

The Impact of Migration on Human Rights

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Abstract- One of the most important worldwide issues of the twenty-first century is migration, both forced and voluntary, which has significant effects on human rights. Due to a complex web of interrelated circumstances, such as armed war, political persecution, natural disasters, economic hardship, and societal instability, more than 280 million people currently live outside of their countries of origin. Migration exposes people to a variety of human rights abuses, even while it can also offer chances for social and personal growth. Refugees, asylum seekers, internally displaced people, undocumented people, women, and children are particularly vulnerable to exploitation, racism, being homeless, restricted access to justice, and systematic restriction of fundamental rights like healthcare, education, and labor protections. This study examines the complex interrelationship between migration and human rights, looking at how state policies, international agreements, legal frameworks, and sociopolitical narratives influence migrants' actual experiences. It highlights how stringent border restrictions, arbitrary imprisonment, and nationalistic language in the receiving countries compromise human dignity and international humanitarian obligations by critically analyzing worldwide migration trends and pointing out holes in legal protection mechanisms. The gendered aspects of migration, the risks of displacement brought on by climate change, and the predicament of migrant workers exposed to exploitative labor systems such as the Kafala model are also highlighted in the study. This study aims to give an in-depth understanding of the potential and difficulties in defending migrant rights around the world by combining case studies, international legal references, and an examination of policy responses. The paper ends by arguing for a human-rights-based approach to migration governance, which guarantees the protection of every person regardless of legal status, promotes legal migration pathways, encourages regional and international cooperation, and strikes a balance between state sovereignty and

humanitarian imperatives. Respecting migrant rights is not only morally required but also crucial for sustainable development and international peace in an increasingly interconnected world.

I. INTRODUCTION

- According to the International Organization for Migration (IOM), there were over 280 million international migrants in 2023, making migration one of the most distinctive aspects of the twenty-first century. Individual rights, societal integration, national policies, and international relations are all directly impacted by migration, whether it is voluntarily or forced, temporary or permanent. Migration can be caused by a variety of factors, including natural disasters, poverty, persecution, conflict, and the desire for better prospects. However, both in transit and at their destinations, migrants frequently experience institutional prejudice, exploitation, and abuse.
- One of the biggest issues facing the world now is the human rights aspect of migration. Even though human rights are universal and protected by documents such as the 1951 Refugee Convention, the 1948 Universal Declaration of Human Rights, and the 1966 International Covenant on Civil and Political Rights, migrants regularly face abuses of their basic rights. For marginalized groups among migrants, including women, children, the elderly, LGBTQ+ people, and stateless people, the situation is significantly more serious.
- The relationship between human rights and migration is fundamental. Human rights are indivisible, universal, and inviolable; they apply to everyone, regardless of nationality or legal position. However, in reality, these rights are frequently denied to migrants because of insufficient legal frameworks, discriminatory laws, or sociopolitical hostility. This study examines the impact of migration on human

rights, highlighting both safeguards and difficulties in various international contexts.

II. CONCEPTUAL FRAMEWORK

- **Defining Migration:** -

Migration refers to the movement of people from one place to another, either within or across international borders, for various reasons.

Migrants can be categorized into: -

- **Voluntary migrants:** Those who move for economic or educational reasons.
- **Forced migrants:** Including refugees, asylum seekers, and Internally Displaced Persons (IDPs).
- **Undocumented migrants:** Those without legal permission to reside in a country.

- **Understanding Human Rights in Migration:** -

The Universal Declaration of Human Rights (UDHR), 1948, and subsequent international instruments such as the 1951 Refugee Convention and the International Covenant on Civil and Political Rights (ICCPR), provide a legal basis for the protection of migrants' rights.

Key rights include: -

- Right to life, liberty, and security (Article 3, UDHR)
- Right to seek asylum (Article 14, UDHR)
- Protection against torture and inhuman treatment (Article 5, UDHR)
- Right to work, health, and education

Despite these safeguards, migrants frequently encounter abuses resulting from systemic problems, such as racism, being homeless, and limited access to justice.

III. GLOBAL TRENDS IN MIGRATION AND HUMAN RIGHTS

- **Refugee Crises:** -

The Syrian civil war, the Rohingya crisis in Myanmar, and the conflict in Ukraine have triggered mass displacements. In camps, refugees frequently live in hazardous conditions with no access to food, medical treatment, or legal representation. The right

to asylum is guaranteed by the 1951 Refugee Convention, however many states disregard this obligation.

For instance, the European refugee crisis in 2015 brought to light the shortcomings of the EU's immigration strategy. While trying to reach Europe, thousands died in the Mediterranean, and those who survived had to deal with racism, overcrowded camps, and delayed asylum procedures.

- **Labour Migration and Exploitation:** -

Particularly in the Gulf and Southeast Asia, migrant laborers frequently work under exploitative conditions. In nations like Saudi Arabia and Qatar, the Kafala system

links workers' legal status to their employers, which can result in abuses including forced labor, pay theft, and passport the search.

Case Study: The situation of domestic workers in the country of Lebanon, many of whom endure physical assault, sexual abuse, and long hours without compensation, has been widely covered in Human Rights Watch reports.

IV. LEGAL AND POLICY FRAMEWORKS

- **International Legal Instruments:** -

International legal instruments provide a foundation for protecting the rights of migrants, regardless of their legal status. These treaties and conventions establish the basic human rights that states are obligated to uphold: -

- **Universal Declaration of Human Rights (UDHR), 1948:** - This foundational human rights document declares that all individuals are entitled to rights such as the right to life, liberty, security, freedom from torture, and the right to seek asylum, regardless of nationality or migration status.
- **1951 Refugee Convention and its 1967 Protocol:** - These are the cornerstone of international refugee law. They define who qualifies as a refugee and outline the legal protections, including the principle of non-refoulement (not returning a refugee to a place where they face danger), and access to fair asylum procedures.

- International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR):- These covenants recognize the rights of all people—including migrants—to freedom of expression, protection from discrimination, access to healthcare, education, and decent working conditions.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990):- This is a specialized treaty that ensures fair treatment and protection of migrant workers and their families, including rights to equality before the law, freedom of movement, and humane working conditions.
- National Policies and Border Controls: - Governments often adopt restrictive immigration policies under the guise of national security. Border militarization, detention centers, and pushbacks have become common practices.

Example: The United States' "Title 42" expulsions during the COVID-19 pandemic allowed the summary deportation of asylum seekers without due process, raising serious human rights concerns.

V. KEY HUMAN RIGHTS CHALLENGES FACED BY MIGRANTS

- Detention and Deportation: - Migrants are often detained for prolonged periods without trial. Children are particularly vulnerable, suffering psychological trauma due to separation from families.
- Xenophobia and Racism: - Anti-migrant sentiment, fueled by populist rhetoric and misinformation, has led to hate crimes and social exclusion. Migrants are often scapegoated for economic issues or crime.

Example: In South Africa, waves of xenophobic violence since 2008 have targeted Nigerian, Somali, and Zimbabwean communities.

- Lack of Access to Justice: -

Many migrants fear reporting abuse due to their irregular status. Language barriers, lack of legal aid, and systemic bias further hinder access to justice.

- Statelessness: - Children born to migrants may be denied citizenship due to legal loopholes or discriminatory nationality laws, leaving them stateless and vulnerable.

VI. GENDER AND MIGRATION

Women and LGBTQ+ migrants face compounded vulnerabilities, including: -

- Sexual and Gender-Based Violence (SGBV):- Women and LGBTQ+ migrants often face harassment, abuse, and sexual violence, especially during transit or in detention. They are vulnerable due to lack of legal protection and safe housing.
- Human Trafficking: - Many female migrants are at risk of being trafficked for forced labor or sexual exploitation, particularly when migrating through irregular or unsafe routes.
- Discrimination in the Workplace: - Migrant women, especially domestic workers, face low wages, long hours, and poor working conditions, often with no legal recourse or labor rights.

Example: Female migrant workers in the Middle East are disproportionately represented in domestic work, where they are often isolated and subjected to abuse without legal recourse.

VII. CLIMATE CHANGE-INDUCED MIGRATION

- Environmental Drivers of Migration: - Climate change leads to rising sea levels, desertification, floods, and extreme weather events, forcing people to leave their homes—especially in vulnerable regions like small island nations, coastal areas, and drought-prone zones.
- Lack of Legal Protection: - Current international refugee law does not recognize climate migrants or environmental refugees, meaning they lack formal protection or the right to seek asylum under the 1951 Refugee Convention.

- **Disproportionate Impact on the Global South:** Countries in the Global South, such as Bangladesh, Pacific Island nations, and parts of Africa, bear the brunt of climate-induced displacement despite contributing the least to global emissions.
- **Increased Risk of Human Rights Violations:** - Climate migrants often face poor living conditions, loss of livelihood, statelessness, and lack of access to healthcare, housing, and education in both origin and destination areas.

VIII. ROLE OF NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

NGOs play a critical role in: -

- **Humanitarian Assistance and Legal Aid:** - NGOs provide essential support to migrants, such as food, shelter, medical care, and legal help—especially in refugee camps, detention centers, and border zones.
- **Monitoring and Reporting Violations:** - Organizations like Human Rights Watch and Amnesty International actively document and expose human rights abuses faced by migrants, helping hold governments accountable.
- **Advocacy and Policy Reform:** - NGOs work to influence migration policies, promote human-rights-based approaches, and raise public awareness through campaigns, reports, and partnerships with international bodies.

Organizations like Amnesty International, Refugees International, and Médecins Sans Frontières work across borders to uphold migrant rights.

IX. INTERNATIONAL COOPERATION AND GAPS

- The Global Compact for Migration (2018)
- The Global Compact for Safe, Orderly and Regular Migration is a non-binding international agreement adopted by the United Nations in 2018.
- It aims to promote international cooperation in managing migration through shared responsibility among countries.
- The Compact lays out 23 objectives, including:

- Reducing vulnerabilities faced by migrants.
- Combating human trafficking.
- Improving border management.
- Ensuring migrants' access to basic services like healthcare and education.
- Enhancing the collection of migration data for better policy-making.
- It recognizes that migration is a global reality that needs coordinated solutions rooted in human rights, safety, and dignity.
- Importantly, while it respects national sovereignty, it encourages countries to strengthen legal migration pathways and protect migrants regardless of status.

• Limitations and Challenges

- The Compact is non-binding, meaning countries are not legally obligated to follow it—this weakens its enforcement power.
- Some major countries, including the United States, Hungary, Poland, and Israel, withdrew from or did not support the Compact, arguing it could undermine national immigration laws.
- Even among supportive countries, implementation is inconsistent due to domestic political pressures, rising anti-immigrant sentiments, and lack of resources.
- There are no formal accountability mechanisms to monitor whether countries are achieving the objectives of the Compact.
- As a result, while the Compact is a step toward global cooperation, its real-world impact is limited, and migrant protection still varies widely from one country to another.

X. INDIA AND MIGRATION – A CASE STUDY

- **Dual Role: Sending and Receiving Country**
India plays a unique dual role in global migration: -
- It is one of the world's largest sources of emigrants, with over 17 million Indians living abroad, especially in the Gulf countries, North America, and Europe.
- At the same time, India hosts millions of migrants and refugees from neighboring countries like

Bangladesh, Nepal, Sri Lanka, Tibet, Afghanistan, and Myanmar.

- This dual nature makes India's migration policies especially significant in terms of both labor rights abroad and refugee protection at home.
- Absence of a National Refugee Law: -
- India is not a signatory to the 1951 UN Refugee Convention or its 1967 Protocol.
- Refugee protection in India is handled on a case-by-case basis, often influenced by
- political and strategic considerations rather than a formal legal framework.
- For example, Tibetan and Sri Lankan Tamil refugees receive certain protections, while
- Rohingya Muslims from Myanmar have faced detention and deportation threats.
- This lack of legal consistency leaves many refugees vulnerable to arbitrary decisions, lack of documentation, and no access to basic services like education or healthcare.
- Internal Migration and the COVID-19 Crisis: -
- India has over 450 million internal migrants, many of whom move seasonally for work in construction, agriculture, domestic work, and factory jobs.
- During the COVID-19 lockdown in 2020, millions of these migrants lost their jobs and were forced to walk hundreds of kilometers back to their home villages due to lack of transportation.
- The crisis exposed deep flaws in India's social protection system, such as:
- No portable welfare benefits across states.
- Poor living conditions in cities.
- Invisibility of informal labor in government databases.
- It sparked a national debate on the rights, dignity, and recognition of internal migrants and led to some reforms, such as the One Nation, One Ration Card scheme.

RECOMMENDATIONS

- Adopt a Human Rights-Based Approach: - Governments should create migration policies that respect the dignity, safety, and rights of all migrants,

instead of focusing only on border control or national security.

- Ratify Key International Conventions: - Countries should sign and implement important international treaties like the 1951 Refugee Convention and the Migrant Workers Convention to ensure legal protection for migrants.
- Ensure Legal Pathways and Regularization: - Governments should provide safe and legal migration channels to reduce irregular migration and protect migrants from exploitation and trafficking.
- Support Integration and Social Inclusion: - Migrants should have access to education, healthcare, jobs, and language training, and face no discrimination, so they can be part of the host community.
- Strengthen International Cooperation: - Migration is a global issue. Countries should work together, share responsibilities, and provide support during crises and large-scale displacements.

CONCLUSION

In the contemporary world, migration is essentially a human rights concern rather than only a demographic or political one. Whether they migrate freely or are compelled to do so due to economic hardship, violence, or climate change, migrants frequently confront serious risks to their fundamental liberties and rights. These include exploitation at employment, unsafe living conditions, lack of legal status, discrimination, and restricted access to justice, healthcare, and education. Particularly at risk are vulnerable populations including women, children, and undocumented migrants. Any genuine discussion on global justice and equity must acknowledge the humanity and dignity of all migrants.

Even with strong international legal frameworks like the 1951 Refugee Convention, the Universal Declaration of Human Rights, and other labor rights conventions, there is still an enormous gap between the safeguards that migrants actually receive and the rights they are entitled to. Key conventions have not been ratified by many nations, and even those that have frequently implement policies that hurt rather than assist migrants due to political opposition, lack of enforcement, and nationalist rhetoric. In many

regions of the world, human rights abuses at borders, in prisons, and in labor systems still go unpunished.

Global commitment to a human-rights-based approach to migration governance is necessary for progress. This entails establishing secure legal channels, guaranteeing service accessibility irrespective of one's legal status, and encouraging social participation and integration. Additionally, it calls for shared accountability, international cooperation, and the political resolve to defend the principles of justice, equality, and compassion. The world can only effectively and morally address the reality of migration in the twenty-first century by working together and upholding human rights.

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