
VHMUN 2016

Study Guide for United Nations High Commission for Refugees

- Protecting the Civil, Political, and Socioeconomic Rights of Refugees

BACKGROUND GUIDE

Introduction:

In a refugee crisis, and especially in prolonged refugee crises, people forced to migrate may encounter issues in exercising basic rights and availing basic amenities. Those rights may be concrete, such as food, water, medicine, and shelter. They may also be abstract rights, such as the right to manifest religious or political beliefs or to live in accordance with familiar cultural norms. Even when they resettle permanently in a new country, refugees face barriers to these rights, all of which are protected under international law.

Refugees, many of whom have already endured human rights abuses, may suffer again while living in refugee camps. Crowded conditions, shortages of food and water, and poor sanitation can lead to a deterioration of health. Further, the challenges for women and girls in refugee camps are exacerbated by the prevalence of sexual violence. Many women report having been raped while doing necessary work, such as collecting firewood. Generally, there is little access to adequate health care, and virtually no access to more than the most basic educational opportunities. Further, the need for rights protection systems is extenuated in protracted crises where refugees are unable to return to their countries of origin for many years or in some cases decades.

Similarly, when refugees cannot return to their home countries within a reasonable period of time, and are resettled in a third country, they may face legal difficulties with attaining public benefits, discrimination in schools and places of employment, and language and cultural barriers, among other challenges. While this may be preferable to an extended stay in a refugee camp, they still face a lack of access to services and realization of rights. International law protects the civil, political and socioeconomic rights of all people including refugee and displaced populations. Unfortunately, as a vulnerable population, they are at risk of having these rights violated. Therefore, it is within the mandate of the United Nations High Commissioner for Refugees (UNHCR), other UN agencies, civil society, and national government to take certain measures to protect refugee's rights.

It is important to note that refugees are defined as populations living outside of their countries of origin in camps, urban areas or those who have been repatriated or resettled in a third country. While internally displaced persons (IDPs) share many of their struggles with refugees, they still reside within the borders of their countries of origin. Because of the sensitivity and concern for violating national sovereignty, internal displacement is not within the original mandate of UNHCR. However, because of the increasing need to assist these populations, UNHCR has provided protection and assistance to IDPs in the past with the on.

International and Regional Framework:

While the Convention and Protocols Relating to the Status of Refugees provides the groundwork for defining the legal status “refugee” and the rights attached to that status, they are by no means the only international legal instruments that may be of help in understanding and protecting the rights of refugees. There are several human rights treaties applicable to all human beings that may be invoked in the discussion of the rights of refugees. There include, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Each raises a separate set of obligations for Member States and a separate set of rights for individuals. Besides the fact that each Covenant relates to different spheres of human rights, each imposes a different duty. While the ICESCR requires states to take steps to fulfill rights to needs such as health care and education, it only requires that they do so to the maximum extent of their available resources. The ICCPR on the other hand, which deals with the right to hold and manifest religious beliefs, among other liberty rights, sets a higher standard in place, requiring states to “respect and ensure” the articulated rights and to “give effect” to those rights through legislation and other appropriate means, This distinction is important to understand in the context of the refugee crisis, particularly considering the strain on a country’s resources when dealing with forced migration on a large scale.

Role of the International System:

The United Nations System:

UNHCR’s global fieldwork has been instrumental in ensuring that the rights of refugees are protected. UNHCR provides emergency assistance at the start of refugee crises, which generally includes access to basic resources such as clean drinking water, blankets, emergency health care, and household items. This is only the first step in UNHCR’s response. Afterwards, UNHCR may become involved with the administration of refugee camps, where it helps to register refugees and assist them with determining what their next steps will be. For those who are able to return to their countries of origin, UNHCR may also assist with

refugees' reintegration into their communities and with rebuilding the lives they left behind. While third country resettlement is one of the very visible aspects of UNHCR's operations, this is where the agency's involvement with the protection of the rights of refugees generally ends. After resettlement, governments, non-governmental organizations (NGOs), and community organizations become responsible for assistance.

Although UNHCR is the central UN agency for refugees, it is not the only entity within the UN system that works to protect their rights. The United Nations Population Fund (UNFPA), with its focus on women's and maternal health, has been crucial in addressing the struggles faced by female refugees, and in particular those who are pregnant or who may become pregnant. The rights of female refugees may be undermined by a perception that reproductive health is secondary and should not be prioritized as other areas of care, but the UNFPA, by establishing standards of care and engaging in on the ground clinic operations in areas hosting refugee populations, has advanced the cause of gender-responsive health care and protection services. The involvement of the UN system in reproductive health (and health care generally) in areas of need such as these is crucial, as it is often the case that refugees will not have other means of obtaining that care, either because it is too dangerous to leave the camps or due to discrimination they face in the surrounding communities.

Further, the United Nations Human Rights Council (HRC), which includes monitoring bodies and/or complaints procedures for many of the major international human rights treaties, also takes steps to ensure that refugees' rights are protected. The HRC contains the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, responsible for monitoring the implementation of the ICCPR and the ICESCR, respectively. The HRC's special procedures provide for independent experts to undertake country visits to monitor human rights situations. Some are thematic experts, and some are assigned to particular countries. The Special Rapporteur for the rights of migrants, Francois Crepeau, has focused on the labour rights of migrants and potential for labour exploitation.

[Inter-Agency Standing Committee \(IASC\):](#)

The IASC is a forum for UN agencies under the leadership of the Office for the Coordination of Humanitarian Affairs (OCHA)'s Emergency Relief Coordinator to coordinate of humanitarian efforts. The objectives of IASC are aimed at ensuring consistency across the involved agencies. Which include UNHCR, World Health Organization (WHO), United Nations Children's Fund (UNICEF), and several others as full members, and the UNFPA, International Organization for Migration (IOM), and other agencies, as well as representatives from NGOs, as "standing invitees" in a capacity comparable to the role of members. Within

the IASC, UMHCR works with other partners to protect refugees during reintegration or resettlement and assists with providing protection to refugees living in camps and in urban areas.

Civil Society:

Civil Society organizations (CSOs) and NGOs are essential partners in efforts to protect and ensure the rights of refugees and UNHCR partners with NGOs to offer approaches that are more comprehensive in this regard. Regional, national, and local organizations are able better to reach remote areas where UNHCR finds it difficult to provide crucial support for refugees. UNHCR also hosted its annual consultations with NGOs for 2014 from 17-19 June to develop strategies for increasing funding and delivering aid on civil, political, and socioeconomic rights included mental health and psychosocial support, livelihoods and self-reliance, housing, land, and property, girls' education, and detention.

One of the many NGOs represented at the 2014 consultations was the Refugee Law Project, from the Makerere University School of Law in Uganda. This is only one of many nationally based organizations working to protect the legal rights of refugees worldwide, but it is a prime example of a smaller-scale NGO whose work is focused on promoting access to justice, equitable applications of laws to refugees, and other related services. In addition to legal work, the Refugee Law Project recognizes the importance of mental health to the full enjoyment of rights and as such, includes a sizeable counseling component in its repertoire of services. The Refugee Law Project is only one of many legal service providers like itself across the world, as one may notice upon viewing the list of participants in this year's consultation with NGOs, and the work of smaller-scale operations such as these is crucial, particularly because refugees may not otherwise have access to legal redress for violations of rights.

NGOs in Camps/Protracted Situations:

Other NGOs have focused their operations on protecting the rights of refugees in camps. Another example of an organization giving legal advice is the Legal Assistance Centre (LAC), though this organization differs from the Refugee Law Project in the sense that it provides advice and advocacy from within the camps. The LAC has operated in camps in Thailand since 2006. Since then, workers for the organization have educated residents of refugee camps as to the rights and protections to which they are entitled under Thai law. A major component of the LAC's legal services operations include education and advocacy related to sexual and gender-based violence (SGBV). The organization works with the Thai government to disseminate information, and it also provides paralegal training so that residents of the camps may become advocates on behalf of their fellow residents.

Citizenship and Nationality:

In theory, under the ICCPR, these rights apply to any person in a state's territory without respect to that person's national origin. Unfortunately, in practice, certain rights are not always given effect by ratifying states, notably protections against arbitrary detention, the right to acquire a nationality, and the right to enjoy one's own culture.

With regard to citizenship and nationality, for instance, birthright citizenship is not the norm worldwide, and in countries where it is the norm, it is not uncommon to find xenophobic activists who oppose to policy. In the United States, one of only a small number of countries taking on refugees for resettlement, and the country with the highest rate of resettlement, a child born to a refugee may obtain a citizenship by birthright. In Europe, on the other hand, not a single country will give automatic citizenship to such a child. Instead, that child may be born a citizen of a country that she has never known and to which she likely cannot return, enjoying none of the rights and privileges attached to citizenship of the country in which her parents have resettled.

Arbitrary detention is also a major concern for refugees living in a new country, despite the protections the ICCPR ostensibly provides. "Administrative" detentions, whereby individuals are seized and detained without regular criminal procedure, are of particular interest. In some instances, simply being "out of status", as may be the case for irregular migrants or asylum seekers, can lead to administrative detention. For refugees with legal immigration status, the government may make arrests based on pretext in order to exert the authority to detain a person. In Lebanon, for example, Syrian and other refugees who have crossed the Lebanese border in an "irregular" manner may face criminal charges for doing so, and after facing a criminal sentence, they may be transferred to an administrative detention facility. Although Lebanon is not party to the Refugee Convention, it is party to the ICCPR.

Age, Gender and Diversity Approach:

UNHCR institutes an Age, Gender and Diversity Policy whereby the agency acknowledges each of these areas of difference giving rise to areas of unique concern. By prioritizing the needs of certain refugees who otherwise might not receive the correct help, UNHCR broadens its ability to protect and assist all refugees. This is a part of an effort across the United Nations system to mainstream age, gender and other areas of diversity so that particular needs are addressed at the outset of each new program or action. UNHCR, as well as other UN agencies, now examine the exaggerating or shifting of gender roles in times of crisis, the



epidemic of enslavement and exploitation of women and children, the heightened challenges facing individuals with disabilities who are forced to leave home, and other concerns. UNHCR now ensures that staff are aware of differences that give rise to needs they might not have otherwise considered, and the Annual Program Review is established to ensure compliance with the Age, Gender, and Diversity Policy.

Basic Needs and Services:

The largest portion of UNHCR's budget goes towards providing for basic needs such as food and shelter. Major areas of assistance in terms of basic needs include nutrition, water and sanitation, and health care. Assistance with basic needs often takes the form of immediate intervention at the outset of a refugee crisis but may also be a component in plans for more durable solutions. These provisions do not end when refugees return home. UNHCR attempts to give repatriated refugees extra assistance even after they leave temporary settlements or camps.

Immediate needs such as food and shelter are visible components of UNHCR's assistance programs. UNHCR also coordinates and partners with the World Food Programme (WFP) and other agencies and NGOs to optimize the implementation of plans to improve nutrition. At the outset of any refugee situation, there is concern over acute malnutrition and food instability, but in the long term, UNHCR also assists with capacity-building and ensuring self-reliance so that food security may become a reality. The Strategic Plan for Nutrition and Food Security outlines the approaches and goals of UNHCR in this area, as well as indicators of success.

In terms of health care, UNHCR focuses both on physical and mental health. Trauma and stress are areas of concern for many refugees, particularly those who have been survivors of torture or other violence. Sexual and gender-based violence (SGBV) in its many forms is a problem that UNHCR seeks to address as a component of its protection function, and UNHCR assists with managing the mental health repercussions of this type of violence. Mental wellness among the refugees UNHCR serves is also bolstered by the provision of services for physical health, as good physical health reduces stress and creates conditions more conducive to mental health.

Access to Education and Livelihoods:

UNHCR works to empower refugees by providing ways to develop skills they already possess and access resources to enhance or learn new skills for employment and livelihood generation developed before fleeing their home countries and by helping them access the resources they need to do so. UNHCR



operates livelihoods projects in many of its camps, providing refugees with training, capital (often in the form of microloans), and guidance. UNHCR also recognizes education as not a luxury, but a right, and one to which refugees should have access. Notably, UNHCR has partnered with Germany to provide scholarships to refugees, while other programs and partnerships focus on primary and early childhood education. The 2012-2016 Education Strategy is the guiding document for UNHCR's education programming.

Conclusion:

From the time a refugee leaves home until the time that she either returns or is resettled, her rights may be at risk, from access to housing and nutrition, to the right to health care and to an education. Most Member States, even those not party to the Refugee Convention, are party to one or more treaties that impose upon them a duty to pursue these rights for all persons within their jurisdiction. Unfortunately, as demonstrated by current refugee crises taking place in, for example, Thailand and Lebanon, there exists a need for a more active pursuit of these rights.

Further Questions:

Delegates should consider the following questions:

1. What steps can UNHCR take to protect refugee's rights while living in camps?
2. How can governments and NGOs work to ensure that refugees outside their countries of origin have access to justice, health, and employment, among other rights?
3. What can be done to protect refugees from exploitation and discrimination while they are waiting for resettlement or after they have been resettled?
4. What sorts of coordination efforts are necessary to ensure that each Member State hosting refugees have the capacity to protect and ensure their rights as articulated in the Refugee Convention, the ICCPR, and the ICESCR?
5. Are there any special considerations that must be made for refugees who are women or girls to ensure that they are protected on equal terms to their male counterparts, in accordance with the UN's gender mainstreaming efforts?

Note from the Executive Board:

You have officially begun your journey towards being a successful representative of State! This background guide is a source of information that is available to you as a starting point to continue your research. You are encouraged to not limit yourself to the content of this guide, but rather use it to search on the Internet



for your own country's involvement with the current issue at hand. A well prepared emissary must know about the history of the given problem, the connection between his/her country and the given topic, as well as viable solutions to tackle the issues we are facing today. If you have any question, feel free to email us at unhcr@vhmun.com.

May the force be with you.

Your EB,

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