



**SRMUN CHARLOTTE 2019**  
*Redefining the Role of International Organizations in the New Global Era*  
March 28-30, 2019  
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Honored Delegates,

Welcome to SRMUN Charlotte 2019 and the Human Rights Council (HRC). My name is Nicole Calcagno and I am honored to serve as the director of HRC this year. This will be my fourth year on SRMUN Staff, having previously served as Assistant Director of the Group of 77 in 2017, the Organization of Islamic Cooperation in 2016, and the Director of the Economic Commission for Latin America and the Caribbean (ECLAC) in SRMUN Atlanta 2018. Joining me on the dais is my Assistant Director, Ashleigh Titre-Barnor. In May 2018, she graduated from Pace University with Bachelor's degrees in political science and criminal justice. In the fall of 2019, she will be beginning her journey with law school. This will be her first year serving on staff of SRMUN. We are incredibly excited to be here for this year's conference. We trust that you will find this committee to be educational, enjoyable, and enlightening.

The Human Rights Council's goal and mandate is to protect and promote human rights around the world. Consisting of forty-seven United Nation Member States, the council is responsible for working for the safeguarding of all human rights for all people; to help empower people to realize their rights; and to assist those responsible for upholding such rights in ensuring that they are implemented. Since the Council's inception in 2006, this body is tasked to address human rights violations and focus attention to those who are most vulnerable and at risk. While addressing conflicts over human rights and the actions of Member States in their response to human rights violations, the committee has debated issues from individual rights to actions of genocide.

Focusing on the mission of the HRC and the theme of this year's SRMUN Charlotte conference, "*Redefining the Role of International Organization in the new Global Era*" The topics under discussion for the HRC are:

- I. Responding to the Violence and Discrimination Against the LGBTI Community
- II. Enhancing Inclusion and Integration of Migrant Workers in Host Countries

The dais is very passionate about these topics and looks forward to robust and meaningful discussions with substantive results. The following background guide should be used as an introduction and guideline to the history and concepts of these topics, but should by no means be utilized as an exhaustive resource. We expect you to expand your studies to include outside resources and personal research. For this, the attached Annotated Bibliography will also be useful. Each delegation is required to submit a position paper, no longer than two pages in length (single-spaced), that reflects and explores your Member State's history, position, policies, and recommendations on each of the topics. For more information regarding formatting and examples for position papers, please refer to [srmun.org](http://srmun.org). **All position papers MUST be submitted no later than Friday, March 8, 2019, by 11:59pm EST via the SRMUN website. Adherence to these policies are mandatory.**

I am very excited to be serving as your Director for the HRC and wish you the best of luck in your preparation for SRMUN Charlotte 2019. I also want to both Keith Brannum and Jessica DeJesus, who contributed substantially to the writing of this guide. If there is anything I can help with, please feel free to contact Deputy Director-General Keith Brannum, Ashleigh, or myself with any questions or concerns. Good luck on your preparations, and we look forward to working with you in March!

All the best,

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## Committee History of the Human Rights Council

Established by the General Assembly on March 15, 2006, the Human Rights Council (HRC) is an inter-governmental body within the United Nations (UN) system trusted with the responsibility to promote and protect human rights worldwide.<sup>1</sup> The HRC was created through the adoption of General Assembly Resolution A/RES/60/251 to emphasize the international community's commitment to preserve the "principles of universality, impartiality, objectivity, and non-selectivity," as well as to strengthen the ability of Member States to eliminate human rights abuses.<sup>2</sup>

The UN first created the global standard for human rights in 1948 with the adoption of the Universal Declaration of Human Rights. The landmark declaration was developed to serve as the common standard among States for fundamental individual freedoms and was drafted by the United Nations Commission on Human Rights (UNCHR).<sup>3</sup> A subsidiary body of the Economic and Social Council, the UNCHR functioned to serve as a forum for Member States to respond to a range of human rights issues and to set standards for the conduct of States. The UNCHR had many notable accomplishments in the advancement of universal human rights but was heavily criticized for its open membership to Member States with a history of human rights violations. Thus, the organization was abolished in favor of the creation of the new Human Rights Council in 2006.<sup>4</sup>

The HRC is constituted with 47 Member States, which are elected by the General Assembly using a secret ballot.<sup>5</sup> To get on the ballot, Member States submit electoral pledges to the General Assembly that include information about their national and international contributions, monetary or otherwise, related to the provision of human rights.<sup>6</sup> Membership in the HRC is considered prestigious and determined by majority vote of the General Assembly Plenary. Membership is based on equitable geographical distribution, and seats on the Council are allocated by regional bloc: African Member States have 13 seats, Asian Member States have 13 seats, Latin American and Caribbean Member States have eight seats, Western European and Other Member States have seven seats, and Eastern European Member States have six seats.<sup>7</sup> Council members may serve for a term period of three years and are not eligible for immediate re-election after serving two consecutive terms.<sup>8</sup> In other words, a Member State may serve on the Council for six years, but must have at least a three-year period in between before they can be elected to the Council once more. If an elected member of the Council fails to uphold human rights within its state, the Council may suspend its membership based on a two-thirds majority vote of the General Assembly.<sup>9</sup>

The President of the Human Rights Council is a representative from one of its Member States and is elected by a majority vote in the Council.<sup>10</sup> Vojislav Šuc from Slovenia is the current President and has been serving in this capacity since 2014. The Human Rights Council is a charter-based body monitored by the Office of the High Commissioner on Human Rights (OHCHR), which provides expertise and support to the Council and other bodies

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<sup>1</sup> "Background information on the Human Rights Council." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

<sup>2</sup> A/RES/60/251 *Human Rights Council*. April 3, 2006. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

<sup>3</sup> "The Universal Declaration of Human Rights: History of the Document." United Nations. <http://www.un.org/en/documents/udhr/history.shtml>

<sup>4</sup> "Background information on the Human Rights Council." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

<sup>5</sup> "United Nations Human Rights Council: Membership of the Human Rights Council." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx>

<sup>6</sup> "Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council." Office of the High Commissioner for Human Rights. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>

<sup>7</sup> "Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council." Office of the High Commissioner for Human Rights. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>

<sup>8</sup> "Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council." Office of the High Commissioner for Human Rights. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>

<sup>9</sup> "Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council." Office of the High Commissioner for Human Rights. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>

<sup>10</sup> "Human Rights Council elects Vojislav Šuc of Slovenia as its President for 2018." Office of the High Commissioner for Human Rights. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22485&LangID=E>

created under international human rights charters and treaties.<sup>11</sup> Specifically, the OHCHR provides substantive support for Council meetings and deliberations.<sup>12</sup>

The Human Rights Council has two main functions: Universal Periodic Review (UPR) and Special Procedures. The UPR is a unique universal mechanism that aims to improve human rights situations within all Member States and addresses violations where they occur.<sup>13</sup> The UPR was created through A/RES/60/251 as a cooperative process that involves a review of human rights records in all 193 UN Member States. The review occurs once every four years and is a state-driven process that allows each Member State to declare actions they have taken to improve human rights situations and fulfill obligations within their borders.<sup>14</sup> The UPR is designed to ensure that each Member State receives equal treatment when being assessed for potential violations of human rights.<sup>15</sup> As expressed by former UN Secretary General Ban Ki-moon, the UPR "has great potential to promote and protect human rights in the darkest corners of the world."<sup>16</sup>

To complement the UPR, "Special Procedures" is the term granted to mechanisms established by the Council to address specific Member State situations and thematic issues. The mandates of Special Procedures call on the Council to examine, monitor, advise, and report on human rights situations in Member States or worldwide.<sup>17</sup> Member State mandates specifically address situations and violations in individual Member States, while thematic mandates address major phenomena and violations occurring worldwide. Currently, the Council addresses 33 thematic and 8 Member State mandates.<sup>18</sup> Furthermore, the Council may respond to individual complaints, conduct studies, provide technical advice, and engage in promotional activities.<sup>19</sup> Special procedures are designated to an individual, often referred to as "Special Rapporteur," or to a working group generally composed of five Member States (one from each region).<sup>20</sup>

As of 2018, the HRC has functioned for 12 cycles.<sup>21</sup> The Council is considered effective, as it has allowed for greater flexibility in the prioritization of human rights issues and enabled cross-regional dialogue and collaboration in addressing human rights situations.<sup>22</sup> The Council also demonstrated its commitment to ensuring human rights violations will not be tolerated through General Assembly Resolution A/RES/65/265 which effectively revoked Libya's membership to the HRC after its negative role during the Arab Spring demonstrations of 2011. Libya was the first Member State to have its membership in the Council revoked.<sup>23</sup>

The HRC has made substantial progress in responding to human rights emergencies around the world. In its fifth year alone, the Council displayed its ability to react to a range of human rights crises, including appointing a Special Rapporteur to the situation in Iran, establishing a Commission of Inquiry and a New Independent Expert Mandate in Cote d'Ivoire, and designating a fact-finding mission to report on the situation in Syria.<sup>24</sup> Despite these achievements, the Council has been criticized for its failure to respond to important human rights issues in Bahrain, Sri Lanka, and Afghanistan.<sup>25</sup> Furthermore, when the United States of America withdrew from the Human Rights Council in 2018, it cited the fact that in its most recent session, the Council failed to discuss the situations in

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<sup>11</sup> "Human Rights Bodies." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

<sup>12</sup> Ibid.

<sup>13</sup> "Universal Periodic Review." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

<sup>14</sup> "Universal Periodic Review." Office of the High Commissioner for Human Rights.

<sup>15</sup> "Universal Periodic Review." Office of the High Commissioner for Human Rights.

<sup>16</sup> "Universal Periodic Review." Office of the High Commissioner for Human Rights.

<sup>17</sup> "Universal Periodic Review." Office of the High Commissioner for Human Rights.

<sup>18</sup> "Special Procedures of the Human Rights Council." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

<sup>19</sup> "Special Procedures of the Human Rights Council." Office of the High Commissioner for Human Rights.

<sup>20</sup> "Special Procedures of the Human Rights Council." Office of the High Commissioner for Human Rights.

<sup>21</sup> Human Rights Council elects Vojislav Šuc of Slovenia as its President for 2018." Office of the High Commissioner for Human Rights. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22485&LangID=E>

<sup>22</sup> *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*. Human Rights Watch. 2011. p. 2. <http://www.hrw.org/sites/default/files/reports/hrc0911ForWeb.pdf>

<sup>23</sup> *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*.

<sup>24</sup> *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*., 9.

<sup>25</sup> *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*., 15.

Venezuela and Iran.<sup>26</sup>

In its 38<sup>th</sup> session, the Council convened from June 18 through March 6, 2018 to address a range of human rights issues, including the human rights situations in the Syrian Arab Republic, Eritrea, Belarus, Burundi, and Myanmar.<sup>27</sup> The Council also discussed promotion and protection of all human rights, as well as racism, racial discrimination, xenophobia, and related intolerance.<sup>28</sup>

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<sup>26</sup> Julian Borger. "US quits UN human rights council – 'a cesspool of political bias'." The Guardian. 19 June 2018.

<https://www.theguardian.com/world/2018/jun/19/us-quits-un-human-rights-council-cesspool-political-bias>

<sup>27</sup> "Human Rights Council, Thirty-eighth session, Agenda and annotations." United Nations. 27 April 2018. p. 9.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/120/20/PDF/G1812020.pdf?OpenElement>

<sup>28</sup> Ibid, p. 1.

## I. Responding to the Violence and Discrimination Against the LGBTI Community

### *Introduction*

The Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) community has endured violence and discrimination for decades.<sup>29</sup> The United Nations Human Rights Council's framework encourages "respect for human rights and for fundamental freedoms for all without distinction."<sup>30</sup> However, the LGBTI community is still under oppression for civil liberties such as work place inclusion, the right to marry, and protection from violence. Excluding the progress made by Member States in combatting violence, workplace inclusion, and the legalization of same-sex marriage, these are still preponderant issues at an international level. For instance, 27 Member States have legalized same-sex marriage,<sup>31</sup> while other Member States have not yet introduced legislation to allow same-sex marriage. Addressing this problem is vital in preventing violence and discrimination against the LGBTI community to ensure that their right to equality and freedoms in respect to their human rights, are not violated. The criminalization of private, consensual sex between adults of the same sex breaches Member State's obligations under international law, including the obligations to protect individual privacy and to guarantee non-discrimination.<sup>32</sup> According to the OHCHR, "at least 76 countries have laws in effect that are used to criminalize consensual relationships between adults of the same sex."<sup>33</sup> These Member States' laws prohibit either certain types of sexual activity or any intimacy or sexual activity between persons of the same sex.<sup>34</sup>

### *History*

According to the Universal Declaration of Human Rights, established by the United Nations (UN) in 1948,<sup>35</sup> "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."<sup>36</sup> International law establishes legal obligations on Member States to ensure that every person, without distinction, can enjoy these rights. The United Nations Human Rights Council (HRC) began addressing mounting concerns of violence and discrimination towards the LGBTI community by adopting measures affirming that equal rights of all persons are reflected in their safety and treatment.<sup>37</sup> Notably, in 1992, the first acknowledgement that international human rights law applied to individuals in the LGBTI community was exemplified in the Human Rights Council's decision in *Toonen v. Australia*, in which the United Nations Human Rights Committee held that "other states" and "sex" include sexual orientation and gender identity.<sup>38</sup> Similarly, the European Union (EU) worked for the protection of LGBTI people in key legal documents such as the Amsterdam

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<sup>29</sup> A Living Memory LGBT History Timeline, Adapted from a document compiled by Loree Cook-Daniel, (accessed on December 9, 2018) <http://www.safeschoolscoalition.org/LivingMemory-lgbtHistoryTimeline.pdf>

<sup>30</sup> OHCHR, *Combatting discrimination based on sexual orientation and gender identity*, 2014

<sup>31</sup> Here are the 27 countries where same-sex marriage is officially legal: The Netherlands, Belgium, Canada, Spain, North Africa, Sweden, Argentina, Portugal, Iceland, Denmark, Uruguay, Brazil, New Zealand, England, Wales, France, Luxembourg, Scotland, Ireland, United States, Finland, Greenland, Colombia, Malta, Australia, Germany, Norway, Elisa Tang, June 22, 2018

<sup>32</sup> UNFE, *Fact Sheet: Criminalization*, [www.unfe.org](http://www.unfe.org). (accessed December 7, 2018)

<sup>33</sup> *Born Free and Equal: Sexual Orientation and Gender Identity in Human Rights Law* (New York and Geneva: United Nations, 2012)

<sup>34</sup> Dominic McGoldrick, *The Development and Status of Sexual Orientation Discrimination under International Human Rights Law*, *Human Rights Law Review*, Volume 16, Issue 4, 1 December 2016, Pages 613–668, <https://doi.org/10.1093/hrlr/ngw030>

<sup>35</sup> United General Assembly, *Universal Declaration of Human Rights*, December 10, 1948

<sup>36</sup> United General Assembly, *Universal Declaration of Human Rights*, December 10, 1948

<sup>37</sup> United Nations. (2011). *The United Nations Speaks Out: Tackling Discrimination on Grounds of Sexual Orientation and Gender Identity*. [Brochure]. Retrieved from [www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTBrochure.aspx](http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTBrochure.aspx)

<sup>38</sup> "*Toonen v Australia*" (1994), Graham Greenleaf, *Privacy Law and Policy Reporter* (accessed December 2, 2018)

Treaty (1997),<sup>39</sup> the Charter of Fundamental Rights (2000),<sup>40</sup> and anti-discrimination directives. Other essential documents within the international legal framework, which highlight protections from violence and discrimination against the LGBTI community, include the International Labor Organization (ILO) Convention (No. 111) on Discrimination in Employment or Occupation (1958).<sup>41</sup> In the early 2000s, the Committee on Economic, Social and Cultural Rights (CESCR)<sup>42</sup> reiterated that “other status” also included sexual orientation and gender identity (SOGI), as well as intersex variations.<sup>43</sup> In 2009, the UN passed a Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity.<sup>44</sup> The Joint Statement, a nonbinding measure without the weight of a resolution, called on states to end criminalization and persecution of homosexuals.<sup>45</sup>

In the last two decades, Member States began addressing LGBTI individual rights on the national level. In 2013, the historical United States Supreme Court case *Obergefell v. Hodges*, made marriage equality the law of the land and in doing so, bettered the lives of millions of people who are now free to marry whom they choose, but also receive recognition of their marriage.<sup>46</sup> For example, in the US Supreme Court case *Macy v. Holder*, that established transgender people are covered by a federal prohibition on sex-based employment discrimination under Title VII of the Civil Rights Act of 1964, the Commission found Mia Macy was denied a job solely because of her gender identity.<sup>47</sup> Macy disclosed to her future employer that she planned to transition from male to female and not long after, she received an e-mail stating that the position was no longer available due to funding cuts.<sup>48</sup> The Court ruled that Title VII not only protects people who are explicitly discriminated against in employment because of their sex, but also people who are discriminated against because they do not conform to certain gender stereotypes.<sup>49</sup> In a number of cases since then, federal courts, and now the EEOC, have applied this reasoning to transgender employees.<sup>50</sup>

### ***Privilege Vulnerabilities***

Ensuring equal rights and privileges amongst the LGBTI community is not universal amongst Member States. The type of privileges that the LGBTI community lack include workplace equality, violence protection reform, and civil protections, such as obtaining documents and rights to marry. As the ILO’s Social Justice Declaration states: “the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage.”<sup>51</sup> In 2012, the ILO initiated the “Gender Identity and Sexual Orientation: Promoting Rights, Diversity and Equality in the World of Work (PRIDE)” project.<sup>52</sup> The project conducts research on

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<sup>39</sup> After Amsterdam - Sexual Orientation and the European Union, European Region of the International Lesbian and Gay Association (European Nations, 1999)

<sup>40</sup> Lesbian, Gay, Bisexual and Transgender (LGBT) Rights in the European Union, FRA, European Union for Fundamental Rights, <http://fra.europa.eu/en/fraWebsite/research/publications>

<sup>41</sup> Thomas Kollen, Sexual Orientation and Transgender Issues in Organizations Global Perspectives on LGBT Workforce Diversity (2018)

<sup>42</sup> OHCHR, Fact Sheet No.16 (Rev.1), The Committee on Economic, Social and Cultural Rights (accessed December 9, 2018)

<sup>43</sup> Committee on Economic, Social and Cultural Rights (2009). ‘General comment No. 20: Non-discrimination in economic, social and cultural rights’ (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July, E/C.12/GC/20; and Silvan Agius et al. (2011). Human rights and gender identity: Best practice catalogue. ILGA Europe, TGEU, Dec., p. 9, cited in ILO (2014). Gender identity and sexual orientation in Thailand. Bangkok, p. 10.

<sup>44</sup> “Ending Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex People.” UNAIDS [http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2015/september/20150929\\_LGBTI](http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2015/september/20150929_LGBTI) (accessed November 19, 2018)

<sup>45</sup> Joint Statement on the Rights of LGBT Persons at the Human Rights Council, March 22, 2011 <https://2009-2017.state.gov/r/pa/prs/ps/2011/03/158847.htm>

<sup>46</sup> Melissa Murray, *Obergefell v. Hodges* and Nonmarriage Inequality, 104 Calif. L. Rev. 1207 (2016).

<sup>47</sup> Macy EEOC Ruling FAQ, Transgender Law Center, <https://transgenderlawcenter.org/resources/employment/eecfa> (accessed December 12, 2018)

<sup>48</sup> Macy EEOC Ruling FAQ, Transgender Law Center.

<sup>49</sup> Macy EEOC Ruling FAQ, Transgender Law Center.

<sup>50</sup> Macy EEOC Ruling FAQ, Transgender Law Center.

<sup>51</sup> International Labor Organization, ILO Declaration on Social Justice (Geneva: International Labor Organization, June 2008), Document3 [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/genericdocument/wcms\\_371208.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/genericdocument/wcms_371208.pdf)

<sup>52</sup> Richard Howard, Stand up for Zero Discrimination against LGBT people at work, February 29, 2016, <https://iloblog.org/2016/02/29/stand-up-for-zero-discrimination-against-lgbt-at-work/>

discrimination against LGBTI workers across the world, and highlights practices that promote positive inclusion and acceptance in the work place. The ILO found that LGBTI workers commonly face discrimination in the workplace due to their sexual orientation and/or identity, and that transgender people report the most severe forms of work due to their appearance.<sup>53</sup> The project suggests that workplaces should implement diversity-based policies to promote equality and inclusiveness for all workers in an effort to combat stereotypes and prejudices against LGBTI workers. For example, the Netherlands created the Equal Treatment Commission (ETC), which pursues policies to combat discrimination, receives discrimination complaints, provides information as well as options for resolving the issues, and has instituted a follow-up mechanism to monitor progress in the work place.<sup>54</sup> Due to the ETC, the Netherlands have integrated more equal opportunities for all people as they work on implementing an equal opportunities policy covering all forms of discrimination.<sup>55</sup>

The UN Guiding Principles on Business and Human Rights, adopted by the HRC in 2011, are the product of a year-long process of consultations, assisted by the UN Human Rights Office and Institute for Human Rights and Business, including regional meetings with leading business representatives.<sup>56</sup> Offering equal benefits such as healthcare and financial security for all workers, regardless of their sexual orientation or identity, is not a universal standard and can cost a company revenue.<sup>57</sup> For instance, preventing employment discrimination in workplaces by wrongful termination, bullying or harassment by coworkers or bosses is a measure that can be taken to enforce equality and raise income for the company. In 2015, a World Bank study focused on India found that discrimination against the country's LGBTI community cost the country up to 1.7 percent in potential gross domestic product: the equivalent of \$32 billion.<sup>58</sup> The Williams Institute found a positive correlation between per capita GDP and legal rights for LGBTI people.<sup>59</sup> The OHCHR publication for global business conduct, Standards of Conduct for Tackling Discrimination against LGBTI People, provides concrete guidance to the private sector, focusing on respect and support for equality and the human rights of LGBTI people.<sup>60</sup> As of April 2018, more than 122 multinational corporations joined a coalition expressing support for the Standards, representing more than 6 million employees that increased 2.5 trillion USD in yearly revenues for supporters.<sup>61</sup>

Discrimination against specific groups of people such as the LGBTI community carries a heavy cost: shrinking the talent pool, constricting markets, and reduced economic growth. On September 26, 2017, the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, launched an unprecedented set of global standards: respect the human rights of their LGBTI workers, customers, and members of the public, eliminate workplace discrimination against LGBTI employees, support LGBTI employees at work, prevent discrimination and related abuses against LGBTI customers, suppliers, and distributors – and insist that suppliers do the same and stand up for the human rights of LGBTI people in the communities where companies do business.<sup>62</sup> The standards build on the UN Guiding Principles on Business and Human Rights, and provide a set of benchmarks for assessing how businesses are tackling discrimination and related human rights abuses affecting LGBTI people, and to support best practices by companies.<sup>63</sup> Companies such as Accenture, Baker McKenzie, BNP Paribas, the Coca-Cola Company, Electricite de France, Ernst & Young, Gap Inc., General Electric, Godrej, IKEA, Microsoft, and SAP have indicated

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<sup>53</sup> Gender identity and sexual orientation: Promoting rights, diversity and equality in the world of work (PRIDE) Project, International Labour Organization, (May 2012)

<sup>54</sup>The Price Of Prejudice: Labour Market Discrimination On The Grounds Of Gender And Ethnicity Legal And Institutional Framework In Force (2007) Organization for Economic Co-operation and Development, <https://www.oecd.org/els/emp/40881200.pdf>

<sup>55</sup> Gender policy, politics, and resources in the Netherlands, Heinrich Böll Stiftung, <https://www.gwi-boell.de/en/2011/05/06/netherlands> (accessed December 11, 2018)

<sup>56</sup> Human Rights Council, Guiding Principles, A/HRC/17/31

<sup>57</sup> "United Nations Reports," The Office of the United Nations High Commissioner of Human Rights, accessed August 2, 2017, <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNReports.aspx>.

<sup>58</sup> M.V. Lee Badgett, Ph.D., The Economic Cost of Homophobia & the Exclusion of LGBT People, February 2014

<sup>59</sup> Charlie Ensor, "Homophobia Costs Countries \$100 billion a Year, Economist Argues," Humanosphere, February 2017, <http://www.humanosphere.org/human-rights/2017/02/homophobia-has-an-economic-cost-for-countries-economist-argues/>.

<sup>60</sup> OHCHR, Global standards for business tackle discrimination, (December 11, 2017)

<sup>61</sup> OHCHR, UN Human Rights Office unveils global standards for business to tackle discrimination against LGBTI people, (September 27, 2017)

<sup>62</sup> OHCHR, UN Human Rights Office unveils global standards for business to tackle discrimination against LGBTI people, (September 27, 2017)

<sup>63</sup>Jakob Polacsek, Davos: UN rights chief stresses leading role of businesses in ending LGBTI discrimination, (January 26, 2018)

their support and advocacy of the standards, utilizing them in their rules and standards to ensure an inclusive workplace.<sup>64</sup> The resolution called for private sector businesses to influence other businesses in promoting LGBT inclusion in the workplace. Zeid states, “There is growing evidence that, besides being the right thing to do, standing up for equal rights for LGBTI people is also in the private sector’s commercial interest...Eliminating discrimination is the key to unlocking talent and maximizing productivity.”<sup>65</sup>

### ***Violence Reforms***

The persecution of people because of their sexual orientation and gender identity has occurred for decades. In November 2011, the OHCHR published the Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, stating:

“Homophobic and transphobic violence has been recorded in all regions. Such violence may be physical (including murder, beatings, kidnappings, rape and sexual assault) or psychological (including threats, coercion and arbitrary deprivations of liberty). These attacks constitute a form of gender-based violence, driven by a desire to punish those seen as defying gender norms.”<sup>66</sup>

The diverse forms of violence against the LGBTI community can occur from a variety of people, including, but not limited to, law enforcement officers, family members, friends, and strangers. The violence may include physical attacks, sexual violence, corrective rape, mutilation, torture, murder, surgical procedures against their will, bullying, and killings.<sup>67</sup> According to the Council for Global Equality, “targeted LGBTI killings are cited in Member States and attacks are commonly identified as occurring in both public and private spaces”.<sup>68</sup> The report explains that “family members, neighbors, and groups of strangers in public places committed the majority of violent acts, and police frequently refused to intervene.”<sup>69</sup> In South Africa, the government established a National Task Team (NTT) formed of government departments and civil society to combat discrimination and violence against LGBTI persons.<sup>70</sup> In December 2014, the Inter-American Commission (IACHF) published the findings of its Registry of Violence against LGBT persons in the Americas, a tool used to learn about and give visibility to the alarmingly high levels of violence experienced by LGBT persons in the region.<sup>71</sup> The IACHR found that during a period of fifteen months (between January 2013 and March 2014) there were at least 770 acts of violence committed against LGBTI persons, which included 594 killings.<sup>72</sup> Many of these attacks were committed with verbal violence motivated by prejudice based on the perception of the sexual orientation or gender identity of the victims.<sup>73</sup>

In A/RES/67/168, the United Nations General Assembly called on Member States to ensure the protection of the right to life of all persons under their jurisdiction.<sup>74</sup> This includes the prompt investigation of all killings, including

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<sup>64</sup> Jakob Polacek, Davos: UN rights chief stresses leading role of businesses in ending LGBTI discrimination, (January 26, 2018)

<sup>65</sup> Roberto Igual, UN Human Rights Office unveils global LGBTI standards for business

<sup>66</sup> United Nations, Human Rights Council, Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41, 2011

<sup>67</sup> Michelle A. Marzullo, Hate Crimes and Violence Against Lesbian, Gay, Bisexual And Transgender People, Research Overview: Hate Crimes and Violence against Lesbian, Gay, Bisexual and Transgender People (2006)

<sup>68</sup> “On the Fight to Recognize LGBT Rights as Human Rights,” Mana Gunawan, February 17, 2017

<sup>69</sup> Accessing U.S. Embassies: A Guide for LGBT Human Rights Defenders, The Council for Global Equality, <http://www.globalequality.org/reports/council-reports> (accessed December 5, 2018)

<sup>70</sup> UN Human Rights Council, ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\*’, South Africa (para 67), April 11 2017, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ZASession27.aspx>. (accessed December 7, 2018)

<sup>71</sup> IACHR Publishes Report on Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons, IACHR Press and Communication Director (December 7, 2015)

<sup>72</sup> An Overview of Violence against LGBTI Persons in the Americas: a Registry Documenting Acts of Violence between January 1, 2013 and March 31, 2014, IACHR Press and Communication Director, December 17, 2014

<sup>73</sup> S. Long, Sexual Minorities and the Work of the United Nations Special Rapporteur on Torture, June 5, 2011 <http://www.iglhrc.org/files/iglhrc/reports/torturereport.pdf>.

<sup>74</sup> United Nations General Assembly, Resolution 168, Extrajudicial, summary or arbitrary executions, A/RES/69/168, March 15, 2013, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/168](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/168)



those motivated by the victim's sexual orientation and gender identity.<sup>75</sup> In June 2011, the HRC became the first UN intergovernmental body to adopt a wide-ranging resolution on human rights, sexual orientation, and gender identity.<sup>76</sup> Resolution 17/19 expressed the Council's "grave concern" at violence and discrimination against individuals based on their sexual orientation and gender identity and commissioned a study on the scope and extent of these violations and the measures needed to address them.<sup>77</sup> The study found that the violence and discrimination was directed at individuals because of their sexual orientation and gender identity.<sup>78</sup> On March 7, 2012, the findings of the study were used in a call for Member States to strengthen protection of the human rights of LGBTI persons.<sup>79</sup>

### ***Same-Sex Marriage***

Through continuous research, the specific origins of sexism, homophobia, transphobia, and biphobia stems from religious, cultural, personal or traditional beliefs<sup>80</sup>. The values that are generally articulated express dismay of same-sex relations. The social protection for the LGBTI community is linked to marriage equality and civil partnerships. Through these relations, persons in the LGBTI community are entitled to medical care, adoption rights, and parental leave and children benefits on the same terms as heterosexual couples.<sup>81</sup> While many Member States have not yet legalized same-sex marriage, the 27 Member States that have legalized same sex marriage are Argentina, Australia, Belgium, Brazil, Canada, Columbia, Denmark, Finland, France, Germany, Ireland, Luxembourg, Malta, New Zealand, Netherlands, Norway, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland (including Scotland and Wales), and Uruguay.<sup>82</sup>

In 2013, the EU reported on human rights and democracy stating that the parliament encourages EU institutions and Member States to recognize same-sex marriage or civil unions as a "a political, social, and human and civil rights issue."<sup>83</sup> However, the EU is not able to impose such policy changes on its members.<sup>84</sup> Every single Member State in the EU has legalized same-sex sexual activity.<sup>85</sup> Member States that do not belong to the EU vary in terms of LGBTI rights. Overall, the statistics within Europe are pleasing to the international community with ten out of 28 Member States in the EU legalizing same-sex marriage and 11 out of 28 permitting adoption by members of the LGBTI community.<sup>86</sup>

### ***United Nation Actions***

Former UN Secretary-General Ban Ki-moon called for Member States worldwide to abolish discriminatory laws against the LGBTI community in 2010.<sup>87</sup> Next, Member States signed on to a statement calling for the decriminalization of homosexuality in March 2011.<sup>88</sup> The statement, entitled "Ending Acts of Violence and Related

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<sup>75</sup> United States General Assembly, Resolution 168, Extrajudicial, summary or arbitrary executions, A/RES/69/168, March 15, 2013, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/168](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/168)

<sup>76</sup> Report of the United Nations High Commissioner for Human Rights, "Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity" (A/HRC/19/41)

<sup>77</sup> United States General Assembly, Resolution 19, Human rights, sexual orientation and gender identity, A/HRC/RES/17/19, June 14, 2011, <https://arc-international.net/wp-content/uploads/2011/09/HRC-Res-17-19.pdf>

<sup>78</sup> United States General Assembly, Resolution 19, Human rights, sexual orientation and gender identity, A/HRC/RES/17/19, June 14, 2011, <https://arc-international.net/wp-content/uploads/2011/09/HRC-Res-17-19.pdf>

<sup>79</sup> Juneau Gary, Are LGBT rights human rights? Recent developments at the United Nations, June 2012

<sup>80</sup> Andrew S. Forshee, Homophobia and Transphobia, (accessed on December 9., 2018)

<sup>81</sup> ACLU, Overview of Lesbian and Gay Parenting, Adoption, and Foster Care

<sup>82</sup> Elisa Tang, June 22, 2018

<sup>83</sup> Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter, European Parliament, February 20 2015

<sup>84</sup> Human Rights and Democracy in the World Report and the European Union's policy on the matter. European Parliament, February 20, 2015

<sup>85</sup> Pew Research Center, Gay Marriage Around the World, August 8, 2017

<sup>86</sup> UN Free & Equal Campaign Progress Report, United Nations Human Rights, OHCHR, 2015

<sup>87</sup> Secretary-General's remarks at the High-Level LGBT Core Group Event "Leaving No-One Behind: Equality & Inclusion in the Post-2015 Development Agenda, United Nations General Secretary, September 29, 2015

<sup>88</sup> United Nations Office for the High Commissioner for Human Rights (OHCHR). (2011). *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation*. Geneva, Switzerland: United Nations. Retrieved from [www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_English.pdf)

Human Rights Violations Based on Sexual Orientation and Gender Identity,” called for the end of violence and related human rights violations based on sexual orientation & gender identity.<sup>89</sup> The statement acknowledged the importance of respectful dialogue, continuous developments, and safety, as well as security for the LGBTI community.<sup>90</sup> In June 2011, the Council adopted A/RES/17/19, the first UN resolution to address the human rights of the LGBTI community, acknowledging the global manifestations of discrimination based on sexual orientation and violence stemming from an extreme form of prejudice, leading to targeted aggression against the community.<sup>91</sup>

The UN has taken various steps to promote the universal framework in response to violence of the LGBTI community, while emboldening Member States to demonstrate acceptance and equal rights as well in workplace annexation, marriage and violence reform. To address workplace concerns, in 2015, the HRC committed to creating, housing, and engaging the Business Coalition for Global Workplace Fairness.<sup>92</sup> The coalition is committed to workplace protections for lesbian, gay, bisexual, and transgender employees through creating a forum for discussing ideas and practices on global inclusion in the work place.<sup>93</sup> In July 2013, OHCHR launched the Free & Equal Campaign to raise awareness about violence, discrimination, and other human rights violations occurring for the LGBTI community and to promote equality for everyone regardless of sexual orientation and gender identity.<sup>94</sup>

In an effort to protect against violence and discrimination against the LGBTI community, on June 30, 2016, the council adopted A/RES/32/2 on “Protection against violence and discrimination based on sexual orientation, and gender identity,” to mandate the appointment of an independent expert on the subject.<sup>95</sup> In this capacity, the independent expert assesses the implementation of international human rights law, raises awareness, engages in dialogue with all relevant stakeholders, and provides advisory services, technical assistance, and capacity-building to help address violence and discrimination against persons on the basis of the sexual orientation or gender identity. 850 nongovernmental organizations from 156 Member States around the world called on the General Assembly’s Third Committee to take a principled stand that LGBTI rights are human rights.<sup>96</sup> The Independent Expert position on sexual orientation and gender identity assesses “the implementation of existing international human rights law, identify best practices and gaps, raise awareness of violence and discrimination based on sexual orientation and gender identity, and engage in dialogue and consultation with countries and other stakeholders.”<sup>97</sup> The Expert is appointed by the UN Human Rights Council. The Mandate Holder is generally called to assess international human rights issues with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the source of the causes.<sup>98</sup> They are chosen because they are the impartial subject-matter experts in their field having done a number of examinations and reports on various perspectives and ideologies of Member States.

## ***Conclusion***

Responding to the violence and discrimination of the LGBTI community is at the core of promoting fundamental human rights for all people. The UN has been working with Member States to reject discrimination and violence against the LGBTI community and continues efforts towards achievements. Through establishing treaty bodies used to monitor Member States’ compliance with international human rights treaties, appointing special individuals to report matters or concerns, and other independent experts appointed by the Human Rights Council to investigate and

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<sup>89</sup> OHCHR, Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity, March 2012

<sup>90</sup> OHCHR, Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity, March 2012

<sup>91</sup> Federal Bureau of Investigation. (2017). Hate crimes. Washington, D.C.: U. S. Department of Justice. [https://www.fbi.gov/about-us/investigate/civilrights/hate\\_crimes/overview](https://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview)

<sup>92</sup> Business Coalition for the Equality Act, Human Rights Campaign (accessed December 11, 2018)

<sup>93</sup> HRC Staff, HRC Announces 60 Companies Launch Business Coalition for the Equality Act, March 10, 2016

<sup>94</sup> UNFE, Fact Sheet: International Human Rights and Sexual Orientation and Gender Identity, [www.unfe.org](http://www.unfe.org). (accessed December 7, 2018)

<sup>95</sup> United States General Assembly, Resolution 2, Protection against violence and discrimination based on sexual orientation and gender identity, July 15, 2016 [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/RES/32/2](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/RES/32/2)

<sup>96</sup> Boris Dittrich, On LGBT Rights at the UN, Suriname Should Do the Right Thing, December 9, 2016

<sup>97</sup> Reports of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, United Nations, Human Rights OHCHR

<sup>98</sup> OHCHR, Independent Expert on sexual orientation and gender identity (accessed on December 7, 2018)

report on pressing human rights challenges as they occur.<sup>99</sup>With the adoption of work place forums, trainings and guidelines for staff, marriage privileges and documentation, as well as discussing the best approach for violence reforms and education for law enforcement, the violence and discrimination against the LGBTI community will minimize. As the UN moves towards 70 years of establishing the Universal Declaration of Human Rights, the denial of human rights for LGBTI persons persists throughout the world and to date is an issue that needs to be further addressed and improved.<sup>100</sup>

### ***Committee Directives***

As delegates conduct research they should be aware of the history of LGBTI discrimination, international laws and customs addressing LGBTI issues, and laws within their Member States. Delegates should be mindful of the anti-discrimination laws, international, national, and regional, that are in place for the LGBTI community and what additional laws may assist the community for improved protection against violent of discriminatory attacks, documentation rights, and workplace insertion. How can the Human Rights Council ensure equal rights for LGBTI people when cultural beliefs or values may conflict with the overall goal of the Council? What programs can be made to ensure workplace safety, marriage security, and equality privileges amongst all is guaranteed for the LGBTI community? What measures can be put in place to protect LGBTI communities in conflict zones, in addition to steps that have already been taken?

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<sup>99</sup> “Diversity in Humanity”, Raymond A. Smith, June 9, 2017

<https://www.outrightinternational.org/content/diversity-humanity-humanity-diversity-first-report-new-un-independent-expert-sogi-issues>

<sup>100</sup> United Nations General Assembly, Universal Declaration of Human Rights, December 10, 194

## II. Enhancing Inclusion and Integration of Migrant Workers in Host Countries

*“Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.” -Emma Lazarus*

### Introduction

The economic impact of migration is a highly contested theme in public debate given the recent large-scale refugee movement into Europe and the United States. However, historical waves of migration suggest that this is hardly a new discussion topic. With the growing pace of digital communication and international trade, made possible through globalization and multinational business investments, opportunities for job-seekers may seem plentiful. Yet, 258 million migrants around the world,<sup>101</sup> or 3.5 percent of the world’s population, have sought labor elsewhere and traveled to other states for employment. Furthermore, 10 percent consist of refugees and asylum seekers, therefore, the word “migrant” is typically used as an umbrella term.<sup>102</sup> While an impressive figure, trends show that the population of migrant workers is geographically concentrated as about half are hosted within ten Member States which are mostly categorized as high-income economies or developed states, including the United States, Saudi Arabia, and Germany.<sup>103</sup> Of the 258 million migrants, 70 percent are of working age (between the ages of 20 and 59)<sup>104</sup> and the majority hold jobs in the service sector.<sup>105</sup> In light of these figures, migrant workers play a key role in their destination states’ economic development, ensuring that labor market integration strategies, both short and long-term, is crucial.

This conflict is a political, economic, and social question that requires both *de jure* action on behalf of national governments, and proactive action to promote communities of inclusion for migrant, as well as long-term, workers. International institutions have been slow to catch up with the emergence of globalized markets, which have expanded the global economy, but not necessarily eased the movement of international labor across borders. While recent advances in international law to recognize the benefits of migrant labor, national and regional challenges still hold back progress on creating sustainable integration policies for workers crossing national borders. While these challenges are an issue of policy, they also extend to media and social institution influence, which has become recently evident over the last two decades.<sup>106</sup>

### Background

Numerous factors contribute to an individual’s desire to migrate, including but not limited to, economic instability, employment scarcity, and political unrest.<sup>107</sup> Specifically, migrants who travel for the pursuit of labor are referred to as economic migrants.<sup>108</sup> The term “migrant” is generally described as a person moving “within or across borders

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<sup>101</sup> “Population Facts.” United Nations Department of Economic and Social Affairs Population Division. December 2017. Accessed November 27, 2018. [www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts\\_2017-5.pdf](http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2017-5.pdf)

<sup>102</sup> “Population Facts.” United Nations Department of Economic and Social Affairs Population Division. December 2017. Accessed November 27, 2018. [www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts\\_2017-5.pdf](http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2017-5.pdf)

<sup>103</sup> “Population Facts.” United Nations Department of Economic and Social Affairs Population Division. December 2017. Accessed November 27, 2018. [www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts\\_2017-5.pdf](http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2017-5.pdf)

<sup>104</sup> “Population Facts.” United Nations Department of Economic and Social Affairs Population Division. December 2017. Accessed November 27, 2018. [www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts\\_2017-5.pdf](http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2017-5.pdf)

<sup>105</sup> World Migration Report 2018. International Organization for Migration (IOM), the UN Migration Agency. November 2017. Accessed November 28, 2018. <http://www.iom.int/wmr/chapter-2>

<sup>106</sup> International Organization on Migration, *Report Overview: Making Sense of Migration in an Increasingly Interconnected World*. (Geneva: 2017), 3-4 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

<sup>107</sup> “I Welcome: Protecting the Rights of Refugees and Asylum-Seekers.” Amnesty International. Accessed November 28, 2018. <https://www.amnestyusa.org/campaigns/refugee-and-migrant-rights/>

<sup>108</sup> “Migrants, refugees, and asylum seekers: what’s the difference?” The Guardian. Accessed November 28, 2018. <https://www.theguardian.com/world/2015/aug/28/migrants-refugees-and-asylum-seekers-whats-the-difference>

usually for economic reasons such as seasonal work. Similar to immigrants, they were not forced to leave their native state because of persecution or violence, but rather are seeking better opportunities.”<sup>109</sup>

The distinction in terminology between migrant, refugee, and asylum seeker is important to consider when searching for ideal policy formation, especially because these terms have significant political and legal implications for how individuals are received, the protections and rights they are afforded, and the way they are perceived in social settings. The terms ‘migrant,’ ‘migrant worker,’ and refugee are mistakenly used interchangeably. Because there is no consistent or officially recognized legal definition of “migrant,” it is sometimes easier to describe what a migrant is *not*:

“the UN definition of ‘migrant’ is clear that the term does not refer to refugees, displaced, or others forced or compelled to leave their homes: The term ‘migrant’ in Article 1.1 (a) should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of ‘personal convenience’ and without intervention of an external compelling factor. (International Organization for Migration Constitution Article 1.1 (a)).<sup>110</sup>

A definition of “migrant worker” was first articulated in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, articulated in A/45/158:

“The term ‘migrant worker’ refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”<sup>111</sup>

Since the Convention, UN agencies, International Governmental Organizations (IGO), Regional Organizations, and Member States have expanded, renewed, or redefined for their own purposes, definitions of migrant workers as they responded to global integration.

The confusion of nomenclature is further perpetuated when discussing non-documented migrant workers, also referred to as irregular migrant workers. UN General Assembly Resolution A/RES//32/120 defines non-documented migrant workers as “workers that illegally and/or surreptitiously enter another country to obtain work.”<sup>112</sup> Non-documented migrant workers, formally referred to as illegal workers prior to 1975, are subjected to a completely different onset of problems such as financial exploitation, specifically because they lack legal status by their host state.<sup>113</sup> “Migrant workers without employment authorization are among the most vulnerable workers, subject to low wages, and in some cases, unpaid wages, dangerous work conditions, exploitation and other forms of abuse because of a lack – both perceived and real – of legal remedies or a lack of access to those remedies.”<sup>114</sup> Until 2003, workers’ rights, as addressed by the International Labour Organization’s (ILO) Conventions on Migrant Workers, were one-dimensional in that they only afforded protections to “legal” or documented migrant workers, out of respect for state sovereignty.<sup>115</sup> In contrast, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by in A/45/158 and implemented in 2003, aimed to

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<sup>109</sup> “Migrants, asylum seekers, refugees and immigrants: What’s the difference?” International Rescue Committee. October 25, 2018. Accessed November 28, 2018. <https://www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference>

<sup>110</sup> “A Territorial Perspective on Migrant and Refugees Integration”, in *Working Together for Local Integration of Migrants and Refugees*. OECD. 2018. Accessed November 28, 2018. <https://doi.org/10.1787/9789264085350-en>

<sup>111</sup> United Nations Educational, Scientific and Cultural Organization. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. 45/158. December 18, 1990

<sup>112</sup> Measure to ensure the human rights and dignity of all migrant workers. 2433<sup>rd</sup> General Assembly Plenary Meeting. December 9, 1975. Accessed November 28, 2018. <http://www.worldlii.org/int/other/UNGARsn/1975/87.pdf>

<sup>113</sup> Immigration & Migrants’ Rights. International Justice Resource Center. Accessed November 28, 2018. [https://ijrcenter.org/thematic-research-guides/immigration-migrants-rights/#ADDITIONAL\\_RESOURCES](https://ijrcenter.org/thematic-research-guides/immigration-migrants-rights/#ADDITIONAL_RESOURCES)

<sup>114</sup> “Human Rights for All Workers: The Emergence of Protections for Unauthorized Workers in the Inter-American Human Rights System.” International Human Rights Law Clinic. Accessed November 28, 2018. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1292&context=hrbrief>

<sup>115</sup> “Migrant Workers as Subjects of Human Rights.” 2012. Accessed November 28, 2018. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1292&context=hrbrief>

enhance existing protections of migrant workers' rights, but also succeeded at acknowledging the human rights of undocumented migrants, or those unlawfully residing in their host state.

### ***Governance Gaps and Changing the Global Economy***

The central challenge to establishing international governance standards on migration is the gaps between various legal and customary laws governing the movements of individuals across borders, rooted first in the legal notion of sovereignty.<sup>116</sup> The first treaties that govern the structure of states, the Peace Treaties of Westphalia and Utrecht, established the inviolability of states and secure and defined borders, state laws and mutual agreements have defined the rights for individuals to move across borders. Since, the most defined international law recognizing groups of people that move across borders concerned refugees, who are defined in the *Refugee Convention* as those with “a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of nationality, and is unable, or unwilling to avail himself of the protection of that country.”<sup>117</sup> Beyond the *Refugee Convention*, the issue of cross border migration is less defined. In general, concerning specifically the movement of labor across borders, the principle challenges in international law are 1) the desire to protect state sovereignty, 2) domestic politics, 3) the ability of Member States to work together and consider mutual interests, 4) conflicting or differing political process and institutional structures, and 5) the lack of clearly identifiable representatives for migrants, and differing ideas of who a migrant is.<sup>118</sup>

In the last three decades, three treaties and legal instruments of international law have identified and expanded international governance on the movement of migrant workers: 1) the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); 2) the 1949 Migration for Employment Convention; and 3) the 1975 Convention Concerning Migrations in Abusive Condition and the Promotion of Equality of Opportunity and Treatments of Migrant Workers.<sup>119</sup> Furthermore, the 1994 General Agreement on Trade and Services (GATS) calls for World Trade Organization (WTO) members to allow for cross border exchange of services, leading liberalizing rules for cross-border travel by individual offering services, such as financial and medical ones.<sup>120</sup> GATS does not oblige WTO members to adjust immigration rules for long-term stay or grant citizenship rights to those offering services inside their borders.<sup>121</sup> However, as in accordance with the aforementioned treaties and agreements, GATS members cannot inaugurate discriminatory measures that benefit a domestic supplier, thus allowing fair and free market competition between service suppliers.<sup>122</sup>

The reception of migrant workers is only one part of the challenge that affects the fair movement and integration of workers across borders. The method of movement of migrant workers is affected by legal gaps governing the movement of migrants, especially between land transport and other forms of transport. The UN Convention on the Law of Sea (UNCLOS) is an expansive agreement that governs the rules, rights, and privileges of a ship or seaman on the high seas, the maritime borders of Member States to the Convention, and dispute mechanisms as they arise. UNCLOS, last ratified in 1982, is coupled with the 1979 International Convention on Maritime Search and Rescue, and the 1974 International Convention on the Safety of Life at Sea. Finally, the 1944 Convention on Civil Aviation (also known as the Chicago Convention), established the first rules governing civil air transport. While these alternative means of transit for traveling across borders exist and have been the subject of consistent updates, laws governing the movement of migrants across land borders have been largely relegated to individual Member States.<sup>123</sup>

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<sup>116</sup> International Organization on Migration, *Report Overview: Making Sense of Migration in an Increasingly Interconnected World*. (Geneva: 2017). 126 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

<sup>117</sup> The United Nations, *Convention Relating to the Status of Refugees*. 1951

<sup>118</sup> SRSRG. *Report of the Special Representative of the Secretary-General on Migration*. A/71/ 728. 2 February 2017.

<sup>119</sup> Report Overview: Making Sense of Migration in an Increasingly Interconnected World. International Labor Organization. 132 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

<sup>120</sup> World Trade Organization, *The General Agreement on Trade and Services*. 1994. [https://www.wto.org/english/tratop\\_e/serv\\_e/gatsqa\\_e.htm](https://www.wto.org/english/tratop_e/serv_e/gatsqa_e.htm)

<sup>121</sup> World Trade Organization, *The General Agreement on Trade and Services*.

<sup>122</sup> World Trade Organization, *The General Agreement on Trade and Services*.

<sup>123</sup> International Organization on Migration, *Report Overview: Making Sense of Migration in an Increasingly Interconnected World*. (Geneva: 2017). 134 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

Given these gaps of domestic and international legal frameworks, the international system has evolved, as globalization and IT communications have brought economies and communities closer together over the last 50 years, lowering the barriers of entry for individuals and firms, and allowing the easier passage of capital and foreign investments. While Multinational Corporations (MNCs) and foreign investors have taken new opportunities to expand the global economy, global labor has not caught up with the relative freedoms of businesses to move across borders and find greater employment opportunities. This is largely due to state controls on migration through border security, differing visa and customs rules, and conflicting social and political attitudes over migration.<sup>124</sup> These attitudes have only been accentuated since 2015, as political groups on the right have lobbied for tougher “law and order” measures on border security and greater restrictions on who and how many migrants are accepted for work. The issue has been further conflated by confusion between those migrants who are coming to work in a given state, and those fleeing from war and instability abroad, as has been the case with those escaping the war in Syria.<sup>125</sup>

### ***Perceptions of Migration: Media, Social Organizations, and Governance***

One of the central challenges to the integration of migrants in society and within policy formation is the perception created by both the traditional media and users of social media.<sup>126</sup> In its 2018 Report, the ILO noted the predominate media narrative as largely negative in states with high economic development index scores. In the West, migration and immigration challenges and responsive policies have been characterized as “law and order” policies, focusing on issues such as crime, security, and protection from violent extremism.<sup>127</sup> Meanwhile, in countries across Latin America and Asia, migrants are viewed through a lens of national identity, where race, culture, and language are considered barriers to integration, and threats to national and cultural identity.<sup>128</sup> The structure and organization of mass media along geographical and media sources create differing narratives about migrants, shapes communal and even governmental responses to migration.

What the press covers depends on the audience they report to, which stretches from large national audiences to local communities, and what issues they think their audience cares about. Local papers, where relationships between reporters and the subject of reporting is more personal, may focus more on compassion, while a national report will focus more on the issue of migration.<sup>129</sup> These different reports and perceptions from a variety of reporting entities can create conflicting narratives, leading to more fractious perceptions of migrants living in a state. The issue of perception becomes more important as it is digested in the policymaking process, as legislators and public decision makers often account for how special interest groups (voters, industry, ideological groups, other public officials) view the issue, and react to issue.<sup>130</sup> Depending on the system of government and the level of press and political freedoms that exist within a Member State, migration issues can be cast in many positive, negative, or “grey” lights that can lead to various policy outcomes.<sup>131</sup>

The decentralization of media in the digital age, and the ability to digest news quickly and more efficiently according to a consumer’s preference, has also affected an individual’s perspective of migration.<sup>132</sup> Further, this has created opportunities for false narratives to develop, especially around immigration issues. In February 2017, the German daily paper *Bild* apologized for picking up a story regarding an alleged sexual assault by Arab migrants, an allegation made in part to the arrival of a large group of refugees from Syria, and the numerous false news stories that had, in the words of several local officials, created an “atmosphere of fear” surrounding migration to Europe from the Middle East.<sup>133</sup> Despite the rise of “fake news,” decentralization of digital news and tools also allows positive media to be shared. In a study by the Regional Mixed Migration Secretariat (RMMS), migrants have also

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<sup>124</sup> International Organization on Migration, *Report Overview*. 3-4

<sup>125</sup> International Organization on Migration, *Report Overview*. 9

<sup>126</sup> International Organization on Migration, *Report Overview*. 193-196

<sup>127</sup> Mette Wiggen, “Rethinking anti-immigration rhetoric after the Oslo and Utaya Terror Attacks.” 585-604

<sup>128</sup> Mette Wiggen, “Rethinking anti-immigration rhetoric after the Oslo and Utaya Terror Attacks.” -604

<sup>129</sup> Stuart N Soroka, “Issue attributes and agenda-setting by media, the public, and policymakers in Canada.” *International Journal of Public Opinion Research*, 14(3). 264–285. <https://academic.oup.com/ijpor/article/14/3/264/678029>

<sup>130</sup> Stuart N Soroka, “Issue attributes and agenda-setting by media, the public, and policymakers in Canada.” 264–285.

<sup>131</sup> Stuart N Soroka, “Issue attributes and agenda-setting by media, the public, and policymakers in Canada.” 264–285.

<sup>132</sup> “‘Fake News’: the best thing that’s happened to journalism.” <http://blogs.lse.ac.uk/polis/2017/03/11/fake-news-the-best-thing-thats-happened-to-journalism/>

<sup>133</sup> Melissa Eddy, “Bild apologizes for false article on Sexual Assaults in Frankfurt by Migrants.” *New York Times*. February 16, 2017. [https://www.nytimes.com/2017/02/16/world/europe/bild-fake-story.html?\\_r=0](https://www.nytimes.com/2017/02/16/world/europe/bild-fake-story.html?_r=0)

shared news and content via information communication tools (ICT) such as WhatsApp and Skype. This peer-to-peer digital content sharing gives migrants more focused, personal news about an intended destination. For example, RMMS projected that 9 percent of 1,300 migrants from Member States such as Ethiopia, Eritrea, and Djibouti indicated that social media showed better opportunities in their intended destination. However, family connections and referrals were considered as a more valid source for over 26 percent.<sup>134</sup> Yet, this shows that news and the way news is digested can influence how migrants view a particular place, and whether to migrate there.<sup>135</sup>

Neglected in national discourses that focus most on “law and order” issues of border security and violent extremism is the promotion of social organizations that were central to establishing labor as an organized stakeholder: Organized Labor.<sup>136</sup> The Trade Union (or Labor Union in the United States) is the counterpart to business and the state, representing all labors within a particular region, and provides services to its constituencies under its umbrella of collective bargaining, including legal ones. In the Building and Wood Workers International presentation, one of the central roles of a trade union is “Development at the Workplace and at Home,” where the union works beyond fair terms and conditions of employment, and also works with businesses and the state to develop living wages, job generation, and peace and security at home and abroad.<sup>137</sup> This social function of trade unionism is especially important with migrant workers, as they work to provide safe communities for migrants seeking work and advocate for them in national and international forums.

### ***Case Study: The European Union’s Take on Migrant Integration***

The European Union (EU) is the largest integrated economy in the world and has gone further than any group of Member States to create common laws governing economic management, development, and border controls. The Schengen Free Movement Zone created easier border controls for the movement of non-European citizens, and MNCs have recruited workers from across the EU to seek employment in other Member States, through use of the EU Blue Card System.<sup>138</sup> Migrant workers have been both a benefit and cost to EU Member States, as integrated regional and continental economies have challenged local and national ones. Migrant workers have traveled from states with fewer economic opportunities to other states where jobs were more readily available, and where the local labor force was less accepting of low wage jobs. MNCs were ready to hire these workers seasonally, and workers would send their benefits and money back to families at home in the form of remittances.<sup>139</sup> EU policy regarding the regulation of migrants has been focused primarily on 1) preventing unauthorized migration and illegal employment of migrants, and 2) promoting integration of immigrants into society.<sup>140</sup>

Migrants have traditionally traveled to higher income and highly developed economies to seek new economic opportunities for them and their families.<sup>141</sup> In a European Council Directive 2009/50/EC, the Council of the European Union developed a bloc goal to attract qualified workers from third party states (non-EU members) to migrate and work in the Union, and for all EU members to create conditions promoting that success.<sup>142</sup> Such conditions include treating such high income workers as they would their own nationals.<sup>143</sup> A study at Turku University analyzed the relationship of welfare programs and their impact on employment, drawing the conclusion

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<sup>134</sup> Bram Frouws, Melissa Phillips, Ashraf Hassam, and Mirjam Twigt. “Getting to Europe the “WhatsApp Way: The use of ICT in contemporary mixed migration flows to Europe.”. Regional Mixed Migration Secretariat. June 2016. 10.

<sup>135</sup> Bram Frouws, Melissa Phillips, Ashraf Hassam, and Mirjam Twigt.. “Getting to Europe the “WhatsApp Way.”

<sup>136</sup> Tos Q. Anonuevo, “Making global Labour Mobility a Catalyst for Development: The Role of the Private Sector and other Stakeholders in Making Labor Migration Work for Development.” *Building and Wood Workers International*. 3 [https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/global\\_labour\\_mobility\\_080910\\_2007/presentations/notes\\_anonuevo.pdf](https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/global_labour_mobility_080910_2007/presentations/notes_anonuevo.pdf)

<sup>137</sup> Tos Q. Anonuevo, “Making global Labour Mobility a Catalyst for Development.” 4

<sup>138</sup> European Union Council Directive 2009/50/EC. “the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.” Official Journal of the European Union. 25 May, 2009. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0050&from=EN>

<sup>139</sup> The EU Migrant Worker Project. University of Cambridge. <https://www.eumigrantworker.law.cam.ac.uk/About>

<sup>140</sup> “Migration and migrant population statistics.” The European Commission. 20. <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/1275.pdf>

<sup>141</sup> International Organization on Migration, *Report Overview: Making Sense of Migration in an Increasingly Interconnected World*. (Geneva: 2017).. 3 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

<sup>142</sup> The European Union, *European Union Council Directive 2009/50/EC*. 25 May, 2009. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0050&from=EN>

<sup>143</sup> The European Union, *European Union Council Directive*.



that desire for public services is a major draw for both migrant and domestic workers.<sup>144</sup> The challenges of migrant workers in the European Union, while unique to a multinational economic union, also have instrumental lessons for the international community. First, Member States have criticized other Member States trying to restrict the sovereignty of others Member States, by allowing borders to be commonly governed at the expense of national governance and local economic development.<sup>145</sup> Second, migrant workers have been accused of taking advantage of public services and worker benefits and denying such jobs and opportunities to local workers, all without paying taxes beyond normal payroll taxes where applicable.<sup>146</sup>

Criticism and conflict on the issue of migrant workers in the EU has led to calls for reform, and, in extreme circumstances, attempts to leave the EU. The Brexit Referendum was the result of local calls for a “return of sovereignty” to the Kingdom of Great Britain and Northern Ireland (UK), and the subsequent negotiations by the May Government were an attempt to reconcile the UK’s departure from the EU while not permanently harming the economy and trade relations between the two. Oxford Economics conducted a study of Brexit’s impact on reduced employment of migrant workers.<sup>147</sup> Migrants contributed “2,300 GBPs more to the Exchequer each year in net terms” while paying more than 78,000 pounds over their lifetime to public services as opposed to zero contribution by UK citizens.<sup>148</sup> The conclusion drawn from the study was that migrant workers contribute substantially more to public services than regular citizens, a benefit that Brexit threatens in the overall future financing of the government, challenging the government to create rules helping high-skilled migrants cross borders more easily in the post-Brexit immigration system.<sup>149</sup>

The calls for reform across the EU have powerful patrons, including French President Emmanuel Macron, who called for bloc-wide reform of the migration reforms and border controls.<sup>150</sup> Macron had campaigned for reforms in the EU regarding migrant workers and movement across the Schengen Bloc, an issue he claimed “risked the breakup of the EU.” The issue of Posted Workers Directives, which allows “firms to send their cheaper workers to another EU nation and keep existing employment terms, not those of the host country,” is the primary target of Macron’s proposed reform, which would limit workers posting to exceed no more than twelve months.<sup>151</sup> According to the European Commission, there were 2.05 million posted workers in the EU in 2015, an increase of 41.3% since 2010. While several Member States have backed the Macron proposal, others have attempted to block such reforms, claiming it is not advisable to block workers from pursuing economic opportunities where they can. Legal battles have suggested liberalizing the rules governing workers’ rights, and instead, have promoted a pendulum swing more in favor of corporate interests, as noted in the European Court of Justice 2007 rulings in the Laval case concerning Latvian workers in Sweden, and the Finnish ferry company Viking Line for its hiring of Estonians.<sup>152</sup>

### ***UN and International Action***

In September 2016, the New York Declaration laid out a process to adopt a global agreement concerning the rights of migrants and refugees. Specifically, the declaration calls for 1) protect the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status... 2) support countries rescuing, receiving and hosting large numbers of refugees and migrants; 3) integrate migrants – addressing their needs and capacities as well as those of receiving communities – in humanitarian and development assistance frameworks and planning; 4) combat xenophobia, racism and discrimination towards all migrants; 5) develop, through a state-led process, non-

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<sup>144</sup> Ari-Matti Naatanen. “The Impact of Economic Globalization on the Employment Policies in 19 Western Democracies from 1985 to 2010. Limited Change or Radical Shift towards Workfare?” *Journal of Social Sciences*. University of Turku. 2015. 701-702 <file:///Users/keithbrannum/Downloads/socsci-04-00700.pdf>

<sup>145</sup> “Hungary’s Victor Orban warns of backlash against immigration in European Union Vote.” July 28, 2018. <https://www.cnn.com/2018/07/28/europe/viktor-orban-hungary-european-parliament-intl/index.html>

<sup>146</sup> International Organization on Migration, *Report Overview: Making Sense of Migration in an Increasingly Interconnected World*. (Geneva: 2017).. 3 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

<sup>147</sup> Rob Merrick. “EU migrant workers contribute 2,300 more per year to UK than average British citizen, study reveals.” *The UK Independent*. <https://www.independent.co.uk/news/uk/politics/eu-workers-uk-tax-treasury-brexit-migrants-british-citizens-a8542506.html>

<sup>148</sup> Rob Merrick. “EU migrant workers contribute 2,300 more per year to UK than average British citizen, study reveals.”

<sup>149</sup> Rob Merrick. “EU migrant workers contribute 2,300 more per year to UK than average British citizen, study reveals.”

<sup>150</sup> “EU needs migrant labour reform – France’s Macron.” 24 August 2017. <https://www.bbc.com/news/world-europe-41036909>

<sup>151</sup> “EU needs migrant labour reform – France’s Macron.” <https://www.bbc.com/news/world-europe-41036909>

<sup>152</sup> “EU needs migrant labour reform – France’s Macron.” <https://www.bbc.com/news/world-europe-41036909>

binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations; and 6) strengthen global governance of migration, including by bringing IOM into the UN family and through the development of a Global Compact for Safe, Orderly and Regular Migration.<sup>153</sup> The New York Declaration has already drawn the support of many Member States, and several IGOs that work with migrant labor, including the International Trade Union Confederation (ICTU).

The Special Representative of the Secretary-General (SRSG) submitted a report directly to the General Assembly, which was written up in GA/72/643, on December 12<sup>th</sup>, 2017. The SRSG, Sir Peter Sutherland, said:

“Progress is likely to hinge on the involvement of those directly affected and those responsible for policy implementation, while reaching agreement on common minimum standards, principles and approaches that should apply across the board. The latter provides predictability for inter-State cooperation, based on clearly articulated mutual expectations and responsibilities, and for migrants, whose rights must be protected wherever they happen to move in the world.”<sup>154</sup>

The report’s preamble noted that any international migration standards had to maximize the benefits of migration and migrant labor, moving the international community away from the risk reduction measures of ‘law and order’ approaches to governance.<sup>155</sup> However, the report did not fully discount (it even recognized the continued need for) the ‘rule of law’ and legal measures to create safe borders.<sup>156</sup> The SRSG report tied global migration to the UN’s Sustainable Development Goal #10, which calls for “orderly, safe, regular, and responsible migration and mobility for of people, including through planned and well managed migration policies.”<sup>157</sup>

Several trade union organizations are actively addressing unfair employment practices and working the International Labor Organization to gain greater buy-in from Member States and IGOs to protect the rights of migrant workers. The ICTU, formed in 2006 from a merger of the International Confederation of Free Trade Unions and the World Confederation of Labor, launched its Global Rights Index to measure and rate Member States on their scorecard of workers’ rights, including ability to interact in a democratic society.<sup>158</sup> The Global Rights Index predicts that the three most important trends overall affecting workers worldwide are: 1) shrinking democratic spaces, resulting both from armed conflicts attempts to restrict basic democratic rights, including protesting, 2) rising corporate influences, focusing principally on corporate capture of regulatory organizations meant to supervise them, and 3) legislative action that does not necessarily protect the rights of workers.<sup>159</sup> ITUC also works directly with workers. In cooperation with its regional offices and its recruitment advisors, ITUC has launched a peer-to-peer rating and feedback program that rates labor recruitment agencies and companies for fair work and treatment practices. This feedback helps groups like ITUC advocate for workers in communities worldwide, both by steering migrant workers to quality and labor friendly agencies and companies, but they also work with Member States to hold them accountable.<sup>160</sup>

## **Conclusion**

Integrating migrants and migrant policies across global communities and within Member States is a multi-faceted project that spans economic, political, and social boundaries, and thus, requires an understanding of multiple layers of decision-making between public, private, and media organizations. As integration of the global economy continues to drive the movement of labor across borders, migration between nations will only continue to increase. However, with increasing interconnection and the movement of peoples across borders, conflict will also increase,

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<sup>153</sup> United Nations General Assembly, *The New York Declaration for Refugees and Migrants*. A/Res/71/1  
<https://www.iom.int/global-compact-migration>

<sup>154</sup> International Organization on Migration, *Report Overview: Making Sense of Migration in an Increasingly Interconnected World*. (Geneva: 2017). 126 [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

<sup>155</sup> United Nations General Assembly, *Making Migration Work for All*. A/72/643. 2017.  
[https://refugeesmigrants.un.org/sites/default/files/sg\\_report\\_en.pdf](https://refugeesmigrants.un.org/sites/default/files/sg_report_en.pdf)

<sup>156</sup> United Nations General Assembly, *Making Migration Work for All*.

<sup>157</sup> United Nations General Assembly, *Making Migration Work for All*.

<sup>158</sup> “The Worst Places on the Planet to Be a Worker.” Kevin Short. The Huffington Post. December 5, 2017  
[https://www.huffingtonpost.com/2014/05/28/worst-countries-workers\\_n\\_5389679.html](https://www.huffingtonpost.com/2014/05/28/worst-countries-workers_n_5389679.html)

<sup>159</sup> International Trade Union Confederation. “2018 ITUC Global Rights Index.” 2018. 40-47.

<sup>160</sup> ITUC. “2018 ITUC Global Rights Index.” 40-47.

as Member States address economic and social anxieties among their national citizens. While governments, IGOs, and NGOs have made progress to develop stronger rules of international governance to further integrate and represent the interests of migrant workers, the legal gaps between ideal and reality are still large. Groups such as the EU have created examples of how we can better protect the rights of migrants, while also addressing the challenges that have arisen across societies and governments, eager to protect the rights of their own citizens. Furthermore, the global community should take notice that integration of migrants and inclusion does not stop by simply passing laws or approving resolutions, but instead, at empowering societies and social organizations, including Trade Unions, to create the conditions for greater social cohesion.

### ***Committee Directives***

The Human Rights Council should first take note that the definitions of a migrant worker vary across international treaties and agreements, as well as national designations contained within individual Member States. These definitions and classifications of cross-border migrants lead to different inter-state policy responses. This body should consider whether a clearer definition is necessary or choose an existing framework and expand upon it. Taking note of increasing wealth gaps and inequality both across states and regional communities, the movement of migrant workers across national borders is likely to increase. The gaps in both international law and customary international law that govern the rights and privileges of different groups of migrant workers, between service and non-service jobs, and the ability of workers to move across borders has a major impact on how migrant workers arrive across international borders. The committee should take note of these *de jure* governance gaps and must work together to close and enhance existing legal standards, taking note of the New York Declaration and the draft Global Compact on Migration.

The role of governments, IGOs, NGOs, and civil society, including, but not limited to, trade unions and international labor groups, must be included in any short and long-term agreements, as they are the closest representatives to migrant labor stakeholders concerned here. The body should also take into consideration the role of media in portraying migrant workers, both in establishment journalism and emerging digital freelance. These organizations, crucial to open and accountable societies, have a pivotal role in shaping the portrayal of migrant workers, and should be considered as part of the solution. While refugees are often considered part of the migration issue, the body should only ponder this question when addressing the balance of interests between economic enhancement and law and order. The Human Rights Council should further consider examples of how customs union agreements and integrated regional communities have addressed the issue of migrant rights and privileges, and consider what best practices can be applied across the international community.

## Annotated Bibliography

### Topic I. Responding to the Violence and Discrimination Against the LGBTI Community

“A Living Memory LGBT History Timeline”, Adapted from a document compiled by Loree Cook-Daniel, (accessed on December 9, 2018) <http://www.safeschoolscoalition.org/LivingMemory-lgbtHistoryTimeline.pdf>

This Article provides a history of the Violence and discrimination against the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) community which has occurred for decades dating back to before the beginning of the 21st Century. This source provides evidence of the ongoing oppression within the LGBTI community, and the necessity for intervention from the UN.

“Background information on the Human Rights Council.” Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

The Human Rights Council Homepage, introduces the United Nations Human Rights Council (HRC), an inter-governmental body within the United Nations (UN) system with the responsibility to promote and protect human rights worldwide. Providing access to different links, pertaining to Human rights initiatives, journals, articles, and case studies. This source gives a good understanding of civil rights and different communities.

UN Free & Equal Campaign, [www.unfe.org](http://www.unfe.org)

The UN Free & Equal webpage offers videos, fact sheets, and diverse content aimed at promoting greater respect for the rights of LGBTI people. UN Free & Equal videos reached more than 25 million people in 2017, including 9.3 million via social media. This included an animated video that shone light on the problem of bullying affecting LGBTI youth, which was accompanied by dedicated website, factsheet and tips for schools, authorities, friends, and parents. This is an extremely useful tool in researching advancements and developments made to help the LGBTI community.

“Ending Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex People.” UNAIDS [http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2015/september/20150929\\_LGBTI](http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2015/september/20150929_LGBTI) (accessed November 19, 2018)

This article focuses on a few of the measures the UN took to address the violence associated with the LGBTI community. For Example, in 2009, the UN passed a Joint Statement on Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity. The article provides facts, information and statistics on the current problems and outcomes facing the LGBTI community.

“Joint Statement on the Rights of LGBT Persons at the Human Rights Council,” March 22, 2011 <https://2009-2017.state.gov/r/pa/prs/ps/2011/03/158847.htm>

The article summarizes a conference where 30 countries discussed the state of the LGBT community and sought signatures, to end criminalization and persecution of LGBTI people. The countries present signed a Joint Statement, which is a nonbinding measure without the weight of a resolution, concerning the necessary actions that should be taken to preserve the rights of the LGBT community.

“Diversity in Humanity”, Raymond A. Smith, June 9, 2017

This article reviews the first ever UN Independent Expert on sexual orientation and gender identity which has just been delivered to the UN Human Rights Council. This article explains the role of Independent Expert, the struggle to establish a mandate on SOGI issues, and the key groundwork laid by the first report.

## II. Enhancing Inclusion and Integration of Migrant Workers in Host Countries

Report Overview: Making Sense of Migration in an Increasingly Interconnected World. The UN Migration Agency. [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf)

The report provides a broad overview of global migration between Member States. Issues in the report cover workplace challenges, human rights, and governance challenges in addressing migrant policies. The report also addresses the need to protect the rights of migrant, and addresses these rights through the report.

Stuart N Soroka, "Issue attributes and agenda-setting by media, the public, and policymakers in Canada." International Journal of Public Opinion Research, 14(3). <https://academic.oup.com/ijpor/article/14/3/264/678029>

The Journal provides issue research on public policy in Canada. This source provides models for how media and the public shape public agendas. The research helps understand how media can shape perceptions of migrants and their issues.

"A Territorial Perspective on Migrant and Refugees Integration", in Working Together for Local Integration of Migrants and Refugees. OECD. 2018. <https://doi.org/10.1787/9789264085350-en>

Provides a comprehensive summary of challenges for migrants and refugees across the globe at the regional and sub-regional level for integrating into local communities. It also provides an overview of the legal, governing and political challenges facing migrants. The report also highlights how the benefits of integration, and how communities can achieve that.

### Treaties (International and National)

International Organization for Migration Constitution  
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families  
1994 General Agreement on Trade and Services (GATS)  
General Agreement on Trade and Tariffs (GATT)  
1949 Migration for Employment Convention  
1975 Convention Concerning Migrations in Abusive Condition and the Promotion of Equality of Opportunity and Treatments of Migrant Workers  
UN Convention on the Law of Sea (UNCLOS)  
1979 International Convention on Maritime Search and Rescue  
1974 International Convention on the Safety of Life at Sea  
1944 Convention on Civil Aviation (also known as the Chicago Convention)  
1955 Refugee Convention  
Schengen Free Movement Zone