

Chair Report

Forum: JGA3

Issue: The question of safeguarding the human rights of refugees in conflict

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Introduction:

Due to a number of factors, individuals have been forcibly relocated, infringing on their basic human rights; protection, adequate food, clean water, and shelter. The question of safeguarding the human rights of refugees in conflict can be said to be a difficult topic to tackle. In times of conflict, many of the 103 million individuals who are displaced today opt to seek refuge and asylum due to the unsafe and unprotected environment of their home country. This problem is an overarching issue that is continuously expanding because of the modern conflict in Ukraine, and minimal international efforts to help support the country.

Definition of Key Terms:

Refugee

A person who fled their country of origin involuntarily to be under the protection of another country can be caused by fear of persecution due to political, cultural or religious, and times of war. This is linked to violations of human rights which also encompasses severe famine and the like.

Asylum Seekers

Asylum seekers who fled their country of origin to seek and request protection in another country but is not approved or processed yet. There is a system in place to qualify as a refugee.

Persecution

Hostility and ill-treatment due to ethnicity, race, religion, sexual orientation and political views.

Exodus

Is when a massive departure of people. In this context is when a large flow of asylum seekers is entering a country at a rapid rate.

Voluntary repatriation

Repatriation means to be able to return to the home country safely, either when a country's conflict is over, or the government is fully committed to housing the refugee back into their country. This must be done safely and with choice.

Temporary protection

An effective short-term solution to house an exodus of asylum seekers, providing immediate but temporary protection.

Resettlement

Settling refugees in a location; usually in a third country where the country which they seek asylum is rejected or cannot provide protection.

Statelessness

When a person is not under any legal protection in any country.

Internally displaced

In an armed conflict, the internally displaced are facing these human rights violations but cannot for whatever reason leave their country of origin to seek asylum in another country. They are usually displaced from their very own home.

Refoulement

When a refugee or asylum seeker is forcibly removed from the country and deported back into a country and letting the refugee liable to persecution that they tried to flee from in the first place.

Background Information:

The overarching issue of refugees is the conflicts that they are a part of. In these times of conflict, especially in the limelight of the Russia-Ukraine war, the world is seeing more refugees and more violations of their human rights. According to the United Nation High Commissioner of Refugees (UNHRC) 103 million that are forcibly displaced people worldwide, many of whom are asylum seekers (4.9 million), and refugees (32.5 million)

These refugees and asylum seekers are displaced in their home country and are seeking the protection of another. There are guidelines by which a person can be legally called a refugee, outlined by the 1951 Refugee Convention in Geneva, Switzerland; “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country”

This is the definition outlined 72 years ago, and largely the overall nature of refugees has changed. In the modern era, refugees are always kept in mind in times of conflict. In the past amid the consciousness of the world war, the details are refined for being a ‘political’ refugee, being liable to persecution in the country. This is also a crucial point as many countries will read strictly from the above definition and reject many of their asylum seekers.

As the topic addresses the safeguarding of the human rights that refugees adhere to, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR), 80% of all refugees are children and women who are the most vulnerable to human rights violations. Large issues such as sexual assault and discrimination are prominent among all the refugees around the world. There are also a large number of unaccompanied children which makes up 2-5% of the total refugee population.

Many UN bodies have been established to address these issues such as the International Refugee Organization (IRO), UNHRC and many others that work towards to reduce the numbers of asylum seekers and aid in the process and work with governments to handle refugees.

The status of a refugee is of a lot of importance. Reeling back into the 1951 Geneva convention, as a legally binding instrument, it details the rights of a refugee. Other than the basic protection and providing food and shelter, it has let refugees enjoy the same rights as foreigners as legal residents, this includes freedom of torture or degrading treatment, but also the economic and social aspects in working, schooling and access to medical care and welfare.

The responsibilities of contracting countries are to follow the principles of the convention stated and its 1967 protocol, governments must have established status determination through a legal process. They must provide the human rights as stated above and must not be able to forcibly refoul back into their escaping country, this is addressed in Article 33 of the 1951 Geneva convention.

These core problems along with many others have set back countries from understanding their responsibilities to actively respond in emergency situations when exodus influx of asylum seekers and refugees. The protection of refugees is tied to the protection of human rights, with many of the core problems and many more that isn't addressed by the topic. It is apparent that countries must ensure the safeguarding of these refugees' lives and their rights. As stated by the 1967 United Nations Declaration on Territorial Asylum: 'granting of territorial asylum is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other State.'

Major Parties involved and their views:

Actor involved: United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA)

The Israel-Palestine conflict has seen its fair share of bloodshed, with it comes along Palestine refugees. This organization supports around 1.5 million refugees, with many refugee camps to accommodate these refugees in the conflict. Providing health centers, food support and many other varieties of aid.

The UNRWA safeguards the human rights of Palestine refugees and is a crucial for the livelihood for so many that has lost their home.

Actor involved: Ukraine

The current Ukraine-Russia conflict eyed closely; There has been roughly 7.9 million registered refugees in the west European country. With a majority being held in Poland and Germany. There are 4.9 million under temporary protection.

Ukraine in this severe conflict has generated an exodus of refugees that prompted a response plan from the European countries. It is notable that in Dublin they are temporarily being held in Corke Park with the amount of pressure for countries to find accommodation for the refugees.

Actor involved: United Nation High Commissioner of Refugees (UNHRC)

The UNHRC is created by the 1951 Refugee Convention, and within its 70 years lifespan has helped over 50 million people restart their lives. It has seen many conflicts and a positive influence in providing aid.

Currently there are 21.3 million under the UNHRC's mandate. The UNHRC stands to help the uprooted people from their homes and lead and help them under protection.

Timeline of Relevant Events:

Date	Description
1948	<p>Universal Declaration of Human Rights</p> <p>A historic document which outlined the rights and freedoms everyone is entitled to. Details the basic principles of human rights.</p>
1951	<p>1951 Convention relating to the Status of Refugees</p> <p>Also known as THE refugee conference; a core vital convention that outlines the basic rights of a refugee, the responsibilities of contracting countries and creating the UNHRC along with it.</p>
1967	<p>1967 Protocol relating to the Status of Refugees.</p> <p>It adds a protocol, understanding that the nature of a refugee was changing from a political one to a more war/conflict type. It also broadens the temporary and lower scale of which the 1951 convention applies and heightens it for a more international scale.</p>
10 September 1969	<p>The Organization of African Unity</p> <p>Adopted the OAU Convention, which has its interpretation of the 1951 definition while also accompanies the modern criterion to fit a refugee.</p> <p>This is also a response to the mass influx of refugees in Africa at the time of many conflicts in town.</p>
1980s (in Latin America)	<p>Civil Strife in Latin America and their response</p> <p>During the 1980s of civil strife saw an exodus of millions, the countries adopted The Cartagena Declaration which acts on principles to the former's treaties but in Latin America.</p>
March 15, 2011	<p>Syrian Civil War</p> <p>During these times, the civil war that is now lasting over 12 years, caused a total of 6.7 million people to be displaced and as refugees. This is known as one of the worse refugee crisis that the world has seen.</p>

24 February 2022	Russia invades Ukraine This conflict is one that is one of the biggest in terms of geopolitics in Europe and saw that there have been at least 12 million people who left their homes and are displaced. Many became refugees but many more are internally displaced in the country.
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Related UN Treaties and Events

- 1951 Convention relating to the Status of Refugees
- 1948 Universal Declaration of Human Rights (Article 13 and Article 14) ○ Everyone has the right to freedom of movement and residence within the borders of each state. (Article 13)
 - Everyone has the right to seek and to enjoy asylum in other countries from persecution. (Article 14)
- 1967 Protocol relating to the Status of Refugees.
- International Refugee Organization (IRO)
- United Nations High Commissioner for Refugees (UNHCR)
- 1967 United Nations Declaration on Territorial Asylum
- Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ○ "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture"

Previous Attempts to solve the issue

There have been many instances where the world would try to find a solution to the problem. In this case with the safeguarding of their human rights. Many conventions like the 1951 convention were overall effective to address many of the conflicting problems that the refugees faced, but like most cases, it fails to protect the fundamental human rights in which the country promised to. Whether that be from failing to provide for the mass exodus of refugees and asylum seekers or protection from the derogatory treatment of xenophobic and racist remarks.

Another core aspect of trying to solve the issue is by preventing the issue itself. The most notable being the International Cooperation to Avert New Flows of Refugees (UN, 28 Jan. 1982.) This is due to the many reports and research that was done to determine the flow of refugees and its connection with violations of human rights. With a heavy burden on the international communities when conflicts burst out. This is established with a focus on cutting the problem at its roots, monitoring and focusing on the economic and political issues in the country of origin of the refugee and trying to avert new flows by detecting early signals of a conflict at hand.

Possible Solutions

Possible solutions are prevention of the root problem but that requires a lot of attention and effort to cease the creation of conflict. The nature of refugees as a problem is linked to conflict, and persecution. To safeguard the human rights of refugees, countries must be able to understand, apply and develop their infrastructure to ensure to follow the international treaties and principles that are in place in times of conflict.

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