

**Houston Area
Model United Nations
Standard Committee**



UNHRC

Topic B

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Houston Area Model United Nations 46

January 21-22, 2021

Topic 2: Addressing violence against immigrant and minority communities

Topic Overview:

Providing protection to people fleeing in search of refuge is one of humanity's most longstanding traditions – a shared value embedded in many religious and cultural traditions, and now part of international law. It is a value that has stood the test of time, and was most recently articulated by all 193 United Nations member states in the New York Declaration on Refugees and Migrants, adopted in September 2016.

Migration has been recognized as an enabler of human development that has empowered not only migrants and their families, but also the societies they have left and those that have received them. These gains hail the need for effective and cohesive governance of migration, to better harness the social and economic opportunities of human movement. Yet migration is also a consequence and symptom of lack of development, and related push factors such as violence and lack of opportunity, and its results are not always positive. Countries that are ill prepared to meet the challenges faced by accelerating and diversifying migration do not reap benefits from it, but rather may suffer negative social and economic consequences. Where resources are limited or inadequately allocated to confront influxes of migrants, resources are strained and quickly depleted. Failure to effectively adapt to changing migration realities by proactively, effectively and sustainably integrating migrants perpetuates a destructive cycle in which strained relationships between host societies and migrant communities exacerbates hostility and discord between them. Some marginalized migrants may detract more from host societies than they can contribute, resulting in animosity between host and migrant populations. Left unchecked, this cycle can entrench vulnerability and fuel xenophobia and discrimination that can manifest in violence and other crimes perpetrated by and against migrants.

Past UN Actions and Resolutions:

In strengthening criminal justice responses specifically to violence against migrants, criminal justice systems must be strengthened generally in accordance with United Nations standards and norms in crime prevention and criminal justice, including by addressing the special needs of victims of crime in general. Among the several United Nations standards and norms relevant to crime prevention and criminal justice, those of key relevance in responding to violence against migrants and minority groups are: Convention relating to the Status of Refugees (1951), 1967 Protocol, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

The 1951 Convention and 1967 Protocol cover three main subjects: the definition of a refugee and the provisions of refugee status, legal status of refugees in their country of asylum, and a states' obligation, including to cooperate with UNHCR. The 1951 Convention and 1967 Protocol are the modern embodiment of the age-old institution of asylum, Their strength remains their universal and non-discriminatory character and the fundamental values they reflect. The

1951 Convention and 1967 Protocol were designed to cover a large span of refugees, however, states in different regions have also adopted regional laws and standards.

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) defines what a victim is and outlines their right and access to justice and fair treatment. This is intended to provide victims with proper assistance throughout the legal process and urges states to incorporate national laws to proscribe abuses of power and negotiate multilateral international treaties.

The United Nations 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICEMW) stresses in its Article 16 that all migrant workers and their family members are entitled to protection by the State. The substance of this protection can be found in Article 68, which highlights the need to prevent and eliminate illegal or clandestine movements and to impose effective sanctions on persons or entities that use violence against migrants and their families.

Current Situation:

Significant attention has been brought upon to the horrors endured or tragically succumbed to by many people in the process of migrating. With reports of death around the world not being uncommon, the numbers of people victimized en route rising as organized criminals realize the profit to be made from exploiting human hope and desperation. Violence perpetrated against migrants by border and police officials may pose additional threats to migrants. Many people become stranded en route, rendered more vulnerable to violence. Violence can be perpetrated in the course of individual and collective expulsions. Repressive policies aimed at curtailing migration mean that migrants may turn to smuggling services for lack of alternatives to migrate. Violence perpetuated stem from, but not limited to, the following contexts: exploitation and labour contexts; racism, discrimination, xenophobia, and related intolerance; between and within migrant groups and communities; and within the criminal justice system. In addition, vulnerable targets of violence may include but are not limited to: women, children, and LGBT migrants.

Although the rights of migrants are generally protected through the legal system, violence is still being perpetuated by both institutions and civil society. Numerous migrants from various countries suffer violence at the hands of the criminal justice system. This leads to the failure of legal safeguards for victims to protect themselves against differing forms of violence. In the last ten years, the number of immigration detention centres in Europe has increased, allowing continuous violation of migrants' rights.

In the labour market context, regular and irregular migrants are particularly vulnerable: they are exploited or forced to work and, in order to remain in the country, they prefer to work and stay under these conditions rather than be reported to the authorities.

Blocs:

1. USA: The United States one of the countries with the largest amount of immigrants.
2. Asian Bloc: There are no binding regional instruments addressing refugee law in Asia.
3. European Bloc: The European Union's most far-reaching regional development is their common European asylum system based off of the Geneva Convention
4. Middle Eastern Bloc: There are no binding regional instruments addressing refugee law in the Middle East.

Discussion Questions:

1. What role can education play in eradicating violence within these communities?
2. What measures can be taken at an international level to prevent violence?
3. What are the root causes of violence in your country and what steps can be taken to address the root causes of violence?

Resources Used:

- <https://www.unhcr.org/3d4aba564.pdf>
- <http://www.refworld.org/docid/3be01b964.html>
- <http://www.refworld.org/docid/3ae6b3ae4.html>
- https://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/64/A_64_152.pdf
- <https://www.ohchr.org/en/professionalinterest/pages/victimsofcrimeandabuseofpower.asp>
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