



## **DIPLOMACY TRAINING PROGRAM**

### **MIGRANT WORKER INTERNATIONAL LAW REFERENCE TOOL**

#### **INSTRUCTIONS**

The following are instructions for the end user of the Diplomacy Training Program (**DTP**) Migrant Worker International Law Reference Tool (**application**) and, in particular, describe for the end user:

- the purpose of the application;
- the input required from the end user; and
- the kinds of results that the end user can expect from his or her input.

#### **Instructions for the DTP Application End User**

##### **1 Introduction**

Labour migration is an essential part of the global economy and more individuals are on the move, crossing borders in search of decent work, than at any time in human history. Migrant workers are vulnerable to a range of abuses of their human/labour rights. Migrant workers are entitled to the same human rights as everyone else, but international law also recognises and responds to their particular vulnerabilities. Every country in the world has ratified at least one of the nine core human rights treaties and most have ratified more than two. These standards often are not understood or appreciated by the States in which migrant workers are employed or by the employers of the migrant workers.

The application guides advocates for migrant worker rights, enabling them to connect the problem being experienced by the migrant worker with the relevant human right and human rights standard. Advocates can see whether the country where the abuse has taken has ratified specific human rights standards that might apply to the case. They are guided to the places where they can quickly find if a specific recommendation has been made about the issue.

This easy-to-use application links the abuses experienced by migrant workers, with the rights that they have under international law in countries of origin and countries of destination. Being able to cite specific rights, and the obligations of governments, may be helpful in seeking remedy and redress. The application is currently restricted to a number of countries of origin and countries of destination. However, as the interest for this helpful tool grows, we will endeavour to keep the application continually updated and expand the knowledge base available to end users.

These instructions provide you with all of the information you need to effectively use the application and to set you on your way to learning about the international obligations that apply in relation to migrant workers.

##### **2 What Does the Application Do?**

The application contains information related to countries of origin and destination (sending and receiving countries) for migrant workers and the international conventions that relate to the rights of migrant workers. With this information stored within its database, the

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application takes the information that you provide and searches against its knowledge base to provide you with a report on applicable treaties which have been ratified by the relevant country of origin or destination and the articles from such treaties which apply to a particular issue. The report, which is dealt with under **Section 4**, can be printed in PDF or Word format for the purposes of storing the information generated by your search.

### **3 What Kind of Input is Required?**

Before the application can provide you with a report, you will need to provide a number of details. Upon clicking through from these instructions and accepting the information in the acknowledgements page which follows, you will be met with the user interface. The user interface will ask you to firstly indicate the country from which the migrant worker is travelling. At present, the application has the following countries of origin from which to select:

- Bangladesh;
- Cambodia;
- India;
- Indonesia;
- Myanmar;
- Nepal;
- Pakistan;
- Philippines; and
- Sri Lanka.

Once you have input this information via the dropdown menu provided, the interface will ask you to select the country to which the migrant worker is travelling. At present, the application has the following countries of destination from which to select:

- Hong Kong;
- Kuwait;
- Jordan;
- Lebanon;
- Malaysia;
- Oman;
- Qatar;
- Saudi Arabia;
- Singapore; and
- United Arab Emirates.

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Once that information is selected via the dropdown menu provided, the interface gives you an opportunity to select a particular type of issue facing the migrant worker in question. The various top categories of issues include the following:

- Identity;
- Money and Property;
- Family;
- Legal Process;
- Individual Freedom;
- Health;
- Culture;
- Work;
- Participation; and
- Other.

By selecting one of the above options from the dropdown menu provided, a further dropdown menu will appear, which asks you to indicate the specific issue related to the top category of issue in relation to which the migrant worker is facing difficulty. There are currently 66 particular issues in the database from which you can make your selection.

The following is an example of a completed data entry session:

#### Assessing the Migrant Worker Issue

*Please answer the following questions. The Tool will use your inputs to lookup the international law that may apply to your migrant worker issue.*

What country has the worker migrated *from*?

Bangladesh ▾

What country has the worker migrated *to*?

Malaysia ▾

What *type* of issue is the migrant worker facing?

Legal Process ▾

What *legal process* issue is the migrant worker facing?

Right to be presumed innocent until proven guilty ▾

< Back

Next >

Once you have made a selection from each of the dropdown menus, you will be able to click the “Next” button and retrieve your results.

## 4 What Kind of Results Does the Application Generate?

Once you have clicked the “Next” button, you will be taken to the results page. Given the extensive nature of the database, it may take a short period of time for the application to load your results.

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#### 4.1 Results Table

Once the results have loaded, you will be met with a summary of the specific issue you selected. The application then provides a table, which includes columns corresponding with:

- the relevant international treaties within the database;
- the country of origin;
- the country of destination; and
- the applicable articles.

In the first column, the following international instruments will be set out for your review:

- the *Universal Declaration on Human Rights* (1948);
- the *International Covenant on Economic, Social and Cultural Rights* (1976);
- the *International Covenant on Civil and Political Rights* (1976);
- the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (2003);
- the *International Convention on the Elimination of All Forms of Racial Discrimination* (1969);
- the *Convention on the Elimination of All Forms of Discrimination against Women* (1981);
- the *Convention on the Rights of the Child* (1990);
- the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1987);
- the *Convention on the Rights of Person with Disabilities* (2008);
- *CO29 – Forced Labour Convention 1930 (No 29)*;
- *P029 – Protocol of 2014 to the Forced Labour Convention 1930*;
- *C097 – Migration for Employment Convention (Revised) 1949 (No 97)*;
- *C105 – Abolition of Forced Labour Convention 1957 (No 105)*;
- *C189 – Domestic Workers Convention 2011 (No 189)*;
- *C143 – Migrant Workers (Supplementary Provisions) Convention 1975 (No 143)*;  
and
- *C181 – Private Employment Agencies Convention 1997 (No 181)*.

In the second and third columns, the results table will display the interaction by the country of origin and the destination country, respectively, with the various treaties stored within the database. Where the country of origin or destination country has ratified or acceded to the treaty, this interaction will be noted with the year in which this ratification/accession occurred will be included. Where the country of origin or destination country has neither

signed nor acceded to/ratified the particular treaty, the table will display the words “No action”.

In the fourth column in the results table, you will be shown the articles from each of the treaties within the database that relate to the particular issue you identified in your data input stage. This will provide you with a reference point in respect of each treaty from which to commence your advocacy or, alternatively, from which you can expand your knowledge in relation to the particular issue. If there is no article in the treaty which deals with the specific issue you identified, the table will display “NA”.

The following results table is an example from a search conducted in relation to the following data:

- Country of Origin: Bangladesh
- Country of Destination: Malaysia
- Top Category Issue: Legal Process
- Specific Issue: Right to be presumed innocent until proven guilty

### Treaty

Note: You may click on the name of the treaty to access the treaty itself.

Treaty	Bangladesh	Malaysia	Applicable Articles
<a href="#">Universal Declaration on Human Rights (1948)</a>	-	-	Article 11
<a href="#">International Covenant on Economic, Social and Cultural Rights (1976)</a>	Accession: 1998	No action	NA
<a href="#">International Covenant on Civil and Political Rights (1969)</a>	Accession: 2000	No action	Art 14-2
<a href="#">International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003)</a>	Accession: 2011	No action	Art 19
<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination (1969)</a>	Accession: 1979	No action	NA
<a href="#">Convention on the Elimination of All Forms of Discrimination against Women (1981)</a>	Accession: 1984	Accession: 1995	NA
<a href="#">Convention on the Rights of the Child (1990)</a>	Ratification: 1990	Accession: 1995	Art 40(2)(b)(i)
<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)</a>	Accession: 1998	No action	NA
<a href="#">Convention on the Rights of Persons with Disabilities (2008)</a>	Ratification: 2007	Ratification: 2010	NA

## 4.2 UPR Recommendations

All governments are recognised as having responsibilities to human rights and regularly have their human rights records reviewed by other governments in a UN process called the Universal Periodic Review (UPR). There are an increasing number of recommendations

made on migrant workers. The application will provide you with relevant **UPR** Recommendations that you could refer to and possibly reference. A table will be provided under the heading “**UPR Recommendations**”, which includes a column for the country of origin and a column for the destination country. A link will be provided to the relevant UPR Recommendations for each of the countries you selected.

The following is an example from the search data set out under paragraph 4.1 above:

#### UPR Recommendations

Relevant Universal Periodic Review (UPR) Recommendations can be accessed via the following links.

Bangladesh	Malaysia	Applicable UPR Recommendations
<a href="#">UPR Recommendations for COO</a>	<a href="#">UPR Recommendations for COD</a>	Click Link. Select "Issue" then "Go".

#### 4.3 Special Procedures

In addition to human rights treaties, the UN has established of Human Rights Special Procedures with different thematic and country mandates. Many have made recommendations that may be relevant to the issues you are concerned or about the country and the particular issue that you identify in the data input stage. Accordingly, the application will provide you with a table under the heading “**Special Procedures**”, which will include links to the Special Procedures for:

- the country of origin;
- the country of destination; and
- the issue selected.

The following is an example from the search data set out under paragraph 4.1 above:

#### Special Procedures

Relevant Special Procedures (SP) can be accessed via the following links:

Bangladesh	Malaysia	Type	Applicable Special Procedures
<a href="#">Special Procedures COO</a>	<a href="#">Special Procedures COD</a>	NA	<a href="#">Special Procedures for Issue</a> This is a link to the SP home page. No specific SP apply to your issue.

#### 4.4 Universal Human Rights Index

The results page provides a link to the Universal Human Rights Index (UHRI) website. The UHRI contains country-specific human rights recommendations issued by the three key pillars of the United Nations human rights protection system: Treaty Bodies, the Special Procedures and the Universal Periodic Review (UPR).

This Index can be a useful guide to supplement the information contained in the Migrant Worker International Law Reference Tool.

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It enables users to produce overviews of recommendations by country, by Sustainable Development Goals (SDGs), or by Human Rights Voluntary Goals (HRVGs), as well as to perform basic and advanced searches by using filters.

(a) Instructions

There are three ways to search the UHRI:

- 1 Summary by Country;
- 2 Basic Search; and
- 3 Advanced Search.

(b) Summary by Country

To see a country-specific summary of recommendations, select your source or destination country from the drop-down list provided, and click “Apply Filters”.

A list of international human rights law mechanisms will be displayed. Under the column marked “Annotation”, you can see how many recommendations have been made to give proper effect to the corresponding mechanism.

To view the recommendations, click on the mechanism code listed under the ‘Symbol’ column. Then click on the ‘Recommendations’ link in order to view the relevant recommendations.

(c) Basic Search

First, selection select your source or destination country from the drop-down list provided.

Second, select one or more of the options provided to filter your search results by “Theme”, “Mechanism” or “Affected Persons”.

Once you’re happy with your selection, click ‘Apply Filters’ to see the search results.

Search results can be further filtered using the options available in the ‘Search result filter’ box at the top of the results screen.

Click on the “Recommendations” link in order to display the relevant recommendations.

(d) Advanced Search

Select one or more of the options provided to filter your search results by:

- Key words;
- Dates;
- Theme;
- Affected Person;
- Mechanism;

- Region;
- State/Entity;
- Sustainable Development Goals; or
- UPR Recommendations.

Once you're happy with your selection, click "Apply Filters" (located at the top of the page) to see the search results.

Search results can be further filtered using the options available in the 'Search result filter' box at the top of the results screen.

Click on the "Recommendations" link in order to display the relevant recommendations.

#### 4.5 Transcript of Session

To ensure that you have an easy reference point for the work that you have done in the application, each search you complete will generate a transcript of your session. In the transcript, each item from the dropdown menus that you selected in the data input stage will be displayed for your reference.

The following is an example from the search data set out under paragraph 4.1 above:

##### Transcript of Session

What <i>legal process</i> issue is the migrant worker facing?	Right to be presumed innocent until proven guilty
What <i>type</i> of issue is the migrant worker facing?	Legal Process
What country has the worker migrated <i>from</i> ?	Bangladesh
What country has the worker migrated <i>to</i> ?	Malaysia

Once you have had time to review the information generated by your search, we recommend that you return to the top of the results page and download your report in either PDF or Word format:

Your report is displayed below. You may also download your report:  PDF  Word

## 5 Starting Your Own Search

We trust that the application will be invaluable to assisting you towards a greater understanding of this complex area of international law.

To begin a search of your own, return to the home page and click the "Get Started" button.