**UNIC-Fair Gaze South-2023**

Background Guide

**COMMITTEE-**

**THE UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)**

**AGENDA:**

**Dealing with the Problems Faced by Refugees, Asylum Seekers and Migrants with Special Emphasis on their Rights during Conflicts.**

## INDEX OF AUTHORITIES

### Treaties and Conventions

1. *Convention relating to the status of Refugees of 1951*
2. *The protocol relating to the status of Refugees of 1967,*

*3. ICCPR,1966,*

1. *Convention against torture and other cruel, inhuman or degrading treatment or punishment of 1984,*
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### Resolutions

**03 OCT 2016**

* New York Declaration for Refugees and Migrants (A/RES/71/1)

**09 MAY 2016**

* [General Assembly Resolutions related to international migration](http://www.un.org/en/development/desa/population/migration/generalassembly/resolutions/index.shtml)
* [General Assembly Resolutions and Executive Committee Conclusions relating to the Office of the UN](http://www.unhcr.org/577feac84) [High Commissioner for Refugees](http://www.unhcr.org/577feac84)

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* [Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement%20)

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* [Addis Ababa Action Agenda of the Third International Conference on Financing for Development](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/232/22/PDF/N1523222.pdf?OpenElement%20) [(A/RES/69/313)](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/232/22/PDF/N1523222.pdf?OpenElement%20)

## LETTER FROM THE EXECUTIVE BOARD

Dear Delegates,

Congratulations on getting the opportunity to participate in UNIC-Fair Gaze MUN 2023, a single day simulation.

To the veterans of MUN, we promise you a very enriching debate that you’ve never experienced before and to the newcomers, we are really excited to be a part of your maiden voyage.

As the world looks to come out of a rather ‘depression’ ridden economic environment and the world

talks about a long standing ‘power shift’ to the east happening soon, the importance of our generation being ‘ready enough’ to accept various challenges that lie ahead of us can hardly be over stated.

What we desire from the delegates is not how experienced or articulate they are. Rather, we want to see how she/he can respect disparities and differences of opinion, work around these, while extending their own foreign policy so that it encompasses more of the others without compromising their own stand, thereby reaching a unanimously acceptable practical solution.

The following pages intend to guide you with the nuances of the agenda as well as the Committee.

The Guide chronologically touches upon all the relevant aspects and will lead to fruitful debate in the Committee. It will provide you with a bird’s eye view of the gist of the issue.

**However, it has to be noted that the background guide only contains certain basic information which may form the basis for the debate and your research.**

You are the representative of your allotted portfolio, and we hope you put in wholehearted efforts to research and comprehensively grasp all important facets of the diverse agenda.

All the delegates should be prepared well in order to make the committee’s direction and debate productive. After all, only then will you truly be able to represent your portfolio in the best possible way.

**We encourage you to go beyond this background guide and delve into the extremities of the agenda to further enhance your knowledge of a burning global issue. We wish you all the best in your preparations and look forward to seeing you at the Conference!**

**Warm Regards!**

**Unnati Pande, Chairperson UNHRC**

**Aditya Sahni, Vice Chairperson UNHRC**

## UNHRC AT UNIC-FAIR GAZE MUN’23

The Human Rights Council is an intergovernmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.

It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the United Nations Office at Geneva.

* **Understanding the Basics**

1. **Are the terms ‘refugee’ and ‘migrant’ interchangeable?**

No. Although it is becoming increasingly common to see the terms 'refugee' and 'migrant' used interchangeably in media and public discussions, there is a crucial legal difference between the two. Confusing them can lead to problems for refugees and asylum-seekers, and for States seeking to respond to mixed movements, as well as to misunderstandings in discussions of asylum and migration.

### What is unique about refugees?

Refugees are specifically defined and protected in international law. Refugees are people outside their country of origin because of feared persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require ‘international protection’. Their situation is often so perilous and intolerable, that they cross national borders to seek safety in nearby countries, and thus become internationally recognized as ‘refugees’ with access to assistance from states, UNHCR, and relevant organizations. They are so recognized precisely because it is too dangerous for them to return home, and they therefore need sanctuary elsewhere. These are people for whom denial of asylum has potentially deadly consequences.

### How are refugees protected under international law?

The specific legal regime protecting the rights of refugees is referred to as

‘International refugee protection’. The rationale behind the need for this regime lies in the fact that refugees are people in a specific predicament which calls for additional safeguards. Asylum-seekers and refugees lack the protection of their own country. Article 14 of the Universal Declaration of Human Rights asserts the right of everyone to seek and enjoy asylum. However, no clear content was given to the notion of asylum at the international level until the 1951 Convention

relating to the Status of Refugees \*the ‘1951 Convention’+ was adopted, and UNHCR was tasked to supervise its implementation. The 1951 Convention and its 1967 Protocol, as well as regional legal instruments, such as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, are the cornerstone of the modern refugee protection regime. They set forth a universal refugee definition and incorporate the basic rights and obligations of refugees.

The provisions of the 1951 Convention remain the primary international standard against which any measures for the protection and treatment of refugees are judged. Its most important provision, the principle of non-refoulment (meaning no forced returns) contained in Article 33, is the bedrock of the regime. According to this principle, refugees must not be expelled or returned to situations where their life or freedom would be under threat. States bear the primary responsibility for this protection. UNHCR works closely with governments, advising and supporting them as needed, to implement their responsibilities.

### Does the 1951 Convention need to be revisited?

The 1951 Convention and its 1967 Protocol have saved millions of lives and as such are among the key human rights instruments that we rely upon today. The 1951 Convention is a milestone of humanity 2 developed in the wake of massive population movements that exceeded even the magnitude of what we see now.

At its core, the 1951 Convention embodies fundamental humanitarian values. It has clearly demonstrated its adaptability to changing factual circumstances, being acknowledged by courts as a living instrument capable of affording protection to refugees in a changing environment. The greatest challenge to refugee protection is most certainly not the 1951 Convention itself, but rather ensuring that states comply with it. The real need is to find more effective ways to implement it in a spirit of international cooperation and responsibility-sharing.

### Can ‘migrant’ be used as a generic term to also cover refugees?

A uniform legal definition of the term ‘migrant’ does not exist at the international level.1 Some policymakers, international organizations, and media outlets

understand and use the word ‘migrant’ as an umbrella term to cover both migrants and refugees. For instance, global statistics on international migration typically use a definition of ‘international migrant’ that would include many asylum-seekers and refugees.

In public discussion, however, this practice can easily lead to confusion and can also have serious consequences for the lives and safety of refugees. ‘Migration’ is often understood to imply a voluntary process, for example, someone who crosses a border in search of better economic opportunities. This is not the case for refugees, who cannot return home safely, and accordingly are owed specific protections under international law.

Blurring the terms ‘refugees’ and ‘migrants’ takes attention away from the specific legal protections refugees require, such as protection from refoulment and from being penalized for crossing borders without authorization in order to seek safety. There is nothing illegal about seeking asylum – on the contrary, it is a universal human right. Conflating ‘refugees’ and ‘migrants’ can undermine public support for refugees and the institution of asylum at a time when more refugees need such protection than ever before.

We need to treat all human beings with respect and dignity. We need to ensure that the human rights of migrants are respected. At the same time, we also need to provide an appropriate legal and operational response for refugees, because of

their particular predicament, and to avoid diluting state responsibilities towards them. For this reason, UNHCR always refers to ‘refugees’ and ‘migrants’ separately, to maintain clarity about the causes and character of refugee movements and not to lose sight of the specific obligations owed to refugees under international law.

### Do all migrants really always ‘choose’ to migrate?

The factors leading people to move can be complex. Often the causes are multi- faceted. Migrants may move across international borders to improve their lives by finding work, or in some cases for education, family reunion, or other reasons.

People may also move to alleviate significant hardships that arise from natural disasters, famine, or extreme poverty. Those who leave their countries for these reasons would not usually be considered refugees under international law.

### Don’t migrants also deserve protection?

The reasons why migrants may leave their countries are often compelling, and finding ways to meet their needs and protect their human rights is important. Migrants—including those in irregular situation—are protected by international human rights law. This protection derives from their fundamental dignity as human beings.2

For some, failure to accord them human rights protection can have serious consequences. It may result in human rights violations, such as serious discrimination; arbitrary arrest or detention; or forced labour, servitude, or highly exploitative working conditions.

In addition, some migrants, such as unaccompanied or separated migrant children, or migrants who become victims of trafficking or are otherwise in a situation of vulnerability, may have specific needs for assistance, and have the right to have those needs met. UNHCR fully supports approaches to migration management that respect the human rights of all people on the move.

### Are refugees ‘forced migrants’?

The term ‘forced migration’ is sometimes used by social scientists and others as a general, open-ended term that covers many kinds of displacement or involuntary movement—both across international borders and inside a single country. For example, the term has been used to refer to people who have been displaced by environmental disasters, conflict, famine, or large-scale development projects.

‘Forced migration’ is not a legal concept, and similar to the concept of ‘migration’, there is no universally accepted definition. It covers a wide range of phenomena. Refugees, on the other hand, are clearly defined under international and regional refugee law, and states have agreed to a welldefined and specific set of legal obligations towards them. Referring to refugees as ‘forced migrants’ shifts attention away from the specific needs of refugees and from the legal obligations the international community has agreed upon to address them. To prevent confusion, UNHCR avoids using the term ‘forced migration’ to refer to refugee movements and other forms of displacement.

### So what is the best way to refer to mixed groups of people on the move that include both refugees and migrants?

UNHCR’s preferred practice is to refer to groups of people travelling in mixed movements as ‘refugees and migrants’.3 This is the best way to allow for acknowledgement that all people on the move have human rights which should be respected, protected, and fulfilled; and that refugees and asylum seekers have specific needs and rights which are protected by a particular legal framework.

Sometimes in policy discussions, phrases like ‘**mixed movements’**, ‘mixed flows’ or ‘composite movements’ are used to refer to the phenomenon of refugees and others on the move (including migrants, who may be in situations of vulnerability) travelling side-by-side along the same routes, using the same facilitators. ‘Mixed migration’ has also been used this way, but has sometimes been a source of confusion and is best avoided.

The term **‘mixed migrant’**, which has been used by some as a shorthand way of referring to a person travelling in a mixed movement whose individual status is

unknown or who may have multiple, overlapping reasons for moving, is unclear. It can cause confusion and mask the specific needs of refugees and migrants. It is not recommended.

### What about refugees who leave one host country and enter another? Aren’t they actually best described as ‘migrants’ if they travel onward from the first country they stayed in?

A refugee does not cease to be a refugee or become a ‘migrant’ simply because they leave one host country to travel to another. A person is a refugee because of the lack of protection by their country of origin. Moving to a new country of asylum does not change this, so it does not affect a person’s status as a refugee. A person who meets the criteria for refugee status remains a refugee, regardless of the particular route they travel in search of protection or opportunities to rebuild their life, and regardless of the various stages involved in that journey.

### Footnotes

1. The 1990 UN Convention on the Protection of the Rights of All Migrant Workers and

Members of their Families defines the term ‘migrant worker’. See also Article 11 of the 1975 ILO Convention Concerning Migrations in Abusive Conditions and the Protection of Equality of Opportunity and Treatment of Migrant Workers (No. 143) and of the 1979 ILO Migration for Employment Convention (No. 97); as well as Article 1 of the 1977 European Convention on the Legal Status of Migrant Workers.

1. For example, the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights; as well as other important international and regional treaties, recognize that all people, including migrants and refugees, have human rights. 3 This reflects notably the language used by the UN General Assembly in the landmark New York Declaration for Refugees and Migrants 3 October 2016, A/RES/71/1, [www.refworld.org/docid/57ceb74a4.html.](http://www.refworld.org/docid/57ceb74a4.html)

### Courtesy

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15 March 2016

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## COUNTERING TOXIC NARRATIVES ABOUT REFUGEES AND MIGRANTS

The Challenge There are powerful voices around the world that are determined to denigrate refugees and turn them into objects of fear and loathing. This is very often the result of narratives and sentiments centred on a phobia of the outsider

– based on ethnicity and race, religion, income, language and similar signs of “otherness”. This, in and of itself, is divisive and can lead to violence and persecution. More practically, advocating on behalf of refugees, fundraising and lobbying can all depend on prevailing public and political attitudes towards refugees**.**

***Hate speech***: There is no international legal definition of hate speech, and the characterization of what is “hateful” is contested. According to the United Nations, hate speech is generally understood as “any kind of communication, in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in others words, based on their religion, ethnicity, nationality, race, color, descent, gender or other identity factor.”

***Incitement to violence***: According to the United Nations, “incitement is a very dangerous form of speech, because it explicitly and deliberately aims at triggering discrimination, hostility, and violence, which may also lead to or include terrorism or atrocity crimes”. International law prohibits incitement to discrimination, hostility, and violence.

***Fear of the “other”****:* Very often, refugees are grouped together with migrants in the public mind; in turn, migrants – and asylum-seekers – can be negatively portrayed as a particularly mobile and predatory subset of “foreigners”. The terms are often used carelessly and interchangeably but in a generally negative sense; or they are used in an outright hostile manner.

***Refugees and migrants as “threat***”: Outsiders are generally depicted by the far right as a threat to Western values, culture, religion, jobs, school places, health systems and other public services, and a source of terrorism and crime. A 2016

poll by the Brookings Institute in the US showed that 46% of Americans who opposed accepting refugees were concerned about perceived links to terrorism. And yet statistics show that refugees are the least likely section of the population to get involved in violence – they are refugees because they fled violence and persecution.

The perpetrator of the recent mosque shootings in Christchurch, New Zealand, in March, which left 49 dead, was apparently motivated by “identitarian” ideology, akin to theories such as the “great replacement” of white Europeans by people of color. Former refugees were amongst those killed.

***Social media****:* In March 2018, the chair of the UN’s Fact-finding Mission on Myanmar, investigating the circumstances of the violence that drove more than 700,000 Rohingya Muslims from their homes, said that social media had “substantively contributed to the level of acrimony” among the wider public.

Yanghee Lee, Special Rapporteur on human rights in Myanmar, added: “We know that the ultra-nationalist Buddhists have their own Facebooks and are really inciting a lot of violence and really inciting a lot of violence and a lot of hatred against the Rohingya or other ethnic minorities. I'm afraid that Facebook has now turned into a beast, and not what it originally intended.”

An article in the Financial Times reported on the work of two PhD students at Warwick University in the UK, who studied social media use in their native

Germany between 2015 and 2017. “During surges in online anti-migrant sentiment, they estimated that areas with higher Facebook populations saw up to 50 per cent more anti-refugee incidents — mostly violent crimes, including

refugees’ homes being set on fire — than the national average. They attributed this to the spread of hate posts. ‘Social media can push potential perpetrators

over the line,’ says Mr Schwarz. ‘Their views get more extreme \*from reading hate posts+ and, at some point, they might decide to assault someone.’”

***Contexts, questions and public opinion***: Several pollsters and academics have pointed out that the results of public opinion surveys depend very much on the question being asked, as well as the situation in the country where the survey is being conducted.

A June 2017 report by the Royal Institute for International Affairs (RIIA) in the UK cited Ipsos MORI global data from 2016, which found that over half of those surveyed agreed with the statement: “Most foreigners who want to get into my country as a refugee really aren’t refugees. They just want to come here for

economic reasons, or to take advantage of our welfare services.” However, it added that people in the UK were more inclined to be well disposed toward refugees when they were isolated as a distinct category, while responses were more likely to reflect negative attitudes if people were asked simply about “immigration”.

A study conducted by More in Common in 11 European countries also revealed

that while only 55 per cent of people agreed with the statement “my government should provide financial assistance for refugees, alone or alongside charities”, 72 per cent agreed with “my country has a responsibility to accommodate at least some refugees”.

In Kenya, a top refugee-hosting country, an IRC study found that 94 per cent of citizens support the delivery of public services to refugees and that only 27 per cent see refugees as a security threat. Nonetheless, a significantly smaller portion supports longer-term needs such as access to land (39 per cent) and citizenship (31 per cent).

***Audiences matter****:* While some people are overwhelmingly hostile to refugees, migrants and asylum-seekers, and others are welcoming, most are conflicted. According to research by More in Common, most people find themselves in the “conflicted middle”: they feel empathetic towards refugees, while also experiencing real anxieties about issues such as job security, public services, cultural change and terrorism.

***Bullying****:* In recent years, the problem of bullying in school has gained attention. Research conducted in Italy showed that migrant and refugee children tended to be victims of more bullying than their peers.

**Responses and solutions**

***Laws against hate speech***: Rather than prohibiting hate speech as such, international law prohibits the incitement to discrimination, hostility and violence. Hate speech that does not reach the threshold of incitement is not something that international law requires states to prohibit.

***Combating disinformation about refugees*:** Distorted or “fake” information about refugees and migrants regularly surfaces online. Many companies, media and governments have taken steps to combat fake news.

Fact-checking media play an important role in debunking myths about refugees. For example, in 2018 an item of fake news claiming that an American teenager had killed a refugee who had raped his sister was circulating online. But if people look for information about it on Google, all the first results redirect to fact- checking websites, such as Snopes or Truth or Fiction, that explain in detail why this “news” is false.

In 2019, the BBC and several tech firms, including Google, Twitter and Facebook, announced that they would join forces to fight disinformation. The plan includes the development of an early-warning system for organizations to alert each other rapidly when they discover life-threating disinformation, with the aim of undermining it before it can take hold. In 2019, Apple also launched a media literacy initiative to equip young people with the critical-thinking skills to enable them to detect fake news.

***Countering the “invasion of hostile aliens” narrative*:** Focusing on rebutting false facts and figures is tempting – and in some cases is necessary. But it is equally

important to address the fear of difference. The “conflicted middle” respond more to emotional appeals than statistics – something populists have spotted,

preying on fears of “the other” and the threat of losing national/cultural identity.

Stories in the media showing the human side of refugees – as unique individuals whose lives have been overturned by conflict or persecution – are particularly effective. Although they need protection, refugees are also seeking

independence, self-sufficiency and dignity. UNHCR also seeks to highlight positive stories of generous and compassionate people who welcome refugees.

***Messages and messengers***: The RIIA report recommends encouraging both “regular” people and celebrities to speak out on behalf of refugees and to demonstrate ways in which they have supported and welcomed them, rather than politicians, representatives of NGOs and other figures who would be expected to do so. In other words, a pop star is more effective at influencing public attitudes to refugees than a UNHCR official.

***Creating encounters between refugees and host communities***: A number of civil society groups have attempted to engage with public opinion by encouraging contact between refugees, migrants and host communities, and by trying to promote refugee and migrant voices in public debates. These groups encourage volunteers to gather and distribute items that refugees need, and organise events at which refugees and host communities can meet and interact, for example by cooking and eating together.

***Getting the public involved***: To that end, UNHCR runs campaigns that aim to put ordinary citizens at the forefront of positive messaging about refugees. For example, a targeted campaign such as the Somos Panas (We are Friends) campaign in Colombia aimed to reduce manifestations of xenophobia towards Venezuelans living in the country. The campaign promotes messages of solidarity from Colombians to Venezuelan children, women and men, as well as messages of gratitude received from Venezuelans. Since its launch in December 2017, the campaign has reached more than six million people and over 235,000 opinion leaders and members of the government. Other campaigns have included **No Stranger Place**, which showcased Europeans who took refugees into their own homes; and From Far and Wide, which profiled Canadians who supported resettled refugees.

***Politicians are needed, too*:** Political leadership can be extremely influential. UNHRC is working with a coalition of mayors and cities worldwide that encourage their citizens to be supportive of refugees. After the New Zealand shootings,

Jacinda Ardern, the prime minister, said: “We represent diversity, kindness,

compassion. A home for those who share our values. Refuge for those who need it. And those values will not and cannot be shaken by this attack.” Her comments were widely reported and praised.

***Social media – the good side***: Tech giants, including major social media platforms, have a role to play in combatting hate speech. Some steps in the right direction came after the Cambridge Analytica scandal, which revealed that data taken from millions of Facebook profiles had been used for political advertising

that tapped into people’s fears, including about immigration. Twitter announced in November 2019 that it would ban political advertisements. While Facebook has not followed suit, it banned content supporting white supremacism and hate speech in March 2019.

Social media can also be used for good by refugee advocates, NGOs and international organizations. For example, UNHCR also uses social media to boost its digital campaigns and engage people with the refugee cause.

***Acknowledging concerns***: Attempts to engage with the “conflicted middle” without acknowledging their concerns would be counter-productive. The RIIA

report recommends “promoting+ an open discussion of solutions and initiating+ clear responses to real concerns.” It adds: “It is crucial to acknowledge that understanding and engaging with public attitudes works best when clearly rooted in national and local contexts.”

### Questions to guide debate

* Who should be responsible for monitoring and tackling hate speech and disinformation about refugees and migrants online? Governments, tech companies, citizens or international organizations?
* Is it fair to differentiate between refugees and migrants? Can explaining the difference help reduce stereotypes and discrimination? Or should the focus be less on facts and points of law, and more on overcoming the fear of “others”?
* How can we tackle toxic narratives about refugees and migrants in the political arena? What can political parties and movements, lawmakers, mayors and other public officials do?
* What other segments of society should be involved in countering toxic narratives about refugees and migrants?
* How can we ensure that refugees and migrants who are victims of hate speech report it and have access to justice and psychological counselling?
* What measures can be put in place to ensure that refugee and migrant children are not bullied in school?
* How would you design a campaign to counter negative stereotypes about refugees? What channels have we not mentioned that you think would be effective?
* Who do you think are the best people to speak out on behalf of refugees?

**Protection of the Internally Displaced Persons**

**Who are internally displaced persons?**

All persons, including those who are internally displaced, are equally entitled to protection. As defined by the Guiding Principles on Internal Displacement,4 IDPs are:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

**Involuntary departure** and the fact that the individual **remains within his/her country** are the two defining elements of an IDP. The first element distinguishes IDPs from individuals who left their homes out of choice and could have otherwise safely remained where they lived.5 The second element explains why IDPs are not refugees. Refugees, by definition, are outside their country of nationality or habitual residence.6 In other respects, however, both categories of displaced persons often face similar risks and deprivations.

The definition mentions some of the main causes of internal displacement, including armed conflict, violence, violations of human rights and disasters. This is not an exhaustive list; the phrase “in particular” means that it does not exclude the possibility that other situations might meet the two key criteria of involuntary movement within one’s country.

The term “homes or places of habitual residence” does not necessarily refer to a house or a building but can also designate land on which groups traditionally live or depend for their livelihoods, as in the case of nomads or pastoralists.

It is important to understand that the IDP definition is a descriptive definition rather than a legal definition. It simply describes the factual situation of a person being uprooted within his/her country of habitual residence. It does not confer a special legal status or rights in the same way that recognition as a refugee does.

This is not necessary for IDPs because, unlike refugees who require a special legal status as result of being outside their country and without its protection, IDPs remain entitled to all the rights and guarantees as citizens and other habitual residents of a particular State.

Some of the particular factors of internal displacement that tend to heighten protection risks are indicated below.

* IDPs have lost their homes and, as a result, may be in need of shelter. In some cases, they may be compelled to seek shelter in crowded camps or settlements, which can give rise to various protection risks.
* They have often lost access to their land and other property and are cut off from their normal livelihoods and sources of income. As a result they may suffer poverty, marginalization, exploitation and abuse.
* Access to adequate food, safe water and public services, such as education and health care becomes difficult, often leading to high levels of hunger, malnutrition and disease.
* Family and community-structures often collapse and family members become separated. Unaccompanied and separated children, single-headed households (in particular when headed by women or children), older persons and persons living with disabilities are often at heightened risk of abuse, including sexual exploitation, child labor or forced recruitment into armed forces or groups.
* Identity documents often are lost, destroyed or confiscated in the course of displacement. As a result IDPs often face difficulties in accessing public services, such as education and health care, limits on freedom of movement and heightened risk of harassment, exploitation or arbitrary arrest and detention.
* In many cases, IDPs are displaced to areas where they face marginalization, discrimination and hostility, are exposed to landmines or explosive remnants of war, or are targeted for abuse and attack. In addition, tensions in these areas can be exacerbated by, for instance, competition over scarce resources or an increased risk of attacks because of the presence of IDP settlements.

### Who is responsible for protecting internally displaced persons?

Primary responsibility for protecting IDPs and all persons within their own country rests with the national authorities of the country. National responsibility is a core concept of any response to internal displacement. It is a fundamental operating principle of the international community and is routinely emphasized by governments themselves, as a function of their sovereignty.

Yet, it is sometimes the very governments responsible for protecting and assisting their internally displaced populations that are unable or even unwilling to do so and, in some cases, they may even be directly involved in forcibly uprooting civilians.

Even then, however, the role of international actors is to reinforce, not replace, national responsibility. This requires a two-pronged approach to encourage States and other authorities to meet their protection obligations under international law while also supporting the development of national and local capacities to fulfil these protection responsibilities.

The Framework for National Responsibility identifies 12 steps that governments should take towards ensuring an effective national response to internal displacement.These are detailed in part V.9 and summarized below.

National responsibility in situations of internal displacement

In addition to ensuring the protection of rights in accordance with international law, national responsibility in situations of internal displacement entails:

* 1. preventing displacement and minimizing its adverse effects;
  2. raising national awareness about the problem;
  3. collecting data on the number and condition of IDPs;
  4. supporting training on the rights of IDPs;
  5. creating a legal framework upholding the rights of IDPs;
  6. developing a national policy on internal displacement;
  7. designating an institutional focal point on IDPs;
  8. encouraging national human rights institutions to address internal displacement;
  9. ensuring that IDPs participate in decision making;
  10. supporting durable solutions;
  11. allocating adequate resources to address internal displacement; and
  12. cooperating with the international community when national capacity is insufficient.

In situations of armed conflict, all parties to the conflict – both State and non- State actors – have a responsibility to respect and ensure respect for international humanitarian law, including by providing protection and assistance to the civilian population

International standards governing migration policy



OHCHR and migration

*All human beings are born free and equal in dignity and rights.*

*They are endowed with reason and conscience and should act Towards one another in a spirit of brotherhood.*

*Everyone is entitled to all the rights and freedoms set forth In this Declaration, without distinction of any kind, such as*

*Race, colour, sex, language, religion, political or other opinion, National or social origin, property, birth or other status. […]*

[**Universal Declaration of Human Rights**](https://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx), Articles 1 and 2 UN General Assembly, 10 December 1948

### Introduction

Existing legal instruments provide a comprehensive legal framework for the governance of international migration. Well-defined rules address the treatment of a range of migrants including, among others: migrant women, men, children, refugees, stateless persons, migrant workers, and migrant victims of trafficking.

The bodies of international law which provide the basis for national migration laws, policies and practice include: international human rights law, international labour law and standards, international refugee law, international criminal law, international humanitarian law, international consular law, and international maritime law.

### International human rights law

International human rights law (IHRL) lays down obligations which States are bound to respect. Unlike other bodies of law, which may only apply to specific groups or situations, international human rights law applies to all people at all times. This includes not only a State’s own citizens, but everyone within the

State’s jurisdiction or effective control. This means that all migrants, regardless of their status, are entitled to the same international human rights as everyone else.

As with all rights-holders, States have an obligation to migrants to **respect, protect, and fulfill** their human rights.

* + **Respecting** human rights means refraining from human rights violations, and in the migration context includes refraining from arbitrary detention, torture, or collective expulsion of migrants.
  + The obligation to **protect** human rights requires States to prevent human rights violations by other actors. With regard to migrants, this means that States should, for example, regulate recruitment agencies, sanction abusive employers, protect migrants from violence and abuse by smugglers, and take action against xenophobia and hatred.
  + **Fulfilling** human rights requires taking positive measures to ensure the realization of those rights, such as, for migrants, introducing alternatives to detention, and guaranteeing access to healthcare, education, and other social services.

Realizing human rights in migration policy also means incorporating certain cross- cutting **human rights principles**, including:

* + **Equality and non-discrimination:** The principle of non-discrimination prohibits distinction, exclusion, restriction or preference on the basis of a list of non-exhaustive grounds such as race, colour, descent, ethnic origin, sex, age, gender, sexual orientation, gender identity, disability, religion or belief, nationality, migration or residence status or other status. States should address direct and indirect discrimination against and unequal treatment of people in laws, policies and practices, including by paying particular attention to the needs of [**migrants in vulnerable situations**](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf).
  + **Participation and inclusion:** Everyone is entitled to active, free and meaningful participation in decisions that affect the enjoyment of their rights. All people have the right to access information, in a language and format accessible to them, regarding the decision-making processes that affect their lives and well-being. This means that migrants should be consulted and included in the development of relevant public policy.
  + **Accountability and rule of law:** Everyone is entitled to claim and exercise their rights. States should ensure transparency in the design and implementation of their policies and must ensure that rights-holders have access to mechanisms of redress and to enjoy effective remedies when human rights breaches occur. The system governing migration should allow migrants full access to justice, including redress and remedies if they experience human rights violations.

Through its support to States and to the various human rights mechanisms, OHCHR helps to identify [**good practices and policies**](https://undocs.org/A/HRC/36/42) that ensure [**human rights-**](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/MigrationHR_improvingHR_Report.pdf)[**based governance of international migration**](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/MigrationHR_improvingHR_Report.pdf).

# Directives from the Executive Board –

**NOTE**-

1. Directives are suggestions from the Executive Board to keep the committee on track, delegates can choose to, rather should explore the unexplored and unheard dimensions of the agenda.
2. *These Directives aren’t exhaustive in nature and subject to change by the Chairperson.*

* Climate Refugees
* Implementation of the Nansen Initiative’s Protection Agenda in light of Global Protection Cluster and Platform on Disaster Displacement .
* Key messages for COP25 ( 25th UN Climate Change conference, 2019 )
* UNHCR’s planned relocation guidance and its role as a member of the Task Force on Displacement (TFD).
* Mapping on existing international and regional guidance
* Recommendations for integrated approaches to avert, minimize and address displacement linked to the adverse effects of climate change
* UNHCR’s Legal considerations on refugee protection for people fleeing conflict and famine affected countries : (1951 Convention relating to the Status of Refugees). (1969 OAU Convention; 1984 Cartagena Declaration).
* International protection in the context of nexus dynamics between conflict or violence and disaster or climate change.
* Cross-border Displacement, Climate Change and Disasters: Latin America and the Caribbean
* Women on the move in a changing climate

**NOTE**

## RESEARCH LINKS

Delegates some of the links are only meant for **light-reading and ‘may’ not be accepted as a source of proof in the committee**. The decision of the Chairperson in regards to the acceptable sources will be final and binding.

<https://www.unhcr.org/540854f49.pdf>

<https://www.unhcr.org/54082cc69.pdf>

<https://www.refworld.org/pdfid/5975a7960.pdf>

[https://www.un.org/sustainabledevelopment/blog/2019/07/sdg-progress-report-](https://www.un.org/sustainabledevelopment/blog/2019/07/sdg-progress-report-2019/) [2019/](https://www.un.org/sustainabledevelopment/blog/2019/07/sdg-progress-report-2019/)

[https://www.aljazeera.com/opinions/2019/11/1/why-climate-action-needs-to-](https://www.aljazeera.com/opinions/2019/11/1/why-climate-action-needs-to-target-the-border-industrial-complex/) [target-the-border-industrial-complex/](https://www.aljazeera.com/opinions/2019/11/1/why-climate-action-needs-to-target-the-border-industrial-complex/)

[https://www.reuters.com/article/us-bangladesh-climatechange-displacement-](https://www.reuters.com/article/us-bangladesh-climatechange-displacement-idUSKCN1MR1BP) [idUSKCN1MR1BP](https://www.reuters.com/article/us-bangladesh-climatechange-displacement-idUSKCN1MR1BP)

<https://www.unhcr.org/climate-change-and-disasters.html>

<https://moef.gov.in/en/>

<https://www.unhcr.org/asylum-and-migration.html>

<https://www.unhcr.org/registration.html>

[https://www.ohchr.org/en/migration/international-standards-governing-](https://www.ohchr.org/en/migration/international-standards-governing-migration-policy) [migration-policy](https://www.ohchr.org/en/migration/international-standards-governing-migration-policy)

[https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCo](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf) [mpactMigration/ThePrincipleNon-](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf) [RefoulementUnderInternationalHumanRightsLaw.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf)

[https://www.unhcr.org/protection/operations/4a5edac09/unhcr-statement-](https://www.unhcr.org/protection/operations/4a5edac09/unhcr-statement-article-1f-1951-convention.html) [article-1f-1951-convention.html](https://www.unhcr.org/protection/operations/4a5edac09/unhcr-statement-article-1f-1951-convention.html)