



 Global Classrooms

International Model United Nations

Preliminary Conference

Human Rights Council (HRC)

 Protecting the Rights of Migrants

**Description of the Committee:**

The Human Rights Council (HRC) was created by the United Nations (UN) General Assembly on 15 March 2006 by resolution 60/251. Its core objective is to promote the respect of human rights everywhere in the world.

HRC is the main body within the UN system responsible for strengthening the promotion and protection of human rights around the world, and for addressing and taking action on human rights violations around the world.

The Council holds meetings throughout the year to address human rights violations wherever and whenever they occur. It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground. The Council has the ability to discuss all thematic human rights issues and country-specific situations that require its attention.

The Council held its first session in June 2006. One year later, the Council adopted its “Institution-Building” package by resolution 5/1 to guide its work and set up its procedures and mechanisms.

The Council also has a large group of independent human rights experts reporting to it known as the Special Procedures who serve as the eyes and ears of the Council. These are made up of independent experts and working groups that examine, advise, and report on thematic issues or human rights situations in specific countries (recent examples include special experts for the war in Syria). They also work often with NGOs to gather information on human rights on-the-ground.

In addition, the Council can establish international commissions of inquiry, fact-finding missions, and then investigations to respond to human rights violations, to help expose violators and bring them to justice.

The historical basis of the HRC is the Universal Declaration of Human Rights, created after the atrocities of WWII, it was the first and only document of its time that fully stated and described the rights that the United Nations felt every human should have, regardless of race or nationality. The Universal Declaration of Human Rights was worked on my many countries and finally put into action in 1945, with the goal of preventing atrocities like those experienced in World War II from ever happening again. The document is often referenced when human rights are reviewed for various states.

**History of Topic**

Among definitions for migrant workers, the one most commonly used by the Committee on Migrant Workers (a subcommittee of the Human Rights Council) is: “a person who is to be engaged, is engaged or has been engaged in a remunerated (paid) activity in a State of which he or she is not a national (citizen).” For centuries, people have been doing just that- traveling across borders in search of better work, better lives, and better opportunities in other countries.

Despite the conception that migrants tend to come from certain regions of the world or particularly poor countries, this has proven to be untrue. Though countries like the United States and the UK do not track the number of citizens that leave in order to live in other countries (known as emigration), the over 1000 auxiliars from English-speaking countries in Spain is one small example of migration from a developed country to another; though there are also many instances of emigration from developed to developing states. In fact, every country in the world has citizens who have left to pursue opportunities in another country, or have migrants living in theirs. According to a report published by Harvard, in 2015, there were an estimated 244 million migrants in the world, though the exact number is hard to find as many are undocumented (Elia).

**Reasons for migration**

There are a number of contributors to the reasons why people may decide to migrate, including the search for a better livelihood for themselves and their families. For some, migration is the only way to survive, based on the situation in their homeland. Migrant workers are more and more often leaving home because of social as well as economic hardships or lack of mobility in both. Often, parents want a better life for their children than the one they had. Different wage standards also account for many numbers of migrants, where the hourly minimum wage in the United States is the equivalent to or more than a daily wage in some countries.

However, despite what seems to be a positive escape from horror and poverty, migration has evolved drastically over time. More and more often, as borders become tighter and laws less lenient, workers find themselves entangled in worlds much like the one they just fled. The status of today’s globalized world is often remarked upon, and it must be recalled that with a more globalized world also comes a greater influx of goods and people. Recently, this has come to the Human Rights Council’s attention, and they have taken steps toward bringing the protection of migrant workers to the priority list. While there are legal distinctions between documented and undocumented migrants, the council will henceforth refer to both parties as “migrants” and speak about the issues broadly plaguing both, though sometimes there will be specific emphasis on the experience of one or the other, as it relates to their enjoyment of human rights.

**Impact of Migration in “Receiving Countries” and “Countries of Origin”**

The countries that receive migrants are called Receiving Countries. Migration fundamentally shapes economies, cultures, and landscapes of the countries that they live in (Receiving Countries), often positively. As recent research from University College London shows, “European migrants are not a drain on Britain’s finances; what is more, they actually pay in more in taxes than they take out in state benefits. That contribution – valued at £2bn a year – is helping to fuel Britain’s economic growth” (Frattini).

This is the same in the United States, where the Social Security Administration reported that in 2010, undocumented migrants paid over $13 billion ($20,000,000,000) in taxes in that fiscal year, but only used $1 billion in benefits, making a net gain of $12 billion USD for American citizens (Goss, Wade and Skirvin).

Lastly, an IMF study, published in October 2016, titled “Impact of Migration on Income Levels in Advanced Economies” found that “1 percentage point increase in the share of migrants in the adult population increases GDP per person in advanced economies by up to 2 percent in the longer term. This increase comes primarily from an increase in labor productivity, instead of an increase in the workforce-to-population ratio.”

Moreover, the IMF found that both high- and low-skilled migrants improve productivity:

a) Low-skilled migrants fill essential occupations for which the native-born population is in short supply, contributing to a more efficient functioning of the economy;

b) When low-skilled migrants take up more manual routine tasks, the native-born population tend to move to more complex occupations that require language and communication skills in which they have a comparative advantage; and

c) In what is a key example of complementarity, low-skilled migrants provide housekeeping and childcare services (the “nanny effect”) and thus allow native-born women to return to work, or work longer hours. Indeed, wherever more low-skilled migrants are present, more high-skilled females participate in the labor force.

Prosperity is broadly shared: An increase in the migrant population benefits the average income per person of both the bottom 90 percent and the top 10 percent of earners. (Florence Jaumotte)

Aside from the economic value that they add to the economy, the very diversity of migrants is an added benefit to societies. A Harvard Business study published in 2017 found that, “[o]ur empirical findings suggest that cultural heterogeneity, measured by either fractionalization or polarization, has a discernible positive impact on the growth rate of GDP over long time periods. For, example, from 1960 to 2010, when the growth rate of fractionalization increased by 10 percentage points, the growth rate of per capita GDP increased by about 2.1 percentage points. (This is the average effect across all countries in the world.)” (Elia)

On the other hand, the countries of origin (where the migrant originally resided and the country they left) often face problems of ‘brain drain’, defined as the emigration of trained and talented individuals from the country of origin to another country resulting in a loss of skills and resources in the original country. (International Organization for Migration - UN Migration Agency )

**Problems faced by Migrants**

***Political & Legal:***

Despite the long-term benefits to the societies they exist in, migrants are more vulnerable than ever. Developed countries are increasingly closing their doors to immigrants as countries become more nationalistic, tighten their immigration policies, and criminalize immigration itself. Once there, migrants can face barriers to successful assimilation into the receiving country such as language, customs, dietary trends and bias deriving from stereotypes. What’s more, migrants, both documented and undocumented, are not entitled to the human rights and protections of citizens in the countries they live in unless they become naturalized even if they have been fulfilling the same or more obligations as citizens, such as paying taxes and following laws. This means they can not vote (and therefore do not have the political power, thus dis-incentivizing politicians and governments from making policies and laws that benefit them), and do not enjoy most civil liberties that citizens do, for example, they can be deported for a simple crime such as shoplifting. Worldwide, in contentious elections in many developed countries, migrants are a convenient (and popular with voters) scapegoat to blame for the problems that plague that society, causing a recent increase in xenophobia and anti-migration measures taken by these countries, inflamed through individual incidents of violence committed by migrants. Despite the anecdotal evidence, there is a lack of statistical, empirical or historical evidence of the long-term and widespread negative effects of migrants to attest to the fears stoked by these attitudes.

Furthermore, migrants are not legally entitled to/protected by the same rights as refugees and asylum seekers, therefore governments are not required to provide them with basic human rights like hearings prior to deportation, medical care, legal representation, or their freedom (there is an increasing trend in housing migrants in prison-like holding centers worldwide).

***Physical Violence:***

The former High Commissioner for Human Rights Navi Pillay has commented on the importance and scope of the particular rights of migrant workers. She states that “the protection of migrants is an urgent and growing human rights challenge. Governments have obligations to ensure that xenophobic violence, racism and related intolerance against migrants and their communities have no place in their societies.” Of the many hardships they face, some of note are the difficulties of finding adequate housing, language, legal discrimination by law, xenophobic violence, and entry and exit policies. In addition there have been incidents of violence against migrants and corresponding impunity. For example, in February 2017, A group calling itself “The Mamelodi Concerned Residents” marched in Pretoria today to protest against African immigrants in South Africa, eventually descending into violence. No one has been convicted over past outbreaks of xenophobic violence, including the Durban violence of April 2015 that displaced thousands of foreign nationals, and the 2008 attacks, which resulted in the deaths of more than 60 people across the country (Human Rights Watch, Dewa Mavhinga). At the international level, no universally accepted definition of xenophobia exists, though it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. There is a close link between racism and xenophobia, two terms that can be hard to differentiate from each other.

***Housing:***

Migrants tend to be hard pressed to find adequate housing that meets standards they may have been enjoying in their country of origin. Migrants must sometimes live in “unserviced, unplanned settlements within or on the outskirts of cities because of the impossibility of accessing public housing or due to the discrimination they face in the private market” (The United Nations). Once in housing, migrants are more vulnerable to unsafe conditions and lack of recourse when faced with discrimination, often times this leads to homelessness or living in collective communes or overcrowded apartments where as many as 15 migrants reside in a single room.

***Education:***

Often times, migrants and their families come from countries of origin with different languages spoken than the receiving country. This can cause emotional barriers between the migrants and the society of the country. This problem is pronounced in education, where schools struggle to acquire and afford resources to fully integrate students who do not speak the main language, in order to assure that everyone can access education.

**Global Actions**

The Global Migration Group (GMG) is a collective body of 14 UN organizations (including the World Bank and the International Organization for Migration), created in 2010 in order to meet international goals (“Migration and Human Rights”). The HRC hopes to use the GMG as a vehicle for change and to highlight prominent migration problems. The Human Rights Council has also issued a number of resolutions on the matter. Resolution 2003/46 recalls the “renewed commitment made in the United Nations Millennium Declaration,” which calls for measures to be taken to ensure the protection of migrant workers (HRC RES 2003/46). The resolution also touched on the still persisting problem of arbitrary detentions of migrants and calls for more effective domestic legislation.

Despite the great leagues that have been covered by the Human Rights Council in order to provide a solution to the problem of protecting the rights of migrants, there is still much to be resolved. Some states have called for the creation of a separate legally-binding UN treaty that enshrines protections for migrants. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Adopted by General Assembly resolution 45/158 of 18 December 1990 makes recommendations about the rights of migrants ([http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx)](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx%29), including the elaboration of their fundamental human rights. The International Labour Organization has also set forth basic standards and principles for the treatment of Migrant workers, including those who are documented and undocumented. Nevertheless, there is a huge gap between the existing human rights instruments and the actual treatment of migrants worldwide. Unfortunately, migrant rights tend to be a domestic issue, and governments are only held to the standards of their own countries and their own laws. The countries present must work together to figure out a set on binding standards as well as how to enforce them to ensure we address the most pressing issues, whatever you believe they may be, facing migrants today.

**Recommendations / Questions**

It will be this committee’s obligation to attempt to provide a solution to the problem of the protection of the human rights of migrant workers. The committee may choose to focus on the particular problems listed here, or any others that may arise during research. However, please use these key questions to aim your discussion and the content of the resolutions that follow.

1. Should the Human Rights Council focus on creating more international policy or devise a plan for more domestic solutions to be implemented in individual countries?

2. Which international rights (can be from the Universal Declaration of Human Rights or other sources) should migrants be granted and guaranteed? Which are the most important or pressing?

3. What can and should governments of receiving countries do to ensure the protections of migrants and to solve the particular problems that they face?

4. Considering the large population of migrants in many countries, should there be specialized agencies, schools, or programs to address their unique needs and challenges in receiving countries just for migrants? Or should they do more to ensure the human rights that already exist for their citizens be applied to migrants? Or an alternative thought? Why?

5. How can the HRC encourage or promote programs to decrease socio-economic problems that cause migration from countries of origin? Should they?

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