

**Forum:** Human Rights Commission

**Issue:** The Question of the Human Rights of Migrant Workers

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## Introduction

The question of the human rights of migrant works is a vital question. There are more than 200 million migrants worldwide<sup>1</sup>. Many are vulnerable and as such are being taken advantage of in the labour force. These inequalities include lower pay, longer working hours, worse working conditions, less access to healthcare or education.

Many do not have social protection to combat these inequalities, discriminatory laws and practices, thus these issues must be eradicated and those missing social protection should be provided with such. A worker should not be discriminated against on the basis of skin color, sex, gender or religion. If the Migrants do not have access to social protection, once they get sick or get injured while working, they may be forced to simply leave the country. They need legal protection.

Developing economies need workers. For an economy to thrive, freedom of movement and freedom of livelihood is important. Allowing students and professionals from abroad to come and reside in one's country brings value. This is one of the benefits of globalization. Through globalization a country can gain international influence. Nationalism opposes globalism. Nationalism means a country feels superior or better than other countries. Nationalism can create a dislike for migrants. This can manifest as employers discriminating against hiring migrants. Nationalism can also mean that one feels loyal to their own country. This loyalty or pride can make the person want to protect their nation's, language, culture from outside influence. As the world becomes more international, it is important to respect and value the positive effects of globalization.

Some migrant workers go to another country to do seasonal work. Seasonal work includes, for example, berry picking, farming and construction. Migrants may not speak the language of the country in which they reside but they are capable and willing to work for lower wages than other citizens of the

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<sup>1</sup> <http://www.un.org/sustainabledevelopment/blog/2016/01/244-million-international-migrants-living-abroad-worldwide-new-un-statistics-reveal/>

country would be willing to work for. More than 3 million migrant and seasonal farmworkers are estimated to be in the United States<sup>2</sup>.

Some migrants are misled with false information about the kind of job available to them elsewhere. They may then move to the country in which they have been promised a job, only to find that the job doesn't exist and they must now pay off the money they spent on the journey. Some do not have the paperwork necessary to legally continue living in the country they find themselves in. For this reason and for many other reasons, some work illegally.

Lies and propaganda can lead to human trafficking. The situation of undocumented women migrant domestic workers is especially dire. In worst cases, human trafficking fuels prostitution.

## Definitions of Key Terms

**Human Rights:** Rights that belong to a person regardless of sex, gender, nationality, origin or any other attribute<sup>3</sup>

**Migrant:** A person working in a nation-state where she or he is not national.<sup>4</sup>

**Nationalism:** A nation-state's wish and attempt to be and remain politically independent

**Human trafficking:** the act of illegally transporting people from one country or area to another, typically with the objective of forced labour or sexually exploitation.<sup>5</sup>

## Background

In the Universal Declaration of Human Rights, a common standard of human rights was written down in 1948. 48 nations voted for it, none against and there were 8 abstentions. Some of the rights mentioned were; the right to freedom of speech, freedom of belief, freedom of movement and freedom from fear. Although a big part of the world has ratified<sup>6</sup> the 18 international human rights treaties, many countries have not. These 18 international human right treaties<sup>7</sup> includes the international convention on the protection of the rights of all migrant workers and members of members of their family.<sup>8</sup> This convention

<sup>2</sup> <http://www.migrantclinician.org/issues/migrant-info/migrant.html>

<sup>3</sup> <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

<sup>4</sup> <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/>

<sup>5</sup> <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

<sup>6</sup> <http://indicators.ohchr.org/>

<sup>7</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

<sup>8</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

In China, migrant workers have been mass evicted<sup>9</sup>. City officials in Beijing have closed down illegal structures where migrant workers had previously lived. These migrant workers ran restaurants, delivery companies, construction sites, retail shops and some small factories. They were given only minutes to pack up and leave. These mass evictions of migrants in China has been spurred by Beijing's five-year plan which plans to cut the population<sup>10</sup> by about two million people and demolish 40m square metres of illegal housing.

Fan Yusu, a Chinese migrant mother<sup>11</sup>, tells her story of being a migrant worker. She had to begin working when she was twelve years old. She left her village to start a life in Beijing as a migrant worker. There she encountered heartache after marrying an abusive alcoholic from whom she in the end ran away from, with her two daughters. She is one of millions of migrant workers and the exploited underclass.

### Seasonal migrant work:

80 000<sup>12</sup> seasonal workers pick fruit and vegetables in the UK annually. Less migrant workers went to the UK this year than in the past. In the long run, the price of, for example, strawberries will rise if more migrant workers do not go and pick them.

Between 1 and 2.7 million hired farmworkers<sup>13</sup> are employed in the US<sup>14</sup>. These include seasonal migrant workers. The National Agricultural Workers Survey conducted from 2013 to 2014 found that of the migrant workers they surveyed, half of them lacked work authorization. Every year, the federal H2A<sup>15</sup> program gives temporary foreign certification to around 50 000 to 100 000 migrant workers. H2A is a program which brings migrant workers to the US for seasonal work. In the worst case the country might not be aware of the unauthorized worker. Without proper authorization, one cannot get proper health care, schooling, retirement money. The list goes on. Illegally residing in a country may also lead to working illegally.

### Human trafficking:

The UNODC (the United Nations Office on Drugs and Crime) has several knowledge portals on the smuggling of migrants<sup>16</sup> and human trafficking<sup>17</sup>. These portals provide information on past cases

<sup>9</sup> <https://www.theguardian.com/world/2017/nov/27/china-ruthless-campaign-evict-beijings-migrant-workers-condemned>

<sup>10</sup> [http://www.chinadaily.com.cn/china/2016-05/06/content\\_25108950.htm](http://www.chinadaily.com.cn/china/2016-05/06/content_25108950.htm)

<sup>11</sup> <https://chinadigitaltimes.net/2017/05/translation-fan-yusu-part-1/>

<sup>12</sup> <https://www.theguardian.com/environment/2017/jun/22/farms-hit-by-labour-shortage-as-migrant-workers-shun-racist-uk>

<sup>13</sup> <http://www.migrantclinician.org/issues/migrant-info/migrant.html>

<sup>14</sup> <https://www.ers.usda.gov/topics/farm-economy/farm-labor/background.aspx#Numbers>.

<sup>15</sup> [https://www.agcensus.usda.gov/Publications/2012/Full\\_Report/Volume\\_1\\_Chapter\\_1\\_US/usv1.pdf](https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_1_US/usv1.pdf)

<sup>16</sup> <https://www.unodc.org/cld/en/v3/som/>

<sup>17</sup> <https://www.unodc.org/cld/en/v3/htms/index.html>

around the world. This may be vital in informing the public of the reality of the abuse of migrant workers and may help victims get the help they need. Illegal migrants tend to live in the shadows, afraid to complain and unaware of their rights. They are denied freedom.

Underaged girls who had run away illegally to Hong Kong<sup>18</sup>, China, were forced into working as prostitutes for Pang Man Wai, Pang Mui Heung and two others. They were each sentenced to 2 to 5 years in 2006 on the Conspiracy to live on the earnings of prostitution of another.

In Finland, in 2012, two Romanian men were charged with subjecting a 16 year old Romanian girl to work as a prostitute in Helsinki<sup>19</sup>. She had been convinced to leave Norway with them to travel to Finland on the promise that they would find her work. Unknown to her, this work was to sell herself on the streets on a daily basis. She was forced to serve 200 to 300 clients from March to May. She did not know where she was and was abused by her captives. She had to live in a car for the most part of those months and turn over all her cash to the men. Both were charged with Aggravated Human Trafficking in 2017. One received 4 years and 8 months, the other 4 years and 2 months. Each had to pay 29 000 euros to the girl. In addition, the first man had to pay 6 000 euros for her temporary disability, 17 000 for her mental suffering and the 6 000 euros money she had earned. In total 87 000 euros for having destroyed a 16 year old's life.

Between 2006 and 2012 in Finland<sup>20</sup>, a Vietnamese couple hired 10 migrant workers from Vietnam to work in their restaurants and afterwards as their domestic help. They underpaid and overworked the migrants, threatening to send them back to Vietnam if they complained. Each was sentenced to 5 years for Trafficking for forced Labour and Extortionate work discrimination.

## Key member states and NGOs

**UN** The United Nations. The United Nations promotes international cooperation. It was created after the Second World War to prevent a similar world war from ever happening again.

**HRC** the Human Rights Council, is a subdivision of the United Nations which concentrates on human rights. The HRC combats human rights violations by promoting international cooperation and with various United Nations Human Rights Council's activities.

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<sup>18</sup> [https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/chn/2008/man\\_wai\\_et\\_al.html?lng=en&tmpl=htms](https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/chn/2008/man_wai_et_al.html?lng=en&tmpl=htms)

<sup>19</sup> [https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/fin/2014/r\\_122045\\_and\\_r\\_121107.html?lng=en&tmpl=htms](https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/fin/2014/r_122045_and_r_121107.html?lng=en&tmpl=htms)

<sup>20</sup> [https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/fin/2013/r\\_121529.html?lng=en&tmpl=htms](https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/fin/2013/r_121529.html?lng=en&tmpl=htms)

**OHCHR** Office of the United Nations High Commissioner for Human Rights. The OHCHR is one of the United Nations agencies which works to promote and protect the human rights. They offer valuable information online such as which countries have ratified the 18 Human rights treaties<sup>21</sup>

**WHO** World health organization is another of the United Nations agencies. WHO is concerned with international public health and global health issues. WHO plays a vital role in the field of international health policies.

**ILO** International Labour Organisation. This United Nations agency deals with labour issues. A particular concern is international labour standards, social protection and work opportunities for all.

## Timeline of Events

Date	Description of event
AD 100-500	The Invasion of the Roman Empire. Many humans migrated <sup>22</sup> to neighbouring european countries.
AD 375-568	Migration Period, Völkerwanderung in german.
1492	Christopher Columbus and the many european immigrants arrive in America. Native Americans are pushed out of their land. <sup>23</sup>
1950's	Finland <sup>24</sup> was traditionally a country of emigration. Many migrated to Sweden from the 50's to the 70's.
1990-2009	Foreign citizens legally residing in Finland increase six-fold <sup>25</sup>
1848	Tens of thousands of Mexican migrants arrived in the US

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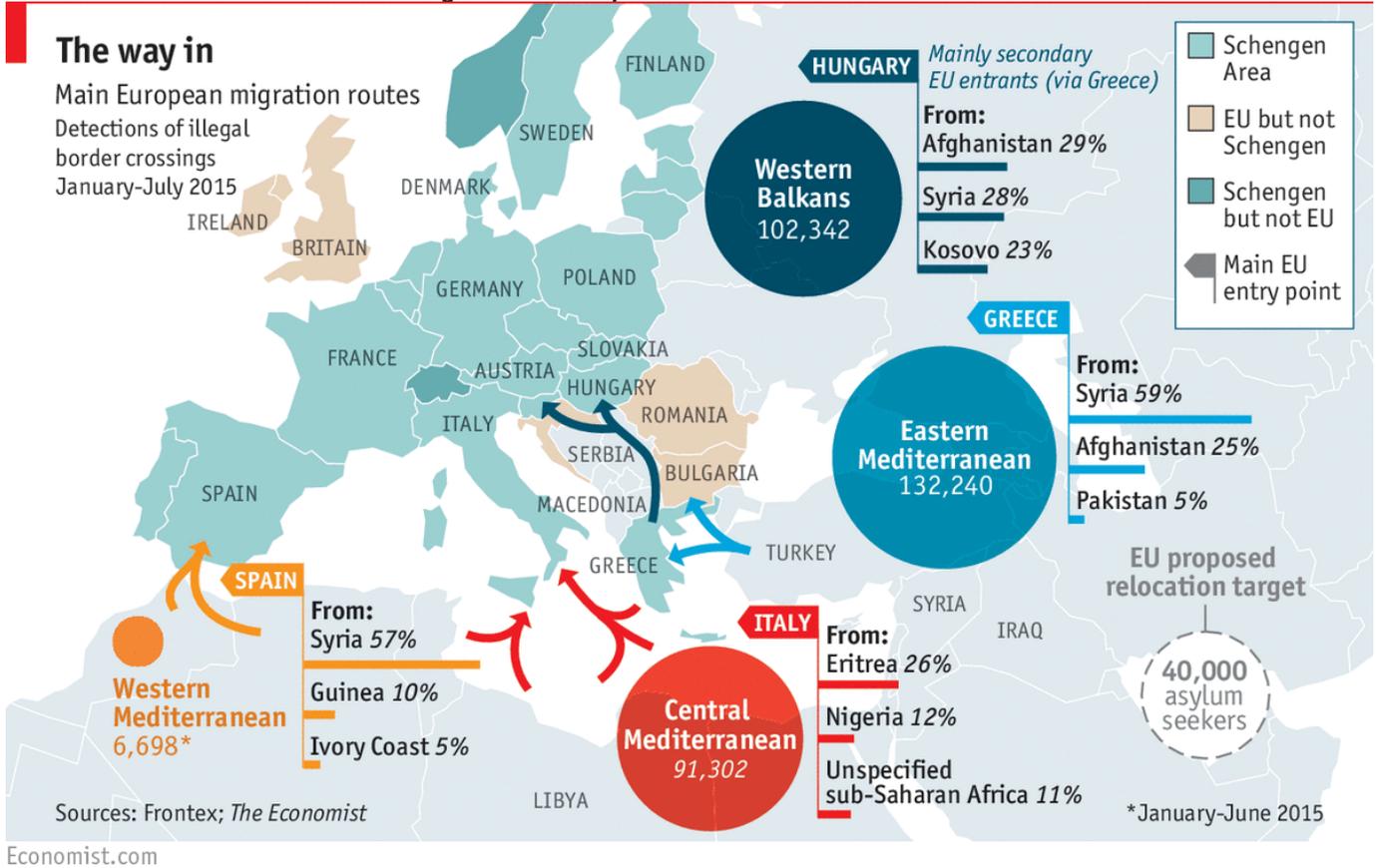
<sup>21</sup> <http://indicators.ohchr.org/>

<sup>22</sup> [https://upload.wikimedia.org/wikipedia/commons/thumb/2/2d/Invasions\\_of\\_the\\_Roman\\_Empire\\_1.png/1024px-Invasions\\_of\\_the\\_Roman\\_Empire\\_1.png](https://upload.wikimedia.org/wikipedia/commons/thumb/2/2d/Invasions_of_the_Roman_Empire_1.png/1024px-Invasions_of_the_Roman_Empire_1.png) picture of the Invasion of the Roman Empire

<sup>23</sup> Book; Bury my heart at wounded knee, by Dee Brown.

<sup>24</sup> <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/finland/employment-and-working-conditions-of-migrant-workers-finland>

<sup>25</sup> <https://www.migrationpolicy.org/article/finlands-balancing-act-labor-market-humanitarian-relief-and-immigrant-integration> Migration Policy Institute

**Recent conflicts have lead to mass migration in Europe<sup>26</sup>**

For more recent data on net migration around the world, a website<sup>27</sup> from the Migration Policy Institute provide information of the diverse flow of migrants.

## UN Involvement, Relevant Resolutions, Treaties and Events

The United Nations Human Rights Office Of The High Commissioner (OHCHR) aims to promote universal protection of all human rights. They wish to promote, protect and fulfill all the human rights of all migrants. They particularly focus on those who are most at risk of having their human rights violated.

- The UN convention on the rights of migrants<sup>28</sup>, 1 July 2003
- The Universal Declaration of Human Rights, 10 December 1948 ([UNDHR](#))
- The Convention concerning Migration for Employment, 22 January 1949 ([C097](#))
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990 ([CMW](#)) extends the basic human rights to all migrant workers and their families.
- Rights resolution ([2002/62](#))
- Rights resolution ([2005/47](#))

<sup>26</sup> [https://cdn.static-economist.com/sites/default/files/images/print-edition/20150829\\_EUM981.png](https://cdn.static-economist.com/sites/default/files/images/print-edition/20150829_EUM981.png)

<sup>27</sup> [https://www.migrationpolicy.org/programs/migration-information-source/country-resources?gclid=Cj0KCQiAgNrQBRC0ARIsAE-m-1wV632yzBaDxebYTGPnlIjrVFHI0B2ZzeVBNJRj138rQu8qVEL2rW8aAn2uEALw\\_wcB](https://www.migrationpolicy.org/programs/migration-information-source/country-resources?gclid=Cj0KCQiAgNrQBRC0ARIsAE-m-1wV632yzBaDxebYTGPnlIjrVFHI0B2ZzeVBNJRj138rQu8qVEL2rW8aAn2uEALw_wcB) Also found in the Appendix.

<sup>28</sup> <http://unesdoc.unesco.org/images/0014/001435/143557e.pdf>

- Human Rights Council resolution ([8/10<sup>29</sup>](#), [17/12](#), [26/19](#), and [34/21](#) )
- Human Rights Council resolution, 10 June 2011 ([17/12](#))
- Human Rights Council resolution, 26 June 2014 ([26/19](#))
- Human Rights Council resolution, 7 April 2017 ([34/21](#))

## Possible Solutions

If more free paralegal aid was given to migrants, they would be more capable of protecting their human rights. This free paralegal aid could be supplied by volunteers or state funded. Simply informing migrants of similar cases to their own, would help them prepare and know what to expect. The UNODC provides online knowledge portals where both migrants and counties alike can search for similar cases.

Free education would allow them to train for particular careers and give them more options. Free public employment services would help them explore their options of employment. Social benefits would assist the migrants and their families. A social solution could be strategies to combat racism and xenophobia. This could be done in schools where children could learn to accept other cultures and become friends with children abroad.

It would be useful if more free lessons in law were given to these migrant workers. This would give the workers power, while taking it away from those who would abuse them. Those who are ignorant of the law are vulnerable. If one does not know the law, they may be misled into an awful situations

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<sup>29</sup> [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_8\\_10.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_8_10.pdf)

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- <https://www.unodc.org/cld/en/v3/som/>
  - <https://www.unodc.org/cld/en/v3/htms/index.html>
- <http://indicators.ohchr.org/>

## Appendix:

This Site shows the net migration around the world.

[https://www.migrationpolicy.org/programs/migration-information-source/country-resources?gclid=Cj0KCQiAqNrQBRC0ARIsAE-m-1wV632yzBaDxebYTGPnlJrVFHI0B2ZzeVBNJRj138rQu8qVEL2rW8aAn2uEALw\\_wcB](https://www.migrationpolicy.org/programs/migration-information-source/country-resources?gclid=Cj0KCQiAqNrQBRC0ARIsAE-m-1wV632yzBaDxebYTGPnlJrVFHI0B2ZzeVBNJRj138rQu8qVEL2rW8aAn2uEALw_wcB)