO Migrant Workers Convention No. 143 provides specific guidance regarding treatment of irregular migration and facilitating integration of migrants in host societies. Article 1 establishes the obligation of ratifying States to "respect the basic human rights of all migrant workers," independent of their legal situation in the host State. Its Part II details standards for integration of long term migrant workers.

## Twelve reasons to ratify these Conventions

- 1) To put in place the legal foundation essential for national policy to regulate migration, particularly immigration and integration, and ensure social cohesion.
- 2) To uphold and strengthen the rule of law by ensuring that legal norms define the basis of migration policy, its implementation, and its supervision.
- 3) To contribute to ensuring that legal parameters define treatment of all persons on the territory of a country by setting the extent and limits of human rights of migrant workers and members of their families.
- 4) To signal that origin countries demand respect for the human rights of their nationals abroad and are accountable for the same standards as destination countries.
- 5) To reinforce the sovereign exercise of a State's prerogative to determine migration policy by affirming conformity with universal legal and ethical norms.
- 6) To obtain public support for and compliance with migration policy and practice by demonstrating legal soundness and conformity with internationally accepted principles of social justice and human rights.
- 7) To strengthen social cohesion by establishing that all persons must be treated with respect by virtue of legal recognition and protection of their rights.
- 8) To explicitly discourage the *commodification* and consequent abuse of migrant workers by legally asserting and enforcing their human rights in national law.
- 9) To reduce irregular migration by eliminating incentives for labour exploitation, work in abusive conditions and unauthorised employment that fuel trafficking in persons and smuggling of migrants.
- 10) To facilitate effective national policy by calling on advisory services and good practice support provided by the relevant standards-based international organisations.
- 11) To obtain clear guidance for bilateral and multilateral cooperation for lawful, humane, and equitable labour migration.
- 12) To obtain international guidance on implementation of legal norms through the reporting obligations and periodic review by independent expert bodies.

## Resource & Links

International Steering Committee for the Campaign for Ratification of the Migrants Rights Conventions (2009): ***Guide on Ratification. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.*** Available in Arabic, English, French, Spanish, Romanian, Russian. English at <https://www.refworld.org/docid/4a09710a2.html>

**Website GMPA:** [www.globalmigrationpolicy.org](http://www.globalmigrationpolicy.org)

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