

СЕКЦИЯ 9
ПРАВА ЧЕЛОВЕКА И ОБЕСПЕЧЕНИЕ ГЕНДЕРНОГО
РАВЕНСТВА ЧЕРЕЗ ПРИЗМУ МЕЖДУНАРОДНОГО
И НАЦИОНАЛЬНОГО ЗАКОНОДАТЕЛЬСТВА

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**PROBLEMS OF MIGRATION PROCESSES IN MODERN
INTERNATIONAL LAW**

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The main problems caused by international migration are considered, the mechanisms of their regulation and the role of international organizations in solving the problems of modern international migration are studied

In the context of globalization and democratization of all spheres of public life, such pressing issues as regulation of migration flows, protection of the rights of migrants and their families, etc. arise. Solving such issues requires updating regulatory and legal acts at both the domestic and international levels.

The annual report of the UN Secretary-General “International Migration and Development” confirms the relevance of the issue. The problems that were discussed at a high level in the period from 1994 to 2023 can be divided into several groups.

The first group includes legal issues: protection of the rights of migrants, their families, children, protection of the rights of migrant women; elimination of exploitation of migrants, including human trafficking; assistance to migrants in distress; provision of medical care, the possibility of implementing medical insurance, etc.

Legal regulation of migration at the international, regional and national levels is carried out through fundamental normative legal acts that make up migration legislation: the Universal Declaration of Human Rights (1948), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic and Social Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979).

The social rights of migrants are regulated by ILO Convention No. 97 concerning Migration for Employment (1949), ILO Convention No. 143

concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975), ILO Convention No. 111 concerning Discrimination (Employment and Occupation) (1958), ILO Convention No. 118 concerning Equal Treatment of Nationals and Foreigners and Stateless Persons (1962), the European Social Charter (1996, ETS No. 163), the European Convention on the Legal Status of Migrant Workers (1977, ETS No. 93), the Charter of Fundamental Rights of the European Union (2000), etc.

The second group includes issues related to the consequences of migration: perception of migrants by society; changes in the size and composition of the population; the impact of migration on host countries and on countries of origin.

Conflicts arising from racial discrimination or xenophobia are regulated by the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the laws of a particular state. Issues related to changes in the size and composition of the population are supervised by the United Nations Population Fund (UNFPA). The organization helps developing countries and countries with economies in transition find optimal solutions to their demographic problems.

The third group includes economic issues: reducing the costs associated with labor migration; the impact of the economic crisis on migrants in destination countries; income distribution and poverty reduction; attracting highly skilled labor, etc.

According to the World Population Report 2017, the wealth gap has widened to shocking proportions. The growing gap between the richest and the poorest causes internal and international migration, instability and crises.

The Global Forum on Migration and Development, first held in Brussels in 2007, addresses issues of international migration and development in a systematic and comprehensive manner. The main objective is to promote policy coherence and institutional consistency with regard to international migration and development.

The fourth group includes issues in the field of international relations and international policy: strengthening dialogue, cooperation and coherence at all levels on international migration; creating multilateral projects in the field of international migration and development; ratification of international legal instruments concerning international migration; prevention of illegal migration flows, etc. These issues are within the competence of a number of international organizations.

The International Organization for Migration is the leading intergovernmental agency in the field of migration, adhering to the principle of humane and orderly migration, which should benefit migrants and their host societies. The International Organization for Migration annually organizes the International Dialogue on Migration.

The International Labor Organization is a specialized structural element of the UN system. The main activity of the ILO is to promote the principles of social justice, international recognition of human rights and rights at work, specified in the ILO Constitution, the ILO Declaration on Fundamental Principles and Rights at Work and the Mechanism for its Implementation (1998), the ILO Declaration on Social Justice for a Fair Globalization (2008). ILO member states pursue policies based on achieving strategic objectives – employment, social protection, social dialogue and rights at work.

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families is an organization of experts that monitors the implementation of the UN International Convention on the Protection of the Rights of All Migrant Workers and Their Families by member states. The CMW holds annual sessions, the first of which was held in 2004. Based on the results of the sessions, the Committee submits a report to the UN General Assembly on the implementation of the Convention.

The fifth group of issues is directly related to the migration crisis of 2015, when large-scale migration of refugees replaced labor migration. A new threat in the form of uncontrolled and illegal migration has joined the list of threats and challenges to the world community.

The reaction of European states to the migration crisis was to tighten migration policies, which, in turn, worsened the situation with illegal migrants. In July 2017, the G-20 Summit was held in Germany, following which a communiqué was adopted. The document contains the results of the discussion of issues on overcoming the consequences of uncontrolled migration. The decision was to combine efforts to overcome the consequences of migration and to intensify cooperation in the fight against carriers of refugees, as well as to provide assistance to developing African countries. The latter involves the restoration of the socio-economic and legal foundations of states, facilitating the return of migrants to their homeland.

Thus, the solution to the problems of modern international migration begins with a high-level dialogue, that is, with international legal cooperation of states, which is an international legal mechanism that sets the general vectors of international legal regulation of migration movements.

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