

ALEXMUN

# CERD LEVEL 1



Committee on the  
Elimination of  
Racial Discrimination  
UNITED NATIONS

“We share a  
common  
destiny. We can  
master it only if  
we face it  
together”

MEASURES TO AVOID THE  
AUTOMATIC DETENTION OF  
MIGRANTS ILLEGALLY ENTERING  
THE TERRITORY OF THE STATE  
PARTY AND TO PREVENT  
COLLECTIVE AND VIOLENT  
EXPULSIONS.

TOPIC A

Dear Delegates

Welcome to the Model United Nations of Alexander Bain Irapuato, ALEXMUN 2020, we are enthusiastic to work with you on the Committee on the Elimination of Racial Discrimination. We would like to remind you that you will be debating a very delicate topic that is affecting not only the world, but also us as a society. So we hope you work with diplomacy.

As members of the chair, we strongly hope that you have the best experience at ALEXMUN, please do not hesitate to approach any member of the chair if you have any question about academic, logistic or protocol during the model.

During this three days of debate you will be debating two topics; **Topic A:** Measures to avoid the automatic detention of migrants illegally entering the territory of the State party and to prevent collective and violent expulsions, **Topic B:** Implementation of concrete measures to ensure just and favorable working conditions for indigenous peoples, particularly in rural areas and in single-crop farming.

In the following, you will find the relevant information of the topic and the committee for you to have a better knowledge of the debate and also be able to develop proposals for solving this mentioned situation that is currently affecting the international community.

Your chair would like to thank you for choosing the as Committee on the Elimination of Racial Discrimination your committee, also to remind you again that in case you have any doubt, do not hesitate to approach.

Welcome to ALEXMUN 2020.

**President:** María Chiharu Chiba Rocha.  
[maria.chiba@alexbain.edu.mx](mailto:maria.chiba@alexbain.edu.mx) 462(1480907)

**Moderator:** Mariana Vazquez  
[mariana.vazquez@alexbain.edu.mx](mailto:mariana.vazquez@alexbain.edu.mx) 462(1580971)

**Conference Officer:** José Arturo Ramírez Reyes  
[arturo.ramirez@alexbain.edu.mx](mailto:arturo.ramirez@alexbain.edu.mx) 462(2424088)

**TOPIC A: Measures to avoid the automatic detention of migrants illegally entering the territory of the State party and to prevent collective and violent expulsions.**

## **COMMITTEE GENERAL INFORMATION:**

“The Committee on the Elimination of Racial Discrimination” (CERD) works with Office of the High Commissioner for Human Rights (UN Human Rights).

CERD one of the nine treaty bodies are committees of independent experts that monitor implementation of the [core international human rights treaties](#).

have the objective to promote and protect all human rights for all people in which peace and security, human rights and development are related.

“The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the **Convention on the Elimination of All Forms of Racial Discrimination** by its State parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.<sup>1</sup>

## **MISSION:**

“The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its State parties.”<sup>2</sup>

---

<sup>1</sup> “COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION,” OHCHR accessed August 20, 2019, <https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx>.

<sup>2</sup> “UN Committee on the Elimination of Racial Discrimination (CERD),” CERD – UN Committee on the Elimination of Racial Discrimination – Source description – ecoi.net, accessed September 14, 2019, <https://www.ecoi.net/en/source/11516.htm>

## **FUNCTIONS:**

Our field offices and presences play an essential role in identifying, highlighting, and developing responses to human rights challenges, in close collaboration with governments, the United Nations system, non-governmental organizations, and members of civil society.

**The Centre for Educational Research and Development (CERD)** is a research unit within the Institute for Social Research in Zagreb. It carries out fundamental, applied and developmental interdisciplinary research, as well as educational activities which aim to develop the educational sciences and the education system.

The Centre's mission is realized through the systematic professional development of its research staff who are focused on developing their expertise in different areas of the educational sciences, trained for interdisciplinary teamwork and committed to the development of partnership relations with key education stakeholders in Croatia and abroad.

## **GENERAL CONTEXT:**

The [Durban Declaration](#) pointed out the xenophobia against non-nationals, and in particular, migrants who constitute one of the main sources of contemporary racism.

Migrants are often discriminated against, in housing, education, health, work or social security; it is a global issue that affects the countries of origin, the countries of transit and the countries of arrival. According to the Population Division of the UN Department of Economic and Social Affairs, around 200 million people live outside their country of origin, which will amount to 3.1% of the world population in 2010.

Studies estimate that between 1945 and 1990, the number of migrants increased by around 45 million people per year.

Migrants arriving irregularly in a new country and victims of trafficking stopped by the police are often detained in administrative centers or prisons. Although the deprivation of liberty should be the last recourse under international human rights law, migrants are often detained as a routine procedure and without proper judicial safeguards. Equally, there is an increasing tendency to criminalize migration attacks, which has, in some

cases, resulted in violations of migrants' rights.

Today, one of the key obstacles hindering migrants' integration and equal access to human rights in host societies is persistent anti-migrant sentiments and discriminatory practices. Such attitudes and practices are often reinforced by legislation, regulations, and policies to restrict immigrating flows, as evidenced by the increasing tendency to criminalize irregular migration.

The global economic crisis and rising unemployment have further aggravated these trends. Addressing negative perceptions of migrants within host communities is, therefore, a key element of promoting their integration and enhancing their contribution to development. Different international instruments, and in particular, the [International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#), address the issue of discrimination and guide human rights safeguards. Special Procedures, treaty bodies, and the Universal Periodic Review mechanism have also addressed these issues.

Taking into account the principles embodied in the basic instruments of the United Nations concerning human rights, in particular, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, taking the fact that migration is often the cause of severe problems for the members of the families of migrant workers as well as for the workers themselves, in particular, because of the scattering of the family, bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced, therefore, that appropriate action should be encouraged to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights.

There are three main categories of migrants:

- Regular migrants: Are those who enter a country other than that they're usual residence or nationality, after having obtained authorization to enter from the

country of destination.

- Undocumented migrants: Are those without a residence permit authorizing them to stay in the country of destination. They have either entered illegally or with an entry permit that has now expired.
- Other migrants in need of protection: Finally, there exist various other categories of migrants, such as a stateless person, victims of trafficking and failed asylum seekers, who are also seeking protection under international law.

However, the people who leave their country for any other reason, they are defined as migrants and do not enjoy special, only general, protection under international human rights law. In law 2019, the total number of international migrants was estimated at 213.9 million people or 3.1% of the world's population.

"Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, color or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and any incitement to discrimination.

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices to promote understanding between races and to build an international community free

from all forms of racial segregation and racial discrimination.”

### **KEY QUESTION:**

How does international law protect the human rights?”<sup>4</sup>

What does CERD can do to make a security among peoples living side by side?

How does the migrants have been affected recently?

What is the main reason migrantes flee their country?

To what point the state party has the power of detaining migrants?

Why it is crucial that migrants are secure and have the access for services?

### **COMMITTEE MEMBERS:**

1. Algeria
2. Belgium
3. Belize
4. Brazil
5. Canada
6. China
7. Colombia
8. Côte d'Ivoire
9. Denmark
10. Ecuador
11. Finland
12. Ghana
13. French Republic
14. Haiti
15. India
16. Japan
17. Hungary
18. Kenya
19. Kingdom of Thailand
20. Malawi
21. Mexico
22. New Zealand
23. Pakistan
24. Philippines
25. Portugal
26. Republic of Guinea

- 27. Russian Federation
- 28. South Africa
- 29. United Kingdom of Great Britain and Northern Ireland
- 30. United States of America
- 31. State of Israel



## References:

1. "COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION." OHCHR. Accessed August 20, 2019. <https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx>.
2. "UN Committee on the Elimination of Racial Discrimination (CERD)." CERD – UN Committee on the Elimination of Racial Discrimination – Source description – ecoi.net. Accessed September 14, 2019. <https://www.ecoi.net/en/source/11516.html>.
3. Ibid.
4. "OHCHR | International Convention On The Elimination Of All Forms Of Racial Discrimination". 2019. *Ohchr.Org*. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.
5. "OHCHR | Frequently Asked Questions". 2019. *Ohchr.Org*. <https://www.ohchr.org/EN/AboutUs/Pages/FrequentlyAskedQuestions.aspx>.