



ODUMUNC 2015
Issue Brief for the
GA Third Committee: SOCHUM



Promoting the Human Rights of Migrant Workers

By: Joseph Espinoza

Old Dominion University, Model United Nations Society

Introduction

On the topic of migration policies, Secretary-General Ban Ki-moon had this to offer: “Migrants are a strong force of progress in their host countries and policies should protect, not infringe their human rights.” On the day of making his speech, Secretary General Ban Ki-moon made his final remarks on this topic on International Migrant Day, observed on 18 December each year.

International migrant workers play essential roles in most of the world’s economies and societies. But their presence also breeds resentment, especially from nationalist and nativist voices. Although welcomed by employers, they often are denied basic political and legal rights, the often live on the margins of society, sometimes in families regarded with hostility for generations. They also are vulnerable to exploitation—threatened with deportation unless they cooperate—including denial of wages, lack of health care, substandard housing. They also are extremely vulnerable to exploitation by organized crime. In world in which a growing proportion of the population will become migrant workers at some point in their lives, uniform global policies seem increasingly essential. But these issues test domestic politics in many countries. As a result, the international community alone often is the only recourse migrant have.

Figure 1. Migrant workers harvest strawberries in Texas



Source: Food First, 2004

Background

A migrant worker is “a person who goes from one place to another especially to find work.” This is different from someone who travels abroad for their work, seeing as they are not sending home remittances, are not pushed out of their countries are not emigrating. Migrant workers leave their home nations, sometimes on their own, more often in response to invitations from employers, friends and family.

Currently there are more than 214 million international migrant workers worldwide, roughly equal to the population of some of the world’s like countries like Brazil, Indonesia or Pakistan. These are legal migrant workers, usually with temporary employment. They should not be confused with domestic migrant workers, which make up a large part of the population in countries like China and Russia, or with illegal migrants.

Their numbers include professionals living and working temporarily in world capitals, as well as laborers living slums. The rise of migrant workers is an example of the broader phenomenon of globalization, evidence of the declining meaning of national borders, and the

rising need for global policy-making. But the issue runs up against assumptions and privileges left from the older era of sovereign governments and racially homogeneous publics.

Figure 2. Migrant construction workers in Saudi Arabia



Source: 'Saudi Arabia says it has deported more than 250,000 foreign migrant workers', *Guardian*, 22 January 2014.

Major centers for migrant workers are the Arab countries of the Persian Gulf (such as Kuwait, Saudi Arabia, and the United Arab Emirates), the European Union, and the United States. In the United States, for example, there are more than three million migrants and seasonal farmworkers. The breakdown of migrant workers, as compiled by the National Center for Farmworker Healthcare, states that 72% of all migrant farmworkers are foreign born, with 68% originating from Mexico. Roughly 29% of foreign-born farmworkers have spent 20 or more years in the United States and are between the ages of 14 and 25 years of age. Most of these migrant workers are males (78%) with females being a little bit more than one-fifth (22%) of the total migrant workers. Roughly 60% stated that they were married and had families in their host home nation. In other countries, such as the Persian Gulf region or Japan, for example, migrant workers tend to arrive alone.

With a lack of education, formal job skills, and a grasp of the English language, migrant workers primarily rely on finding blue-collar jobs in order to send remittances home to

their families. In addition, there are push factors that a main motivation behind migration. Push factors can come in many forms are often time factors that force people to leave their homes. Some of the major types of push factors are: lack of jobs, poverty, civil strife, war, political and/or religious persecution, and environmental problems.

According to the World Bank, more than USD 436 billion in remittances were sent to home countries of migrant workers. These remittances support extended families left behind, and make up a major part of the economy in large countries such as Bangladesh, Egypt, India, Mexico, Pakistan, Philippines and Turkey. By definition, a remittance is a sum of money sent, electronically, by mail, or through informal banking networks, as a gift to family members. In the case of migrant workers, remittances are usually sent home in the form of currency. The two most popular types of remittance currency are the Euro and the United States dollar, two of the strongest currencies.

To give an example of how remittances remain a crucial key of external resource flow, for the year of 2013, remittances nearly doubled the country's entire revenue, which was generated from the exports of goods and services. Another two examples would be the case of Sri Lanka and the Philippines. In Sri Lanka the remittances were over 50% of Sri Lanka's revenue while the Philippines remittance level was a 38% increase in the countries revenue.

The interesting and worrisome fact about migrant workers is that the situation is, for the most part, universal. Migrant workers do not have a steady income and usually pick up blue collar jobs, or jobs the host nations' citizens believe to be unworthy for them. With this in mind, most nations do not provide adequate housing, food, or medical attention to migrant workers seeing as they are either illegal, and do not have proper documentation to work (Work visas, for example) or do not see

ODUMUNC 2015 Issue Brief for SOCHUM

them as proper citizens. Most migrant workers do not see their families for years, live in cramped spaces, mostly churches, work day to day and through the changing of the seasons.

Recent History

The problems of migrant workers are illustrated by the situation in the United States, where there are over 1.3 million that migrate legally between across the US-Mexico border, mostly earning their living in agriculture. However, this is a field of work in which the outlook is bleak. Education rates are lower than average and health is undermined by the bodies inability to handle the extreme duress and over-exposure to pesticides. An interesting fact is that, according to a survey conducting by the Department of Labor, 61% of all farmworkers have incomes below the poverty level. However, the irony of this situation is that, even though American farmers, who own the farms, are not doing as well, there is a sub-class of people doing far worse.

Migrant workers from Mexico, who range between 50%-90% of the entire migrant worker population in the United States, are paid less than a dollar a day for the same amount of worker that a traditional American farmer is paid. For example, Celdin, a 53-year-old undocumented migrant worker from Honduras, spends his days either laboring in the fields or North Carolina or doing construction in the various states within the United States. Besides his few articles of clothing and tools, Celdin has no other possessions. Whatever money he is able to save after sending home the rest of his paycheck is to be able to buy a plastic mattress. He states that he is sleeping on an inflatable bed that he keeps on the floor. This alternative was what he chose to select after learning about bed bugs the difficult way.

Most workers do not even wish to describe bathroom conditions, which are bathrooms at labor camps that are shared by more than a dozen workers at any given time.

In most cases, these bathrooms are overflowed toilets, toilets that no longer work, shower heads with no curtains and no present stales or panels that provide a modicum of privacy. More often than not, the employers of the migrant workers provide the houses in which workers live in.

In addition to lack of privacy and sanitary environments, the employers of migrant workers do not care to them in the terms of medical expenses. For instance, in Kentucky, public health officials show that on a single day of work a “tobacco worker could ingest as much nicotine as if he smoked an average of 36 cigarettes.” Most workers vomit uncontrollably, and get severe “flu-like” symptoms due to the unsafe work conditions. Instead of providing some type of health care plans for employees, most employers are likely to fire their workers and hire new, cheaper, migrant workers.

The plight of migrant workers in other countries can be much worse. In the Middle East they are subject to arbitrary deportation, despite their legal status. Their earnings can be confiscated. Employers routinely take their passports to prevent them from changing jobs or fleeing.¹

Current Situation

An example of the importance and difficulties of migrant workers can be found in the Persian Gulf Kingdom of Qatar. The island state won the right to host the 2022 World Cup, the world’s biggest sporting event after the Olympics. From various sources, the total estimate that Qatar will spend on infrastructure and stadiums for the World Cup will be over USD 200 billion. In addition USD 140 billion dollars will be spent on

¹ ‘Saudi Arabia says it has deported more than 250,000 foreign migrant workers’, *Guardian*, 22 January 2014.

<http://www.theguardian.com/world/2014/jan/22/saudi-arabia-deported-foreign-migrant-workers>

ODUMUNC 2015
Issue Brief for SOCHUM

transportation infrastructure, such as a new airport and metro system. What Qatar does not have is a short supply of migrant workers.

Migrant workers from India, Bangladesh, Pakistan, Sri Lanka and Nepal comprise Qatar's entire migrant workforce. With Qatar's population only having roughly 270,000 nationals, it comes to no surprise that Qatar is dependent on migrant workers, though to number over 600,000 more residents. The highest contributing workforce is the Nepalese migrant worker who is more than 20% of Qatar's workforce.

Despite the fact that Qatar is a developed nation and, in theory, able to have the means and infrastructure to support high amount of workers, this is not the case. On average, Qatar's temperature in the summer can range up to 115 degrees Fahrenheit on a good day. For the Nepalese migrant workers, these are deadly conditions; and ones that they are not used to working in. These deadly conditions force Nepalese workers to suffer cardiac arrest and die in groves. In 2013 alone, more than 400 Nepalese workers died. With that in mind, more than 4,000 migrant workers are projected to die in Qatar by the time the stadium is built. The only number to have dwarfed the amount of Nepalese workers dying in Qatar is the amount of Indian migrant workers who died in 2012, which reports indicate were more than 500.

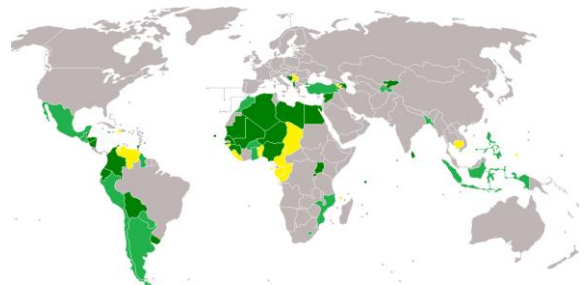
An increase in migrant workers working in Qatar state that they were bribed to come and work in Qatar, only to be tricked and have their passports taken from them. Without their passports, and no way to show that they are not illegitimate workers, they are automatically deemed as illegal immigrants; however, they are not deported. Instead, they are taken to work as migrant workers, but their pay is severely cut. For others, their pay is withheld from them until the job is completed, for fear of them running away. Essentially, Qatar is employing slave labor to build the World Cup

stadium.

Landmark Resolutions:

The basis for international efforts to protect migrant workers and assure their basic human rights is *Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. Signed on 18 December 1990, it entered into force on 1 July 2003 following ratification by 20 countries. The key clause of the Convention is Article 7, which protects the rights of migrant workers and their families regardless of "sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth, or other status".

Figure 3. Signatories or Ratifications of the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families



source: OCHA. Signatory only in yellow. Signed and ratified in green. Non-signatories in gray.

The Convention is much more popular among migrant sending countries of the Non-Aligned Movement. Recipient countries have been much more hesitant and have not signed or ratified the document. Because migrant typically cannot vote, there is little political benefit for national leaders in democratic countries to support the Convention. Quite the opposite, democratic leaders can suffer from support. Domestic political pressure from organized labor, nationalist political parties and

ODUMUNC 2015 Issue Brief for SOCHUM

nativist movements are the most common barrier to signature or ratification. In many countries, the treaty is seen as an attack on the position of the native born. No migrant-receiving state in Western Europe or North America has ratified the Convention. Other important receiving countries, such as Australia, Arab states of the Persian Gulf, India and South Africa have not ratified the Convention.

In addition the General Assembly has taken further action. Two major United Nation resolutions are General Assembly resolutions 56/145 and 64/139.

- *Resolution 56/145 On the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, of 1990, extends international protection of human rights to all migrant workers as well as their family members.² This resolution was passed by the GA, winning the votes of countries that still have not signed or ratified the Convention. It calls on all states to discuss the “growing manifestation of racism, xenophobia and other forms of discrimination and inhuman or degrading” treatment that are subjected to migrant workers while in countries outside of their own. This clause reduces the stigma and negative connotation placed upon most migrant workers. This resolution is also a milestone as it directly calls upon the Secretary-General to submit an updated report on the states of the countries in which migrant worker abuses are occurring. All findings are gathered and released in every quarter.

- *Resolution 64/139, Violence against women migrant workers*, was

passed by consensus (without a vote) in 2009.³ It calls upon all UN member states to protect women migrant workers against violence and sexual exploitation. This resolution allows special United Nations rapporteurs to enter countries that agreed with this resolution to set up, and foster, sustainable development alternatives to migration in regions where migrant workers are originating from. In addition, in countries where there is a high rate of female migrant workers being a target of violence, education systems, police protection, and equal opportunity systems are being integrated into society at large in order to reduce the amount of bias and anger towards the female migrant workers, which comprise nearly 45% of all migrant workers.

Although there are these two resolutions, as well as a few others, in total there very few resolutions that address this hot button issue. This could be due to the fact that this is not a pressing matter as much as civil strife is, or it also could be influenced by the fact that very few countries are aware of the amount of migrant workers currently in their countries. While virtually all governments are happy to discuss the issue, few are willing to accept limits on their own freedom to admit or deport migrant workers as they chose, because there is no political benefit to helping the helpless. Instead most countries practice a policy of buck-passing, demanding reforms be taken by others, whether they are sending or receiving states.

2

http://www.unesco.org/most/migration/full_res_mwc.htm

3

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/139

ODUMUNC 2015 Issue Brief for SOCHUM

Policy Options for the General Assembly

- Demand greater adherence and formal signature and ratification of the *1990 Convention*.
- Propose *amendments to the 1990 Convention* to make signature and ratification easier for wavering states.
- Call upon states to establish *uniform political rights* for migrant workers, protection from exploitation by employers, as well as rights to health care, and guarantees of their long-term pension rights.
- Establish *international monitoring mechanisms* or observatories to evaluate every country's implementation for the 1990 Convention and report on the conditions of migrant workers.
- Support *aid and development*, under the Sustainable Development Goals (SDGs), to facilitate regional economic growing and reduce the need for workers to migrate.
- Call upon countries to *fully integrate long-term migrants* into their legal systems, with legal rights including the right to vote.

Country and Bloc Positions

The perspectives of various sending and receiving countries are discussed at length in 'Migrant worker'.⁴ While most countries show great interest in the rights of workers they send abroad, there is less interest in protecting the rights of those they receive. The result is a tendency toward *international buck-passing*, as countries balance the political strengths of advocates for their own migrants sent while minimizing responsibility for those they take in.

Breaking through this jam may require careful international bargaining.

There are only two general consensuses on migrant workers in the international community. From some standpoints, migrant workers are a great thing. Migrant workers are able to generate income for their families who otherwise would be on or under the poverty line. They also generate additional income from the state they originally come from, which helps the global community as a whole. They also benefit their new host country as they pick up blue collar jobs which can increase infrastructure while decreasing the total cost of said projects.

However, there is also a cost. Since most jobs are now being given to migrant workers, there are no jobs for the host nation's nationals. This is another cause for the amount of xenophobia and animosity that is directed towards migrant workers. With this, it is easy to see why they would be deemed "second class citizens" in the nations they flock to. And since migrant workers are cheap labor, they are often financially exploited by the companies they work for. Migrant works are also limited in federal funded social assistance programs, seeing as most, if not all, migrant workers have a growing dependency on social programs and handouts. This results in higher taxes for the host nation.

With that being said, the divide comes easier. More developing nations tend to exploit migrant workers, utilizing them as a major source of cheap manual labor machines. The opposite is said for developing nations who send their workers overseas in order to better their own nations through remittances as well as reverse brain-drains.

China has an historical migrant community—spread throughout the world—and a contemporary cadre. The latter is much more political important. This growing migrant community of workers dispatched by its major

⁴ http://en.wikipedia.org/wiki/Migrant_worker

ODUMUNC 2015
Issue Brief for SOCHUM

corporations to Africa, Latin America and Southeast Asia is politically influential for China, providing influence in their countries of arrival.. Chain is concerned with their protection. China is less concerned with protection of North Korean or Southeast Asian migrants arriving in its territory.

The European Union and its 28 member states leads international activism on these issues, taking in hundreds of thousands of migrants annually, including refugees and many undocumented or illegal migrants. European countries usually insist on universal humanitarian standards as the best long –term solution, and call for greater investment in local economies to reduce pressure for emigration. They also must be sensitive to growing concern

with terrorist threats at home and rising agitation from domestic nativist movements, but so far these have not outweighed their humanitarian priorities.

The Non-Aligned Movement (NAM), the 120 country bloc that dominates the UN General Assembly, is a strong advocate for the rights of migrants it sends. Its members are most likely to have signed the 1990 Convention. Increasingly they also receive migrants, creating new stresses to be balanced. Non-Aligned leaders on this issue include India, Mexico, Pakistan and Philippines. But the NAM also includes recipient countries, with very different priorities. They include Brazil, South Africa and increasingly India also.

Bibliography

‘General Assembly’, *Southeast European and Black Sea Studies*, Vol. 7, No. 2 (2007): 331-33. *Www.iom.int.com*. United Nations, 16 Feb. 2010.

Doyel, Gregg. ‘Qatar World Cup Corruption, Worker Deaths a Criminal Combination’, *CBSSports.com*. 1 June 2014.

‘General Assembly’, *Southeast European and Black Sea Studies* Vol. 7, No .2 (2007): 331-33. *Www.iom.int.com*. United Nations, 16 February 2010.

General Assembly Resolution 56/145, On the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).
http://www.unesco.org/most/migration/full_res_mwc.htm

General Assembly Resolution 64/139, Violence against women migrant workers, was passed by consensus (2009). http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/139

‘ILO’, *International Labour Standards on Migrant Workers*. n.d.

‘The Harsh Life of Thailand’s Migrant Workers’, *The Diplomat*, 21 December 2014,
<http://thediplomat.com/2014/12/the-harsh-life-of-thailands-migrant-workers/>

Liss, Steve. ‘Migrants’ Woes: Bed Bugs, Foul Toilets, Illness’, *NBC News*. 4 November 2011.

ODUMUNC 2015
Issue Brief for SOCHUM

‘Long Days in the Fields, Without Earning Overtime’, *New York Times*, 7 August 2014, <http://www.nytimes.com/2014/08/08/nyregion/in-harvest-season-endless-hours-with-no-overtime-for-new-york-farmworkers.html>

Manfred, Tony. ‘The Qatar World Cup Is A Disaster: 1,200 Workers Dead, New Bribery Investigation’, *Business Insider*. 18 March 2014.

‘Migrant World Cup workers in Qatar are reportedly dying at alarming rates’, *Washington Post*, 24 December 2014, <http://www.washingtonpost.com/blogs/early-lead/wp/2014/12/24/migrant-world-cup-workers-in-qatar-are-reportedly-dying-at-alarming-rates/>

‘Migrant World Cup workers in Qatar reportedly haven’t been paid in a year’, *Washington Post*, 28 July 2014, <http://www.washingtonpost.com/blogs/early-lead/wp/2014/07/28/migrant-world-cup-workers-in-qatar-reportedly-havent-been-paid-in-a-year/>

‘MSNBC Reporting Describes Same Farm Worker Housing Conditions Seen by NFWM Delegation - News - AFL-CIO, Alliance of Baptists, FLOC, MSNBC, NFWM, North Carolina, United Methodist Church, Working Conditions -.' *National Farm Worker Ministry RSS*. 8 November 2011.

‘Saudi Arabia says it has deported more than 250,000 foreign migrant workers’, *Guardian*, 22 January 2014. <http://www.theguardian.com/world/2014/jan/22/saudi-arabia-deported-foreign-migrant-workers>