



NEW YORK, NY

22 - 26 March – Conference A

29 March - 2 April – Conference B

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# UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES BACKGROUND GUIDE 2015

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# NATIONAL MODEL UNITED NATIONS





# THE 2015 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

We are pleased to welcome you to the 2015 National Model United Nations Conference New York (NMUN•NY)! This year's United Nations High Commissioner for Refugees (UNHCR) staff is: Directors Jess Mace (Conference A) and Molly Deacon (Conference B), and Assistant Directors Ana Palma-Gutiérrez (Conference A) and Emilie Taton (Conference B). Jess completed her undergraduate degree in political science at Bishop's University prior to embarking on her Master's degree in Political Science at Laurier University, where she graduated in 2011. She is excited to be returning for her fifth year on staff at NMUN•NY. Molly received her Bachelor of Arts degree in International Studies from Wells College in 2012 and is expected to obtain her J.D. from the State University of New York at Buffalo this year. She is proud to have been a member of the NMUN•NY team for five years. Ana graduated from Bellevue College with an Associate's Degree in Arts and Sciences before transferring to Western Washington University, where she is currently completing a B.A. in Political Science. This is her first year on staff. Emilie is pursuing an M.A. in International Relations at the Université libre de Bruxelles. This is her third year on staff at NMUN•NY.

The topics under discussion for UNHCR are:

- I. The Syrian Refugee Crisis
- II. Protecting the Civil, Political, and Socioeconomic Rights of Refugees
- III. Protecting Refugees from Human Trafficking

UNHCR is the United Nations' agency for providing assistance and other short- and long-term services to refugees and similarly situated persons. The agency is responsible for camp administration, repatriation, resettlement, and fostering self-sufficiency among refugees.

At NMUN•NY 2015, we are simulating the Executive Board of UNHCR in terms of composition and size; however, delegates are not limited to the strict mandate of the Executive Board, as a budgetary and administrative body, during the conference. On the contrary, for the purposes of NMUN•NY 2015, and in line with the educational mission of the conference, the committee has the ability to make programmatic and policy decisions on issues within the mandate of UNHCR in line with the overall function of the organization.

This background guide is not meant to replace further research and we highly encourage you to consider the background guide, Bibliography, and Annotated Bibliography as starting points as you explore in-depth your countries' policies regarding these topics. In preparation for the conference, each delegation will be submitting a [position paper](#). Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory. The [NMUN Rules of Procedure](#) are available to download from the NMUN website. This document includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is thus an essential instrument in preparing for the conference, and a reference during committee.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the Under-Secretaries-General for Human Rights and Humanitarian Affairs, Andrea Wong (Conference A) and Rubai Aurora (Conference B). You can reach either USG at: [usg\\_hr\\_ha@nmun.org](mailto:usg_hr_ha@nmun.org).

We wish you all the best with your preparation and look forward to seeing you at the Conference!

Sincerely,

**Conference A**

Jess Mace, *Director*  
Ana Palma-Gutiérrez, *Assistant Director*

**Conference B**

Molly Deacon, *Director*  
Emilie Taton, *Assistant Director*



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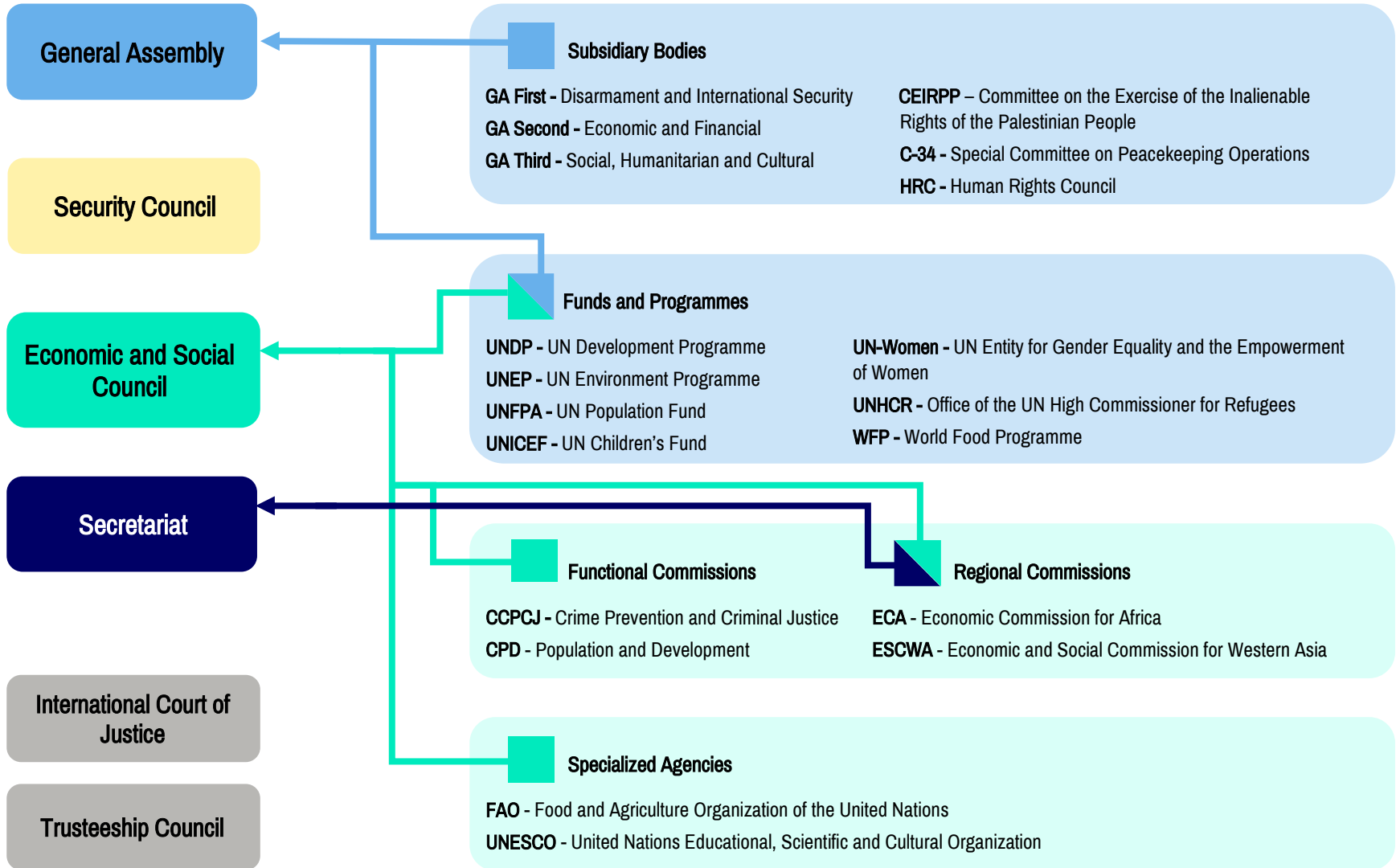


## Abbreviations

CERF	Central Emergency Response Fund
CRSR	Convention relating to the Status of Refugees
CSO	Civil society organization
ECOSOC	Economic and Social Council
GA	General Assembly
GPA	Global Plan of Action to Combat Trafficking in Persons
GSP	Global Strategic Priorities
HRC	Human Rights Council
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICRC	International Committee of the Red Cross
IDP	Internally displaced persons
ILO	International Labour Organization
IOM	International Organization for Migration
LAC	Legal Assistance Centre
LGBTI	Lesbian, gay, bisexual, transgendered and intersex
NFI	Non-food items
NGO	Non-governmental organization
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
RRP	Regional Response Plan
SGBV	Sexual and gender-based violence
SHARP	Syrian Arab Republic Humanitarian Assistance Response Plan
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
WASH	Water, sanitation and hygiene
WFP	World Food Programme
WHO	World Health Organization

## United Nations System at NMUN·NY

This diagram illustrates the UN System simulated at NMUN·NY. It shows where each committee “sits” within the system, to help understand the reportage and relationships between the entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose and powers within the UN System.



## Committee Overview

*“While every refugee's story is different and their anguish personal, they all share a common thread of uncommon courage – the courage not only to survive, but to persevere and rebuild their shattered lives.”<sup>1</sup>*

### Introduction

The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, was established by the United Nations General Assembly following World War II to address the high number of Europeans that were displaced due to the war.<sup>2</sup> At its creation, UNHCR functioned with a 34-member staff.<sup>3</sup> At present, UNHCR employs over 8,600 national and international staff members working in over 126 countries, including in Geneva, Switzerland, where UNHCR's headquarters is located.<sup>4</sup> Additionally, UNHCR has increased its budget from \$300,000 in its first year to over \$3.59 billion in 2012, and it now addresses the needs of over 43 million people worldwide.<sup>5</sup> UNHCR falls under the United Nations Programmes and Funds, reports directly to the General Assembly (GA), and is governed by the Member States that make up its Executive Committee (ExCom).<sup>6</sup>

The **Office of the High Commissioner for Refugees (UNHCR)** is a Programme and Fund of the United Nations, reporting to the Economic and Social Council and General Assembly.

Most of UNHCR's resources are dedicated to supporting operations at the field level in order to address the needs of specific groups, such as refugees, internally displaced persons (IDPs), and asylum seekers.<sup>7</sup> A refugee is someone who, “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.”<sup>8</sup> IDPs are defined as individuals who have had to flee their homes, but have crossed an international border.<sup>9</sup> An asylum seeker is “someone who is seeking international protection but whose claim for refugee status has not yet been determined.”<sup>10</sup>

UNHCR provides humanitarian aid in a variety of forms including food and nutritional supplements, basic shelter, first aid, cash assistance, and legal services.<sup>11</sup> The agency is also involved in efforts to reintegrate those who can return to their original home and resettle those who cannot.<sup>12</sup> UNHCR works closely with other agencies to address the needs of individuals who have been displaced due to natural disasters, as was the case in 2010 with both the floods in Pakistan and the earthquake in Haiti.<sup>13</sup> Further, UNHCR is concerned with the plight of stateless individuals, who lack an official nationality due to discrimination, state succession, or conflicts between states.<sup>14</sup>

At NMUN·NY 2015, we are simulating the **Executive Board of UNHCR** in terms of composition and size; however, delegates are not limited to the strict mandate of the Executive Board, as a budgetary and administrative body, during the conference. On the contrary, for the purposes of NMUN·NY 2015, and in line with the educational mission of the conference, the committee has the ability to make programmatic and policy decisions on issues within the mandate of UNHCR in line with the overall function of the organization.

<sup>1</sup> UNHCR, *High Commissioner António Guterres starts work at UNHCR*, 2005.

<sup>2</sup> UNHCR, *History of UNHCR*, 2014.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> New Zealand, Ministry of Foreign Affairs and Trade, *UN Handbook 2013-14*, 2013, pp. 8, 245.

<sup>7</sup> UNHCR, *Executive Committee*, 2014.

<sup>8</sup> UNHCR, *Refugees*, 2014.

<sup>9</sup> UNHCR, *Internally Displaced People*, 2014.

<sup>10</sup> Phillips, *Asylum Seekers and Refugees: What are the Facts?*, 2013, p. 2.

<sup>11</sup> UNHCR, *Assistance*, 2014.

<sup>12</sup> *Ibid.*

<sup>13</sup> UNHCR, *Internally Displaced People*, 2014.

<sup>14</sup> UNHCR, *Stateless People*, 2014.

## History

The General Assembly created UNHCR in 1951 with a three-year limited mandate to respond to the European refugee crisis.<sup>15</sup> UNHCR faced its first significant emergency in 1956, following a violent Soviet intervention in Hungary, highlighting its essential role in delivering aid to all those fleeing the conflict and seeking refuge in neighboring nations.<sup>16</sup> During the 1960s, the decolonization of Africa began, leading UNHCR to intervene on several occasions, as was the case with crises in Asia and Latin America in the two decades following decolonization.<sup>17</sup> Due to the necessity of UNHCR's continued work, the General Assembly continually extended UNHCR's mandate every three years until 2003, when it decided "to remove the temporal limitation on the continuation of [UNHCR] ... and to continue the Office until the refugee problem is solved."<sup>18</sup>

UNHCR has evolved to reflect a dramatic shift in the dialogue surrounding the situation of refugees.<sup>19</sup> From 1945 to 1985, UNHCR focused mainly on the resettlement of refugees; however, after this period, as the cause of displacement varied, the organization shifted towards the concept of repatriation as a possible solution.<sup>20</sup> In 1993, the idea of providing refugees with the possibility to safely return to their homes by providing temporary protective measures was solidified.<sup>21</sup> These measures, which recognized the economic strain that can be caused by the rehabilitation and reintegration process to the country of origin, included "establishing minimum material conditions in which the return of refugees can be promoted."<sup>22</sup> From the mid-1990s, the number of cases related to refugees seeking to return home expanded as measures to resolve Cold War conflicts increased.<sup>23</sup> As a result of this expansion, UNHCR's role in reintegration evolved to include infrastructure and community development, as well as a focus on the importance of reconciliation and peacebuilding within affected communities.<sup>24</sup>

## Mandate

The founding document of UNHCR is General Assembly resolution 428 (V), known as the *Statute of the Office of the United Nations High Commissioner for Refugees* (1950).<sup>25</sup> This document clearly states the organization's mandate as: "providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and ... private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities."<sup>26</sup>

The basis for UNHCR's mandate lies in article 14 of the *Universal Declaration of Human Rights* (1948), which specifically recognizes the right of all individuals to seek asylum in another country.<sup>27</sup> In addition, other fundamental documents have shaped UNHCR, including the 1951 *Convention Relating to the Status of Refugees*, which defines the term "refugee" as well as the rights and obligations of refugees, and the 1967 *Protocol Relating to the Status of Refugees*, which expanded the 1951 Convention and UNHCR's mandate to include refugees from conflicts occurring post-1951.<sup>28</sup> UNHCR's mandate also includes other groups, such as stateless people, as defined in the 1954 *Convention Relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*.<sup>29</sup>

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<sup>15</sup> UN General Assembly, *Refugees and Stateless Persons (A/RES/319 (IV))*, 1949.

<sup>16</sup> UNHCR, *History of UNHCR*, 2014.

<sup>17</sup> Ibid.

<sup>18</sup> UN General Assembly, *Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate (A/RES/58/153)*, 2003.

<sup>19</sup> Chimni, *From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems*, 2004, p. 54.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Macrae, *Aiding Peace...and War: UNHCR, Returnee Reintegration, and the Relief-Development Debate*, 1999.

<sup>24</sup> Ibid.

<sup>25</sup> UNHCR, *Statute of the Office of the United Nations High Commissioner for Refugees*, 2014, p. 2.

<sup>26</sup> Ibid., p. 6.

<sup>27</sup> UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 2010.

<sup>28</sup> UNHCR, *History of UNHCR*, 2014.

<sup>29</sup> UNHCR, *Stateless People*, 2014.

While its mandate does not extend specifically to IDPs, UNHCR's expertise in displacement has resulted in the inclusion of IDPs under UNHCR's protection role.<sup>30</sup> The 1998 *Guiding Principles on Internal Displacement*, adopted by the United Nations Economic and Social Council (ECOSOC), outline the rights and protections that the international community should work to uphold for IDPs.<sup>31</sup> In 2007, after a series of inter-agency consultations, ExCom adopted the policy framework and implementation strategy on UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement.<sup>32</sup> The framework emphasizes the agency's primary responsibility to refugees and stipulates that aid to IDPs must be in collaboration with national governments, local non-governmental organizations (NGOs), and other UN agencies.<sup>33</sup> The mandate of UNHCR is further defined in the 2011 ExCom report entitled *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters*.<sup>34</sup> The report emphasizes UNHCR's focus in conflict-related disasters and that its role in natural disaster relief should be limited to pre-existing refugee or displacement operations.<sup>35</sup> Notably, paragraph seven of this report presents the underlying problem with officially expanding UNHCR mandate to IDPs and natural disasters by stating that "the principles of State sovereignty and the primary responsibility of the State for persons present on its territory have significant operational implications in the internal displacement context, particularly in natural disasters."<sup>36</sup>

### ***Governance, Structure, and Membership***

ExCom approves the agency's annual program priorities and budget.<sup>37</sup> Member States are elected by ECOSOC to become members of ExCom and are chosen in such a way that provides representation from all areas of the world.<sup>38</sup> At its creation, ExCom comprised 24 members; the membership has since grown to 94 Member States.<sup>39</sup> ExCom reports directly to the General Assembly Third Committee and it must follow directives issued by either the General Assembly or ECOSOC.<sup>40</sup> ExCom meets once per year, usually in October, to review financial matters for the coming year and "[adopt] conclusions, notably on international protection, as well as decisions on a range of administrative, financial and procedural issues."<sup>41</sup> In 1995, ExCom created a Standing Committee, which meets three times per year to discuss the work of the body as a whole and any new conflicts that need to be addressed.<sup>42</sup> The current High Commissioner, António Guterres, "is responsible for the direction and control of UNHCR" and must work in close collaboration with the Deputy High Commissioner and the Assistant High Commissioner for Protection and Operations to oversee the work of the agency's secretariat and its regional offices.<sup>43</sup>

UNHCR's budget is constructed around four pillars: refugees, stateless people, reintegration programs, and IDPs.<sup>44</sup> This translates to a budget of \$5,179.5 million in 2015.<sup>45</sup> The budget is sourced almost entirely from donations from Member States, intergovernmental institutions, corporations, foundations, and individuals worldwide.<sup>46</sup> As a means of acquiring these donations, UNHCR releases an annual Global Appeal that provides detailed information regarding the major areas of concern for UNHCR, as well as supplementary appeals that address specific situations worldwide, as was the case with the 2014 appeal regarding the situation in Nigeria.<sup>47</sup> Included in this budget are contributions from the United Nations Central Emergency Response Fund (CERF), which in the case of situations

<sup>30</sup> UNHCR, *Internally Displaced People*, 2014.

<sup>31</sup> ECOSOC, *Guiding Principles on Internal Displacement (E/CN.4/53/Add.2 (1998))*, 1998.

<sup>32</sup> UNHCR Executive Committee, *UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement: Policy framework and implementation strategy*, 2007.

<sup>33</sup> Ibid.

<sup>34</sup> UNHCR Executive Committee, *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters*, 2011.

<sup>35</sup> Ibid., p. 3.

<sup>36</sup> Ibid., p. 3.

<sup>37</sup> UNHCR, *Statute of the Office of the United Nations High Commissioner for Refugees*, 2014, p. 2.

<sup>38</sup> Ibid., p. 3.

<sup>39</sup> UNHCR, *Executive Committee*, 2014.

<sup>40</sup> UNHCR, *ExCom Mandate and Statute*, 2014.

<sup>41</sup> UNHCR, *ExCom Structure and Meetings*, 2014.

<sup>42</sup> Ibid.

<sup>43</sup> UNHCR, *Governance and Organization*, 2014.

<sup>44</sup> UNHCR, *UNHCR's Finances and Budget*, 2014, p. 5.

<sup>45</sup> Ibid., p. 6.

<sup>46</sup> UNHCR, *Donors*, 2014.

<sup>47</sup> UNHCR, *The Global Appeal and Supplementary Appeals*, 2014.



arising that require an immediate response, such as a natural disaster or a violent conflict, provides funding to “promote early action and response to reduce loss of life; enhance response to time-critical requirements; and to strengthen core elements of humanitarian response in underfunded crises.”<sup>48</sup> Other organizations that contribute to UNHCR include the United Nations World Food Programme, the United Nations Peacebuilding Fund, and the United Nations Development Programme.<sup>49</sup>

### **Functions and Powers**

Initially, UNHCR’s main goal was to provide safeguards for refugees and to promote their right to seek asylum in another country, as well as to alleviate the plight of stateless people.<sup>50</sup> These safeguards include protection for individuals that have been forced to flee their homes.<sup>51</sup> In order to fulfill this aspect of its mandate, UNHCR provides individuals with basic humanitarian needs, such as shelter and food, as well as safety measures to ensure that individuals will not be returned involuntarily to the situation from which they fled.<sup>52</sup> To this end, UNHCR has adopted the *Age, Gender and Diversity Policy: Working with People and Communities for Equality and Protection*.<sup>53</sup> This document ensures that the various needs of each group are taken into consideration and that each individual is given the right to participate in decisions that may affect their lives.<sup>54</sup> As the number of refugees has expanded, UNHCR has increased its efforts to include a wide range of protective measures, including those set in place for the reintegration of refugees.<sup>55</sup> Reintegration is defined as being “virtually synonymous with ‘sustainable’ return, which implies a situation where a constructive relationship between returnees, civil society and the state is consolidated.”<sup>56</sup> From this point, relief efforts have broadened to include sustainable development measures in regards to the reintegration of refugees, as well as a focus on conflict prevention and peacebuilding in areas of the world affected by internal and external conflicts.<sup>57</sup>

Emergency response constitutes one of the key functions of UNHCR, which continually trains personnel to respond to situations as needed and has the ability to mobilize over 300 skilled individuals in less than 72 hours.<sup>58</sup> In addition, UNHCR has gathered two stockpiles of required items in Copenhagen and Dubai that can be used in the event of an emergency.<sup>59</sup> UNHCR works through the Inter-Agency Standing Committee (IASC) to deliver humanitarian assistance in emergencies.<sup>60</sup> IASC’s secretariat, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), coordinates relief efforts among major UN and non-UN humanitarian partners and seeks to effectively administer aid, as well as highlight areas of need in a given situation through the Cluster Approach.<sup>61</sup> Clusters consist of UN agencies and NGOs that deliver humanitarian aid according to expertise.<sup>62</sup> UNHCR leads the clusters on shelter, protection and camp coordination and management.<sup>63</sup> The Cluster Approach was introduced in 2005 during a reform of the humanitarian coordination system and was set in place to improve levels of accountability and efficiency when addressing emergencies.<sup>64</sup> Together these actors work to address the needs of the individuals affected and to coordinate efforts among various international humanitarian actors, local and national authorities, and civil society organizations.<sup>65</sup> At present, UNHCR is involved in 15 emergency response

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<sup>48</sup> UNHCR, *United Nations Central Emergency Response Fund (CERF)*, 2014.

<sup>49</sup> UNHCR, *Donors*, 2014.

<sup>50</sup> ReliefWeb, *UN High Commissioner for Refugees*, 2014.

<sup>51</sup> Ibid.

<sup>52</sup> UNHCR, *What We Do*, 2014.

<sup>53</sup> UNHCR Executive Committee, *Age, Gender and Diversity Approach (EC/63/SC/CRP.14)*, 2012; UNHCR, *UNHCR Age, Gender and Diversity Policy: Working With People and Communities for Equality and Protection*, 2014.

<sup>54</sup> UNHCR Executive Committee, *Age, Gender and Diversity Approach (EC/63/SC/CRP.14)*, 2012.

<sup>55</sup> Macrae, *Aiding Peace...and War: UNHCR, Returnee Reintegration, and the Relief-Development Debate*, 1999.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> UNHCR, *Emergency Response*, 2014.

<sup>59</sup> Ibid.

<sup>60</sup> OCHA, *About the Inter-Agency Standing Committee*, 2014; UNHCR, *UNHCR’s Role in IASC Humanitarian Reform Initiatives and in the Strengthening of the Inter-Agency Collaborative Response to Internally Displaced Persons Situations*, 2005.

<sup>61</sup> OCHA, *About the Inter-Agency Standing Committee*, 2014.

<sup>62</sup> OCHA, *What is the Cluster Approach?*.

<sup>63</sup> Ibid.

<sup>64</sup> OCHA, *Cluster Coordination*, 2014.

<sup>65</sup> Ibid.

situations, including in Mali, Sudan/South Sudan, the Syrian Arab Republic, and the Democratic Republic of the Congo.<sup>66</sup>

Partnerships with civil society are essential to provide the services and resources needed to address all aspects of UNHCR's mandate.<sup>67</sup> Local NGOs partner with UNHCR to ensure that aid is being effectively delivered by individuals with expertise in the region and to increase the speed at which aid can be provided in times of crisis.<sup>68</sup> UNHCR highly values partnerships with local NGOs and often reaffirms the commitment to support civil society in ExCom resolutions.<sup>69</sup> UNHCR hosts an annual meeting that invites experts in the field, including national and international NGOs, to partake in a constructive dialogue on the topic of refugees.<sup>70</sup> Further, UNHCR participates in the Global Humanitarian Platform, a group of UN agencies and NGOs committed to the coordination of relief efforts, which endorsed the 2007 *Principles of Partnership* to outline the importance of collaboration in responding to humanitarian crises.<sup>71</sup> Partnerships facilitate funding and monitoring of situations through pooled resources.<sup>72</sup> One such illustration of a partnership is the Inter-Agency Network for Education in Emergencies.<sup>73</sup> This network is led by several major UN organizations, including UNHCR, the United Nations Educational, Scientific and Cultural Organization, and the United Nations Children's Fund, as well as major NGOs, such as Save the Children, CARE USA, and Refugee Education Trust.<sup>74</sup> Together, they work with local organizations and governments to ensure that children in crisis situations are able to access educational services.<sup>75</sup>

UNHCR invests in advocacy and fundraising programs, defined as “a means to influence policy in favor of persons of concern; to change behavior and attitudes; to argue in favor of someone or something; or to help make others’ voices heard.”<sup>76</sup> UNHCR works with Member States to promote the effective application of existing international standards, as well as to enhance existing refugee policies, in areas that require improvement.<sup>77</sup> For example, UNHCR's *Ten-Point Plan of Action for Refugee Protection and Mixed Migration for Countries Along the Eastern and Southeastern Borders of European Union Member States* highlights means and resources available to European governments in order to help displaced populations entering their borders.<sup>78</sup> UNHCR also works closely with NGOs to change the way asylum seekers, migrants and refugees are treated in host countries.<sup>79</sup>

### ***Current Priorities***

The UN's *Strategic Framework* for 2014-2015 highlights UNHCR's goal in devising new strategies to work with states and organizations to find lasting solutions for persons of concern, as well as its objective in strengthening international protections, enhancing the abilities of host countries in receiving asylum seekers, and further expanding and developing lasting emergency response capabilities.<sup>80</sup> The framework includes clear indicators of achievement in relation to its objectives and enumerates UNHCR's areas of focus for the 2014-2015 period.<sup>81</sup> UNHCR has also established Global Strategic Priorities (GSPs) for 2014-2015 that provide a blueprint for how UNHCR will carry out its operations around the globe in accordance with international standards.<sup>82</sup> The GSPs operationalize the *Strategic Framework*, detail the indicators assessing the impact of each area of focus, and draw attention to areas for global engagement and partnership possibilities.<sup>83</sup> For example, the *Strategic Framework*

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<sup>66</sup> UNHCR, *Emergency Response*, 2014.

<sup>67</sup> UNHCR, *Partners*, 2014.

<sup>68</sup> UNHCR, *Non-Governmental Organizations*, 2014.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> ICVA, *Humanitarian Reform: Basic Information Leaflet Series Principles of Partnership*, 2010.

<sup>72</sup> Ibid.

<sup>73</sup> UNHCR, *Inter-Agency Network for Education in Emergencies*, 2014.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> UNHCR, *Cash in Hand: Urban Refugees, the Right to Work and UNHCR's Advocacy Activities*, 2011, p. 1.

<sup>77</sup> UNHCR, *Advocacy*, 2014.

<sup>78</sup> UNHCR, *Ten-Point Plan of Action for Refugee Protection and Mixed Migration for Countries Along the Eastern and Southeastern Borders of European Union Member States*, 2007; UNHCR, *Protection*, 2014.

<sup>79</sup> UNHCR, *Asylum and Migration*, 2014.

<sup>80</sup> UN General Assembly, *Proposed Strategic Framework for the Period 2014-2015*, 2012.

<sup>81</sup> Ibid.

<sup>82</sup> UNHCR, *Global Strategic Priorities 2014-2015*, 2014.

<sup>83</sup> Ibid.

identifies the goal of ensuring that refugees are able to receive adequate documentation.<sup>84</sup> Within the GSPs, this goal is operationalized as the ability to secure birth registration and all accompanying documentation based on registration.<sup>85</sup> There are two indicators for this particular goal: an assessment of the number of “children under 12 months old who have been issued with a birth certificate by authorities,” as well as the percentage of “people of concern registered on an individual basis.”<sup>86</sup> The possibility for global engagement in this goal is centered on the need for birth certificates to continue to be issued in refugee situations worldwide, which may require the combined efforts of several UN organizations, as well as Member States and local authorities.<sup>87</sup>

UNHCR’s strategic planning considers every major area worldwide.<sup>88</sup> In Africa, UNHCR envisions that 2014 will require the organization to provide aid to over 3.4 million refugees and asylum seekers in this region, compared to 3.1 million in 2012.<sup>89</sup> These particular numbers are based on situations in the Democratic Republic of the Congo, Mali, Somalia, and Sudan.<sup>90</sup> In the Middle East, UNHCR’s efforts have focused on the Syrian Arab Republic.<sup>91</sup> Currently, an estimated 2 million have been forced to flee from the country and another 4 million have been displaced within the country itself.<sup>92</sup> The exodus of Syrian refugees has caused significant resource shortages in bordering Member States.<sup>93</sup> In the Americas, as the 10<sup>th</sup> anniversary of the *Mexico Plan of Action* approaches, UNHCR plans to work with Member States to develop a new action plan for the next decade to better meet the needs of those displaced.<sup>94</sup> One area of particular concern for UNHCR this year is Colombia, where many have been forced to flee to neighboring Ecuador and Venezuela to escape violence.<sup>95</sup> Finally, in regards to Asia and the Pacific, UNHCR continues to work to alleviate the strain on Member States receiving asylum seekers.<sup>96</sup> The number of new applications in this region increased threefold in 2012, placing additional strain on an already taxed system.<sup>97</sup> The region of Asia and the Pacific contains one third of all refugees in an area spanning 45 Member States and territories, as well as UNHCR’s largest resettlement program.<sup>98</sup>

UNHCR has undergone major reform efforts in recent years to maximize efficiency and address gaps in areas that require attention.<sup>99</sup> The *Age, Gender and Diversity Approach* has led to significant changes in the way in which UNHCR and its partners interact with individuals fleeing their homes.<sup>100</sup> Additionally, new areas of focus have been introduced, such as addressing the needs of lesbian, gay, bisexual, transgendered and intersex (LGBTI) refugees.<sup>101</sup>

### **Recent Sessions**

The 63<sup>rd</sup> session of UNHCR, which took place in October 2012, placed a particular focus on the security risk that UNHCR staff face when entering conflict zones, as well as the difficulties in managing staff in these areas.<sup>102</sup> Another topic of consideration was UNHCR’s need to maintain a “lean central structure with strong decentralized field operations and clear strategic direction and oversight.”<sup>103</sup> UNHCR committed to working closely with local organizations and expanding on pre-existing partnerships to continue decentralizing a number of key functions.<sup>104</sup> The need to decentralize certain areas stems from the fact that those on the ground in UNHCR field offices are better

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<sup>84</sup> UN General Assembly, *Proposed Strategic Framework for the Period 2014-2015*, 2012.

<sup>85</sup> UNHCR, *Global Strategic Priorities 2014-2015*, 2014.

<sup>86</sup> *Ibid.*

<sup>87</sup> UNHCR, *Global Strategic Priorities 2014-2015*, 2014.

<sup>88</sup> UNHCR, *Global Appeal 2014-2015*, 2014.

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> UN General Assembly, *Report of the United Nations High Commissioner for Refugees (A/67/12)*, 2012.

<sup>100</sup> UNHCR Executive Committee, *Age, Gender and Diversity Approach (EC/63/SC/CRP.14)*, 2012.

<sup>101</sup> UNHCR, *The Protection of Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seekers and Refugees*, 2010.

<sup>102</sup> UNHCR Executive Committee, *Summary record of the 665<sup>th</sup> meeting (A/AC.96/SR.665)*, 2012.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

equipped at understanding their own needs, and therefore better able to seek partnerships and take ownership of the decisions at that level.<sup>105</sup>

The 64<sup>th</sup> session of UNHCR, which occurred in October 2013, discussed the Syrian refugee crisis, with an emphasis on means to aid neighboring Member States that are receiving an increase in refugees within their borders.<sup>106</sup> The topic of civil registration, or the act of recording a child's birth, was highlighted as a birthright of any child and remains a vital step in both the reduction and prevention of statelessness.<sup>107</sup> A discussion of membership was also introduced, in relation to adequate regional representation.<sup>108</sup> Administrative, financial, and program matters were debated; the budget was increased in order to adequately reflect the needs of the body; and the activities proposed in the biennial program budget for 2014-2015 were approved.<sup>109</sup> Finally, major topics discussed during UNHCR's 65<sup>th</sup> session included registration of Syrian refugees, strategies for mobilizing the private sector, how to address unaccompanied children in Europe, and an NGO-focused discussion on alternatives to camps.<sup>110</sup>

### **Conclusion**

The previous overview has highlighted UNHCR's history, structure, and important areas of focus. Millions worldwide require the aid of this organization in times of crisis, and as such the organization is continuously evolving to meet the needs of refugees.<sup>111</sup> UNHCR plays a vital part in humanitarian affairs and remains essential in providing life-saving resources for individuals who have been forced to flee their homes.<sup>112</sup> While the responsibility to address IDPs remains primarily at the local and national level, the increasing number of IDPs around the world requires a collaborative effort by the international community to ensure their protection in the event of a conflict or immediate crisis.<sup>113</sup> Addressing the needs of refugees and stateless individuals necessitates a similar approach, given the limited resources available within many of the Member States receiving refugees, and therefore UNHCR has a particularly important role in cooperating with other organizations to support these individuals.<sup>114</sup>

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<sup>105</sup> UNHCR Executive Committee, *Summary record of the 665<sup>th</sup> meeting (A/AC.96/SR.665)*, 2012.

<sup>106</sup> UNHCR Executive Committee, *Report of the Sixty-fourth session of the Executive Committee of the High Commissioner's Programme (A/AC/96/1132)*, 2013.

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> UNHCR, *Sixty-fifth Session of the Executive Committee*, 2014.

<sup>111</sup> UNHCR, *What We Do*, 2014.

<sup>112</sup> *Ibid.*

<sup>113</sup> UN ECOSOC, *Guiding Principles on Internal Displacement*, 1998.

<sup>114</sup> UNHCR, *What We Do*, 2014.

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United Nations High Commissioner for Refugees. (2013). *Global Appeal 2014-2015*. Retrieved 12 July 2014 from: <http://www.unhcr.org/ga14/index.xml>

*This resource should serve as a primary source of information regarding the current work of UNHCR. It is an annual publication of UNHCR that notes all current projects underway worldwide, subdivided by region. Moreover, it contains an overview of the current budget, as well as detailed information regarding global strategic priorities, how to begin addressing statelessness, the importance of self-reliance, and the means in which to establish durable solutions for refugees worldwide.*

United Nations High Commissioner for Refugees. (2014). *Executive Committee* [Website]. Retrieved 15 August 2014 from <http://www.unhcr.org/pages/49c3646c83.html>

*This website provides a detailed explanation of ExCom, its history, and its role. It also provides links to all major forms of documentation produced by ExCom, including documents that have been submitted by the Standing Committee. In addition, it provides a better understanding for delegates of the process Member States must undergo to become members of ExCom and of the role of observers in the annual meeting.*

United Nations High Commissioner for Refugees. (2014). *Partnership in Protection* [Website]. Retrieved 13 July 2014 from: <http://www.unhcr.org/pages/49c3646c296.html>

*In order to adequately address the needs of millions of refugees around the world, UNHCR must work with a wide variety of partners. This resource will allow for a more in-depth understanding of the various partnerships utilized by UNHCR, including those with NGOs, private sector partners, and the European Union. Included in this source is an overview of the guidelines utilized for effective partnerships as well as a comprehensive directory of all UNHCR partners.*

United Nations High Commissioner for Refugees. (2014). *Statute of the Office of the United Nations High Commissioner for Refugees* [Report]. Retrieved 12 July 2014 from: <http://www.unhcr.org/3b66c39e1.html>

*This document contains not only the Statute, but also a helpful introductory note on UNHCR's history and membership. Delegates should begin their research by reviewing the Statute, as it contains integral information in regards to the function of the committee. The Statute details the rules of procedure for UNHCR, its mandate and functions, and the structure of the organization. Through this source, delegates will gain a better understanding of why this body was created, as well as the intended work of the body and the constraints within which it must function.*

United Nations High Commissioner for Refugees, Executive Committee. Standing Committee, 51<sup>st</sup> meeting. (2011). *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters* [Report]. Retrieved 6 November 2014 from: <http://www.unhcr.org/4df08ba39.pdf>

*This report highlights why it is important for UNHCR to focus on its existing mandate for refugees in conflict-related situations. It clearly outlines operating differences in IDP versus refugee situations and the added complexity of engaging in natural disaster relief. The documents established that UNHCR's intervention with IDPs and natural disasters will be limited and strictly in support of national governments or other agencies to respect national sovereignty and use its limited resources efficiently. Delegates will find this document useful to establish the scope of their discussion and ensure they understand existing protocol and UNHCR's unique role in the IASC Cluster Approach as decided by its governing body.*

United Nations Office for the Coordination of Humanitarian Affairs. (2014). *About the Inter-Agency Standing Committee* [Website]. Retrieved 15 August 2014 from <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=about-default>

*The process of providing aid in emergency situations remains one of the most important facets of UNHCR's role. As such, this website provides delegates with a better understanding of the role of the Inter-Agency Standing Committee, as well as the process for cooperation among Member States, NGOs, intergovernmental agencies and all other organizations that would be present during a crisis situation. Delegates should familiarize themselves with IASC's Cluster Approach*

*as a mechanism for coordinating humanitarian relief among UN agencies and NGOs and UNHCR's responsibilities within that system to ensure their proposed action falls within the agency's mandate.*

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## I. The Syrian Refugee Crisis

*“Refugees have been deprived of their homes, but they must not be deprived of their futures.”*<sup>115</sup>

### **Introduction**

The Syrian Civil war has resulted in the largest refugee crises the world has seen since World War II.<sup>116</sup> Since the beginning of the protests stemming from the Arab Spring in March 2011, over three million Syrians have fled the country, while another 6.5 million have been internally displaced.<sup>117</sup> Although internally displaced persons (IDPs) do not fall under the original mandate of the United Nations Office of the High Commissioner for Refugees (UNHCR), it has expanded the scope of its work to address the protection needs of IDPs as well as best able.<sup>118</sup> UNHCR encounters difficulties when helping IDPs, who remain under the authority of their state, which is why, despite their best efforts, often refugees are the beneficiaries of UNHCR’s efforts.<sup>119</sup> The involvement of UNHCR in Syria has been the agency’s largest operation yet.<sup>120</sup>

The Syrian refugee crisis has grave implications in the region, since most of the three million people who have crossed Syria’s borders are now dispersed throughout neighboring countries.<sup>121</sup> The situation has become a particular burden for the five main host countries, Egypt, Iraq, Jordan, Lebanon, and Turkey, as hosting Syrian refugees has overstretched their infrastructures and budgets.<sup>122</sup> The living conditions of Syrian refugees are often poor, as 16% of them live in camps, while the remaining 84% live primarily in urban areas, where they are more vulnerable to arrest, exploitation and do not have access to or resources for food and housing.<sup>123</sup> As the High Commissioner for Refugees, António Guterres, noted “Syria has become the great tragedy of this century – a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history.”<sup>124</sup>

### **International and Regional Framework**

Although the Syrian refugee crisis is a recent development, there have been international and regional legal instruments framing the issues surrounding the crisis for decades.<sup>125</sup> Since its adoption in 1951, the *Convention relating to the Status of Refugees* has been the main framework for such matters.<sup>126</sup> It defines a “refugee” as anyone who:

“Owing to 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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having the nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”<sup>127</sup>

Syrian refugees fall under this definition, as they have fled from the civil war that worsened over the past several years.<sup>128</sup> Moreover, the lack of resolution to this conflict makes them unable or unwilling to return to their

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<sup>115</sup> UN Department of Public Information, *Global Issues*.

<sup>116</sup> Australia for UNHCR, *Syria Crisis Appeal*; United Nations Relief and Works Agency, *Palestine Refugees*.

<sup>117</sup> UNHCR, *Refugee total hits 3 million as Syrians flee growing insecurity and worsening conditions*, 2014; BBC, *Arab Uprising: Country by country – Syria*, 2013.

<sup>118</sup> UNHCR, *Internally Displaced People*.

<sup>119</sup> UNHCR, *Q&A about the Refugee Convention*.

<sup>120</sup> UNHCR, *Refugee total hits 3 million as Syrians flee growing insecurity and worsening conditions*, 2014.

<sup>121</sup> UNHCR, *UNHCR and host countries seek more help to cope with Syria refugee crisis*, 2014.

<sup>122</sup> *Ibid.*

<sup>123</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 22; UNHCR, *Urban Refugees*.

<sup>124</sup> Australia for UNHCR, *Syria Crisis Appeal*.

<sup>125</sup> UNHCR, *The 1951 Refugee Convention*.

<sup>126</sup> *Ibid.*

<sup>127</sup> UN General Assembly, *Convention Relating to the Status of Refugees (A/RES/409 (V))*, 1951.

<sup>128</sup> Business Insider, *The Syrian Civil War is on the Verge of Getting Even Worse*, 2014.

country.<sup>129</sup> Whereas the Convention is applicable to Syrian refugees, it should be noted that Iraq, Jordan, and Lebanon are not parties to the *Convention relating to the Status of Refugees* (1951).<sup>130</sup>

The definition for refugees does not pertain to IDPs, who account for 6.5 million Syrians.<sup>131</sup> Intervention on IDP issues is regulated by the *Guiding Principles on Internal Displacement*, adopted in 1998.<sup>132</sup> IDPs have a different status, defined as “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.”<sup>133</sup> As civilians, IDPs have protected rights under international humanitarian law, namely the *Geneva Conventions* of 1949 and the *Additional Protocols* of 1977.<sup>134</sup> However, in an effort to clarify several aspects of the IDPs’ status and to draw attention to their particular needs, the *Guiding Principles on Internal Displacement* (1998) were drafted as a way to locate IDPs at the intersection between international humanitarian law, human rights law, and refugee law.<sup>135</sup>

On a regional level, the referential document pertaining to this topic is the revised *Arab Charter on Human Rights*, adopted in 2004 by the members of the League of Arab States.<sup>136</sup> In an effort to address the criticism it faced and to improve the implementation of the Charter, its 45<sup>th</sup> article created the Arab Human Rights Committee.<sup>137</sup> The Charter promotes individual, civil, political, economic, social and cultural rights, as well as rules of justice.<sup>138</sup> Although the Charter is applicable in the region pertaining to this topic, there still lacks an enforcement and accountability mechanism.<sup>139</sup>

### ***Role of the International System***

Within the United Nations (UN) system, UNHCR is the lead agency responding to the Syrian refugee crisis. Originally present in Syria to monitor the arrival of Iraqi refugees in the 1990s, since 2012, UNHCR has taken on a leading role in assisting Syrian IDPs as well.<sup>140</sup> Their operations in the field cover non-food items (NFIs), shelter, health, cash assistance, and protection among other forms of aid.<sup>141</sup>

UNHCR works with other international actors under an inter-agency framework in an effort to strengthen the coordination of humanitarian emergency assistance.<sup>142</sup> The 2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP), comprised of UN agencies, the International Organization for Migration (IOM) and international non-governmental organizations (NGOs), assists 9.3 million people in need with a sought budget of \$2.27 billion.<sup>143</sup> They oversee 112 projects to complete five main objectives.<sup>144</sup> More precisely, they work towards the protection of civilians, the provision of emergency services and relief supplies, the restoration of livelihoods, the capacity of humanitarian actors, and future preparedness.<sup>145</sup> Within this framework, UNHCR focuses particularly on camp coordination and camp management, protection, and shelter.<sup>146</sup>

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<sup>129</sup> Ibid.

<sup>130</sup> UN Office of Legal Affairs, *Chapter V, Refugees and Stateless Persons*.

<sup>131</sup> Business Insider, *The Syrian Civil War is on the Verge of Getting Even Worse*, 2014.

<sup>132</sup> UN Economic and Social Council, *Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)*, 1998.

<sup>133</sup> Ibid.

<sup>134</sup> Lavoyer, *Comments on the guiding principles on internal displacement*, 1998.

<sup>135</sup> Ibid.

<sup>136</sup> Al-Midani & Cabanettes, *Arab Charter on Human Rights*, 2006.

<sup>137</sup> The Swiss Human Rights Portal, *Arab Charter on Human Rights*.

<sup>138</sup> Al-Midani & Cabanettes, *Arab Charter on Human Rights*, 2006.

<sup>139</sup> Ibid.

<sup>140</sup> UNHCR, *UNHCR - A Year in Review 2013*, 2013, p. 6.

<sup>141</sup> UNHCR, *Syrian Arab Republic*.

<sup>142</sup> UN OCHA, *2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP)*, 2013, p. 4.

<sup>143</sup> Syria Humanitarian Assistance Response Plan & Syria Regional Response Plan, *Common Planning Framework 2014*, 2014.

<sup>144</sup> Ibid., p. 4.

<sup>145</sup> OCHA, *2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP)*, 2013, p. 5.

<sup>146</sup> OCHA, *Humanitarian Response*.

In order to assist Syrian refugees fleeing their country, the Syria Regional Response Plan (RRP) brings together 108 UN agencies, IOM, and NGOs.<sup>147</sup> More specifically, the RRP targets refugees living both inside and outside of camps as well as the communities hosting them.<sup>148</sup> Through this plan, about three million people of concern will be assisted in several ways, including camp management, health, nutrition, cash assistance, and child protection, to name a few.<sup>149</sup>

In December 2013, the UN General Assembly adopted resolution 68/180 on “Protection of and assistance to internally displaced persons” and Resolution 68/182, relating to the “Situation of human rights in the Syrian Arab Republic.”<sup>150</sup> The latter stated that the General Assembly was concerned by the increasing numbers of refugees due to the conflict in Syria, and further urged UNHCR and other donors to support Syrian refugees and the host countries.<sup>151</sup> Additionally, in February 2014, the UN Security Council adopted resolution 2139 (2014) on the “Middle East,” in which it urged “all Member States, based on burden-sharing principles, to support the neighboring host countries to enable them to respond to the growing humanitarian needs.”<sup>152</sup> This resolution is of utmost significance, as it represented a necessary step to support civilians and host countries, as well as a renewed commitment from the Security Council.<sup>153</sup>

In addition to the UN system and its agencies, international and national NGOs have played an important role in the Syrian refugee crisis.<sup>154</sup> With an extensive grass-roots network and knowledge of local communities, they represent a considerable partner for UNHCR.<sup>155</sup> Among these organizations, the International Committee of the Red Cross (ICRC) has unlocked a budget of \$157 million in order to provide humanitarian assistance for both IDPs and Syrian Refugees.<sup>156</sup> The Norwegian Refugee Council (NRC) focuses mostly on shelter, education, sanitation and hygiene.<sup>157</sup> In 2013, the NRC constructed or rehabilitated 249 housing units and 91 classrooms, as well as 101 latrines and 200 water points.<sup>158</sup> Other NGOs partnered with UNHCR to provide aid to refugees include Save the Children, Oxfam America, Relief International and the International Rescue Committee.<sup>159</sup>

### ***Urban Settings***

Refugees living in urban areas have better opportunities than those living in camps, as they can retain a certain degree of anonymity and earn money on their own.<sup>160</sup> To better address their needs, from documentation to material needs, UNHCR published their “Policy on refugee protection and solutions in urban areas” in 2009, laying down a new approach to the issue.<sup>161</sup> The objective of this policy is two-fold: First, “[t]o ensure that cities are recognized as legitimate places for refugees to reside and exercise the rights to which they are entitled,” and second, “to maximize the protection space available to urban refugees and the humanitarian organizations that support them.”<sup>162</sup> Through the 2014 Syria Regional Response Plan, UNHCR assists urban refugees with a wide variety of measures, including assistance in the areas of education, livelihoods, and shelter.

### ***Education***

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<sup>147</sup> Syria Humanitarian Assistance Response Plan & Syria Regional Response Plan, *Common Planning Framework 2014*, 2014, p. 4.

<sup>148</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 7.

<sup>149</sup> UNHCR, *Syria Regional Refugee Response*.

<sup>150</sup> UN General Assembly, *Protection of and assistance to internally displaced persons (A/RES/68/180)*, (2013) ; UN General Assembly, *Situation of human rights in the Syrian Arab Republic (A/RES/68/182)*, 2013.

<sup>151</sup> UN General Assembly, *Situation of human rights in the Syrian Arab Republic (A/RES/68/182)*, 2013.

<sup>152</sup> UN Security Council, *Middle East (S/RES/2139 (2014))* [Resolution], 2014.

<sup>153</sup> UN Department of Public Information, *Security Council unanimously adopts resolution 2139 (2013) to ease aid delivery to Syrians, provide relief from “chilling darkness”*, 2014.

<sup>154</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 7.

<sup>155</sup> *Ibid.*, p. 42.

<sup>156</sup> *Syria: Unprecedented humanitarian needs entail record budget*, International Committee of the Red Cross, 2014.

<sup>157</sup> Norwegian Refugee Council, *A Terrible Milestone*, 2014.

<sup>158</sup> *Ibid.*

<sup>159</sup> Interaction, *16 projects in Syrian Arab Republic*.

<sup>160</sup> UNHCR, *Urban Refugees*.

<sup>161</sup> UNHCR, *UNHCR policy on refugee protection and solutions in urban areas*, 2009, p. 2.

<sup>162</sup> *Ibid.*, p. 5.

As of June 2014, 358,899 Syrian refugee children were enrolled in primary or secondary school, comprising over 50% of the planned target of the RRP.<sup>163</sup> Despite improvements made on the education front, many challenges remain and differ depending on the host country.<sup>164</sup> In Egypt, some difficulties stem from the different dialect of the Egyptian school system to which Syrian children struggle to adapt.<sup>165</sup> Moreover, some parents of school-aged Syrians are reluctant to enroll them, for fear of sexual and other harassment or discrimination both in school and on their way to school.<sup>166</sup> Jordan has the highest number of Syrian refugee children enrolled in formal education, with 120,555 of them attending school.<sup>167</sup> As a result, the capacity and space of the Jordan school system is overstretched, which constitutes a major obstacle to the education of both Syrian and Jordan children.<sup>168</sup> Among the policies employed to face these challenges, the “No Lost Generation” strategy implemented by the United Nations Children's Fund (UNICEF) has three main objectives: Increasing learning and skills, providing a protective environment and broadening opportunities for children and adolescents.<sup>169</sup> In this regard, issues that will need to be addressed by delegates include augmenting the capacity of the school system in host countries, implementing strategies in order to help Syrian children adapting to different dialects, and providing more protection from sexual discrimination.<sup>170</sup>

### *Livelihoods*

In order to provide for themselves, Syrian refugees need to have access to the labor market in their host country.<sup>171</sup> Unfortunately, in some cases, their refugee status does not allow them to work legally or at least make it more difficult for them to find employment.<sup>172</sup> This is particularly true in Iraq, Jordan, and Lebanon, since none of them are parties to the *Convention relating to the status of Refugees* (1951).<sup>173</sup> In Iraq, for example, Syrian refugees are allowed to work legally so far as they have a residency permit, but acquiring such document can prove to be a challenge in itself.<sup>174</sup> Indeed, residency permits are not provided anymore in non-camp settings since April 2013.<sup>175</sup> While the RRP has led several initiatives for employment assistance or business development projects, other challenges need to be addressed with attention paid to long-term solutions.<sup>176</sup> These additional areas of concern include “the remoteness of locations where refugees reside, language skills, tools, capita and increasing intolerance towards Syrian refugees.”<sup>177</sup>

### *Shelter*

Syrian refugees living outside of camps have several options when it comes to housing. Some of them choose to rent homes or apartments, but this raises difficulties on an economic level, as this option necessitates the payment of a monthly fee.<sup>178</sup> In order to provide refugees with shelter assistance, the UNHCR implemented several strategies, including cash for rent, shelter kits, and weatherproofing.<sup>179</sup> When they cannot afford this type of housing, Syrian refugees have to resort to living in collective centers or unfinished buildings, where they may sacrifice their privacy and safety.<sup>180</sup> This situation is particularly alarming in Lebanon, as this hosting country does not have any camps, and thus all Syrian refugees are burdened with the responsibility of finding appropriate shelter.<sup>181</sup> Aware of the particularity of this situation, the RRP has implemented a strategy comprised of three objectives: “providing safe and dignified emergency shelter to newly arriving households; improving substandard shelters and maintaining the

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<sup>163</sup> UNHCR, *Education Regional Dashboard June 2014*, 2014.

<sup>164</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 24.

<sup>165</sup> *Ibid.*, p. 89.

<sup>166</sup> *Ibid.*

<sup>167</sup> UNHCR, *Education Regional Dashboard June 2014*, 2014.

<sup>168</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 255.

<sup>169</sup> UNICEF, *No Lost Generation – Strategic Overview*, 2014.

<sup>170</sup> *Ibid.*

<sup>171</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 27.

<sup>172</sup> *Ibid.*

<sup>173</sup> United Nations, Office of Legal Affairs, *Chapter V, Refugees and Stateless Persons*.

<sup>174</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 27.

<sup>175</sup> *Ibid.*, p. 143.

<sup>176</sup> UNHCR, *Livelihoods Regional Dashboard June 2014*, 2014.

<sup>177</sup> *Ibid.*

<sup>178</sup> UNHCR, *Shelter Regional Dashboard February 2014*, 2014.

<sup>179</sup> *Ibid.*

<sup>180</sup> *Ibid.*

<sup>181</sup> *Ibid.*

shelter conditions of vulnerable households; and, upgrading properties belonging to Lebanese host families, thus enabling them to benefit from structural improvements in the long-term.”<sup>182</sup>

### ***Camp Settings***

The number of Syrian refugees living in camps accounts for 16 percent of the three million living in neighboring countries.<sup>183</sup> However, the proportions of refugees living in camps versus those living elsewhere differs among the host countries, with 36 percent in camps in Iraq, 35 percent in Turkey, and 18 percent in Jordan, while Lebanon and Egypt only rely on non-camp settings.<sup>184</sup> Some of the challenges faced by Syrians living in refugee camps include health, nutrition, water, sanitation, and hygiene.

### ***Health and Nutrition***

The health and nutrition-related problems refugees usually encounter in camps include communicable and non-communicable diseases, malnutrition, low immunization coverage, mental illness, and a lack of access to reproductive health care.<sup>185</sup> The situation differs depending on the country hosting the camp as primary health care is granted by national health systems in Iraq and Turkey, and by the RRP in Jordan.<sup>186</sup> Therefore, the challenges and priorities differ as well. In Iraq, for instance, the limitation in financial and human resources represent the main obstacles to potentially impact the health and nutrition sector.<sup>187</sup> However, certain policies and objectives are common to these three countries, such as to “improve equitable access, quality and coverage to comprehensive primary health care for Syrian refugee women, girls, boys and men” and “support the capacity of the national health care system to provide health and nutrition services.”<sup>188</sup>

### ***Water, Sanitation and Hygiene***

The challenges met with water, sanitation and hygiene (WASH) stem from pre-existing problems in the host countries, namely water shortages due partly to extreme climate, and inadequate water and waste treatment.<sup>189</sup> These shortcomings may have negative effects on various sectors such as food production and livestock, with the potential to ultimately decrease informal employment in the abovementioned sectors.<sup>190</sup> In Jordan, camps are faced with added challenges arising from an increase in water-demanding devices, and the cost of water trucking and desludging.<sup>191</sup> In Iraqi camps, some of the measures undertaken to improve WASH are implemented through “community mobilization to facilitate greater ownership of resources.”<sup>192</sup>

### ***Sexual and Gender-Based Violence***

Sexual and gender-based violence (SGBV) is a threat shared by both refugees and IDPs and is therefore an issue of utmost importance to UNHCR, as illustrated in the agency’s publication, “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response.”<sup>193</sup> In the aforementioned document, UNHCR gives the following definition for SGBV: “violations of fundamental human rights that perpetuate sex-stereotyped roles that deny human dignity and the self-determination of the individual and hamper human development,” and “physical, sexual and psychological harm that reinforces female subordination and perpetuates male power and control.”<sup>194</sup>

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<sup>182</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 382.

<sup>183</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 24.

<sup>184</sup> UNHCR, *Shelter Regional Dashboard February 2014*, 2014.

<sup>185</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 25.

<sup>186</sup> UNHCR, *Health Regional Dashboard June 2014*, 2014.

<sup>187</sup> *Ibid.*.

<sup>188</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 264.

<sup>189</sup> *Ibid.*, p. 27.

<sup>190</sup> UNHCR, *Wash Regional Dashboard June 2014*, 2014.

<sup>191</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 308.

<sup>192</sup> *Ibid.*, p. 191.

<sup>193</sup> UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displace Persons – Guidelines for Prevention and Response*, 2003.

<sup>194</sup> *Ibid.*, p. 18.

The 2014 SHARP has undertaken several activities in order to respond to SGBV in Syria, including but not limited to, awareness-raising, psychosocial support, legal and cash assistance, as well as emergency medical care.<sup>195</sup> However, these programs encounter barriers as family restrictions which do not allow women to access the existing assistance.<sup>196</sup> Moreover, societal norms condoning certain sexual and gender-based violence such as forced early marriage have become more prominent, leading to a recrudescence of this form of SGBV.<sup>197</sup>

If Syrian refugees face similar challenges to IDPs, their situation is aggravated by their living conditions.<sup>198</sup> Indeed, both camps and urban areas are faced with SGBV stemming from “insecurity, limited livelihood opportunities, lack of access to formal and non-formal education opportunities, lack of access to housing and the lenient application of national legal frameworks”.<sup>199</sup> While the Syrian refugee crisis has exacerbated the risks of SGBV, it also provides a unique opportunity, as “displacement can enable women to take on new roles and instigate positive change”.<sup>200</sup> Indeed, refugee women often have to provide for their children, and thus endorse a new economic responsibility differing from more traditional roles.<sup>201</sup>

### ***Conclusion***

Millions of displaced Syrians are struggling, either within the Syrian borders or in neighboring countries, and rely on the help of UNHCR.<sup>202</sup> With increased instances of conflict in Syria, the number of refugees continues to grow, causing an increase in budget needs as well.<sup>203</sup> More than a domestic issue, the entire region is affected by the Syrian refugee crisis as the strain on resources is felt in hosting countries.<sup>204</sup> Indeed, Egypt, Iraq, Jordan, Lebanon and Turkey are home to three million Syrian refugees, putting a strain on the governments and populations of these states.<sup>205</sup> Delegates will have to address a wide variety of issues in order to improve the living conditions of Syrian refugees living both in urban and camp settings.

### ***Further Research***

Delegates are presented here with an unprecedented humanitarian crisis. In an effort to improve the living conditions of Syrian refugees, the following questions should be considered: How can UNHCR facilitate access to their services for urban refugees? What mechanisms of participation can be implemented for a better integration of refugees in the camp settings? How can SGBV be addressed in different sectors, and how can these efforts be coordinated? What further partnership can UNHCR build with host countries to alleviate their burden? While many challenges are to be addressed, it needs to be reminded that a political solution to the ongoing conflict in Syria is not to be found within this committee.

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<sup>195</sup> OCHA, *2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP)*, 2013, p. 65.

<sup>196</sup> *Ibid.*

<sup>197</sup> *Ibid.*, p. 21.

<sup>198</sup> UNHCR, *2014 Syria Regional Response Plan. Strategic Overview*, 2014, p. 20.

<sup>199</sup> *Ibid.*

<sup>200</sup> UNHCR, *Women*.

<sup>201</sup> UNHCR, *Policy on Refugee Women*, 1990, p. 6.

<sup>202</sup> Australia for UNHCR, *Syria Crisis Appeal*. 2014.

<sup>203</sup> UNHCR, *Refugee total hits 3 million as Syrians flee growing insecurity and worsening conditions*, 2014.

<sup>204</sup> UNHCR, *UNHCR and host countries seek more help to cope with Syria refugee crisis*, 2014.

<sup>205</sup> *Ibid.*

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Syria Humanitarian Assistance Response Plan & Syria Regional Response Plan. (2014). *Common Planning Framework 2014*. Retrieved 10 July 2014 from: <http://www.unhcr.org/media-rrp6/planning.pdf>

*The Common Planning Framework is a great tool to understand both the Syria Humanitarian Response Plan (SHARP) and the Regional Response Plan (RRP), which represent a huge part of the role played by the international system in the Syrian refugee crisis. This document will be the first step towards understanding these crucial initiatives. SHARP and RRP are outlined here through a summary and a comparison of their strategic objectives, planning figures, performance targets, and budgetary requirements. Delegates are encouraged to consult this document as it provides with general information on SHARP and RRP.*

United Nations Children's Fund. (2014). *No Lost Generation – Strategic Overview*. Retrieved 29 August 2014 from: [http://www.unicef.org/appeals/files/No\\_Lost\\_Generation\\_Strategic\\_Overview\\_January\\_2014.pdf](http://www.unicef.org/appeals/files/No_Lost_Generation_Strategic_Overview_January_2014.pdf)

*This document presents the strategies adopted within the education sector in regards to the Syrian situation, for both IDPs and refugees. It contains some background information and identifies the targets and objectives that will be pursued. Moreover, it gives more detailed data on the key actions to be taken in Syria, Lebanon, Jordan, Iraq, Turkey and Egypt. In the context of the Syrian refugee crisis, education is an issue that concerns millions of displaced people, both in and outside of Syria. Therefore, it is important for delegates to be aware of the different strategies adopted.*

United Nations High Commissioner for Refugees. (n.d.). *Syria Regional Refugee Response* [Website]. Retrieved 10 July 2014 from: <http://data.unhcr.org/syrianrefugees/regional.php>

*The Syria Regional Refugee Response is an inter-agency information-sharing portal and a go-to source for delegates wishing to keep up-to-date regarding the Syrian refugees' situation. Indeed, the data contained in the website are regularly updated through statistics, fact sheets and dashboards among other sources. Further information relating to the Syrian refugee crisis will also be available in multiple reports. In addition to that, delegates will have the opportunity to get more specific and detailed information on the regional locations affected by the crisis, namely Egypt, Iraq, Jordan, Lebanon and Turkey.*

United Nations High Commissioner for Refugees. (2003). *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response*. Retrieved 29 August 2014 from: <http://www.unhcr.org/3f696bcc4.html>

*Sexual and gender-based violence is of particular interest for the topic at hand, in that its causes are multifaceted and its consequences are devastating. Therefore, delegates are expected to develop a keen knowledge on the issue, to which end this document is a useful resource. The definitions of key concepts and the explanation of the guiding principles allow delegates to acquire some background knowledge, whereas the framework for actions towards preventing and responding to SGBV will provide with inspiration for potential strategies.*

United Nations High Commissioner for Refugees. (2009). *UNHCR policy on refugee protection and solutions in urban areas*. Retrieved 29 August 2014 from: <http://www.unhcr.org/4ab356ab6.pdf>

*Because the majority of Syrian refugees live in urban areas, it is essential to understand UNHCR policy pertaining to this population of concern. Although written before the Syrian refugee crisis, this document remains relevant for it outlines general comprehensive protection strategies. Issues covered include refugee documentation, security, material needs, healthcare, and education. Delegates can use the recommendations contained in the different sectors to find new ways to help urban refugees that are adapted to the Syrian situation.*

United Nations High Commissioner for Refugees. (2013). *A Year in Review 2013* [Report]. Retrieved 10 July 2014 from: <http://www.unhcr.org/52eb7a7a9.html>

*Published by the United Nations High Commissioner for Refugees (UNHCR), this report examines the work of UNHCR in Syria in 2013, providing delegates with specific information on the role of their committee and its work in the field. Useful information pertaining to this topic will be found*



*in this document, such as a timeline of UNHCR's work in Syria and a list of operations led in Damascus by the Field Office. The document also contains general information and data on thematic issues such as shelter, health and human rights.*

United Nations High Commissioner for Refugees. (2014). *2014 Syria Regional Response Plan. Strategic Overview*. Retrieved 29 August 2014 from: <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>

*The Syria Regional Response Plan is key to the work of UNHCR in the context of the Syrian refugee crisis. It aims at helping some three million refugees and brings together all actors of the international system. This document is essential in order to understand what UNHCR and its partners are doing to improve the condition of Syrian refugees. Throughout its different sections, it will give insights on improvements made so far, priorities, and further challenges. Moreover, delegates can access detailed information for each host country.*

United Nations, Office of Legal Affairs. (n.d.). *Convention relating to the Status of Refugees* [Website]. Retrieved 29 August 2014 from: <http://legal.un.org/avl/ha/prsr/prsr.html>

*This website contains a multitude of information on the Convention on the Status of Refugees adopted in 1951 and on its 1967 Protocol. This Convention being one of the main frameworks operating in the Syrian refugee crisis; it is essential that delegates have a clear understanding of it. Here, access will be given not only to the text of the Convention itself, but also to an account of its procedural history and an introductory note. This additional information will allow delegates to go deeper in analyzing the Convention and what it means.*

United Nations Office for the Coordination of Humanitarian Affairs. (n.d.). *Syria Humanitarian Response* [Website]. Retrieved 10 July 2014 from: <https://syria.humanitarianresponse.info/>

*Humanitarian Response serves as an information tool provided by the Office for the Coordination of Humanitarian Affairs (OCHA) and is the main source for all information concerning the Syria Humanitarian Assistance Response Plan (SHARP). This website provides information on different sectors concerned by the work of SHARP, such as education, health, and shelter. For each sector, a number of key documents are provided, such as fact sheets and reports. Furthermore, delegates will have access to situation updates and bulletins, giving them the opportunity to be up-to-date with the recent developments.*

United Nations Office for the Coordination of Humanitarian Affairs. (2013). *2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP)*. Retrieved 10 July from: [https://syria.humanitarianresponse.info/system/files/documents/files/Syria\\_Humanitarian\\_Assistance\\_Response\\_Plan\\_2014\\_131215\\_0.pdf](https://syria.humanitarianresponse.info/system/files/documents/files/Syria_Humanitarian_Assistance_Response_Plan_2014_131215_0.pdf)

*The Syrian Humanitarian Assistance Response Plan (SHARP) is the main framework coordinating international efforts in humanitarian aid regarding the ongoing crisis in Syria. This document addresses the humanitarian needs as well as the progress made so far. This source will be useful for delegates to have an overview of the role of SHARP and of its priorities for the year to come. The strategic objectives and responses contained in the document will guide delegates towards potential future actions to be taken.*

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## II. Protecting the Civil, Political, and Socioeconomic Rights of Refugees

### *Introduction*

In any refugee crisis, and particularly in prolonged refugee crises, people forced to migrate may encounter difficulties in accessing basic amenities and exercising basic rights.<sup>206</sup> Those needs and rights may be concrete, such as food, water, medicine, and shelter; they may also be abstract rights and liberties, such as the right to manifest religious or political beliefs or to live in accordance with familiar cultural norms.<sup>207</sup> Even when they have resettled permanently in a new country, refugees encounter barriers to these rights, all of which are protected under international law.<sup>208</sup>

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.<sup>209</sup> 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.<sup>210</sup> Generally, there is little access to adequate health care, and virtually no access to more than the most basic educational opportunities.<sup>211</sup> 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.<sup>212</sup>

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.<sup>213</sup> 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.<sup>214</sup> 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.<sup>215</sup> Therefore, it is within the mandate of the United Nations High Commissioner for Refugees (UNHCR), other UN agencies, civil society, and national governments to take certain measures to protect refugee's rights.<sup>216</sup>

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.<sup>217</sup>

### *Key Definitions*

- *Protection*: Includes activities aimed at ensuring that human rights are respected, preventing harm and abuse, and ensuring that conditions are conducive to these goals.
- *Internally Displaced Persons (IDPs)*: Internal displacement occurs when people are forced to move within their home countries as a result of conflict, natural disaster, or other reasons; internally displaced persons are distinct from refugees, as they remain in their countries of origin.
- *Refoulement*: To return a person residing outside of her home country to that country; “non-refoulement” is a requirement of certain refugee-related treaties, such as the *Convention Against Torture*.

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<sup>206</sup> UNHCR, *The State of the World's Refugees: In Search of Solidarity*, 2012.

<sup>207</sup> *Ibid.*

<sup>208</sup> Dwyer, *Refugee Integration in the United States: Challenges and Opportunities*, 2010.

<sup>209</sup> Hindstrom, *Myanmar refugees in limbo in Thailand*, 2014.

<sup>210</sup> Hirsch, *The safest prey: When refugee camps become sites of violence*, 2012.

<sup>211</sup> UNHCR, *The State of the World's Refugees: In Search of Solidarity*, 2012.

<sup>212</sup> Hindstrom, *Myanmar refugees in limbo in Thailand*, 2014.

<sup>213</sup> UNHCR, *Resettlement*.

<sup>214</sup> *Ibid.*

<sup>215</sup> *Ibid.*

<sup>216</sup> *Ibid.*

<sup>217</sup> UNHCR, *Internally Displaced People*.

- *Resettlement Country (or Third Country)*: A resettlement country is any country where refugees who cannot be repatriated reside permanently.
- *Repatriation*: To return refugees to their countries of origin at the end of the situation that caused them to leave.<sup>218</sup>

### ***International and Regional Framework***

While the *Convention and Protocols Relating to the Status of Refugees* (1951) 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.<sup>219</sup> There are several human rights treaties applicable to all human beings that may be invoked in the discussion of the rights of refugees. These include, notably, the *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*.<sup>220</sup> Each raises a separate set of obligations for Member States and a separate set of rights for individuals.<sup>221</sup> Besides the fact that each Covenant relates to different spheres of human rights, each imposes a different duty.<sup>222</sup> 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.<sup>223</sup> 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.<sup>224</sup> 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.<sup>225</sup>

#### *International Covenant on Civil and Political Rights (ICCPR)*

Member States that have ratified these two Covenants take on certain responsibilities with respect to individuals within their territory.<sup>226</sup> In the case of the ICCPR, which enjoys slightly broader ratification than the ICESCR, these responsibilities relate to the following civil rights, among others:

- Equal treatment of all persons “without distinction of any kind” based on race, sex, language, nationality, religion, political opinion, or membership in some other class or group;
- Protection against the arbitrary deprivation of life, including by death penalties imposed for less serious offenses;
- Protection against arbitrary arrest and detention;
- Equality before the courts;
- The right to hold political opinions and to freely associate with others;
- The right of children to be registered after birth and to acquire nationality; and
- The right to form community with others of similar language, culture, and ethnicity.<sup>227</sup>

#### *International Covenant on Cultural, Social, and Economic Rights (ICESCR)*

The ICESCR, a “sister covenant” to the ICCPR, entails a less rigid duty for its signatories, but the rights included in the ICESCR are difficult for some countries, particularly developing countries, to fulfill, as they require a certain level of commitment of economic and material resources.<sup>228</sup> These rights include:

- The right to work, including the right to freely choose or accept work and the right to work under safe and fair conditions;
- Families’ entitlement to protection and assistance;

<sup>218</sup> UNHCR, *Master Glossary of Terms*, 2006.

<sup>219</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

<sup>220</sup> UN General Assembly, *International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>221</sup> *Ibid.*

<sup>222</sup> *Ibid.*

<sup>223</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>224</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

<sup>225</sup> *Ibid.*

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.*

<sup>228</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

- The right to an adequate standard of living, including food and shelter;
- The right to the “enjoyment of the highest attainable standard of physical and mental health”;
- The right to an education, including the right of parents to choose schools for their children in accordance with their beliefs and convictions; and
- The right to benefit from scientific and cultural development, including the right to retain ownership over one’s own intellectual property.<sup>229</sup>

### ***Role of the International System***

#### *The United Nations System*

UNHCR’s global field work 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.<sup>230</sup> 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.<sup>231</sup> For those who are able to return to their countries of origin, UNHCR may also assist with refugees’ reintegration into their communities and, to a certain extent, with rebuilding the lives they left behind.<sup>232</sup> While third country resettlement is one very visible aspect 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.<sup>233</sup>

Although UNHCR is the central UN agency for refugees, it is by no means 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.<sup>234</sup> 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.<sup>235</sup> 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.<sup>236</sup>

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.<sup>237</sup> 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.<sup>238</sup> The Special Rapporteur for the rights of migrants, François Crépeau, has recently focused on the labor rights of migrants and potential for labor exploitation.<sup>239</sup>

#### *Inter-Agency Standing Committee (IASC)*

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<sup>229</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>230</sup> UNHCR, *Assistance*.

<sup>231</sup> *Ibid.*

<sup>232</sup> UNHCR, *The Integration of Resettled Refugees*, 2013.

<sup>233</sup> UNHCR, *Resettlement*.

<sup>234</sup> UNFPA, *Reproductive Health in Refugee Situations: An Inter-Agency Field Manual*, 1999.

<sup>235</sup> *Ibid.*

<sup>236</sup> Hirsch, Michele Lent, *The safest prey: When refugee camps become sites of violence*, 2012.

<sup>237</sup> UN Human Rights Council, *Human Rights Committee*.

<sup>238</sup> UN Human Rights Council, *Special Rapporteur on the human rights of migrants*.

<sup>239</sup> UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau, Labour exploitation of migrants (A/HRC/26/35)*, 2014.

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.<sup>240</sup> 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.<sup>241</sup> Within the IASC, UNHCR 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.<sup>242</sup>

#### *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.<sup>243</sup> Regional, national, and local organizations are able better to reach remote areas where UNHCR finds it difficult to provide crucial support for refugees.<sup>244</sup> 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.<sup>245</sup>

One of the many NGOs represented at the 2014 consultations was the Refugee Law Project, from the Makerere University School of Law in Uganda.<sup>246</sup> 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.<sup>247</sup> 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.<sup>248</sup> The Refugee Law Project is only one of many legal services providers like it across the world, as one may notice upon viewing the list of participants in this year's consultations 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.<sup>249</sup>

#### *NGOs in Camps/Protracted Situations*

Other NGOs have focused their operations on protecting the rights of refugees in camps.<sup>250</sup> Another example of an organization giving legal advice is the Legal Assistance Centre (LAC), though this organization differs from the Refugee Law Project in that it provides advice and advocacy from within the camps.<sup>251</sup> The LAC has operated in camps in Thailand since 2006.<sup>252</sup> 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.<sup>253</sup> A major component of the LAC's legal services operations includes education and advocacy related to sexual and gender-based violence (SGBV).<sup>254</sup> 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.<sup>255</sup>

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<sup>240</sup> OCHA, *About Inter-Agency Standing Committee*.

<sup>241</sup> *Ibid.*

<sup>242</sup> UNHCR, *UNHCR Global Appeal Update*, 2009, p. 52-56.

<sup>243</sup> UNHCR, *UNHCR promotes innovation and self sufficiency at annual NGO meet*, 2012.

<sup>244</sup> *Ibid.*

<sup>245</sup> UNHCR, *UNHCR Annual Consultations with NGOs*, 2014.

<sup>246</sup> Refugee Law Project, *History, Vision, Mission & Values*.

<sup>247</sup> *Ibid.*

<sup>248</sup> Refugee Law Project, *Mental Health and Psychosocial Wellbeing Programme*.

<sup>249</sup> UNHCR, *UNHCR Annual Consultations with NGOs*, 2014.

<sup>250</sup> IRIN, *Myanmar-Thailand: Bringing the Law to Burmese Refugee Camps*, 2009.

<sup>251</sup> *Ibid.*

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.*

<sup>254</sup> *Ibid.*

<sup>255</sup> *Ibid.*



### *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.<sup>256</sup> 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.<sup>257</sup>

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 the policy.<sup>258</sup> 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 citizenship by birthright.<sup>259</sup> In Europe, on the other hand, not a single country will give automatic citizenship to such a child.<sup>260</sup> 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.<sup>261</sup>

Arbitrary detention is also a major concern for refugees living in a new country, despite the protections the ICCPR ostensibly provides.<sup>262</sup> "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.<sup>263</sup> For refugees with legal immigration status, the government may make arrests based on pretext in order to exert the authority to detain a person.<sup>264</sup> 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.<sup>265</sup> 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 as areas of difference giving rise to areas of unique concern.<sup>266</sup> 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.<sup>267</sup> 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.<sup>268</sup> 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.<sup>269</sup> UNHCR now ensures that staff are aware of differences that give rise to needs they might not have otherwise considered, and the Annual Programme Review is established to ensure compliance with the Age, Gender, and Diversity Policy.<sup>270</sup>

### *Basic Needs and Services*

The largest portion of UNHCR's budget goes towards providing for basic needs such as food and shelter.<sup>271</sup> Major areas of assistance in terms of basic needs include nutrition, water and sanitation, and health care.<sup>272</sup> Assistance with

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<sup>256</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

<sup>257</sup> Pillay, *Strengthening the United Nations human rights treaty body system: A report by the United Nations High Commissioner for Human Rights*, 2012.

<sup>258</sup> Feere, *Birthright Citizenship in the United States: A Comparison*, 2010.

<sup>259</sup> *Ibid.*

<sup>260</sup> *Ibid.*

<sup>261</sup> *Ibid.*

<sup>262</sup> Global Detention Project, *Lebanon Detention Profile*, 2014.

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> *Ibid.*

<sup>266</sup> UNHCR, *UNHCR Age, Gender, and Diversity Policy*, 2011.

<sup>267</sup> *Ibid.*

<sup>268</sup> *Ibid.*

<sup>269</sup> *Ibid.*

<sup>270</sup> *Ibid.*

<sup>271</sup> UNHCR, *Identifying Needs and Funding Requirements*, 2011.

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.<sup>273</sup> 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.<sup>274</sup>

Immediate needs such as food and shelter are visible components of UNHCR's assistance programs.<sup>275</sup> 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.<sup>276</sup> 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.<sup>277</sup> The Strategic Plan for Nutrition and Food Security outlines the approaches and goals of UNHCR in this area, as well as indicators of success.<sup>278</sup>

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.<sup>279</sup> 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.<sup>280</sup> 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.<sup>281</sup>

#### *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.<sup>282</sup> UNHCR operates livelihoods projects in many of its camps, providing refugees with training, capital (often in the form of microloans), and guidance.<sup>283</sup> UNHCR also recognizes education as not a luxury, but a right, and one to which refugees should have access.<sup>284</sup> Notably, UNHCR has partnered with Germany to provide scholarships to refugees, while other programs and partnerships focus on primary and early childhood education.<sup>285</sup> The 2012-2016 Education Strategy is the guiding document for UNHCR's education programming.<sup>286</sup>

#### *Case Study: Myanmar, Thailand, and the United States*

Thailand has hosted refugees from Myanmar in camps along its border for more than two decades.<sup>287</sup> The camps were always intended to be a form of temporary assistance for civilians fleeing oppression in Myanmar.<sup>288</sup> However they have become permanent residences due to unresolved ethnic violence in Myanmar.<sup>289</sup> Additionally, the stability of these camps has been threatened with the 2014 military coup in Thailand.<sup>290</sup> Notably, is not party to the *Convention Relating to the Status of Refugees*, therefore is not subject to the obligation of non-refoulement (the duty not to return immigrants to countries in which they might be tortured or killed).<sup>291</sup> Now, there are threats that

<sup>272</sup> UNHCR, *Assistance*.

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.*

<sup>275</sup> *Ibid.*

<sup>276</sup> UNHCR, *Nutrition and Food Security*.

<sup>277</sup> UNHCR, *2008-2012 Strategic Plan for Nutrition and Food Security*.

<sup>278</sup> *Ibid.*

<sup>279</sup> Meyer, *UNHCR's Mental Health and Psychosocial Support for Persons of Concern*.

<sup>280</sup> *Ibid.*

<sup>281</sup> *Ibid.*

<sup>282</sup> UNHCR, *Livelihoods & Self-Reliance*.

<sup>283</sup> *Ibid.*

<sup>284</sup> UNHCR, *Education*.

<sup>285</sup> *Ibid.*

<sup>286</sup> *Ibid.*

<sup>287</sup> UNHCR, *2014 UNHCR country operations profile – Thailand, 2014*.

<sup>288</sup> *Ibid.*

<sup>289</sup> *Ibid.*

<sup>290</sup> Lefevre, *Thai junta's pledge to send back Myanmar refugees sparks concern, 2014*.

<sup>291</sup> Lefevre, *Thai junta's pledge to send back Myanmar refugees sparks concern, 2014*.

refugees may be returned to Myanmar despite their claims that they will be persecuted upon their return.<sup>292</sup> Many of those who have left the refugee camps over the years have travelled to the United States with the help of non-profit organizations and religious organizations, such as the Church World Service, many of which receive grant funding from the government to provide this service.<sup>293</sup> At all phases of this process, whether refugees remain in camps in Thailand, return to Myanmar, or leave refugee camps for the United States, there are concerns for the protection of the rights of these refugees.<sup>294</sup>

Inside the camps, there are obvious concerns related to safety, sanitation, and nutrition, but there are more complex problems with the legal status of refugees.<sup>295</sup> In an attempt to prevent more refugees from coming to Thailand, the Thai government stopped registering refugees fleeing Myanmar in 2005.<sup>296</sup> This has left many people ineligible for resettlement, but also ineligible to work or live in Thailand legally.<sup>297</sup> Moreover, the futures of children who were born in the camps are uncertain, especially for those whose births were not registered.<sup>298</sup> There are limited prospects for education and job training in the camps, and residents are unable to leave to seek employment or education in other parts of Thailand.<sup>299</sup>

When it became apparent that this refugee crisis would not be quickly resolved, resettlement in countries such as Australia, Canada, and the United States emerged as an option.<sup>300</sup> Recently, the United States has called an end to its resettlement program for refugees from Myanmar, having taken in over 70,000 individuals since 2005.<sup>301</sup> While the rights of refugees are better protected there than they were in the camps, refugees from Myanmar may face poverty, although refugees do qualify for some public assistance; separation from their families, as legal remedies for family reunification only extend to unmarried children and spouses; employment discrimination, despite the fact that refugee status confers employment authorization in the United States; and language and cultural barriers to education.<sup>302</sup> These difficulties are exacerbated in parts of the country where there is insufficient access to organizations working to assist resettled refugees.<sup>303</sup> Moreover, the organizations that do exist face constant threats to their funding as anti-immigration activists gain influence over the legislature.<sup>304</sup>

### **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.<sup>305</sup> Most Member States, even those not party to the Refugee Convention, are party to one or more treaty that imposes upon them a duty to pursue these rights for all persons within their jurisdictions.<sup>306</sup> Unfortunately, as demonstrated by current refugee crises taking place in, for instance, Thailand and Lebanon, there exists a need for a more active pursuit of these rights.<sup>307</sup>

### **Further Questions**

Delegates should consider the following questions: What steps can UNHCR take to protect refugees' rights while living in camps? 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? What can be done to protect refugees from exploitation and discrimination while they are waiting for resettlement or after they have been resettled? What sorts of coordination efforts are necessary to ensure that each Member State hosting refugees have the capacity to protect

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<sup>292</sup> Hindstrom, Hanna, *Myanmar refugees in limbo in Thailand*, 2014.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

<sup>295</sup> Burma Link, *Refugee Camps*.

<sup>296</sup> Hindstrom, Hanna, *Myanmar refugees in limbo in Thailand*, 2014.

<sup>297</sup> Burma Link. *Refugee Camps*.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> Hindstrom, Hanna, *Myanmar refugees in limbo in Thailand*, 2014.

<sup>301</sup> Ibid.

<sup>302</sup> Dwyer, *Refugee Integration in the United States: Challenges and Opportunities*, 2010.

<sup>303</sup> Ibid.

<sup>304</sup> Refugee Council USA, *Stop Cuts to Refugee Services*.

<sup>305</sup> UN General Assembly, *International Covenant on Economic, Social, and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>306</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

<sup>307</sup> Hindstrom, *Myanmar refugees in limbo in Thailand*, 2014.



and ensure their rights as articulated in the Refugee Convention, the ICCPR, and the ICESCR? 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?

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<http://www.burmalink.org/background/thailand-burma-border/displaced-in-thailand/refugee-camps/>

*This web page provides insight into the plight of Myanmar refugees remaining in refugee camps just inside Thailand's borders. The refugee crisis in Myanmar (which this organization refers to as Burma) is an example of a prolonged refugee situation that has displaced a large number of people, and the problems encountered by refugees awaiting repatriation or resettlement are comparable to those that may be experienced in other parts of the world. This particular example demonstrates what has been working for UNHCR and governments so far, and what aspects of the process still need work. Delegates can use this source to not only develop solutions for this situation, but also can apply to other protracted refugee situations.*

Canadian Council for Refugees. (2004). *Supporting Next Steps in Integration Initiatives: An Inventory of Opportunities and Needs in the Integration of Resettled Refugees*. Retrieved 12 July 2014 from:

<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4173839e4&query=resettlement>

*This report covers the steps that should be taken in communities where refugees resettle to adequately integrate them into those communities. The document covers issues such as language proficiency, access to health care (including mental health), and affordable housing. It contains the perspectives of several resettlement countries (including one of the NGOs that represents the resettlement initiatives in the United States), each of which expresses its needs and what it can offer to a joint initiative for refugee integration.*

Convention Relating to the Status of Stateless Persons with an Introductory Note by the Office of the United Nations High Commissioner for Refugees. (2010). United Nations High Commissioner for Refugees. Retrieved 12 July 2014 from: <http://www.unhcr.org/3b66c2aa10.html>

*The 1951 Convention and the 1967 Protocol Relating to the Status of Refugees were instruments created in the wake of the need for international cooperation to address the needs of displaced persons. These instruments enumerate the standards by which Member States are guided in dealing with refugee populations and, perhaps most importantly, define the term "refugee." Chapter IV of the Convention is of particular relevance to this topic, as this chapter relates to the general welfare of refugees in jurisdictions other than their countries of origin.*

Dwyer, T. (2010). *Refugee Integration in the United States: Challenges and Opportunities*. Church World Service. Retrieved 16 August 2014 from:

[http://hunger.cwsglobal.org/site/DocServer/Refugee\\_Integration\\_in\\_the\\_United\\_States.pdf?docID=3923](http://hunger.cwsglobal.org/site/DocServer/Refugee_Integration_in_the_United_States.pdf?docID=3923)

*This "white paper" from the Church World Service provides the perspective of a large NGO on challenges and goals relating to refugee resettlement in a third country. Although the vast majority of refugees go through resettlement, it is one of the most visible functions of UNHCR and one in which the participation of civil society and national governments is crucial. Delegates are encouraged to seek out comparable resources relating to NGOs operating in other resettlement countries, such as Canada, Australia, and Japan.*

Persaud, S. (2006). *Protecting refugees and asylum seekers under the International Covenant on Civil and Political Rights*. Retrieved 12 July 2014 from: <http://www.unhcr.org/4552f0d82.html>

*This research paper addresses the ICCPR as it applies to refugees and other displaced persons. This resource may be useful to delegates seeking to understand the process by which the ICCPR may be enforced and the specific duties of Member States in the context of refugee crises. The author also points out particular clauses within the ICCPR that are of special concern where the document applies to refugees.*

United Nations, General Assembly. (1966, December 16). *International Covenant on Civil and Political Rights (A/RES/21/2200)*. Retrieved 12 July 2014 from: <http://undocs.org/A/RES/21/2200>

*This Covenant, the ICCPR, applies to all persons, including refugees. The ICCPR addresses a broad array of civil and political rights to be afforded to all persons within the jurisdiction of the parties to the Convention. Of note are provisions relating to criminal justice, equal protection of*

*the laws, and freedom of expression and religion. A close reading of the specific language used in the ICCPR is crucial for understanding the rights due to refugees and all other persons.*

United Nations, General Assembly. (1966, December 16). *International Covenant on Economic, Social and Cultural Rights (A/RES/21/2200)*. Retrieved 12 July 2014 from: <http://undocs.org/A/RES/21/2200>

*The ICESCR may be considered a “sister document” of the ICCPR, but it is important to understand that it addresses a distinct set of rights and protections. It is worth noting that some parties to the ICCPR have not yet ratified the ICESCR, and that the implementation and enforcement of the ICESCR differ due to the specific language utilized in the document. ICESCR-protected rights are conditioned on resource availability and dependent upon development and political process. Access to health and education are both addressed in this Covenant.*

United Nations High Commissioner for Refugees. (1999). *A Practical Guide to Capacity Building as a Feature of UNHCR’s Humanitarian Programmes*. Retrieved 12 July 2014 from: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3bbd64845&query=capacity%20building>

*This document sets forth UNHCR’s internal guidelines for capacity-building, or the process of ensuring that states are better equipped to deal with refugee crises. Economic rights in particular are largely dependent on each state’s ability to provide the benefits refugees may require, and as such, UNHCR prioritizes capacity-building as a means of ensuring that rights are protected. The guide provides a definition of the term “capacity-building” in the context of protecting refugees and other displaced persons, specifies the context in which capacity-building may be beneficial, and explains the process in detail.*

United Nations Population Fund. (1999). *Reproductive Health in Refugee Situations: An Inter-Agency Field Manual*. Retrieved August 14, 2014 from: <http://www.unfpa.org/emergencies/manual/>

*This manual represents an effort on the part of the UNFPA to build inter-agency understanding of the needs of women during refugee crises. During prolonged crises, is it not uncommon for children to be born in refugee camps, and in those situations, reproductive health becomes a priority. This is a prime example of how the work of other parts of the UN system overlaps with that of UNHCR, and delegates are encouraged to seek out comparable initiatives by other agencies.*

United Nations High Commissioner for Refugees. (2012). *The State of the World’s Refugees: In Search of Solidarity*. Retrieved 12 July 2014 from: <http://www.unhcr.org/4fc5ceca9.html>

*This report by UNHCR captures the current situation of refugees worldwide. This resource should be used as a primer to bolster delegates’ understanding of UNHCR’s recent priorities. Although the scope of this document is broad, it addresses challenges UNHCR has encountered in its attempts to protect the rights and dignity of persons displaced by conflict, natural disasters, and other forces. Of particular interest is the section on “jus soli” or birthright citizenship, and the sections relating to discrimination based on gender and ethnicity.*

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### III. Protecting Refugees from Human Trafficking

*“The scale of human trafficking is atrocious. The silence that conceals this crime is disgraceful. We have to speak out because the victims are living in fear for their lives. They are abandoned in foreign countries, far from anyone who loves them, sometimes with no one they even know. They are held against their will with no way to escape. They want to call out for help – but they have been threatened into silence. We have to raise our voices for them. That means confronting the social and economic conditions that abet this crime. It means arresting the traffickers. And above all, it means protecting the victims.”<sup>308</sup>*

#### **Introduction**

At present, approximately 2.5 million trafficking victims are ensnared in the rapidly expanding web of the world’s third-largest criminal industry.<sup>309</sup> Generating an estimated profit of \$36 billion each year, human trafficking entails using coercion or deception to acquire control of people for an exploitative purpose, such as forced labor, prostitution, slavery, servitude, or the removal of organs.<sup>310</sup> Traffickers routinely target particularly vulnerable members of society, including women, children, migrants, and refugees, who frequently fall prey to manipulation as they search for opportunities to attain a better life.<sup>311</sup> In recent years, human trafficking has become a critical issue for the international community.<sup>312</sup> Spearheaded by the United Nations (UN), international efforts have emphasized the importance of a rights-based approach to human trafficking that reinforces state responsibility and prioritizes the needs of victims.<sup>313</sup> Since 1999, the Office of the United Nations High Commissioner for Refugees (UNHCR) has taken an active role at the forefront of the UN’s work on human trafficking.<sup>314</sup> While UNHCR has contributed to significant accomplishments, particularly with respect to standard-setting and policy development, trafficking of refugees and other persons of concern continues to rise in frequency.<sup>315</sup> In light of the protection obligations set out in its mandate, UNHCR must devise new strategies to counter the myriad challenges posed by human trafficking.<sup>316</sup>

#### **International and Regional Framework**

Adopted by the General Assembly in 2000, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (Trafficking in Persons Protocol) was the culmination of unprecedented attempts by Member States to identify and address human trafficking as a discrete phenomenon.<sup>317</sup> Article 3 of the Trafficking in Persons Protocol formally defines “trafficking in persons” as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>318</sup> Unlike migrant smuggling, which involves facilitating a person’s illicit entry into another state for profit, human trafficking can occur without movement across international borders.<sup>319</sup>

In 2002, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, which endorse “the primacy of human rights” in all efforts to prevent human trafficking and to assist trafficking victims.<sup>320</sup> The rights-based approach focuses on promoting and protecting the rights of all individuals implicated in human trafficking,

<sup>308</sup> UN Secretary-General Ban Ki-moon, *Remarks at charity reception in support of the Trust Fund for Victims of Human Trafficking*, 2014.

<sup>309</sup> UN DPI, *Human trafficking has no place in modern world, General Assembly President says*, 2014.

<sup>310</sup> Kneebone, *The Refugee-Trafficking Nexus: Making Good (the) Connections*, 2010, p. 152.

<sup>311</sup> UNODC, *Global Report on Trafficking in Persons 2012*, 2012, p. 15.

<sup>312</sup> UN DPI, *On World Day against Trafficking in Persons, UN calls for action to eradicate scourge*, 2014.

<sup>313</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 1.

<sup>314</sup> Riiskjær & Gallagher, *Review of UNHCR’s efforts to prevent and respond to human trafficking*, 2008, p. 6.

<sup>315</sup> Floor, *UNHCR’s role in combating human trafficking in Europe*, 2006, p. 23.

<sup>316</sup> UNHCR, *Human Trafficking and Refugee Protection: UNHCR’s Perspective*, 2009, p. 2.

<sup>317</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 2.

<sup>318</sup> UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/25)*, art. 3.

<sup>319</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 3.

<sup>320</sup> OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1)*, 2002, p. 3.

including “trafficked persons, individuals at risk of being trafficked, [and] individuals accused or convicted of trafficking-related offenses.”<sup>321</sup> Of the core human rights treaties, only the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979) and the *Convention on the Rights of the Child* (CRC) (1989) directly reference human trafficking.<sup>322</sup> However, the exploitation inherent to human trafficking clearly violates the rights enshrined in the *Universal Declaration of Human Rights* (1948) and guaranteed to all persons regardless of race, sex, national or social origin, birth, or other status.<sup>323</sup> Human trafficking also infringes rights enumerated in the widely ratified *International Covenant on Civil and Political Rights* (1966) and *International Covenant on Economic, Social and Cultural Rights* (1966), which impose additional obligations on States Parties to respect and ensure the human rights of all individuals within their territory and jurisdiction.<sup>324</sup> Rooted in these elements of international human rights law, the rights-based approach has gained widespread recognition at the international level as the most effective and appropriate means of combating human trafficking.<sup>325</sup>

In addition to fundamental rights, refugees enjoy further protections afforded to them by international law as a result of their status.<sup>326</sup> Article 1A(2) of the 1951 *Convention relating to the Status of Refugees* (CRSR) defines a refugee as anyone who, “owing to 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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”<sup>327</sup> The CRSR mandates States Parties to cooperate with UNHCR and sets out the minimum civil and socioeconomic rights to which all refugees are entitled without discrimination.<sup>328</sup> Notably, Article 31 forbids States Parties from penalizing refugees for illegal entry or residence, while article 33 prohibits the expulsion or return (“refoulement”) of refugees to states in which they would be subject to persecution.<sup>329</sup>

### ***Role of the International System***

The UN system’s overarching anti-trafficking strategy was determined in 2010 by General Assembly resolution 64/293, which detailed the *Global Plan of Action to Combat Trafficking in Persons* (GPA).<sup>330</sup> Designed to streamline international work on human trafficking, the GPA aims to support the Trafficking in Persons Protocol and other relevant instruments; assist Member States with combating human trafficking and meeting their legal obligations; mainstream concerns related to human rights, gender, and age; promote coordination between stakeholders at all levels; and increase awareness of human trafficking within the international community.<sup>331</sup> Resolution 64/293 also established the Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, which provides legal, financial, and humanitarian assistance to trafficking victims.<sup>332</sup>

Coordination of international anti-trafficking activities has fallen primarily to the UN Global Initiative to Fight Human Trafficking (UN.GIFT), which was founded in 2007 by United Nations Office on Drugs and Crime (UNODC), OHCHR, the United Nations Children’s Fund (UNICEF), the International Labour Organization (ILO), the International Organization for Migration (IOM), and the Organization for Security and Cooperation in Europe (OSCE).<sup>333</sup> Having recognized the monumental scale of the global human trafficking enterprise, UN.GIFT is dedicated to organizing a comprehensive response with the assistance of international, regional, and domestic actors.<sup>334</sup> To this end, UN.GIFT works with stakeholders to raise awareness, share knowledge, and build capacity.<sup>335</sup>

<sup>321</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 8.

<sup>322</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*, 1979, art. 6; UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989, art. 35.

<sup>323</sup> OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*, 2010, p. 39.

<sup>324</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 1966, arts. 2, 26; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 1966, art. 2.

<sup>325</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 1.

<sup>326</sup> OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*, 2010, p. 38.

<sup>327</sup> UN General Assembly, *Convention relating to the Status of Refugees (A/RES/429 (V))*, 1950, art. 1A(2).

<sup>328</sup> UNHCR, *Refugee Protection and Human Trafficking: Selected Legal Reference Materials*, 2008, p. 135.

<sup>329</sup> UN General Assembly, *Convention relating to the Status of Refugees (A/RES/429 (V))*, 1950, arts. 31, 33.

<sup>330</sup> UN General Assembly, *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293)*, 2010.

<sup>331</sup> *Ibid.*, p. 4.

<sup>332</sup> *Ibid.* p. 5.

<sup>333</sup> UN.GIFT, *About UN.GIFT*, 2014.

<sup>334</sup> UN.GIFT, *Work programme of the Global Initiative to Fight Human Trafficking (UN.GIFT)*, 2008, p. 10.

UN.GIFT also cooperates closely with the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), a forum composed of 16 international organizations specializing in technical assistance.<sup>336</sup>

Numerous UN entities address human trafficking from a variety of perspectives.<sup>337</sup> With a focus on criminal justice aspects of human trafficking, UNODC conducts research, raises awareness, and promotes the implementation of the *United Nations Convention against Organized Crime* and the Protocols thereto.<sup>338</sup> UNODC assists Member States through the provision of legal and technical expertise; for instance, the UNODC *Model Law against Trafficking in Persons* facilitates compliance with the Trafficking in Persons Protocol, which requires States Parties to develop national legislation that criminalizes human trafficking at the domestic level.<sup>339</sup> In March 2009, UNODC launched the *Blue Heart Campaign*, an initiative that uses social media and other tools to raise awareness and galvanize support for trafficking victims.<sup>340</sup> In contrast to UNODC, OHCHR leads the UN human rights system and endeavors to promote a rights-based approach to human trafficking through advocacy, researching the effect of migration laws, supporting capacity-building within states, and training law enforcement and legal officials.<sup>341</sup> Several of the Special Procedures, which comprise independent human rights experts that report to the Human Rights Council, have mandates particularly relevant to human trafficking, including the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on contemporary forms of slavery.<sup>342</sup> Meanwhile, the ILO has guided the expansion of international labor law to account for forced labor as an exploitative purpose of human trafficking.<sup>343</sup> The ILO recently adopted the *Protocol of 2014 to the Forced Labour Convention, 1930*, which prescribed specific measures to eliminate human trafficking for the purpose of forced or compulsory labor, including education of employers, enforcement of labor, and protection of migrant workers.<sup>344</sup>

Due to an increasing incidence of human trafficking in refugees, UNHCR has become progressively more involved in anti-trafficking initiatives.<sup>345</sup> As neither its mandate nor the CRSR specifically extends to trafficking victims collectively, UNHCR has rationally delineated the scope of its engagement with human trafficking by identifying three core responsibilities.<sup>346</sup> First, UNHCR must ensure that refugees and other persons of concern, namely asylum-seekers, returnees, stateless persons, and internally displaced persons, do not become victims of human trafficking; UNHCR must also protect persons of concern should they become trafficking victims.<sup>347</sup> Second, UNHCR must work to secure refugee status and international protection for trafficking victims who have a well-founded fear of persecution in their country of origin.<sup>348</sup> Lastly, UNHCR must assist stateless trafficking victims and trafficking victims without identity documents.<sup>349</sup> Similar to OHCHR, UNHCR has consistently supported a rights-based approach to human trafficking and has further highlighted the “humanitarian consequence of this crime.”<sup>350</sup> In 2011, UNHCR signed a memorandum of understanding with UNODC that formalized a joint commitment to tackling human trafficking and people smuggling through sharing resources, exchanging information, and establishing coordination mechanisms.<sup>351</sup>

UN entities partner frequently with civil society organizations, which are especially important to work focused on assisting trafficking victims.<sup>352</sup> In the GPA, Member States specifically “[acknowledged] the important role of civil society organizations in providing assistance and empowerment to victims of trafficking in persons.”<sup>353</sup> Civil society

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<sup>335</sup> UN.GIFT, *Goals: UN.GIFT strategy*, 2014.

<sup>336</sup> UN.GIFT, *The Inter-Agency Coordination Group against Trafficking in Persons (ICAT)*, 2014.

<sup>337</sup> Riiskjær & Gallagher, *Review of UNHCR’s efforts to prevent and respond to human trafficking*, 2008, pp. 117-122.

<sup>338</sup> UNODC, *A Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants*, 2012, p. 3.

<sup>339</sup> UNODC, *Global Report on Trafficking in Persons 2012*, 2012, p. 85.

<sup>340</sup> UNODC, *Blue Heart Campaign*, 2014.

<sup>341</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014.

<sup>342</sup> *Ibid.*, p. 57.

<sup>343</sup> ILO, *Forced labour, human trafficking and slavery*, 2014.

<sup>344</sup> ILO, *Protocol of 2014 to the Forced Labour Convention, 1930*, 2014, Preamble.

<sup>345</sup> Floor, *UNHCR’s role in combating human trafficking in Europe*, 2006, p. 23.

<sup>346</sup> UNHCR, *Refugee Protection and Human Trafficking: Selected Legal Reference Materials*, 2008, p. 11.

<sup>347</sup> UNHCR, *Human Trafficking and Refugee Protection: UNHCR’s Perspective*, 2009, p. 2.

<sup>348</sup> *Ibid.*, p. 2.

<sup>349</sup> *Ibid.*, p. 2.

<sup>350</sup> *Ibid.*, p. 1.

<sup>351</sup> UNHCR, *UNHCR chief calls for action against trafficking of humans*, 2011.

<sup>352</sup> Hoff, *The role of NGOs in combating human trafficking and supporting (presumed) trafficked persons*, 2011.

<sup>353</sup> UN General Assembly, *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293)*, 2010, p. 10.

organizations, which have the benefit of “direct contact with trafficked persons,” can assist with identification, legal and social support, and safe reintegration of trafficking victims.<sup>354</sup> More generally, civil society organizations may also participate in gathering information, raising awareness, and advocacy efforts in relation to human trafficking.<sup>355</sup> In 2013, the European Commission launched the European Union Civil Society Platform against trafficking in human beings, which provides over 100 European civil society organizations with the ability “to exchange experiences and concrete ideas on how best to assist victims, expand their networks, and prevent others from falling victim” to human trafficking.<sup>356</sup>

### ***Vulnerability, Refugees, and Human Trafficking***

The preponderance of trafficking cases “start as an attempt to improve the conditions of life” that subsequently transforms “into incidences of exploitation and abuse.”<sup>357</sup> Fundamental “social values and practices” engender the vulnerability that make certain individuals more likely to become victims of human trafficking.<sup>358</sup> Circumstances that influence the occurrence of human trafficking include social, economic, and political inequality; severe restrictions on immigration; and rising demand for cheap labor.<sup>359</sup> Some groups of individuals are inherently more vulnerable than others; for instance, children frequently make easy targets for manipulation, and they account for approximately 27% of trafficking victims worldwide.<sup>360</sup> At 60%, women comprise the overwhelming majority of trafficking victims, suggesting that “being a woman in many parts of the world is connected to those vulnerabilities that lead to victimization through trafficking in persons.”<sup>361</sup> In recognition of the relationship between vulnerability and human trafficking, Member States committed through the GPA to “[addressing] the social, economic, cultural, political and other factors that make people vulnerable to trafficking in persons, such as poverty, unemployment, inequality, humanitarian emergencies, including armed conflicts and natural disasters, sexual violence, gender discrimination, social exclusion and marginalization, as well as a culture of tolerance towards violence against women, youth and children.”<sup>362</sup>

Refugees additionally bear the burden of unique vulnerabilities that render them especially susceptible to exploitation, including “physical insecurity; social, economic and political marginalization; victimization by smugglers facilitating refugee movement; experience with sexual violence; social isolation or other negative consequences resulting from sexual violence; pressure to engage in survival sex; severe disruptions to family structure; and lack of legal protection.”<sup>363</sup> Further, refugees have unfortunately suffered from anti-trafficking measures, some of which frequently adversely affect refugees “by associating them with transnational organized crime” and depriving them of the rights to which they are entitled.<sup>364</sup> For example, restrictive border controls may prevent refugees from seeking asylum in another state.<sup>365</sup> UNHCR undertakes a variety of initiatives to raise awareness about human trafficking among refugee populations, while also attempting to identify risks and implement preventive measures for particularly vulnerable groups as soon as possible.<sup>366</sup> However, without long-term, durable solutions that offer “permanence, legal status, safety, and a means of economic support,” especially in protracted situations, refugees will remain at a high level of risk for human trafficking.<sup>367</sup>

### ***Assisting Trafficked Refugees***

Refugees who have fallen victim to human trafficking experience the same difficulties as other trafficking victims; however, by virtue of their status, refugees are frequently subjected to additional struggles.<sup>368</sup> Often, the first

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<sup>354</sup> Hoff, *The role of NGOs in combating human trafficking and supporting (presumed) trafficked persons*, 2011.

<sup>355</sup> *Ibid.*

<sup>356</sup> European Commission, *Commission launches EU Civil Society Platform against trafficking in human beings*, 2013.

<sup>357</sup> UNODC, *Global Report on Trafficking in Persons 2012*, 2012, p. 15.

<sup>358</sup> *Ibid.*

<sup>359</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 1.

<sup>360</sup> UNODC, *Global Report on Trafficking in Persons 2012*, 2012, p. 26.

<sup>361</sup> *Ibid.*, p. 25.

<sup>362</sup> UN General Assembly, *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293)*, 2010, p. 7.

<sup>363</sup> Wilson, *Trafficking Risks for Refugees*, 2011, p. 1.

<sup>364</sup> Kneebone, *The Refugee-Trafficking Nexus: Making Good (the) Connections*, 2010, p. 152.

<sup>365</sup> Wilson, *Trafficking Risks for Refugees*, 2011, p. 10.

<sup>366</sup> UNHCR, *Human Trafficking and Refugee Protection: UNHCR's Perspective*, 2009, p. 2.

<sup>367</sup> Wilson, *Trafficking Risks for Refugees*, 2011, p. 12.

<sup>368</sup> OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*, 2010, p. 89.

challenge to protecting trafficking victims is identification.<sup>369</sup> As an insidious crime, human trafficking creates difficulties in identifying trafficking victims, who are frequently at risk of invisibility.<sup>370</sup> Even if trafficking victims are identified, they may be improperly characterized as illegal or smuggled migrants; the chance of misidentification rises in the case of trafficked refugees.<sup>371</sup> UNHCR regularly arranges visits to holding centers, detention centers, and border crossings “to evaluate the arrival of refugees within mixed migratory flows, and help ensure identification of trafficking victims or individuals at risk of being trafficked.”<sup>372</sup> To protect trafficking victims, UNHCR engages in “advocacy efforts to promote asylum-sensitive anti-trafficking legislation and practice at the national level,” in addition to regularization of residence status.<sup>373</sup>

UNHCR’s mandate is also engaged in situations where human trafficking constitutes the basis for an individual’s claim for refugee status.<sup>374</sup> International protection may be warranted in circumstances where a trafficking victim has been transported across borders “and seeks the protection of the host state,” or where a trafficking victim flees across borders “in search of protection.”<sup>375</sup> UNHCR plays a key role in refugee status determination, which is contingent upon a “well-founded fear of persecution” as defined in the CRSR.<sup>376</sup> UNHCR participates in “training and capacity-building” within states, particularly through programs aimed at supporting and educating “national asylum authorities.”<sup>377</sup> In 2006, UNHCR published the *Guidelines on International Protection* on the application of Article 1A(2) of the CRSR to trafficking victims and persons at risk of being trafficked.<sup>378</sup> The Guidelines attempt to clarify when trafficking victims or potential trafficking victims may have a legitimate claim to refugee status, thereby activating the obligations of states to ensure the non-derogable rights of the CRSR, including the principle of non-refoulement.<sup>379</sup>

### **Case Study: Sinai Peninsula**

Since 2006, the Sinai Peninsula has been a hotbed for the trafficking of refugees, most of whom are of Eritrean origin.<sup>380</sup> Traffickers prey upon individuals who have fled their homes in search of political asylum due to violence, religious persecution, and economic hardship.<sup>381</sup> The Eritrean diaspora has been fuelled by dire economic and political conditions, coupled with forced conscription for all men.<sup>382</sup> Eritrean refugees leave to find work, escape conscription, or reunite with loved ones in Sudan.<sup>383</sup>

Human trafficking in the Sinai generally occurs through one of three primary means.<sup>384</sup> Smugglers may take advantage of refugees seeking help to escape from their country of origin, guides may feign assisting refugees as they are en route to a neighboring refugee camp, or tribal groups within the area may simply abduct refugees.<sup>385</sup> These groups are well organized, which may indicate involvement by Eritrean and Sudanese military officials.<sup>386</sup> Trafficked refugees are forcibly transported to the Sinai, a lawless peninsula in Egypt that borders Israel.<sup>387</sup> Those held in captivity, including children, are often subjected to physical or sexual abuse and denied food, clothing, and

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<sup>369</sup> Wilson, *Trafficking Risks for Refugees*, 2011, p. 1.

<sup>370</sup> OHCHR, *Human Rights and Human Trafficking: Fact Sheet No. 36*, 2014, p. 12.

<sup>371</sup> *Ibid.*

<sup>372</sup> UNHCR, *Human Trafficking and Refugee Protection: UNHCR’s Perspective*, 2009, p. 3.

<sup>373</sup> *Ibid.*, p. 3.

<sup>374</sup> *Ibid.*, p. 2.

<sup>375</sup> OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*, 2010, p. 69.

<sup>376</sup> *Ibid.*, p. 89.

<sup>377</sup> UNHCR, *Human Trafficking and Refugee Protection: UNHCR’s Perspective*, 2009, p. 3.

<sup>378</sup> UNHCR, *Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*, 2006.

<sup>379</sup> *Ibid.*

<sup>380</sup> Abé, *Imprisoned, Tortured, Killed: Human Trafficking Thrives on Sinai Peninsula*, 2013.

<sup>381</sup> Sen, *Egypt: ‘In Sinai, I saw Hell’; Refugees are easy prey for brutal human traffickers*, 2013.

<sup>382</sup> Humphris, *Refugees and the Rashaida: human smuggling and trafficking from Eritrea to Sudan and Egypt*, 2013, p. 5.

<sup>383</sup> van Reisen et al., *Human Trafficking in the Sinai: Refugees Between Life and Death*, 2012, p. 28.

<sup>384</sup> *Ibid.*, p. 40.

<sup>385</sup> van Reisen et al., *Human Trafficking in the Sinai: Refugees Between Life and Death*, 2012, p. 40.

<sup>386</sup> Amnesty International, *Egypt/Sudan: Refugees and Asylum-Seekers Face Brutal Treatment, Kidnapping for Ransom, and Human Trafficking*, 2013, p. 10.

<sup>387</sup> *Ibid.*, p. 6.

sanitation.<sup>388</sup> Traffickers demand exorbitant ransoms from victims' families, who must raise funds quickly or risk having their loved ones killed.<sup>389</sup> Eritreans are especially vulnerable as they have a culture of close kinship, and they often sell everything they own to help free family members.<sup>390</sup> Ransoms may be as high as \$50,000, which challenges families often living in extreme poverty and struggling to afford basic necessities.<sup>391</sup> Families able to pay the high ransoms demanded still face significant uncertainty in having their loved ones returned.<sup>392</sup>

Several prominent Sinai tribal groups have actively denounced human trafficking, which they have characterized as a contravention of the teachings of Islam through informal sharia courts.<sup>393</sup> Yet Sudanese, Israeli, and Egyptian authorities have done little to address the situation except to detain and repatriate Eritrean refugees, subjecting them to the threat of persecution.<sup>394</sup> Most refugees leave without an exit visa or to avoid conscription, both of which are crimes under Eritrean law.<sup>395</sup> Despite clear evidence of traffickers operating out of Sudan, the Sudanese government has chosen not to take any steps.<sup>396</sup> The UN has recommended that more protections should be afforded to trafficked victims within the affected countries and that concrete actions should be taken against the groups involved in these practices, including those security forces that are in collusion with traffickers.<sup>397</sup> UNHCR has specifically requested states to cease the practice of military detention and deportation of refugees back to Eritrea.<sup>398</sup>

The situation in the Sinai demonstrates the ease with which human traffickers may take advantage of the vulnerability of refugees, which results from underlying socioeconomic and political circumstances in their country of origin.<sup>399</sup> Eritrean refugees continue to suffer in the absence of a coordinated plan of action among states to counter human trafficking in the Sinai region.<sup>400</sup>

### Conclusion

On 30 July 2014, which marked the first World Day against Trafficking in Persons, former UN High Commissioner for Human Rights Navi Pillay decried human trafficking as “one of the gravest and most comprehensive violations of human dignity that exist.”<sup>401</sup> Largely due to its clandestine nature, human trafficking remains relatively poorly understood for lack of accurate information about its victims, perpetrators, and causes.<sup>402</sup> However, UN efforts have successfully raised awareness of the human rights abuses associated with human trafficking, which has recently become an international priority.<sup>403</sup> Member States now have an unparalleled opportunity to capitalize on international consensus and formulate an effective, cooperative strategy to “defeat [the] scourge” of human trafficking.<sup>404</sup> In light of the “clear nexus between the circumstances which create refugees and those which lead to trafficking,” UNHCR is uniquely positioned “to take a lead role, to reassert the connection between human rights abuse and exploitation,” and to ensure the primacy of the rights-based approach.<sup>405</sup>

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<sup>388</sup> Human Rights Watch, “*I Wanted to Lie Down and Die*”: *Trafficking and Torture of Eritreans in Sudan and Egypt*, 2014.

<sup>389</sup> *Ibid.*, 2014, p. ii.

<sup>390</sup> van Reisen et al., *Human Trafficking in the Sinai: Refugees Between Life and Death*, 2012, p. 40.

<sup>391</sup> Amnesty International, *Egypt/Sudan Refugees and Asylum-Seekers Face Brutal Treatment, Kidnapping for Ransom, and Human Trafficking*, 2013, p. 14.

<sup>392</sup> *Ibid.*, p. 10.

<sup>393</sup> Sen, *Egypt: ‘In Sinai, I saw Hell’; Refugees are easy prey for brutal human traffickers*, 2013; Human Rights Watch, “*I Wanted to Lie Down and Die*”: *Trafficking and Torture of Eritreans in Sudan and Egypt*, 2014, p. 41.

<sup>394</sup> van Reisen et al., *Human Trafficking in the Sinai: Refugees Between Life and Death*, 2012, p. 6.

<sup>395</sup> *Ibid.*, p. 50.

<sup>396</sup> Human Rights Watch, *Egypt/Sudan: A Call to End Torture of Refugees*, 2014.

<sup>397</sup> *Ibid.*

<sup>398</sup> van Reisen et al., *Human Trafficking in the Sinai: Refugees Between Life and Death*, 2012, p. 50.

<sup>399</sup> Human Rights Watch, *Egypt/Sudan: A Call to End Torture of Refugees*, 2014.

<sup>400</sup> *Ibid.*

<sup>401</sup> OHCHR, *Opening remarks by Navi Pillay, High Commissioner for Human Rights, at the Special event devoted to the first observation of World Day against Trafficking in Persons*, 2014.

<sup>402</sup> UNODC, *Global Report on Trafficking in Persons 2012*, 2012.

<sup>403</sup> UN General Assembly, *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293)*, 2010.

<sup>404</sup> UN DPI, *World Day against Trafficking in Persons*, 2014.

<sup>405</sup> Kneebone, *The Refugee-Trafficking Nexus: Making Good (the) Connections*, 2010, p. 139.

***Further Research***

What is the role of UNHCR with respect to human trafficking? How can UNHCR promote the rights-based approach to human trafficking? How can UNHCR protect individuals who are at higher risk of human trafficking, including women and children? What is the connection between anti-trafficking measures and the human rights of refugees and other persons of concern? How can UNHCR strengthen partnerships with other UN agencies, intergovernmental organizations, and civil society in its work on human trafficking? How can Member States legislate to criminalize human trafficking while also ensuring the protection of human rights of all individuals within their respective jurisdiction? How can UNHCR better assist refugees who have fallen victim to trafficking in the Sinai Peninsula and elsewhere?



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*The ongoing situation in the Sinai Peninsula highlights the vulnerability of refugees and their susceptibility to abuse by human traffickers. Lack of action on the part of involved states illustrates the impunity that traffickers will continue to enjoy without concerted efforts on behalf of the international community as a whole. This report features a chapter on recommendations, which contains helpful suggestions for action for states and international organizations, including UNHCR.*

Kneebone, S. (2010). The Refugee-Trafficking Nexus: Making Good (the) Connections. *Refugee Survey Quarterly*, 29 (1): 137-160.

*Kneebone illuminates the connection between refugees and human trafficking. She draws attention to the severe effect that anti-trafficking measures may have on the human rights of refugees, thereby illustrating a significant concern for UNHCR. Delegates should become acquainted with the issues refugees may face following the best efforts of the international community to implement effective anti-trafficking strategies.*

Office of the United Nations High Commissioner for Human Rights. (2010). *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*. Retrieved 8 November 2014 from:

[http://www.ohchr.org/Documents/Publications/Commentary\\_Human\\_Trafficking\\_en.pdf](http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf)

*OHCHR advocates extensively for the rights-based approach to human trafficking, which requires consideration of how any action to combat human trafficking will affect the human rights of trafficking victims and individuals vulnerable to trafficking. Eight years after publishing the Recommended Principles and Guidelines on Human Rights and Human Trafficking, OHCHR released an extensive commentary that explains the context, purpose, and importance of each of the Principles in detail. Section 3.4 discusses the relationship between anti-trafficking measures, refugee status, and the principle of non-refoulement.*

Office of the United Nations High Commissioner for Human Rights. (2014). *Human Rights and Human Trafficking: Fact Sheet No. 36*. Retrieved 2 November 2014 from: [http://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS36_en.pdf)

*Part of a comprehensive series published by OHCHR on a variety of human rights topics, this fact sheet provides an in-depth overview of human rights and human trafficking. An explanation of the rights-based approach is followed by a catalogue of state obligations with respect to human trafficking. The final section lays out mechanisms and challenges related to implementation, monitoring, and accountability.*

Riiskjær, M. & A. M. Gallagher. (2008). *Review of UNHCR’s efforts to prevent and respond to human trafficking* [Report]. United Nations High Commissioner for Refugees, Policy Development and Evaluation Service. Retrieved 2 November 2014 from: <http://unhcr.org/48eb2ff82.html>

*As the trafficking of refugees and other persons of concern has escalated, UNHCR has committed resources to combating human trafficking and to investigating the connection between refugees and trafficking. In 2008, UNHCR’s Policy Development and Evaluation Service undertook a review “to evaluate UNHCR policy on trafficking as [it] relates to persons of concern and to determine if and how this policy is being implemented at both field and headquarters level.” The resulting report will assist delegates with furthering their understanding of the extent to which UNHCR’s mandate intersects with the fight against human trafficking. The evaluative aspects of the report indicate where UNHCR has been successful and where gaps in capacity still remain in its work on human trafficking.*

United Nations High Commissioner for Refugees. (2008). *Refugee Protection and Human Trafficking: Selected Legal Reference Materials* [Report]. Retrieved 1 November 2014 from: <http://unhcr.org/4986fd6b2.html>

*Although trafficking victims as a group do not fall within UNHCR’s purview, human trafficking often affects refugees and other persons of concern. This report situates the relationship between*

*refugee protection and human trafficking in the context of international law. Part I presents excerpts from relevant universal instruments and policy in the categories of international criminal law, international human rights law, international refugee law, international labor law, and resolutions adopted by the General Assembly. Part II summarizes regional law and policy, and Part III lists miscellaneous additional sources. Delegates should use this report to develop familiarity with the legal framework within which UNHCR operates.*

United Nations High Commissioner for Refugees. (2009). *Human Trafficking and Refugee Protection: UNHCR's Perspective* [Conference Paper]. Retrieved 1 November 2014 from: <http://www.unhcr.org/4ae1a1099.html>

*UNHCR has clearly identified its responsibilities with respect to human trafficking. This paper explains UNHCR's role and activities within the broader context of international anti-trafficking efforts. UNHCR clarifies the parameters of its trafficking-related work and mandate; delegates should be mindful of the scope of UNHCR's engagement with human trafficking as they prepare for the conference. UNHCR additionally provides recommendations to states for enhancing support of trafficking victims.*

United Nations Office on Drugs and Crime. (2012). *A Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants*. Retrieved 8 November 2014 from: [http://www.unodc.org/documents/human-trafficking/UNODC\\_Strategy\\_on\\_Human\\_Trafficking\\_and\\_Migrant\\_Smuggling.pdf](http://www.unodc.org/documents/human-trafficking/UNODC_Strategy_on_Human_Trafficking_and_Migrant_Smuggling.pdf)

*UNODC, leads the UN's efforts against international crime, has developed a strategy to combat human trafficking and migrant smuggling. The strategy has three prongs: research and awareness-raising, promotion of the Protocols to the UN Convention against Transnational Organized Crime and capacity-building, and strengthening partnerships. As it emphasizes criminal justice, UNODC's approach to human trafficking serves as a counterpoint to that of OHCHR. Delegates should consider the impact of different emphases on individuals at every stage of the human trafficking cycle.*

United Nations Office on Drugs and Crime. (2012). *Global Report on Trafficking in Persons 2012*. Retrieved 10 November 2014 from: [https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf)

*Pursuant to the GPA, UNODC was tasked with research, information gathering, and the publication of a biennial report on human trafficking at a global level. The first Global Report on Trafficking in Persons overviews patterns and flows of human trafficking and assesses the extent and effectiveness of the international community's response to human trafficking. Delegates should consult this report for a comprehensive introduction to the topic. Section IIIB describes challenges to the implementation of responses to human trafficking, which indicate gaps that delegate should consider in their work.*

United Nations, General Assembly, Sixty-fourth session. (2010). *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293)*. Retrieved 8 November 2014 from: <http://undocs.org/A/RES/64/293>

*The rapidity with which human trafficking rose to the top of the international agenda engendered diverse responses from numerous elements of the UN system. In 2010, the General Assembly adopted the GPA in an attempt to improve coordination, coherence, and efficiency of international anti-trafficking efforts. Delegates should be familiar with the GPA, which remains the strategy that guides UN entities, including UNHCR, in the struggle against human trafficking.*

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