

# **FAIRGAZE MUN MAY**

**2023**

## **BACKGROUND GUIDE**

**UNHRC**

**AGENDA**

**Dealing With the Problems Faced by Refugees, Asylum Seekers and Migrants with Special Emphasis on Their Rights During Conflicts**

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# Letter from the Executive Board

Dear delegates,

The first and foremost message would be to clarify and assure that being a part of UNHRC, diplomacy and respect remain to be the key elements of this committee.

“No voice would remain unheard,” is the motto around which we would revolve.

The understanding of the importance of model united nations and gaining at least one key area to improve upon at the end, would mark this conference as successful and productive.

In the modern world, the youth emerging out as young leaders and participating in such impactful conversations and sessions is what eventually guides and shapes them for the bigger obstacles for the future. The topics that we will discuss are not just mere statements or debate but rather real-world issues. It is henceforth critical to keep in mind that the standards of the discussions fulfil the aim and help solve the issue at large.

Preparing and participating in a MUN helps students develop leadership skills, research, writing, public speaking, and problem-solving skills. Moreover, coming up with solutions that are acceptable to most of the representatives also inculcates skills of negotiation, conflict resolution, and cooperation.

As the executive board, we will make sure that equal opportunity and justice is rooted for all. We highly encourage the first timers to break out of their shell and indulge in the debates. We hope to establish and maintain the decorum of the platform to achieve a just result.

We encourage you all to do rigorous research and use this study guide only to give an impetus to your research and give this conference your best shot!

Thus, we sign off by stating that “your voice is the ultimate weapon,” do embrace it.

Regards,

*Avni Shah,*

*Chairperson, UNHRC*

*Akshita Kashyap,*

*Vice Chairperson, UNHRC*

# INTRODUCTION TO COMMITTEE

The United Nations Human Rights Council (UNHRC) is a UN body that fosters and protects human rights all over the world.

Established in 15 March 2006, the Geneva, Switzerland headquartered organisation has 47 members elected for 3 years on a regional basis.

The main objective of the United Nations Human Rights Council is to investigate allegations of human rights abuse in member states of the United Nations and ensure that the following human rights issues are addressed and upheld to the maximum extent.

1. Freedom of assembly
2. Freedom of expression and free speech
3. Freedom of religion
4. Protection of women's rights
5. Protecting rights of LGBT community and that of racial and ethnic minorities

The UNHRC was created under the auspices of the United Nations General Assembly (UNGA) to replace the UN Commission on Human rights due to the reason that it was under severe criticism as its members were primary human rights abusers themselves. The United Nations Human Rights Council works in coordination with the Office of the High Commissioner for Human Rights (OHCHR)

Over the years the United Nations Human Rights Council has faced severe criticism over ineffectiveness in solving human rights issues and electing members whose human rights records are downright questionable. Some of these members include Pakistan, Saudi Arabia, Russia, Venezuela etc.

Just like the UN Commission on Human rights, the UN Human Rights Council also elects members like China, Pakistan and Russia who have poor or questionable track records on Human rights. It raises questions on how effective or unbiased the organisation is.

It remains to be seen how effectively can the UNHRC shake off its criticism in the coming years and become the organization that it was meant to be – an unbiased protector of human rights.

# **INTRODUCTION TO THE** **AGENDA**

The world is witnessing the highest level of displacement of people on record. Public discourse often uses labels to describe people on the move such as ‘migrants’, ‘asylum seekers’, or ‘refugees’ interchangeably. There is a significant difference between the label ‘migrant’ and both ‘asylum seeker’ and ‘refugee’ on the social distance scale. Participants were happier if migrants, rather than asylum seekers and refugees, were their neighbours, friends, or partners. The effect was mediated by perceived benefits, but not threats, whereby migrants were perceived to bring more benefits to receiving societies than asylum seekers and refugees. To increase the acceptance of immigrants, speakers may consider specifying the given group and emphasize benefits that immigrants bring to receiving societies.

The United Nations High Commissioner for Refugees (UNHCR), the United Nations (UN) refugee agency, reports an unprecedented 70 million people around the world who have left their homes for another country. A third of these people are refugees (26 million) and another 5% are asylum seekers (3.5 million). Asylum seekers and refugees have a clear legal definition, both terms referring to individuals who have been forced to flee their home country for serious reasons such as a conflict or persecution.

The Office of the United Nations High Commissioner for Human Rights (OHCHR, 2020) describes international migrants as persons who are outside a state of which they are citizens or nationals, or in the case of stateless persons, their state of birth or habitual residence. Importantly, the definition of migrants does not contain reasons for leaving their country, unlike the definitions of refugees or asylum seekers. In this sense, migrants subsume both refugees and asylum seekers but also persons who left their countries for economic or other reasons.

At the end of 2021, of the 89.3 million forcibly displaced people, an estimated 36.5 million (41%) are children below 18 years of age.

Between 2018 and 2021, an average of between 350,000 and 400,000 children were born into a refugee life per year

# **BACKGROUND TO THE ISSUE**

A refugee is a person who has fled their own country because they are at risk of serious human rights violations and persecution there. The risks to their safety and life were so great that they felt they had no choice but to leave and seek safety outside their country because their own government cannot or will not protect them from those dangers. Refugees have a right to international protection.

An asylum seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim. Seeking asylum is a human right. This means everyone should be allowed to enter another country to seek asylum.

There is no internationally accepted legal definition of a migrant. Like most agencies and organizations, we at Amnesty International understand migrants to be people staying outside their country of origin, who are not asylum seekers or refugees.

Some migrants leave their country because they want to work, study or join family, for example. Others feel they must leave because of poverty, political unrest, gang violence, natural disasters or other serious circumstances that exist there.

More than 84 million people had been forced from their homes, according to UNHCR data. This figure is an increase from 2020 and 2019, both of which were record-breaking years in terms of the numbers forcibly displaced around the world.

Conflict is one of the main reasons that people leave their homes in search of a better life, and there was, sadly, a great deal of violence to escape throughout the year, particularly in Africa, where huge numbers were displaced, either within their own borders, or to neighbouring States.

There are about 26 million refugees globally. Many people feel overwhelmed by the numbers and see people moving across borders as a global crisis. We at Amnesty International disagree that it is a crisis of numbers. The people are not the problem. Rather, the causes that drive families and individuals to cross borders and the short-sighted and unrealistic ways that politicians respond to them are the problem.

Most people seeking to live elsewhere will feel that the experience of leaving their countries doesn't fully capture who they are. Like all of us, they are complex and unique human beings and might choose to identify themselves as being from a certain country or region, belonging to a group that speaks a certain language or shares a culture. Or they might say about themselves that they are a teacher, doctor, artist, passionate football fan, father, sister, son or mother.

A person's legal status cannot express the full identity and personality of a refugee, asylum seeker or migrant. No one can be known solely through their legal status.

## **Challenges Faced by Refugees and Migrants:**

**Overcoming a Language Barrier:** Most refugees and migrants settle in countries that don't speak their native tongue. If you take an example of a Syrian refugee migrating to the USA, it's highly unlikely that they know English. Settling in the USA, where English is the primary language can be an uphill battle for refugees and migrants. Daily communication, getting a job, filling documentation or buying food, all of these require knowledge of the English language. Similarly, refugees moving from Myanmar to Bangladesh, don't speak their language. This makes daily tasks more difficult for refugees.

**Raising Children as a Refugee:** Raising children is not an easy task. Doing so as a refugee or a migrant has additional challenges. Their kids are growing up in a completely different society than they did. This puts them on a back foot as refugee or immigrant parents find it challenging on how to navigate through different situations. In such cases, children receive no educational support from their refugee or migrant parents and must rely completely on schools and teachers.

**Looking for Work as a Refugee:** Everyone needs a secure source of income to lead a happy life. As a refugee or migrant, finding that is often a struggle. This is applicable to both skilled and unskilled refugees.

Most employers require those job seekers to have an experience that's relevant within the same country. It doesn't matter if they were highly successful in another country, they must start from scratch. For unskilled refugees, the struggle is even harder. They are often exploited and underpaid because of their desperation and lack of support.

**Housing as a Refugee:** Often safe housing is expensive. With most refugees and migrants stuck with low-paying jobs, this is a difficult scenario for them. This leaves room for greedy landlords to take advantage of their desperate situation. Many charge fees and raise rent amounts illegally all the time while threatening eviction, in most cases, refugees and migrants comply because they're either unaware of their rights or simply don't have the means to fight it out legally.

**Access To Health Services:** language barrier and the inability to speak English and communicate with people play a huge role.

Refugees are more likely to have PTSD and depression, especially refugee children. However, due to social taboo and the language barrier, they are less likely to go seek professional help. In the case of a law-and-order conflict, they are unable to present their side of the story successfully due to the communication barrier, which can lead to potentially life-threatening situations.

**Cultural Barriers as a Refugee:** It's safe to assume that when refugees and migrants settle in another country, they are often moving into a country that has a completely different culture than their native country.

This has an intertwined effect on all other aspects of their lives. Cultural barriers affect how they interact with everyone else, intentionally and unintentionally.

### **Refugees Suffering from Prejudice and Racism**

Prejudice and racism are the normal outcomes of the language barrier and the cultural differences between the local population and the refugee families in the hosting countries.

In some refugee-hosting countries, the government provides educational and cultural courses for both sides – the local population and the refugees – to create and enhance the humanitarian bonding between them all in order to keep harmony in the country and keep chaos out of it.

However, some others didn't provide such educational programs, leaving each family in the hosting country to practice what they feel right; some found peace in reaching out to refugees and helping them, and some families treated refugee families like dangerous diseases that need to be vanished out of their lives and their children's lives.





# **LAWS AND ACTS BY THE UNITED NATIONS**

## **1967 REFUGEE PROTOCOL**

The 1967 Protocol removed the Refugee Convention's temporal and geographical restrictions so that the Convention would apply universally. Article 1 of the Protocol says that countries that ratify it agree to abide by the Refugee Convention as well – even if they are not a party to it. For instance, the United States has not ratified the Refugee Convention but it has ratified the 1967 Protocol. This means that it is bound to apply the Convention's provisions, which commit it to treating refugees in accordance with internationally recognised legal and humanitarian standards. These include respecting the principle of non-refoulement – that is, not sending refugees to a place where they are at risk of persecution, or to a country which might send them to such a place; providing refugees with a legal status, including rights such as access to employment, education and social security; and not punishing refugees for entering 'illegally' – that is, without a passport or visa.

### **Article 33 - Prohibition of expulsion or return ("refoulement")**

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

### **Article 34 - Naturalization**

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

### **Article 36 - Information on national legislation**

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

### **Article 18 - Self-employment**

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens

generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

#### **Article 19 - Liberal professions**

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances

#### **Article 13 - Movable and immovable property**

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

#### **Article 14 - Artistic rights and industrial property**

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting States, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

#### **Article 15 - Right of association**

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

#### **Article 16 - Access to courts**

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from *cautio judicatum solvi* .
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

# **EMPHASISING THE NEED AND INVOLVEMENT OF UN**

People fleeing persecution and conflict have been granted asylum in foreign lands for thousands of years. The UN agency that helps refugees is UNHRC(also known as the UN Refugee Agency), which emerged in the wake of World War II to help Europeans displaced by that conflict.

UNHRC was established on December 14, 1950 by the UN General Assembly with a three-year mandate to complete its work and then disband. The following year, on July 28, the legal foundation of helping refugees and the basic statute guiding UNHRC's work, the United Nations Convention relating to the Status of Refugees, was adopted. So instead of ending its work after three years, UNHRC has been working ever since to help refugees.

In the 1960s, the decolonization of Africa produced the first of that continent's numerous refugee crises needing UNHRC intervention. Over the following two decades, UNHRC had to help with displacement crises in Asia and Latin America. By the end of the century there were fresh refugee problems in Africa and, turning full circle, new waves of refugees in Europe from the series of wars in the Balkans.

In a world where over 82 million people are forcibly displaced as a result of conflict or persecution, the work of UNHRC is more important than ever.

## **UNHRC in the field**

The UN Refugee Agency has its Headquarters in Geneva, but about 89 per cent of staff are in the field. Today, a staff of more than 18,000 people in 132 countries provides protection and assistance to nearly 59 million refugees, returnees, internally displaced and stateless people. The largest portion of UNHRC staff are based in countries in Asia and Africa, the continents that both host and generate the most refugees and internally displaced people. Many are in isolated locations where staff work in difficult - and often dangerous - conditions. Among the biggest UNHRC operations are Afghanistan, Colombia, Democratic Republic of the Congo, Mali, Pakistan, Syria, Jordan, Lebanon, Turkey and Iraq.

# **MODERATED CAUCUS TOPICS**

## **SUGGESTIONS**

|     |   |
|-----|---|
| 1.  | Racial and ethnic discrimination upon refugees, asylum seekers and migrants seeking treatment and/or shelter in other countries   |
| 2.  | Administrative and infrastructural defects 'impact on global refugee crisis   |
| 3.  | Negative impact of international politics in proper treatment of refugees, asylum seekers and migrants  |
| 4.  | Intentional allowance or non-allowance policies run by governments that entry for refugees , asylum seekers and migrants  |
| 5.  | Impact of western sanctions on refugees, asylum seekers and migrants with special emphasis to the effect on their quality of life.  |
| 6.  | Restrictive laws and policies run by governments, intentionally or non-intentionally restricting proper treatment of refugees, asylum seekers and migrants                                    |
| 7.  | Tackling lack of awareness on the particular issue of refugee, asylum seekers and migrants with special emphasis on education policies and related laws.                                      |
| 8.  | Intention of sanction imposed by certain countries to affect economy of other countries degrading their status on the global refugee crisis.  |
| 9.  | Assisting underdeveloped countries to tackle their refugee crisis taking into consideration their economy budget and financial assistance.  |
| 10. | .   |
| 11. | Problems faced by refugees, asylum seekers and migrants affected and originated from Yemen  |
| 12. | Problems faced by refugees, asylum seekers and migrants affected and originated from Russia- Ukraine Crisis   |
| 13. | Problems faced by refugees, asylum seekers and migrants affected and originated from Ethiopia due to the latest civil war   |
| 14. | Implementation of International laws and policies regarding the issue of refugees, asylum seekers and migrants with special emphasis on violation of international laws by certain countries. |
| 15. | Identifying disguised terrorism from refugees, asylum seekers and migrants to consider national security, on the same time resolve the refugee crisis   |

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