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Functional Regimes in the Domain of Human Rights

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Abstract: In this study we will analyze briefly the main regimes in the domain of human rights, arising from the breach of rights and guarantees by the states to its citizens, the categories of persons arising as a result of failure to fulfill obligations of governments and specifying the legal regulations by which the man can regain the needed protection; in a separate chapter we will examine the regimes of refugees and asylum seekers, which raise separate issues in the context of migration of people in the recent years in the context of Muslim people migration towards the European countries.

Keywords: human rights; race; education; children; immigrants

1. Introduction

With the advent of the first laws of societies organized in states, some unfavorable social strata were gradually recognized, and not only, by prohibiting barbaric practices such as torture, enslavement, or confiscation of property without a fair trial, citizens' rights such as the right to property, the right to be free, the right to choose their leaders, to protest and even the right to happiness originally found in Roman law and Greek antiquity, which have better explained the relationship between the individual, the religion and the secular state, elaborating the notion of a natural right in which man is the master of his destiny, and the laws are replicas of an eternal, immutable and universal right which implacably implies social relations. (Dragoman, 2008, p. 11)

Although the attempt to identify common rights and dignities of the common man has been felt over many centuries, the most important recognition has taken place through the United Nations Universal Declaration of Human Rights (DUDO), the United Nations Charter, the International Charter of Human Rights, a relatively recent recognition in relation to the hundreds of years in which bases of human rights regulation were basically outlined and established.

There is an indispensable link between a state and its citizens, which consists in ensuring, on the one hand, by the state the respect for citizens' fundamental rights and freedoms and, on the other hand, the obligation of the citizens to assume and respect their duties towards the state. This would be the perfect formula that would enable a common man to live a dignified life with a beautiful and without the concern for the next day, thus contributing to the balance and the favorable development of the society he is part of. However, there are situations in which governments are unable or unwilling to

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guarantee and secure the fundamental rights and physical security of their own citizens, in which case deprived citizens have the right, according to art. 14 of the Universal Declaration of Human Rights, seeking asylum and receiving asylum in other countries in case of persecution.

Breaking the link between the state and its citizen and depriving the latter of proper protection and the obvious consequences of such a traumatic rupture in most cases have led to the conclusion that global documents on the regulation of human rights and freedoms do not respond satisfactorily to specific problems and cannot provide sufficient protection for groups that are more vulnerable than others or have traditionally been discriminated. (Diaconu, 2010, p. 170) That is why the need to protect these vulnerable groups has led to the creation of rules that regulate separately certain aspects of human rights, thus developing specific regimes to protect the rights of these vulnerable groups.

2. Eliminating Discrimination against Women

This right is regulated separately in the *Convention on the Elimination of All Forms of Discrimination against Women* adopted by the United Nations General Assembly on 18 December 1979. The Convention defines this form of discrimination as “*any distinction, exclusion or restriction on grounds of sex, effect or purpose to compromise or to annihilate the recognition, benefit or exercise by women, irrespective of their marital status, on the basis of equality between men and women, human rights and fundamental freedoms in the fields of: political, economic, social, cultural, civil or any other areas.*”

In order to implement the principles outlined in the Declaration on the Elimination of Discrimination against Women, the Convention laid down a series of rules and measures necessary to remove such discrimination in all its forms and manifestations. Thus, through the provisions of the Convention, States have committed themselves to condemn discrimination against women in all its forms, to promote by all means a policy of eliminating discrimination against women by ensuring their full development and progress in all areas of: political, economic, social and cultural, education, labor, health, economic and social life, and last but not least, in the field of marriage and family relations.

The 1979 Convention is the most important step towards promoting equality of rights and the elimination of discrimination against women, as it is not confined to the formal proclamation of equality, but it requires states through the *Committee on the Elimination of Discrimination against Women*¹ to ensure that women may in fact exercise their rights and freedoms on an equal footing. (Diaconu, 2010, p. 172) Of course, the aforementioned act was preceded by a series of other normative acts that included gender discrimination and provisions on equality before the law or equal protection of the law for any person. Among these, we can recall those who paid particular attention to the protection of women and the elimination of discrimination in society, and at the same time they were of particular importance to the issue we have been researching. An important role in the evolution of the protection of women's rights and the elimination of their discrimination has been played by the International Labor Organization since 1919, when it adopted the first conventions dealing with the protection of women in the labor market and later on equal access to employment and the right equal to maintaining themselves. However, over the years, continued to be subjected to both heavy labor and ill-treatment and discrimination of women.

¹ The 1979 Convention on the Elimination of All Forms of Discrimination against Women creates, on the basis of article 17, the Committee on the Elimination of Discrimination against Women “in order to examine the progress made by States in the implementation of its rules”.

With the founding of the United Nations, through its Charter and other instruments that followed, the woman gains a new position in the society of bias and misogyny. It begins to be viewed from a different perspective, being recognized first and foremost the rights to which she was entitled to, both as a human being and as a physical person. The UN Charter, we can see, was the first step that facilitated the change of women's legal status because both in its preamble and in some of the articles it calls into question the need for collaboration between states to “keep peace in the world, to reaffirm the faith in the fundamental rights of man, in the dignity and value of the human person, in *equal rights of men and women*”¹, solving international problems of economic, social, cultural or humanitarian nature, regardless of race, sex, language or religion”² as well as other articles defining the legal status of women, recalling, first of all, the elimination of gender discrimination in all areas of activity. Other instruments on this line are: the Convention on the Political Rights of the Women adopted by the General Assembly on 20 December 1952, giving her the right to vote, as well as the right to hold public offices equally with men; The Committee on the Condition of Women, created by the Economic and Social Council on June 21, 1946, with the task of drafting recommendations and drafting reports on the development of women's rights in all areas, and identifying emergency issues in this area.

Despite all the provisions regarding the state of women in society and its rights, as well as the desire to proclaim gender equality, the old practices in which the main discriminator was even the woman continued over the years. Thus, in order to ensure respect for the principles of freedom and equality as well as non-discrimination, another instrument was created, which we have mentioned at the beginning of our paper on the regime regarding the elimination of discrimination against women, which not only restores the legal status of women in society, recognizing the same rights as men, but also ensures their respect, by requiring Member States to act in the best possible way in this endeavor.

Even if the European Union owns these tools to protect women as a natural person, which plays a quite important role in society, there are increasingly unanswered questions about the migration of the Muslim peoples in the European Union, namely what will be the fate of the social status of women in the next years? We know that Muslim religion does not give her the same position as a Christian religion, which is the most widespread in Europe. In fact, securing legislation and separating it from religious dogmas in Western culture has led to current achievements in this area, which has not been done equally in countries where Islamic religion is identified with the law, and all rights and freedoms are subject to the Islamic (Sharia) Law and Quran, “which can only be interpreted according to them”, as set out in the 1990 Cairo Declaration of Human Rights in Articles 24 and 25.³

3. Eliminating Racial Discrimination in the Field of Education and Work

As we have already previously mentioned, the issue of discrimination is regulated in all human rights legislation starting with the Universal Declaration of Human Rights, where the principle of equality in dignity and rights is set forth in the first article⁴, reinforced in the following articles of the document establishing that a person can use all his rights and freedoms without distinction as to race, color,

¹ Preamble, Charter of the United Nations of June 26, 1945.

² Article 1, par. 3, Charter of the United Nations of June 26, 1945.

³ <http://inliniedreapta.net/drepturile-universale-ale-omului-islamului/>.

⁴ All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and must behave one towards another in the spirit of brotherhood”, Article 1, Universal Declaration of Human Rights adopted by the United Nations General Assembly on September 10, 1948.

gender, religion or any other circumstance¹, are equal before the law and entitled to equal protection against all discrimination² and to found a family without any restriction as to nationality or religion³, as well as other provisions that enumerate human rights without any discrimination, such as the right to education or to work.⁴

Of course, the Declaration, in our opinion, is a general guideline of human rights with a series of other specific declarations and conventions that complement it, bringing novelties in the field of human rights for the specific regulation of their rights and their protection for groups of disadvantaged people. In this context, treaties have been adopted that have established non-discrimination regimes in certain areas such as education⁵ or work⁶.

A broad definition of the term of racial discrimination is given by the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly of 21 December 1965. The Convention defines racial discrimination as referring to any distinction, exclusion, restriction or preference based on race, color, ascendance or national or ethnic origin, which has the purpose or effect of nullifying or compromising the recognition, enjoyment or exercise, on an equal basis, of fundamental human rights and freedoms in the political, economic, cultural or any other area of public life.⁷

The Convention does not regulate only one area of discrimination of the individual, it extends its sphere of influence in all areas of social, political, cultural and economic life, offering protection, as can be inferred from the definition, not only against discrimination based on race but and on ascendance, origin or color. States, as required by the Convention, have a fundamental obligation not to resort to acts or practices of racial discrimination, not to encourage, defend or support racial discrimination by any person or organization, and finally to guarantee the right to equality before the law without distinction of race, color, national or ethnic origin in the exercise of the rights provided for in Article 5 of the Convention. States Parties also undertake to provide any person under their jurisdiction with effective protection and remedy before national courts and other competent state bodies against any racial discrimination which, in contravention of the Convention, would violate its individual fundamental rights and freedoms, as well as the right to ask for such satisfaction or fair and appropriate reparation; to take immediate and effective measures, especially in the fields of education, culture and information, to combat prejudices that lead to racial discrimination; to foster understanding, tolerance and friendship between nations and racial or ethnic groups in order to promote the purposes and principles of the United Nations Charter, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Convention. (Diaconu, 2010, p. 176)

Other conventions prior to the *International Convention on the Elimination of All Forms of Racial Discrimination* were against discrimination in the field of education of 14 December 1960 and discrimination in the field of employment and occupation of 25 June 1958. These, compared to the International Convention on the Elimination of All Forms of Racial Discrimination since 1965,

¹ Art. 2, Ibidem.

² Art. 7, Ibidem.

³ Art. 16, Ibidem.

⁴ Art. 23 și 26, Ibidem.

⁵ Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of UNESCO.

⁶ Convention no. 111 on Discrimination in Employment and Occupation, adopted by the Conference of the International Labor Organization on 25 June 1958.

⁷ Article 1. "International Convention on the Elimination of All Forms of Racial Discrimination" adopted by the General Assembly of 21 December 1965.

focuses its attention only on the two areas resulting from the titles of conventions: education and labor. Here, the parties point out the facts considered to be discriminatory, in particular the deprivation of a person or group of people to access to any type or level of education, namely the compromising of equal opportunities or the treatment of the right to work, employment and occupation. States undertake to pursue policies to promote equality of opportunity and treatment in the field of education, as set out in the Convention against Discrimination in Education and Work, provided for in the Convention against Discrimination in Employment and Occupation. Both conventions have a limited application, and their regulations cannot be used in other spheres of non-discrimination, rather than education and labor, which led to the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination, 1965, which is not limited to discrimination in some areas, but covers all spheres of public life, and in addition, it creates the Committee for the Elimination of Racial Discrimination to Oversee the Application of the Convention.

The Committee may make general suggestions and recommendations on the meaning of the various provisions of the Convention and the measures that States should adopt following their presentation of written explanations or statements, clarifying the matter.¹

Romania's accession to the *International Convention on the Elimination of All Forms of Racial Discrimination* took place in 1970 by Decree 345, recognizing the competence of the Committee to receive and examine complaints from persons who are under the jurisdiction of the Romanian State and claim to be victims of the violation by Romania of any of the rights provided for in the Convention, much later, by Law no. 612 of November 13, 2002. This is permitted by art. 14 of the Convention, which provides that recognition of the competence of the Committee may be made by any State Party at any time. The same article limits the powers of the Committee to States which, even if they are party to the Convention, have not made a declaration recognizing the Committee's competences in this area. The Convention also provides for the creation or designation of a body which has the power to receive and examine applications from persons who consider themselves to be discriminated against in the legal order of the States which have declared the recognition of the Committee's powers. In our country, such a body was set up in 2001 by G.D. no. 1194, on the organization and functioning of the National Council for Combating Discrimination.

4. Child's Protection

Another category of people needing to protect their rights are children. All children, without any discrimination, have rights, and the Convention on the Rights of the Child adopted by the UN General Assembly of 20 November 1989 clearly mentions them. This act is a much broader version of the 1924 Geneva Declaration on the Rights of the Child, having as its basis the Declaration of the Rights of the Child of 20 November 1959. The Convention defines the child as any human being under the age of 18, cases where the law applicable to the child provides for the increase at a younger age.

Also in the 1989 Convention are the principles that guarantee the respect and protection of the rights of the child:

- a) the respect and promotion of the best interest of the child;
- b) equal opportunities and non-discrimination;

¹ Article 1: The "International Convention on the Elimination of All Forms of Racial Discrimination" adopted by the General Assembly of 21 December 1965, Part Two, art. 8-16.

- c) responsibility of the parties for the exercise of rights and the fulfillment of parental obligations;
- d) the primacy of parents' responsibility for respecting and guaranteeing the rights of the child;
- e) decentralization of child protection services, multi-sector intervention and partnership between public institutions and authorized private bodies;
- f) providing individualized and personalized care for each child;
- g) respecting the dignity of the child;
- h) listening to and considering the child's opinion, taking into account age and maturity;
- i) ensuring the stability and continuity of childcare, raising and education, taking into account its ethnic, religious, cultural and linguistic origin, in case of taking a protection measure;
- j) celebrated in making any decision regarding the child;
- k) ensuring protection against abuse and exploitation of the child;
- l) the interpretation of each legal norm referring to the rights of the child in relation to all the regulations in this field.

The same principles are listed in Law no 272/2004 on the protection and promotion of the rights of the child. By creating a proper legal framework, the child is given special treatment different from that of adults, given his physical, mental and emotional characteristics, even if the rights of the child are, in essence, human rights. (Drăghici, 2013, p. 27) The Convention on the Rights of the Child, reflected in the Romanian legislation, by Law no. 272 of 2004, largely embraces all categories of child rights that are grouped into: civil rights and freedoms, family rights and alternative care; rights relating to child welfare and education and rights relating to recreational and cultural activities. All are, generally, the rights of a human being, a separate regulation in favor of the child has been attracted by certain factors that have demonstrated over time the need for a distinct, special protection that must be given to the child as a natural person in general and as a weak link of society in particular. In this context, contemporary society must protect the child in particular by creating favorable conditions both for its psychic and physical development in harmony, and for its integration into all contexts of social life.

Of course, the field of child protection is not based only on the conventions and laws mentioned, which specifically provide for the principles and rights of the child, but also on another group of regulations, which highlight certain special cases where the need to protect the child, such as the sale of children, child prostitution and child pornography¹, the international kidnapping of children², the prohibition of the worst forms of child labor and immediate action to eliminate them³, as well as the special protection of children with disabilities.⁴

A child's education first starts in the family. Parents responsible for bringing a new individual to the world have not only the duty to protect it, but also to recognize and respect their rights and to provide

¹ The Optional Protocol of 6 February 2000 to the Convention on the Rights of the Child; The 2007 Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; The 2005 Convention on the Fight against Trafficking in Human Beings.

² The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Romania acceded to this Convention by Law No 100/1992; Additional Protocol to the United Nations Convention against Transnational Organized Crime of 2000, on the Prevention of the Suppression and Punishment of Trafficking in Persons, Especially Women and Children.

³ ILO Convention No 182/1999.

⁴ The 2007 Convention on the Rights of Persons with Disabilities; Convention of 13 December 2006 on the Rights of Persons with Disabilities.

appropriate education, to contribute successfully to their mental, emotional, social and cultural development. In this context, through international and national normative acts, the obligations that are assigned to their parents in the complicated social process of education and protection, in their actions or inactions towards their children, are established in addition to the rights of the child.

It is essential to change the perception of the child in order to achieve results in the creation and development of a healthy and powerful generation, both mentally and physically. We, the “big” people, cannot and must not ignore the rights of the child, thus giving him the possibility of a normal growth to form a new well-trained individual on whom the society of tomorrow will be based.

5. Protection against Torture

Protection against torture is another functional regime in the field of human protection, physical person. “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” of 10 December 1984 defines torture as “any act by which a severe, physical or mental pain or suffering is intentionally caused to a person in order to obtain from him or third party information or confessions, to punish him for an act committed by him or a third party or suspected of having committed, intimidating or coercing him or a third person, or for any reason based on discrimination any such offense when such pain or suffering is caused by a civil servant or other person acting in an official capacity, at his instigation or with his consent. No account is taken of pain or suffering that is inherent or derives from legal sanctions.”¹

The 1984 Convention against Torture was created by the desire to increase the effectiveness of the fight against torture and other cruel, inhuman or degrading treatment or punishment throughout the world, and the provisions of the Universal Declaration of Human Rights and the International Covenant on Human Rights on Civil and Political Rights, “which provides that no one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment.”² As in other functional regimes in the field of human rights protection, the 1984 Convention against Torture regulates in detail the issue of torture by giving it a complex definition, providing all the information on torture and other inhuman or degrading treatment or punishment.

The States Parties by this Convention assumes the obligation to take legislative, administrative, judicial and other measures to prevent acts of torture in the territory under its jurisdiction. This includes cases of war or threat of war or any other exceptional circumstances that cannot in any case be invoked to justify torture. Practically, States Parties undertake primarily to ensure the protection of their citizens against torture through actions to prevent such cruel treatments, such as the introduction of criminal offenses through torture and applicable sanctions. At the same time, staff training programs in different areas of activity that may be involved in guarding, interrogating or treating any individual subject to any form of arrest, detention or imprisonment will contain knowledge and information on the prohibition of torture. Taking into account that torture is an act that causes a pain or suffering to a person, the Convention establishes that statements obtained through such acts are not to be relied upon as evidence in any proceedings, being inconclusive. The tortured person can make any kind of statements, even false ones, as a result of the caused pains, in order to escape, thus delaying or directing the trial on a wrong track.

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly by Resolution 39/46 of 10 December 1984, Art. 1.

² Universal Declaration of Human Rights Art. 5, International Covenant on Civil and Political Rights Art. 7.

Also, torture offenses as provided for in the Convention will be included in any extradition treaties to be concluded between states or already existing ones. In the same context, extradition, rejection or expulsion will not be carried out if it is established that there are serious grounds for believing that the person concerned is at risk of being subjected to torture. In the case of States not bound by an extradition treaty, this Convention plays a very important role, creating a solid bridge of extradition in respect of these crimes. Consequently, if a State Party that subordinates the extradition of a treaty is seized with an extradition request from another State Party with which it is not bound by an extradition treaty, it will surrender the perpetrator under this Convention. Of course, the main condition for extradition under the Convention is that states are part of it. Otherwise, international legal rules that explicitly provide for the extradition procedure remain valid, the need for extradition treaties being topical.

In order to monitor and ensure the fulfillment of the commitments, the Committee against Torture¹ is set up to supervise and ensure the application of the rules established by the Convention by examining the information communicated, formulating and transmitting the conclusions together with any comments or suggestions they consider necessary in the light of the situation.

Of course, in order to act in the sense set out above, the Committee needs the States Parties to the Convention to make a declaration recognizing their competence before it can receive and examine communications in which a State Party claims that another State Party does not comply with the obligations arising from the Torture Declaration. The mandatory recognition of the Committee's ability to successfully carry out the function for which it was created is contrary to the provisions of the Convention, effectively preventing not necessarily the fulfillment of commitments made by States Parties in good faith, but ensuring that those provided for in the Convention to be respected. If the States did not recognize this quality as the Committee, the Convention would remain at the stage of a normative act with a series of obligations established by the States Parties, in which case they would be forbidden to respect them in the field of protection against torture and other cruel, inhuman or degrading treatment.

Subsequently, at the request of the World Conference on Human Rights², the Optional Protocol of 18 December 2002 to the Convention against Torture established a system of systematic visits to places where people are deprived of their liberty. These visits were to be carried out in order to prevent torture and punishment or inhuman or degrading treatment. The Protocol establishes within the Committee on the Prevention of Torture the Subcommittee on the Prevention of Torture and Punishment or Inhuman or Degrading Treatment. Under this Protocol States Parties allow visits to places where persons are or may be deprived of their liberty in order to ensure the protection of such persons against torture and punishment or inhuman or degrading treatment. The main point, as stated at the World Conference on Human Rights, is that for the eradication of torture, states should focus on its prevention and punishments or inhuman or degrading treatment.

6. Rights of Immigrant Workers

An important part of the world's economic relations is the international migration of the labor force, which is the movement of workers in search of a job in other states, which also provides for the change of their place of residence. The process of international labor migration includes two opposing

¹The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Part II Art. 17-24.

² Supplementary Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 18 December 2002.

phenomena, emigration and immigration, which require rigorous clarification to overlook the confusion between these two terms. Migration means the departure of a working population in one's own country whose citizens are in another country in a foreign country looking for a job while immigration is the movement and entry of the persons concerned into a country other than the one origin.

Causes of labor migration are diverse, in the recent years the economic crisis has been the main reason for triggering this process: looking for a better job, a consistent income, living standards and education, etc. The steady increase in unemployment in some countries, especially developing countries, has become an important factor in accentuating this phenomenon. The migration flows, as a rule, from developing countries to those already advanced from the financial point of view. Due to the industrial development of these states and the possibility of solving a multitude of socio-economic problems, it has led to the increase of the living, education and culture of the indigenous population. This has attracted the production and infrastructure level of the difficulty of finding workers for certain positions and specialties that are not prestigious and poorly remunerated. Thus, the population in developing countries where chronic unemployment and wage decline are predominant is willing to emigrate for jobs, sheltering the family from a material point of view.

The practice shows that labor migration can be useful for both exporting and receiving countries. For some states, the emigration of labor is a genuine source of foreign currency. It often comes in through bank transfers or when the person returns to the country. It also facilitates the improvement of the situation on the domestic labor market, thus reducing the unemployment rate and, on the other hand, increasing the level of consumption that has the effect of stimulating production. For labor-importing countries, the advantage is the decrease in production costs, with immigrant workers earning much lower wages than domestic workers, while increasing the competitiveness of national products on the international market.

Like the other social categories mentioned in this chapter, immigrant workers and their families also need protection. In search of better living conditions, they may be victims of discrimination in the field of work, health and education.

Even though the rights of migrant workers and their families are protected by general human rights documents (such as provisions relating to any person under the jurisdiction of a state or legally resident in its territory, including foreign nationals, as well as regulations based on the principle of non-discrimination or rights protected by specific documents on women's and children's rights as well as on the elimination of racial discrimination and education and labor), the complete non-compliance with the rules and the rules adopted by the States Parties in recent years has led to the need for adopting specific documents on the rights of this category of people. This implies that the international regime as well as the European Union's labor immigration regime is the result of a constant tension between the resilience of states and the need to cooperate from the moment of inability to effectively manage the phenomenon. (Burian, 2010)

In the recent years, as a result of the problems created by global economic stagnation and its consequences on migration, the dilemma between temporary and permanent workforce migration, the exodus of professionals, policies and programs have emerged to support labor migration: the International Convention for the Protection of All immigrant workers and their family members since 1990, the European Convention on the Legal Status of Immigrant Workers adopted on 24 November 1977, the International Labor Organization Convention on Migration for Employment, 1949 (C-97) and the International Labor Organization Immigrant Workers (Additional Provisions) of 1975 (C-143).

It is recognized that immigrant workers represent an increasing number of people throughout the world. This category of people are confronted with specific problems that cannot be dealt with in general conventions, such as employment, reunification of families, participation in public life, naturalization, repatriation, transfer of benefits. (Diaconu, 2010, p. 190)

The International Convention provides for the principle of equal treatment for all migrant workers and their family members, regardless of whether they are legally or illegally in the country concerned, political and civil, economic, social and cultural rights. As regards working conditions and payment, the treatment is no less favorable than that of its own nationals. Immigrant workers are granted rights in terms of working hours, additional work, weekly rest and holidays, health, minimum working age, holiday arrangements. Thus the International Convention for the Protection of the Rights of All Immigrant Workers and Members of Their Families becomes a complex tool of legal guidance for States that formulate migration policies and the complementary Conventions on ILO regarding the Migration for Employment (C-97 and C-143) offering specific standards on employment and employment of immigrant workers. The importance of these conventions is that they provide a comprehensive regulatory framework for the definition of national and international migration policies in line with the principle of the rule of law. They highlight a rights-based approach but are not simply treated in the field of human rights. They set the parameters of a broad set of national policies and regulatory concerns and outline the agenda for inter-state consultation and cooperation on the most relevant issues, including information sharing, cooperation in combating irregular migration, immigration and human trafficking, pre-departure orientation for immigrants, regular return and reintegration into home countries and others.¹

7. Conclusion

Currently and in the past, the man was considered, the most powerful and dominant being on Earth. This achievement has become possible due to the individual's development in the scientific, economic, cultural and technological fields. All discoveries have been made as a consequence of the desire to improve and make human life easier, each inventor being firmly convinced at the time of his creation that it will only bring benefits. Unfortunately, many inventions have been used as tools for demonstrating power and supremacy. The desire to dominate and impose its ideas has led to inappropriate use of inventions against man, generating conflicts, from simple individuals to wars between states. And so in the case of conflagrations, the peaceful population is often affected by the consequences. The man, from a being who can do anything, and thinks that he is doing everything, turns into an "animal" persecuted, forced to leave his house and wealth to protect the most expensive right, *the right to life*. Thus, caught in a vicious circle, man again comes up with ideas and proposals for his protection, enumerating rights and creating laws to regulate them. However, there are cases where governments, which should actually guarantee the fundamental rights and physical security of their own citizens, are not able to do so, and civilians have to seek refuge in other states. The most surprising thing is that we protect ourselves. Laws and punishments are made for committing evil deeds by man against man.

With the democratization of the countries, it was essential to create human rights institutions, convincing us about the usefulness and importance of these mechanisms through which human rights

¹ The International Coordination Committee for the Ratification Campaign of the Convention on the Rights of Immigrants "Guide for the Ratification of the International Convention for the Protection of the Rights of All Immigrant Workers and Members of their Families", p. 5, http://www.migrantsrights.org/documents/SCRatificationGuideROJune2012_000.pdf.

are guaranteed and protected. Of course, from all the rights and protections, attention was directed more towards the regime of protection of the refugee immigrant, even for the stateless person.

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