



Issue: The rights and protection of migrants

Committee: Human Rights

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**“RECOGNIZE YOURSELF IN HE AND SHE WHO
ARE NOT LIKE YOU AND ME.”**

~ Carlos Fuentes

Introduction:

Historically, the dominant trend in internal migration during the 20th century was the movement from rural to urban areas. Consequently, urban growth since World War II has been very rapid in much of the world, particularly in developing countries. This movement has progressed from a local to an international issue that all states have been affected by all around the globe. Overall, the estimated number of international migrants has increased over the past five decades. The total estimated 281 million people living in a country other than their countries of birth in 2020 was 128 million more than in 1990, and over three times the estimated number in 1970.

While taking into consideration this massive global movement that all nations and lives are concerned about, the issues the migrants have been facing also have to be recognized and treated. Indeed, as the years go by, the issue of migrants has become a global concern that involves every nation. Their number is constantly increasing due to various reasons. However, even though this issue is now known of all and has already been overseen, the way the migrants are handled by countries who should welcome them are not always appropriate and do not certainly always follow the Article 14 of the Universal Declaration of Human Right, which states that *“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”*

Moreover, despite the fact that says certain countries accept to welcome migrants past their borders, the way they are treated afterwards are questionable. Indeed, some inequalities have been noticed in the way different countries treat migrants, outside or inside their borders.

Therefore, the issue of the rights and protection of migrants will be debated during the Model United Nations of 2022.

Definitions of key terms:

Migrant: A person who moves from one place to another, especially in order to find work or better living conditions.

Emigrant: a person who leaves their own country in order to settle permanently in another.

Immigrant: a person who comes to live permanently in a foreign country.

Refugee: A person who has been forced to leave their country in order to escape war, persecution, or natural disaster.

Asylum: The protection granted by a state to someone who has left their home country as a political refugee.

Asylum seeker: Someone who leaves their own country, often for political reasons or because of war, and who travels to another country hoping that the government will protect them and allow them to live there:

What is migrant protection?

International Human Rights Law provides an important protection framework applying equally to all migrants, and protects all civil, political, economic, social and cultural rights under the two Covenants, including a number of universally binding and non-derogable norms such as the principle of non-refoulement.

General overview:

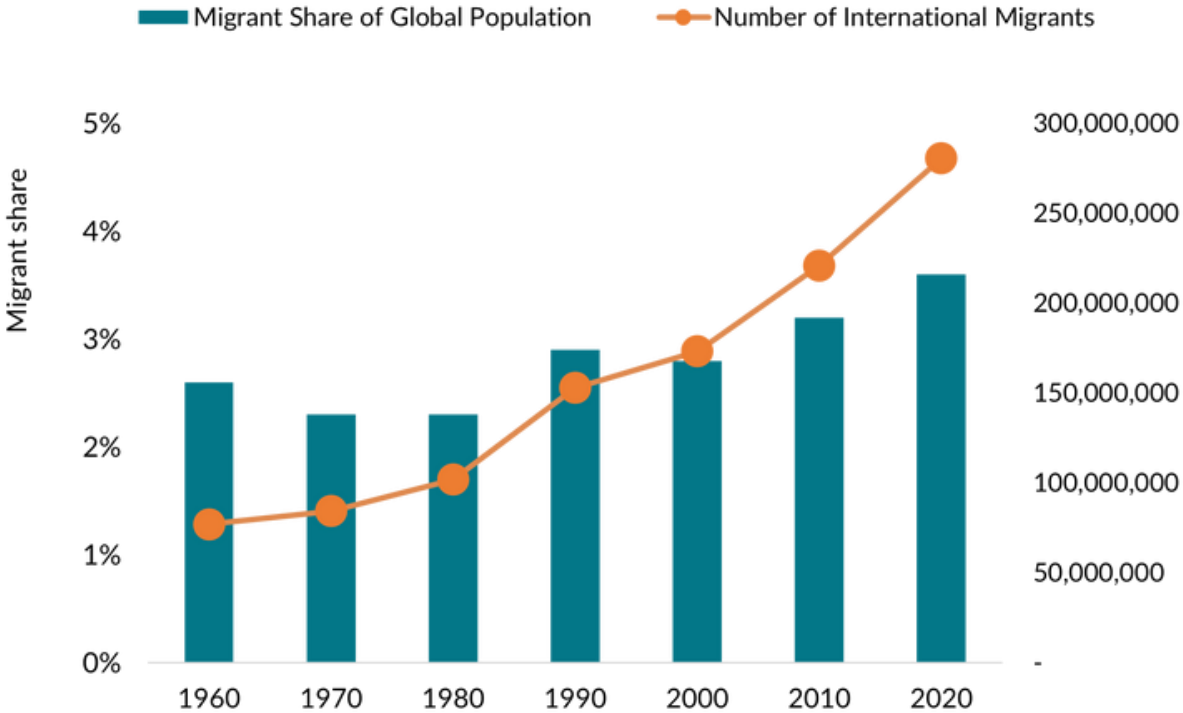
On August 3, 1882, the forty-seventh United States Congress passed the Immigration Act of 1882. It is considered by many to be "first general immigration law" due to the fact that it created the guidelines of exclusion through the creation of "a new category of inadmissible aliens." As the years progressed, more and more laws and rights have been accorded to this "new category of inadmissible aliens", which has later changed to a debatable term later. More and more laws have been created and applied following this first general law in favor of migrants.

According to the international law in 2016, the Inter-Agency Standing Committee (IASC) added a common policy and definition on 'protection' in the attempt of creating a strategic, comprehensive and collective approach to 'protection. Therefore, 'protection' has been defined as: all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law, International Humanitarian Law, [and] International Refugee law).

This definition incorporates:

- Protection under International Humanitarian Law (IHL), which applies to situations of armed conflict as addressed principally in the four 1949 Geneva Conventions and their Additional Protocols of 1977.
- Protection under International Refugee Law (IRL), which applies to persons who meet the refugee definition under international, regional, or domestic laws, or under the mandate of the United Nations High Commissioner for Refugees (UNHCR).
- Protection under International Human Rights Law (IHRL), which applies to all persons at all times, and is grounded in the Universal Declaration of Human Rights (UDHR) and the 9 core international human rights instruments.

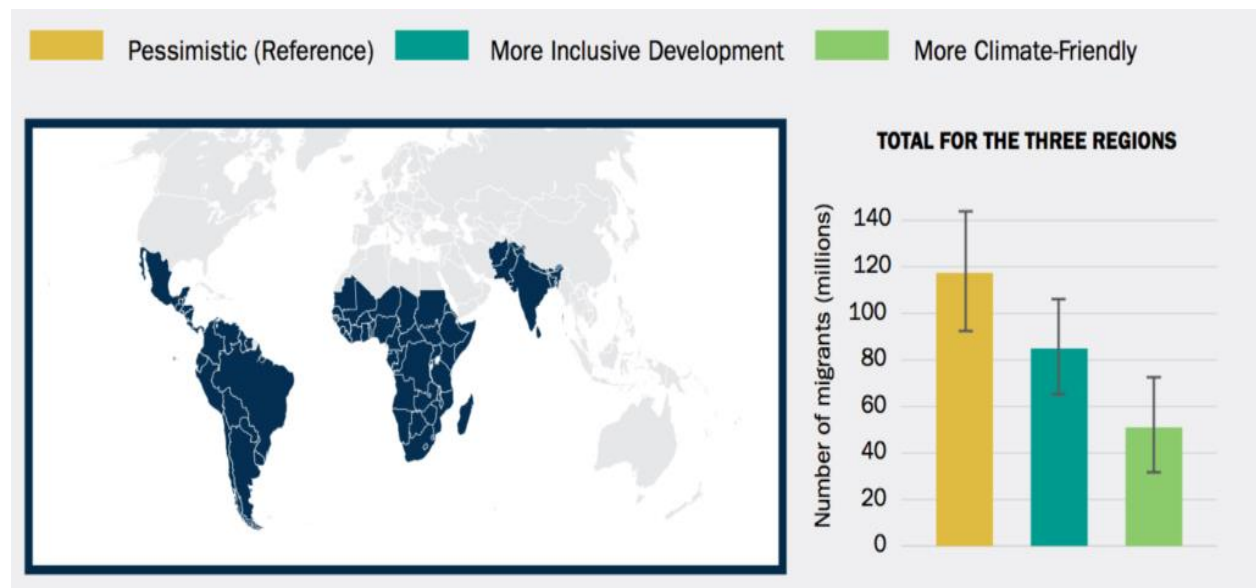
The International Human Rights Law (IHRL) protects all migrants, equally irrespective of any discrimination, all civil, economic, social and cultural rights under the two Covenants, including a number of universally binding and non derogable norms such as the principle of non-refoulement. IHRL also provides legal protection to particular groups according to specific treaty instruments. IHRL therefore establishes obligations which States are bound to respect, protect and fulfill including, in some cases, protection from return.



Number and Share of Global Migrants, 1960-2020

<https://www.migrationpolicy.org/article/top-statistics-global-migration-migrants>

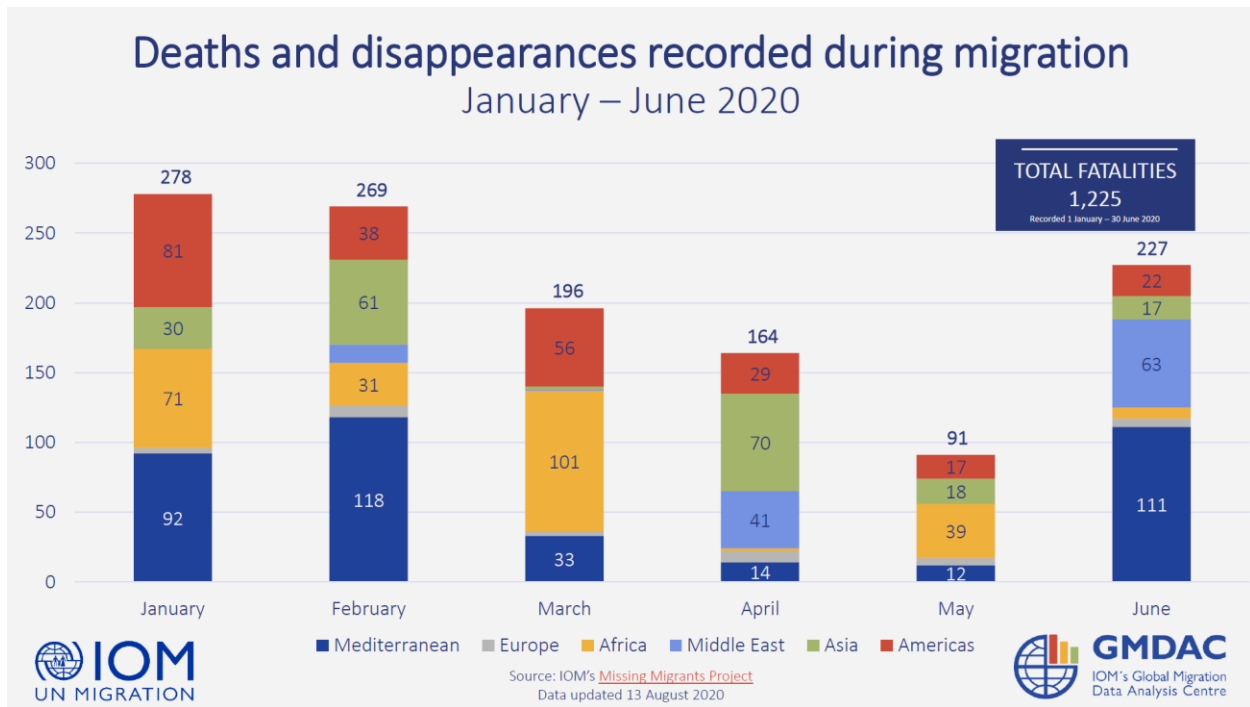
However, an important number of migrants still continues to face significant human rights protection troubles due to the lack of the practical functioning of the laws and orders. Moreover, the increasing number of migrants is also affected by the climate change, global warming, hygiene insufficiency, health issues, education ...etc. In addition to these, the lacking access to fundamental and basic rights is an important issue that requires immediate actions. Indeed, the millions of migrants are facing abuse, violence and exploitation as they move across the globe to save their already threatened lives. Some states eventually are irrespective of the human rights laws and henceforth violate those rights.



Map (left) and chart (right) representing the total number of internal climate migrants by 2050

<https://www.carbonbrief.org/expect-tens-of-millions-of-internal-climate-migrants-by-2050-says-world-bank/>

Note: "Pessimistic" means high greenhouse gas emissions which could see global temperatures rise by an estimated 4.0-6.1C above pre-industrial levels by 2100, combined with development pathway, which represents a world of high inequality.



Deaths and disappearances recorded during migration (January – June 2020)

<https://reliefweb.int/report/world/1200-missing-migrants-recorded-thus-far-2020-may-well-undercount-totals-covid-19>

According to these numbers, the numbers of deaths, disappearances and crimes on migrants has only increased over the years.

Major actors:

What does the UN do for migrants?

UN peacekeepers are often there to protect the camps in which refugees must live. When they are left without access to such basic necessities as food, water, sanitation and health care, the UN family provides it. Much of this support is provided through the United Nations humanitarian action machinery.

International Organisation of Migrants (IOM):

The IOM supports migrants across the world, developing effective responses to the shifting dynamics of migration and, as such, is a key source of advice on migration policy and practice. The organization works in emergency situations, developing the resilience of all people on the move, and particularly those in situations of vulnerability, as well as building capacity within governments to manage all forms and impacts of mobility.

Source: [IOM's Mission: Humane and orderly migration](#)

United Nations High Commissioner for Refugees (UNHCR):

UNHCR's primary mission is to protect the human rights and well-being of people who have been forced to flee. With their partners and communities, they are working to ensure that everyone can exercise their right to seek asylum and find safe haven in another country. UNHCR is also seeking durable solutions to their situation.

Source: [UNHCR - Who we help](#)

European Union (EU):

Since the height of the migration crisis in 2015, the EU has implemented measures to control external borders and migration flows better. As a result, irregular arrivals to the EU have been reduced by more than 90%. The EU and its member states are intensifying efforts to establish an effective, humanitarian and safe European migration policy. Based on these priorities, the Council of the EU establishes lines of action and provides the mandates for negotiation with third countries. It also adopts legislation and defines specific programs.

Source: [EU migration policy - Consilium \(europa.eu\)](#)

United Kingdom (UK)

The UK implemented a points-based system. This is part of a wider multi-year program of change, to transform the operation of the border and immigration system. These changes will be followed by further improvements to the UK's sponsorship system and the operation of the UK border, including, in the longer-term, the introduction of Electronic Travel Authorities to ensure those coming to the UK have permission to do so in advance of travel.

Source: [The UK's points-based immigration system: policy statement - GOV.UK](https://www.gov.uk/government/policies/the-uk-points-based-immigration-system) (www.gov.uk)

United States of America (USA)

In January 2017, U.S. President Donald Trump signed an executive order temporarily suspending entry to the United States by nationals of seven Muslim-majority countries. The orders were temporarily suspended by federal courts but later allowed to proceed by the Supreme Court, pending a definite ruling on their legality. Another executive order called for the immediate construction of a wall across the U.S.-Mexico border. The “zero-tolerance” policy was put in place in 2018, which legally allows children to be separated from adults unlawfully entering the United States. This is justified by labelling all adults that enter unlawfully as criminals, thus subjecting them to criminal prosecution.

Source: [Immigration to the United States – Wikipedia](https://en.wikipedia.org/wiki/Immigration_to_the_United_States)

Questions to consider/reflect on:

1. What further actions could be applied to protect more the migrants?
2. How can the world reduce the troubles that migrants are going through all around the globe?

3. Which nations are the most ignorant, disrespectful and insouciant of the already existing laws?
4. What are the recent issues that deals with the migrants' issue?
5. As the country that has been open to millions of immigrations, how did the United States deal with this issue and is it still open to migrants nowadays?
6. What are the already existing laws in order to protect the migrants in the arrival country?
7. What laws can be made or changed to increase the protection of migrants in the arrival country?
8. Are the migrants always welcomed in the arrival country?
9. How can each state participate into the integration of migrants in the country?

Appendix:

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<https://www.carbonbrief.org/expect-tens-of-millions-of-internal-climate-migrants-by-2050-says-world-bank/>
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