

NMUN•NY 2016



27 – 31 MARCH 2016

Documentation of the Work of the Committee on Economic, Social and Cultural Rights (CESCR)

Courage
for **peace**



Compassion
in **action**

CONFERENCE B

Committee on Economic, Social and Cultural Rights (CESCR)

Committee Staff

Director	Dieyun Song
Chair	Katja Müller

Agenda

- I. Protecting Economic, Social and Cultural Rights for Refugees
- II. Addressing Workers' Rights for Sustainable Economic Growth.
- III. Preserving Cultural Rights of Ethnic Minorities.

Report Segments adopted by the Committee

Code	Topic	Vote
CESCR/1/1	Protecting Economic, Social and Cultural Rights for Refugees	Adopted without a vote
CESCR/1/2	Protecting Economic, Social and Cultural Rights for Refugees	Adopted without a vote
CESCR/1/3	Protecting Economic, Social and Cultural Rights for Refugees	Adopted without a vote
CESCR/2/1	Addressing Workers' Rights for Sustainable Economic Growth	Adopted without a vote
CESCR/2/2	Addressing Workers' Rights for Sustainable Economic Growth	Adopted without a vote
CESCR/2/3	Addressing Workers' Rights for Sustainable Economic Growth	Adopted without a vote
CESCR/3/1	Preserving Cultural Rights of Ethnic Minorities	Adopted without a vote

Summary Report

The Committee on Economic, Social, and Cultural Rights held its annual session to consider the following agenda items:

- I. Addressing Workers' Rights for Sustainable Economic Growth
- I. Preserving Cultural Rights of Ethnic Minorities
- II. Protecting Economic, Social and Cultural Rights for Refugees

The session was attended by representatives of 14 Member States.

On Sunday, the committee adopted the agenda of III, I, II beginning discussion on the topic of “Protecting Economic, Social and Cultural Rights for Refugees.” By Tuesday, the Dais received a total of three proposals covering a wide range of sub-topics, including equal access to education for refugees, right to work, and housing. The momentum of the body was collaborative, proactive, and empowering since the first session, and delegates remained diplomatic and collaborative in seeking common ground while embracing the differences.

On Tuesday afternoon, three draft report segments had been approved by the Dais, one of which had amendments. The committee adopted three report segments following voting procedure, three of which received unanimous support by the body. The report segments represented a wide range of issues, including education, housing, and right to work of the refugees, which were ultimately compiled into one singular report representing the outcome of the committee’s discussion. The body moved on to topic II on Tuesday afternoon, and the Dais received a total of three proposals covering sub-topics including protecting workers’ rights, sustainable economic growth, and migrant workers’ rights.

On Wednesday afternoon, three draft report segments had been approved by the Dais, none of which had amendments. The committee adopted three report segments following voting procedure, three of which received unanimous support by the body. The report segments represented a wide range of issues, including green jobs, protecting workers’ rights, and migrant workers’ rights, which were ultimately compiled into one singular report representing the outcome of the committee’s discussion. By the end of the session on Wednesday, one draft report segment on topic III had been approved by the Dais, without any amendments. The committee adopted one report segment following voting procedure, which received unanimous support by the body. The report represents a wide range of issues regarding protecting the cultural rights of ethnic minorities.



Code: CESCR/1/1

Committee: Committee on Economic, Social and Cultural Rights

Topic: Protecting Economic, Social and Cultural Rights for Refugees

1 **I. Introduction**
2

3 **A. Ensuring the Protection of the Social Rights of Refugees**
4

- 5 1. The protection and the promotion of economic, social, and cultural rights for all is a very important issue,
6 especially for refugees. According to the United Nations High Commissioner for Refugees (UNHCR) there
7 were 15.1 million refugees worldwide in 2015 and this will most likely increase. This fact greatly exposes the
8 urgency and obligation of the States Parties to improve decent living conditions, provide adequate access to
9 food and water, and granting access to health care to refugees. Moreover, those rights are recognized in the
10 *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and in the *UNHCR Convention on*
11 *Status of Refugees* (1951) and the *Optional Protocol* in 1967.
12
- 13 2. The Committee firmly believes in the implementation of the Sustainable Development Goal (SDG) 11, which
14 advocates for making human settlements resilient and sustainable to provide adequate housing for refugees.
15
- 16 3. The Committee calls attention to General Comment 4 on the Right to Adequate Housing, which expounds the
17 amount of people that are inadequately being housed and defines the right to housing as “the right to live
18 somewhere in security, peace and dignity.” This fundamental right was also emphasized the Human Rights
19 Council resolution 6/27, which stresses the importance for Member States to cooperate with international
20 agencies, such as the Special Rapporteur on Adequate Housing. Strengthening international cooperation will
21 provide better information sharing among States Parties to bridge the gap of the full implementation of the
22 ICESCR.
23
- 24 4. The right to food and water is crucial, and nutrition is a matter of utmost importance and survival for those
25 displaced within and outside of their home countries. According to the UNHCR, the recommended daily
26 nutritional resource for refugees is 2,100 calories. However, refugee facilities often fail to meet this
27 recommended minimum and that more must be done to ensure that refugees are provided the necessary
28 nutrition. The Committee stresses that access to adequate food and water must be provided to refugees, which in
29 turn facilitates the continuation of the enjoyment of all other economic, social, and cultural (ESC) rights.
30
- 31 5. As outlined in the ICESCR Article 11.1, every individual should enjoy the universal right to an adequate
32 standard of living, explicitly with regards to the right to food and water. Guided by the ICESCR Article 11.2,
33 the Committee stresses that everyone, including refugees, has the right to be free from hunger, and it is the
34 States Parties’ responsibility to ensure equal distribution of food exports and imports to all without
35 discrimination. In its General Comment 12, titled the Right to Adequate Food, CESCR further acknowledges
36 that more effective actions must be taken to ensure that the lives of refugees are not further strained by
37 starvation and dehydration. The Committee recognizes that it is the State Parties’ duty and obligation to the
38 ICESCR to do more to increase technical and scientific technologies in order improve food production so that
39 refugees will receive the nutritional value that they need to survive.
40
- 41 6. SDG 6, which ensures the availability of water management and sustainability, and SDG 2, which focuses on
42 the aim to end hunger, are integral in improving the lives of refugees in settlement camps. The Committee is
43 convinced that more proactive initiatives of the States Parties will accelerate the implementation of the SDGs,
44 which would better protect the ESC rights of refugees.
45
- 46 7. The Committee stresses the importance of providing medical service and attentions in the event of epidemic,
47 endemic, occupational, and other diseases creating conditions for refugees and asylum-seekers, as detailed in
48 Article 12 of the ICESCR. Furthermore, CESCR also understands the necessity of ensuring refugees’ access to

49 adequate health care in fully achieving SDG 3, although difficulties experienced by stateless persons living in
50 refugee camps in seeking medical assistance still exist.

- 51
- 52 8. Female refugees also face the essential and urgent needs of maternity and reproductive health. The Committee
53 acknowledges the social right of female refugees to access to maternity health care resources and the
54 importance of State Parties to implement programs that will further SDG 5.6 that strives for universal access to
55 sexual and reproductive health rights for women, with the focus on female refugees. The Committee further
56 looks to Article 14 of the *African Charter on Human and Peoples' Rights on the Rights of Women in Africa*,
57 which again highlights the reproductive rights of women as an important social right that must be upheld.
58

59 **B. Promoting The Right to Work Of Refugees**

- 60
- 61 9. The right to work is an integral aspect to ensure the ESC rights of every individual. ICESCR Part III Article 6
62 states that right to work includes the right of everyone to acquire the opportunity to gain his living by work
63 which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
64
- 65 10. The prevalence of marginalization and discrimination in the workplace due to educational attainment and
66 cultural differences is a transgressing issue in terms of the right to work, therefore the United Nations Office for
67 the Coordination of Humanitarian Affairs (OCHA) acknowledges principle 23 of the Guiding Principle on
68 Internal Displacement, which strongly encourages host countries ensuring education for child refugees and
69 respecting their cultural identity, religion, and language. Ensuring the education for child refugees while
70 respecting their cultural identity can make the transition into host countries easier, and can also potentially
71 promote employment in the host country.
72
- 73 11. The importance of the right to work is acknowledged by the international community. However, due to the
74 obstacles faced by the refugees, it is important to make sure their basic workers' rights are not being abused.
75 The International Labour Organization (ILO) conventions 29, 87, 111, and 138 address the human and worker's
76 rights of refugees in relation to freedom of association and organization, and preventing all forms of child labor,
77 forced or compulsory labor, and discrimination in employment.
78
- 79 12. Additionally, emphasizing the importance in the empowerment of women laborers as well as providing decent
80 work conditions for them are vital. The Committee encourages the States Parties to recognize the *Beijing*
81 *Declaration and Platform of Action* along with SDG 5 and 8, which focus on strong commitment on the part of
82 governments, international organizations and civil society organizations on all levels in hopes of achieving
83 empowerment and advancement of women, and overcoming the obstacles to women's active participation in all
84 spheres of labor.
85
- 86 13. The Committee recommends that the States Parties take all appropriate measures to recognize the right of all
87 workers to a safe and decent working environment. It also recommends the States Parties recalling Articles 23
88 and 25 of the *Universal Declaration of Human Rights* (UDHR,) which address aspects concerning the right to
89 employment, equal pay, and decent working conditions without discrimination for any and all laborers as well
90 as the right to social security in the event of unemployment, sickness, disability, widowhood, old age, or other
91 lack of livelihood in circumstances beyond his or her control.
92

93 **C. Promoting Culturally Sensitive Education for Refugees**

- 94
- 95 14. The Committee recognizes the significant challenges faced by refugees in acquiring education, and it is fully
96 committed to improve the access to quality and culturally sensitive education to refugees, as well as their
97 integration to the society.
98
- 99 15. Children and youth are integral parts of the future and have the ability to create positive change in host
100 countries. The committee recalls the rights outlined in the *1951 Geneva Convention on Refugees*, which
101 guarantees the right to education for refugee children, right to public education for refugees, and States Parties'
102 obligations to protect the rights enumerated in the Convention without discrimination. Additionally, Article 22
103 of the *Convention on the Rights of the Child* advocates for refugee children's equal access to education.
104

- 105 16. The committee recalls Article 13 of the ICESCR, which emphasizes the right to education for all, regardless of
106 gender, race, ethnicity, or religious beliefs. General Comment 21 highlights the right of the refugees to maintain
107 their social and cultural practices, and General Observation 13 states that education should aim at promoting
108 human dignity and empowerment of marginalized groups, including refugees. Taking note of the difficulties
109 refugees and citizens of host countries experience due to cultural differences, the body highlights that a
110 culturally sensitive education is key to facilitating the integration of refugees in their host societies and building
111 understanding and tolerance between refugees and citizens of host countries.
112
- 113 17. As stated in SDG 4, refugee children should enjoy equal access to primary education. Culture and education
114 influence the ability for refugees to participate in economic, social, and cultural activities, which could
115 potentially contribute to the sustainable development of the host country. It is important for children to receive
116 primary education as it pertains to their ESC rights.
117
- 118 18. Cultural sensitivity in the part of host countries carries the purpose of preserving the culture of refugees.
119 Reintegration is important to the CDESCR, as it affects refugee status. Currently, refugees face discrimination
120 due to cultural practices. Through the preservation of culture, refugees will encounter less problems when
121 having to transition back to their country of origin.
122
- 123 19. Gender equality is also one of the top priorities of the Committee. Article 3 of the ICESCR acknowledges the
124 importance of equal access to ESC rights regardless of gender. Firmly believes in the Article 10 of the
125 *Convention on the Elimination of All Forms of Discrimination Against Women*, this committee further recalls
126 that women refugees are entitled to equal access to education as men.
127
- 128 20. The UNHCR identifies the major threats to the access to education for refugees as being non-recognition of
129 foreign school certificates, diplomas and degrees by countries of asylum, national legislation preventing
130 refugees from entering the public school system, and lack of financial means to cover the expenses of higher
131 education. Hence, this Committee takes note of the UNHCR's Einstein German Academic Refugee Initiative
132 (DAFI) higher education program, which promotes access to higher education for young refugees by enabling
133 over 2,240 refugee students annually to study at universities in 41 different states.

134 **II. Mandate**

135

- 136 21. CDESCR monitors the implementation of ICESCR through its process of receiving and reviewing reports
137 submitted by individual Member States on the status of ESC rights within its borders, as well as on what action
138 the Member State is taking to guarantee these rights to all people. CDESCR also creates reports with
139 recommendations and guidance to help Member States fulfill these obligations.
140

141 **III. Conclusions and Recommendations**

142

143 **A. Ensuring the Protection of the Social Rights of Refugees**

144

- 145 22. The Committee reiterates its encouragement to States Parties to continue developing domestic, regional and
146 international cooperation frameworks to assist each other in the best possible way. Having said this, the
147 Committee encourages State Parties to develop a Humanitarian Internship Program (HIP) for public universities
148 that would advocates for equal ESC rights for all and brings together host countries and refugees. In this
149 program, State Parties would encourage domestic public universities recruit students on purposeful programs,
150 such as shelter building, medical assistance, and so on, inside the country and abroad as interns in their area of
151 study to aid refugees. In addition to this, a surveillance program can then be integrated into the HIP program to
152 ensure quality control and enforce the fundamental right for adequate refugee living conditions. By
153 recommending this type of program, the Committee endorses the collaboration of State Parties to protect the
154 ESC rights of refugees by launching intercultural awareness campaigns to promote the well-being and cultural
155 acceptance of refugees and the integral role that individuals can partake.
156
- 157 23. The Committee recognizes the importance of private sectors and other United Nations agencies, for instance,
158 the IKEA Foundation and UNHCR's Better Shelter Unit for Refugees. CDESCR suggests State Parties to

159 collaborate with the UNHCR and civil society organizations (CSOs) and non-governmental organizations
160 (NGOs) to provide adequate housing and shelter to refugees. Modeled after the UNHCR's Better Shelter Unity
161 for Refugees program, State Parties are encouraged to develop secured houses designed to last for at least three
162 years. Also taking into consideration that IKEA Foundation utilized waterproof and sun retardant materials with
163 solar panels at each unit, State Parties could also consider implementing similar methods and resources, such as
164 hatches to help provide ventilation and mosquito nets to prevent malaria. These methods would ensure that
165 refugee families would feel safe and secure within refugee camps and settlements, which further protecting their
166 social right to housing.

167
168 24. The Committee stresses the importance of the social rights of refugees, including the right to food and water,
169 and encourages State Parties to implement programs that facilitate social inclusion of refugees, providing them
170 with their own resources to create their own food, modeled after Brazil's Cities without Hunger program. This
171 non-governmental program has generated jobs for marginalized groups, such as refugees and internally
172 displaced persons, in creating community gardens, allowing refugees to obtain financial independence as well
173 as growing their own nutritional resources.

174
175 25. Recognizing the deplorable situations that refugees face in refugee resettlement camps, making them more
176 liable to starvation and dehydration, the Committee endorses efforts by State Parties to collaborate with
177 UNICEF and WHO and implement efforts towards sanitation and access to water in refugee camps, utilizing the
178 Water, Sanitation and Hygiene (WASH) project, which has been successful in South Sudanese refugee camps.
179 By State Parties collaborating with UNICEF on the expansion of the WASH project to more refugee camps, a
180 greater access to water and an increased awareness on sanitation will be fulfilled through the following
181 methods: promoting hand washing and hygiene behavioral change by supporting national efforts and campaigns
182 by State Parties, encouraging hygiene awareness educational programs in schools and specifically highlighting
183 the importance of children in refugee camps as the vehicles for changing hygiene habits for increased sanitation
184 and clean drinking water. By educating children on sanitary habits, State Parties will ensure their survival and
185 development within refugee settlement camps.

186
187 26. Taking into consideration the severe food shortages in refugee camps, the Committee suggests that State Parties
188 undertake proper measures to facilitate food exchange and to constrain price volatility, with regards to better
189 implementing programs that will fulfill SDG 2. The Committee recommends that State Parties cooperate with
190 the World Food Program (WFP) and the Food and Agricultural Organization (FAO) to create a sustainable
191 nutritional program that provides refugees with adequate food resources. This program can be modeled by the
192 WFP's Food for Assets (FFA) program, which currently is being used to reach marginalized, vulnerable
193 populations but could be expanded to refugees. Through the FFA program, cash transfers and food vouchers are
194 used to grant greater access to food, encouraging soil and water conservation, water harvesting and flood
195 control; rehabilitation of irrigation systems; and providing refugees with development training sessions,
196 stressing the importance of their participation on conserving natural resources and providing them with the
197 methods to participate socially to conserve food resources, as well as earn their own incomes to purchase food.

198
199 27. The Committee recognizes the success of the New South Wales Health Plan 2011-2016 in improving the
200 wellbeing of refugees by ensuring the delivery of safe, high-quality health services sensitive to language and
201 culture. The Committee encourages State Parties refer to the efficacy of this system in the development of their
202 own internal refugee programs.

203
204 28. The Committee recommends States Parties expand their refugee health care programs to include a broader
205 platform of health services to refugees living in refugee camps and processing facilities. At the same time, we
206 recognize and respect the challenges different State Parties face due to different domestic policies and lack of
207 resources.

208
209 29. Understanding that reproduction is a crucial social right for female refugees, the Committee recommends that
210 State Parties model programs to provide sexual and reproductive health care such as those of the Women's
211 Refugee Commission (WRC). By establishing more programs that focus on these rights, female refugees can
212 then benefit from a greater access to reproductive services, such as midwives to aid in childbirth and
213 contraceptives, to prevent sexually transmitted diseases.

214

215 **B. Promoting The Right to Work and Identifying the Status of Refugees**
216

- 217 30. The Committee recommends State Parties to raise awareness towards refugee employment through methods
218 such as a national/international holidays or days of recognition. The committee encourages to replicate the
219 International Refugee Day (IRD). This international holiday could highlight the importance of giving the
220 opportunity to work and earn to refugees by themselves. Give them this chance would also mean ensure them
221 economic and social rights and decent life.
222
- 223 31. The Committee encourages the state parties to work with organizations like Office of United Nations High
224 Commissioner for Human Rights in order to ensure that the refugees within those host countries may receive
225 their basic human rights which are stated in the UDHR. These offices can help the refugee's transition into their
226 host country and make them aware of their basic rights by ensuring they receive their right to work.
227
- 228 32. The Committee suggests that State Parties work to provide drafts of technical programs that can enhance labor
229 skills for all, especially women, and make sure to encourage state parties to promote skills that could be used in
230 the future but also to protect and enhance skills that women refugee's already have. This also pertains to
231 widows who may have never worked a day in their lives thus it encourages the learning of new skills. This is
232 important because the training of women can add to the economy of the host country, but those skills can also
233 be used by the refugees in the future when they return to their home country. This ensures that there is not a loss
234 of skills during the time that the refugees spend in the host country
235
- 236 33. The Committee recommends States Parties to provide social security and social support for refugees which will
237 protect their welfare due to their vulnerability. Furthermore, refugees should be able to receive ample financial
238 support for the purpose of rehabilitating and moving forward to seek job opportunities that will withstand future
239 financial adversity.
240
- 241 34. The Committee suggests States Parties to adopt mechanisms similar to China's Exit-Entry Administration Law
242 (EEAL) which provides travel/exit permits to those refugees fleeing from countries, as well as it regulates and
243 manages the migration process to effectively regulate refugee's movements. This is useful for refugees who
244 may have to travel long distances to work or those who may have restrictions to travel while working.
245

246 **C. Promoting Culturally Sensitive Education for Refugees**
247

- 248 35. CESCR understands the issues host countries face when attempting to provide refugee children with primary
249 education. The lack of funding and resources such as teachers and classrooms create problems for host
250 countries. The committee recommends the implementation of sustainable development goal 4 by States party,
251 which aims to improve education for all. It is imperative children receive the education necessary to become
252 productive members of society. CESCR recommends States party to create grade level exams in order to test the
253 level of education of refugees would aid host countries in determining the educational level, which the student
254 requires, avoiding grade repetition or misplacement.
255
- 256 36. CESCR recommends the collaboration between host countries and civil society in implementing programs such
257 as the Educate a Child program. Collaborating with the civil society will lessen the financial burden host
258 countries face when providing refugees with education. Following the example set forth by countries such as
259 Jordan, Lebanon and Turkey, which utilize a "double shift system", host countries can use local schools to
260 educate refugee children in the hours the school is not occupied by local children. The employment of teachers
261 among the refugee population would alleviate the cost of finding teachers in host countries.
262
- 263 37. Taking notes on the Refugee Service Toolkit (RST), the committee recommends States Parties to utilize tools
264 designed to educate host countries on the culture and customs of refugees. The continuous effective use of
265 available resources would lessen the barriers faced when hosting several cultures in one state.
266
- 267 38. The committee recommends States Parties to look further into the lack of access to education among female
268 refugees and suggest States Parties to cooperate with public universities to award special scholarships for
269 female refugees considering their education status which would encourage female refugees to continue further
270 education.

- 271
272 39. Furthermore, CESCR is fully aware that many young refugees lack the financial means to attend university.
273 Their precarious status and lack of opportunities in refugee camps stifle their potential. Considering that
274 idleness often leads to discouragement, popular unrest and even radicalisation, the CESCR recommends States
275 Parties to facilitate access to higher education for refugees, notably by providing them with scholarships. To this
276 end, the committee encourages Member States to contribute to the UNHCR's DAFI higher education
277 scholarship program (DAFI) in order to favor access to higher education for refugees, especially those stranded
278 in permanent camps. Member States should encourage local universities to adhere to the scholarship program in
279 order to broaden refugees' educational opportunities.
280
- 281 40. The Committee also encourages Member States to recognize certificates, diplomas and degrees refugees have
282 acquired in their country of origin in order for them to pursue their university education or enter the national
283 labor market. Fully aware of that every Member State is sovereign and that it possesses its own criteria
284 pertaining to the relevance of student's training, the CESCR proposes that State Parties implement upgrade
285 courses specifically designed to bring refugees up to par with national students and learn the national language.
286 These classes should be respectful of refugees' cultural background and beliefs.
287
- 288 41. The Committee would like to suggest to the States Parties to establish an awareness campaign on the rights of
289 refugees. This campaign would implement educational courses on their rights and the limitations to these rights,
290 as well as courses aimed at teaching them the language of the host country. Furthermore, CESCR encourages
291 Member States to cooperate with NGO's in order to make the program more efficient and effective.



Code: CESCR/2/1

Committee: Committee on Economic, Social and Cultural Rights

Topic: Addressing Worker's Rights for Sustainable Economic Growth

1 **I. Introduction**
2

3 **A. Protecting Workers' Rights**
4

- 5 1. The Committee on Economic, Social and Cultural Rights (CESCR) emphasizes the importance of addressing
6 workers' rights for sustainable economic growth. The Committee firmly believes in the principles enunciated in
7 Article 7 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), which guarantees
8 the right of all workers to enjoy just and favorable working conditions. The body also draws attention to Article
9 9 of the Covenant, which recognizes the right to social security.
10
- 11 2. CESCR takes notes of Sustainable Development Goal (SDG) 8 and General Assembly resolution 70/1, both of
12 which accent the interrelation of the protection of workers' rights with sustainable economic growth. Decent
13 working conditions make for greater productivity, which in turn produce wealth and improve living standards
14 for all, respectful of the environment. General Assembly resolution 70/1 and SDG 10 also bring attention to the
15 necessity of international solidarity and equal redistribution of resources to ensure sustainable economic growth
16 and decent living and working conditions for all, as does the African Common Position on the 2030 Agenda,
17 which stresses the link between the reduction of global inequalities and the protection of workers' rights.
18
- 19 3. The body draws attention to regional human rights conventions promoting worker's rights, notably the *African*
20 *Charter on Human and People's Rights*, the *Charter of Fundamental Rights of the European Union* and the
21 *Inter-American Convention on Human Rights*, which constitute essential instruments in the protection of
22 workers' rights.
23
- 24 4. Recalling the *International Convention on the Elimination of All forms of Discrimination*, the CESCR also
25 recommends that the social security measures implemented by State Parties ensure coverage for all workers,
26 without discrimination pertaining to their race, gender, nationality, ethnicity, religious beliefs or political
27 opinions. Minority groups and ethnic groups are particularly vulnerable to poverty due to the discrimination
28 they face while seeking formal employment, which excludes them from most social security regimes.
29
- 30 5. Recognizing the success of the 1995 *Beijing Declaration and Platform for Action* in the implementation of
31 equal pay internationally. While progress is slow, it is important to note the impact the formation of the
32 Commission on Status of Women and the World Conference on Women has had on bridging the gap in unequal
33 pay.
34
- 35 6. Recalling SDG 5, which calls for the recognition of unpaid care and domestic work women perform, and
36 promotes the shared responsibility within the household and family. Working together to ensure the effective
37 and full participation in providing equal opportunities for leadership in all levels of decision making in political,
38 public, and economic life. SDG 5 is an important tool in closing the gap between male and female wages as
39 well as promoting the equal treatment of all genders.
40
- 41 7. The Committee notes with concern that as stated in CESCR General Comment 19, approximately 80% of the
42 world's population is denied access to formal social security, including protection from work-related risks, such
43 as injury, sickness, disability, unemployment, old age and maternity. The Body insists upon the essential role of
44 social security in ensuring decent living and working conditions for all workers and preventing poverty and civil
45 unrest. It also stresses the importance of addressing workers' rights regardless of gender, race, nationality and
46 religious or political beliefs.
47
- 48 8. This committee recognizes the *Workers' Representatives Recommendation 1971* (No.143) of the International
49 Labour Organization (ILO) and the *Recommendation concerning Protection and Facilities to be Afforded to*

50 *Workers' Representatives in the Undertaking*, wherein workers' have the right to be represented and are entitled
51 to the protection from harmful acts against them.

- 52
- 53 9. According to UN-Women, in most countries women earn 60% to 75% of men's wages. In our work towards
54 global equality, it is imperative that the wage gap between genders improve. Studies by the Organisation for
55 Economic Co-operation and Development how an increase in female labor participation or the reduction in the
56 wage gap between men and women results in faster economic growth.
- 57
- 58 10. According to the ILO, musculoskeletal disorders, such as carpal tunnel syndrome and tendinitis, are some of the
59 most highly recognized work-related incidents. Having unregulated work decreases the sustainable economy as
60 workers are put at risk of injuring themselves and then having to leave the workforce due to injury.
- 61
- 62 11. Despite of actions taken to improve work conditions, the ILO estimates over 330 million people encounter
63 work-related accidents, and therefore the Committee highlights Article 7 of the Covenant and General
64 Comment 23 on the Right to Just and Favourable Conditions of Work to shed light on the importance of
65 protecting the worker right to both physical and mental health.
- 66
- 67 12. Studies show that there is a rise in the percentage of sexual harassment in the workplace with one third of
68 victims being male and two thirds of victims being female. As of recently, few countries have standing
69 legislations that protect the worker from sexual harassment. The effects on economic growth due to poor
70 legislation causes decrease in productivity as workers would refrain from applying to a job where there is no
71 protection from this type harassment and therefore cause an increase in unemployment.
- 72

73 **B. Ensuring Economic Sustainability**

74

- 75 13. The Committee recognizes United Nations Environment Programme's (UNEP) definition of green jobs,
76 according to the UNEP as "work in agricultural, manufacturing, research and development, administrative and
77 service activities that help contribute to preserving or restoring environmental quality." The committee
78 recognizes the importance of green jobs as they pertain to raising employment rates. According to UNEP, the
79 growing interest in alternative energy will drive the employment wind and solar energy, as well as biofuels in
80 both agriculture and heavy industry.
- 81
- 82 14. Recognizing the critical link between economic sustainability and the creation of green jobs as a means to
83 secure protection of the economic rights of workers, as affirmed in Article 6 in the ICESCR. Article 6 affirms
84 the economic right to work and outlines the explicit duties of the States Parties to protect this right, including
85 the implementation of economically sustainable practices that generate green jobs, which can boost the
86 economic growth of workers.
- 87
- 88 15. Recalling the 2012 United Nations Conference on Sustainable Development (Rio +20), the Committee stresses
89 the importance of green jobs as a vehicle to facilitate the promotion of information sharing and ensure the
90 economic right to decent working conditions for all workers. The Committee also emphasizes the importance of
91 gender equity in economic sustainability, as addressed in Rio +20, including fostering partnerships that will
92 ensure gender equality and providing State Parties with opportunities to implement programs and initiatives that
93 will encourage equitable wages.
- 94
- 95 16. The Committee recognizes the Constitution of the ILO, which emphasizes protection of women workers and the
96 principle of equal remuneration for work of equal value. Looking to Rio +20's *Agenda 21* Chapter 24: Global
97 Action for Women Towards Sustainable Economic Growth, the Committee highlights those plans of action that
98 empower and educate women on their right to work, accents programs to promote women's participation in the
99 labor force, as well as initiatives that advocates for the role of women in economic decision-making.
- 100
- 101 17. Addressing workers' rights geared towards sustainable economic growth has never been more crucial. Chief
102 amongst the concern of the international community is to provide decent jobs to push forth economic
103 sustainability. Furthermore, General Assembly resolution 60/1, titled "World Summit Outcome," highlights
104 decent jobs as a global goal for States Parties to achieve inclusive and sustainable economic growth.
- 105

- 106 18. The Committee firmly believing in the full fulfilment of the SDG 8, which promotes inclusive and sustainable
107 economic growth and employment and decent work for all. In the meantime, the also highlights the importance
108 of the creation of quality jobs. For this purpose, the Committee would like to remind States Parties of their
109 obligation to the ICESCR to create the conditions that allow people to have quality jobs that could benefit the
110 economy without harming the environment.
111
- 112 19. Recalling SDG 7, which promotes to ensure the universal access to affordable, reliable, sustainable and modern
113 energy, such as access to electricity to mitigate the use of coal and unsustainable sources of energy. The
114 Committee recognizes the importance of ensuring universal access to modern energy services, improving the
115 efficiency and use of renewable energy.
116

117 **C. Protection and Promotion of Migrant Worker's Right**

118

- 119 20. The protection and the promotion of workers' rights is one of the most important elements for both stability and
120 sustainable economic development. Indeed, globalization drives workers from developing countries to
121 developed countries. According to the International Labor organization global estimates on migrant workers in
122 2015, the European continent contains approximately 48.5% of worldwide migrant workers with the vast
123 majority coming from developing countries. Moreover, migrant workers are recognized by the ILO as the most
124 vulnerable category of worker due to the lack of information as well as the lack of cooperation between host
125 and origin countries. The Committee understands the definition of migrant workers as it defined in the
126 *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*
127 in 2003.
128
- 129 21. CESCR identifies the Bracero Program as an empirical example of a successful bilateral relationship between
130 two countries that exchange a significant amount of migrant workers. During its lifespan, the Bracero Program
131 had accomplishments in terms of migrant workers' rights as well as a successful structure for a bilateral
132 relationship with a foundation on migrant workers. The Committee recommends that State Parties review the
133 Bracero Program, analyze its successes, and attempt to emulate the program but still tailor it to the details of the
134 specific bilateral relationship.
135
- 136 22. The Committee recalls the importance of international cooperation and the need of an international coordination
137 of common subjects regarding human rights as they are affirmed in the Article 3 and 4 of the *1993 Vienna*
138 *Declaration* in order to emphasize the importance of monitoring the implementation of human rights standards
139 improve the international instruments to fight against discrimination.
140
- 141 23. Multilateral communication and access to information are both integral to determine the status of migrant
142 laborers on an international level. Article 1.4 of CESCR's General Comment No. 23 provides a precedent for
143 categorizing migrant workers for informational purposes.
144
- 145 24. The Committee recognizes the global threat posed by communicable diseases, and migrant workers could
146 potentially carry such diseases with them as they travel from one country to another.
147
- 148 25. The Committee also stresses the importance for States Parties to fulfill their obligations to protect and to
149 promote all migrant workers' right, as it was stated in the Article 60 and 61 of the CESCR General Comment
150 No. 23.
151
- 152 26. Protecting migrant workers from violence is recognized by the Committee as a top priority. The International
153 Union of Food Workers' *Charter of Rights for Migrant Workers in Agriculture* guarantees the freedom from
154 psychological or physical violence in addition to inhumane treatment. Also, the active promotion of women's
155 safety and rights, including specifically those of female migrant workers, is affirmed in General Assembly
156 resolution 68/137. Regarding the safety of female migrant workers, UN-Women and ILO has a joint program:
157 "Preventing the exploitation of women migrant workers in ASEAN" is comprehensive in its outline for the
158 effective proliferation of migrant women's rights and security. In addition, it calls for the collection of
159 information regarding violence against female migrant workers for future research and analysis.
160

- 161 27. The elimination of violence against all women, including female migrant workers, is detailed in Sustainable
162 Development Goal 5.2. In addition, Article 2.2 of the ICESCR stresses that the rights therein guaranteed are to be
163 exercised without discrimination of any kind, including national origin or immigration status, which is also
164 emphasized in the *International Convention on the Elimination of All Forms of Racial Discrimination*. This
165 would hold true that host countries must protect the social rights of the migrant workers who live and work
166 within their borders.
167
- 168 28. Regarding the safety of female migrant workers, the Committee highlights the joint program of UN-Women and
169 ILO called the Association of Southeast Asian Nations (ASEAN) in preventing the exploitation of women
170 migrant workers' rights and security.
171
- 172 29. Article 8 of the *International Covenant on the Protection of the Right of all Immigrant Workers* emphasizes the
173 importance of a safe workplace for immigrant workers. Frequently, immigrant workers who are working in
174 industrial zones are exposed to hazards and health risks. Furthermore, generally the workplace environment that
175 immigrant workers are employed in are in poor working conditions. More specifically, immigrant workers who
176 are working in the domestic sector have the same residence as the employer, which make it more challenging to
177 standardize the quality of the workplace environment.
178
- 179 30. Recognizing the effort made by the United States regarding migrant worker's right by conducting the Bracero
180 program, which brought millions of Mexican workers into the United States. Through this program the migrant
181 workers could contribute to the United States economic growth by working in the agricultural industry with the
182 ability to return to their origin country. The Bracero program was seen as the country's largest experiment with
183 guest workers.
184

185 **II. Mandate**

- 186
- 187 31. CESCR monitors the implementation of the ICESCR through its process of receiving and reviewing reports
188 submitted by individual Member States on the status of economic, social, and cultural (ESC) rights within its
189 borders, as well as on what action the Member State is taking to guarantee these rights to all people. CESCR
190 also creates reports with recommendations and guidance to help Member States fulfill these obligations.
191

192 **III. Conclusions and Recommendations**

193 **A. Protecting Workers' Rights**

- 194
- 195
- 196 32. The Committee recommends States Parties to implement comprehensive social security programs and
197 legislation aimed at securing workers' essential rights, including the right to food, water, housing and
198 healthcare. Inadequate or insufficient social security measures can lead to indigence in case of disability, old
199 age, disease, unemployment and injury, all of which can prevent workers from making a living for themselves
200 and their families. In this regard, State Parties should verify that their social security programs and legislation
201 are appropriate and universally accessible to all workers, taking into account their yearly earnings. The specifics
202 of the social security program State Parties wish to create are up to their discretion, in full respect of their
203 sovereignty.
204
- 205 33. The body suggests States Parties to adopt social security legislation encouraging the transition of workers from
206 the informal working sector to the formal working sector, so that they may enjoy the same protection as every
207 other worker.
208
- 209 34. The Committee recommends the participation of States Parties in implementing SDG 5. The success of SDG 5
210 rests on the participation of Member States in implementing policies and programs aimed at eliminating the
211 wage gap between men and women, as well as recognizing the right for women in the workplace. It is
212 imperative States move to ensuring gender equality in the workforce.
213
- 214 35. The Committee encourages States Parties to work on creating legislation legalizing and monitoring domestic
215 work. Domestic workers do not fall under labor regulations and are often paid off the books, making them more

216 susceptible to discrimination and and work violations. It is important for States Parties to recognize the need to
217 regulate the domestic sector in ensuring the equal and fair treatment of domestic workers.
218

219 36. The Committee recommends State Parties to ratify ILO C155- *Occupational Safety and Health Convention* as it
220 specifically states the safe conditions for male and female workers in the workplace in order to prevent work-
221 related incidents and facilitates cooperation between employer and worker.
222

223 37. The Committee encourages State Parties to create regulations to achieve SDG 8 to promote full productivity in
224 the workforce and to encourage economic growth by monitoring the type and amount of work issued to
225 workers, ensuring protection from sexual harassment, and providing for mental health safety.
226

227 **B. Ensuring Economic Sustainability**

228
229 38. The Committee encourages State Parties to collaborate with UNEP to create green jobs, modeled after UNEP's
230 Partnership for Action on Green Economy (PAGE). Through PAGE, State Parties would be able to provide
231 training programs for workers and policy makers to better instruct them on what a green economy is and how to
232 sustain such an economy. State Parties would be able to create a network of information sharing successful
233 sustainable techniques amongst one another that would allow businesses to collaborate in a collective effort
234 towards creating and sustaining green jobs. By collaborating with UNEP, each State Party will be able to better
235 incorporate green economic policies and capacity building in its initiatives.
236

237
238 39. The Committee draws attention to the importance of information sharing between States Parties and
239 recommends that State Parties cooperate with the Global Green Growth Institute (GGGI), an international
240 organization dedicated to the generation and continuation of green economies worldwide, and to become a part
241 of the Green Growth Knowledge Platform. Through this platform, the State Parties will be connected to an
242 international sphere of businesses that can collaborate to share successful practices that promote sustainable
243 economic growth. By sharing information, technologies, policy reforms, and good practices with one another as
244 well as civil society organizations, green economies will be better developed and promoted on the foundation of
245 cooperation and collaboration.

246 40. The Committee encourages States Parties to establish training centers for workers in line with green jobs in
247 order to further develop worker's skills. This is a vital aspect due to the fact that workers need to be adequately
248 trained for them to efficiently and productively adapt to the workplace. Furthermore, the Committee suggests
249 States Parties to engage in new green technologies that can be facilitated in green jobs, such as working with
250 solar panels, windmills and biofuels.
251

252 41. The Committee encourages States Parties to consider adopting policies that are similar to the ILO's Action Plan
253 for Gender Equality, which protects women's economic right to work, promotes the growth of women within
254 the workplace, encourages equal pay, and facilitates training for women workers. As green jobs continue to
255 grow within the economy, there must be policies that promote gender equality but also encourage women to
256 join the green job movement in hopes of earning an equal wage and contributing to sustainable economic
257 growth.
258

259 42. The Committee strongly emphasizes the danger of risking workers' safety in having unsustainable practices in
260 the working environment. Furthermore, the Committee suggests States parties to highlight that green jobs are a
261 central aspect to sustainable economic growth, which can further respond to environmental challenges that the
262 global community is facing. To address the issue, the Committee provides Green Jobs Initiatives (GJI) program
263 of the ILO as a model, which aims to dispense decent jobs in midst of rapid population growth and social
264 development.
265

266 **C. Protection and Promotion of Migrant Worker's Right**

267
268 43. The Committee recommends State Parties gathering and sharing information about their migrant workers,
269 including such parameters as gender, education level, occupational skill level, occupational history, national
270 residency history, and populations of migrant workers both entering and leaving. This collection and review of
271 information would make the policies making on boosting migrant workers employment more effectively.

- 272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
44. The Committee recommends a stronger multilateral and bilateral cooperation between States Parties and international organization to improve the quality of the data collection made by States parties and to enhance the protection of migrant right. This closer cooperation will reduce the number of migrant worker on the illicit job sector, therefore it will enhance the protection of migrant workers against discrimination and violence.
 45. The Committee realizes the success of Canada's Federal Labour Standards in protecting workers' rights. In particular, the standards of the safety of migrant workers' is highlighted, which includes the right to a safe and healthy workplace, as well as legal platforms that protect workers from violence. State Parties is encouraged to consider adopting similar procedural standards at a national level to protect migrant workers.
 46. The Committee recommends that State Parties follow this model, particularly by improving access to gender-sensitive informational, advocacy for international cooperation between countries of origin and host countries, and social mobility to promote public awareness and activism, all towards mitigating the effects of abuse and exploitation of female migrant workers living within their borders.
 47. The Committee, bearing in mind the provisions within the *Charter of Rights for Migrant Workers in Southern Africa*, recommends State Parties implementing measures to prevent discrimination against migrant workers. In addition, State Parties that host migrant workers should provide families of migrant workers equal social rights.
 48. The Committee recommends that states take into consideration adequate pay, living and working conditions, and the ability to travel back to their origin country for migrant workers. Implementing programs that support these ideas will help to establish a non-discrimination atmosphere between native workers and migrant workers in the working force. It will encourage the success of integration of migrant workers into the host states.



Code: CESCR/3/1

Committee: Committee on Economic, Social and Cultural Rights

Topic: Preserving Cultural Rights for Ethnic Minorities

I. Introduction

A. Protecting Cultural Rights for Ethnic Minorities

1. The Committee on Economic, Social and Cultural Rights (CESCR) stresses that the preservation and promotion of cultural rights for ethnic minorities is an important aspect to any society, in which any person has the right to enjoy equal participation.
2. The fulfillment of minorities' cultural rights is an important aspect that States Parties should pay attention to as one of the top priorities. The Committee recognizes the cultural right of minorities as defined in the CESCR General Comment No. 21, and also the responsibility of the State Parties to promote the cultural right of ethnic minorities.
3. CESCR notes with deep concern the existing stigma of certain ethnic minority groups due to their religions. Recalling the principles enunciated in Human Rights Council resolution 7/19, titled Combating Defamation of Religions, the Committee recommends Member States to adopt national legislation to protect these groups from discrimination and physical and verbal violence.
4. The Committee firmly believes in the fulfillment of Sustainable Development Goal (SDG) 10, which emphasizes the empowerment of social, economic, and political inclusion of all regardless of age, sex, disability, race, ethnicity, origin, or religion status. Through the adoption of SDG 10, the international community can provide fair and equal treatment of ethnic minorities.

II. Mandate

5. CESCR monitors the implementation of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) through its process of receiving and reviewing reports submitted by individual Member States on the status of economic, social, and cultural (ESC) rights within its borders, as well as on what action the Member State is taking to guarantee these rights to all people. CESCR also creates reports with recommendations and guidance to help Member States fulfill these obligations.

III. Conclusions and Recommendations

A. Protecting Cultural Rights for Ethnic Minorities

6. The Committee recommends that States Parties establish a national program that facilitates the preservation of indigenous languages, recognizing the fact that indigenous languages are a crucial aspect of the survival of indigenous peoples. The national campaign could be modeled after efforts by United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Brazilian government initiative, Documentation of Brazilian Indigenous Languages and Cultures (Prodoclin), which has created outreach programs to isolated ethnic groups in an effort to preserve and record their languages to ensure their survival and basic cultural rights. Another model could be Algeria's national High Commissioner for Promotion and Protection of Tamazight language program. Such programs will improve the acknowledgment and the protection of minority cultures and their cultural rights as well.
7. The Committee stresses the important role ethnic minorities play in the society, and encourages State Parties to adopt policies that will ensure some form of local autonomy of ethnic minorities, as well as protecting their cultural rights. Such programs can be modeled after Colombia's Especial Jurisdicción Indígena Colombia

49 (Special Jurisdiction of the Indigenous in Colombia), stated in its 1991 Constitution, which has provided ethnic
50 minorities with political autonomy in local regions, including their ancestral lands, while still respecting the
51 national constitution. Another program that can be provided as a model is China's Regional Ethnic Autonomy
52 law, which has ensured the cultural rights of ethnic minorities and protected their right to represent their peoples
53 in the national government.

54
55 8. Furthermore, States Parties should implement awareness campaigns to promote religious tolerance and
56 encourage the works of the United Nations Alliance of Civilizations, which encourages friendship and
57 understanding between nations and ethnic minority groups.