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Documentation of the Work of the Committee on Economic, Social and Cultural Rights (CESCR)
Committee on Economic, Social and Cultural Rights (CESCR)

Committee Staff

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>David Godoy</td>
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<tr>
<td>Chair</td>
<td>Emily Furlong</td>
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</tbody>
</table>

Agenda

I. Protecting Economic, Social and Cultural Rights for Refugees
II. Addressing Workers’ Rights for Sustainable Economic Growth
III. Preserving Cultural Rights of Ethnic Minorities

Report Segments adopted by the Committee

<table>
<thead>
<tr>
<th>Code</th>
<th>Topic</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>CESC1/1</td>
<td>Protecting Economic, Social and Cultural Rights for Refugees</td>
<td>Adopted without a vote</td>
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</tbody>
</table>
Summary Report

The Committee on Economic, Social, and Cultural Rights held its annual session to consider the following agenda items:

I. Addressing Workers' Rights for Sustainable Economic Growth
II. Preserving Cultural Rights of Ethnic Minorities
III. Protecting Economic, Social and Cultural Rights for Refugees

The session was attended by representatives of 15 Member States. On the first session, the committee adopted the agenda of III, I, II, beginning discussion on the topic of “Protecting Economic, Social and Cultural Rights for Refugees.” The delegates organized into one group and divided to write one report. The committee assigned different subtopics to several Member States and began working on developing their ideas and recommendations. By the second day, the Dais received a total of one proposal covering a wide range of sub-topics that aimed to protect economic, social and cultural rights to refugees. Such sub-topics included easy access to basic human rights, mechanized response, integration, resettlement, and protection of refugees in crisis. Throughout the next sessions’ formal and informal sessions, the committee worked as a unified and highly collaborative body, being successful in creating a cohesive document that allowed for the joint participation and input of all present Member States.

In the last session, one concise draft report segment had been approved by the Dais, with no further amendments proposed. The draft report segment represented a wide range of issues including protecting economic, social and cultural rights to refugees during crisis, transitions, resettlement, and adaptation to a new nation. Member States were able to work as a unified body, and during voting procedure, the draft report segment was approved by acclamation. Overall, the Dais was impressed with the level of cooperation that occurred throughout the week, as well as the standard of professionalism performed by the committee as a whole and the decorum of all delegations.
I. Introduction

A. PROTECTION OF REFUGEES

1. Refugees could reside in three categories with regards to their status of asylum. The recommended classification system would categorize Member States into separate tiers: Crisis nation, Transit nation, and Host nation in order to clarify each Member State’s intent and ability to assist. The Crisis nation is the current Member State experiencing a condition of emergency caused by a significant and perpetual violation of citizens’ economic, social, and cultural (ESC) rights, natural disasters, and war leading to great displacement while the Transit nations are those Member States that could temporarily commit to the relocation process of the refugees. The Host nations would be those states that can permanently integrate refugees into their societies. Refugees in Host and Transit nations are often discriminated and vulnerable to dangerous circumstances that could impact their physical well-being due to their cultural differences, religion, and/or socio-economic status. Article 2 of the International Covenant on Civil and Political Rights (ICCPR) states the importance of every Member State to respect all individuals within its territory while avoiding any forms of discrimination. In addition, the influx of refugees has overpopulated state governments and has burdened their legal procedures to work ineffectively for the refugee rights. Therefore, it is necessary to adhere to Article 14 of the ICCPR to foster equal representation before the court of law and to provide adequate time in facilities for preparation of refugee defense. It is also of utmost importance to guarantee the rights specified in Article 14.3.D of the ICCPR to allow every refugee the right to defend himself personally or through legal assistance without payment if he does not have sufficient means to do so.

2. The Universal Declaration of Human Rights (UDHR), particularly Article 3, states that every person has the right to life, liberty, and security. However, refugees experience a violation of these rights, as they encounter prejudice and abuse in Transit and Host nations. Furthermore, refugees are often denied access through international borders due to economic concerns. Yet, Article 13 of the UDHR underscores the right of every person to move freely within state borders. CESCR supports this right of free movement for all.

3. Stateless persons are vulnerable to the denial of medical assistance such as the refusal of the admittance into hospitals or treatment, and are often not divided with sufficient psychological support. Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) endorses the right for everyone to enjoy the highest attainable standard of physical and mental health. In order to guarantee health, safety, and the basic necessary goods, the Geneva Convention gathered to afford refugees a broad range of rights in their country of asylum.

4. Article 11 of the ICESCR states the right of every person to obtain an adequate standard of living for themselves and their families. However, refugees can be marginalized within their host and transit nations, leaving them subjected to extremely poor conditions and lack of food, water, and shelter. The United Nations (UN) High Commissioner for Refugees (UNHCR) is mandated to protect and support refugees. Subsequently, the organization guarantees their human rights and security. In regards to housing, UNHCR works to coordinate housing systems for refugees who are unable to independently provide themselves with adequate homes.

B. RESETTLEMENT OF DISPLACED PERSONS IN CRISIS SITUATIONS

5. The Committee on Economic, Social and Cultural Rights (CESCR) exemplifies resettlement as one of its primary goals in dealing with refugee crisis situations. Articles 13 and 14 of the UDHR expresses the right of refugees to leave any Member State and return after the crisis situation, as well as the right to seek and benefit from asylum. This committee is concerned with current world refugee crises such as the four million people that
have fled Syria, as cited by UNCHR, leading to an increase in the dramatic need for basic protection of human
rights including but not limited to: shelter, economic growth, medical assistance, and education.

6. Article 17 of the 1967 Protocol relating to the Status of Refugees emphasizes the need to protect refugees from
discrimination of all kinds including racial, religious, gender, and nationality-based bias in higher practices, the
workplace and education facilities. CESC recognizes the possibility of racism, xenophobia, and an overall fear
of refugees that can develop in Host nations to the unprecedented mass migration. The noted influx of refugees
creates noticeable pressure on a Host or Transit nation to meet the refugees’ economic demands. The work
available in the Host and Transit nation may not always be enough to ensure that everyone, including citizens of
the Member States and refugees, have decent work. Member States with high unemployment rates, such as
Egypt, are unfortunately unable to adequately ensure economic rights of refugees. Therefore clarifying Member
States as Crisis, Transit, and Host nations would reasonably distribute the care of refugees.

7. Article 2 of the ICESCR highlights the necessity for the partnership between Member States that will ensure the
safety and livelihood of refugees when they leave their home state towards the goal of resettlement. CESC
would like to highlight the positive contributions of refugees to Host nations and favors increasing cooperation
in a globalized world that can help Member States communicate well and initiate effective economic growth.

8. The creation of Sustainable Development Goals (SDGs) brought an innovative direction to addressing current
issues worldwide. CESC draws specific attention to SDGs 4, 8, and 17 in the case of relocating refugees.
Quality education is fundamental for improving the quality of life. In reference to SDG 8, refugees can serve as
a positive contribution to areas lacking people in the workplace. With an assurance of legal documents such as
work permits, refugees can be a key element to economic growth. CESC recognizes that such a complex issue
requires global collaboration across Member States, UN bodies, and other UN partners, such as Amnesty
International, UNCHR, the Host Community Support Platform (HCSP), and the Ministry of Planning and
International Cooperation (MOPIC), to successfully and efficiently address the topic.

9. The need to respect Member State’s sovereignty without sacrificing efficiency in hosting those who are fleeing
crisis situations is crucial to the effectiveness of the resettlement process.

10. Protecting refugee children’s rights during the long process of resettlement is essential. As stated in Article 8 of
the Convention on the Rights of the Child (CRC), Member States undertake to respect the right of the child to
preserve his or her identity, including nationality, name, and family relations as recognized by law, without
unlawful interference. Article 22 of the CRC further implicates the importance of ensuring children’s rights to
protection and humanitarian assistance. CESC recognizes the necessity of families to stay together while
surviving international crisis, especially when children are introduced to Host or Transit nations.

C. INTEGRATION OF REFUGEES INTO SOCIAL, CULTURAL, AND ECONOMIC NORMS

11. Article 15 of the ICESCR asserts that cultural rights are fundamental rights for all. Such rights are necessary for
the enjoyment of all people’s cultural lifestyle, and Article 15 is applicable with the cultural rights for refugees.
Family is a defining characteristic of countless cultures. UNHCR’s Guidelines on Family Reunification, as well
as the regional Directive 2003/86 of the European Union, integrate all members of a refugee family into their
host nations with protection of economic, social and cultural (ESC) rights.

12. Education of child refugees is a vital component of integration into a host country. Principle 23 of the UN
Office for the Coordination of Humanitarian Affairs’ (UN OCHA) Guiding Principles on Internal Displacement
states that host nations should ensure that child refugees have access to education. In order to adapt to and thrive
in their new country, refugees need the means to achieve an effective transition into their host nations. Training
and teaching refugees how to adapt to their new country is vital to a refugee’s integration process. CESC
commends the work done by the Norwegian Refugee Council (NRC), particularly in its provision of vocational
and life skill trainings to refugees in Myanmar. Since its inception in 2013, NRC’s Vocational and Life Skills
Education program has fostered growth and the necessary abilities to be effective participants in society and in
their own lives.
13. The purpose of media awareness campaigns, such as the 2010 UNHCR campaign asking for increased empathy with regards to the situation of refugees, is to illustrate the unjustified internalized prejudice against refugees. CESC recognizes the 2013 General Assembly (GA) resolution 67/297 emphasizes the need for public and media awareness of work done by international organizations.

D. MITIGATION OF ESC RIGHTS VIOLATIONS

14. CESC recognizes the success of various bodies’ classification systems such as the Organisation for Economic Co-operation and Development’s (OECD) Country Risk Assessment Model (CRAM) and underscores the expertise of various UN bodies such as the Economic and Social Council (ECOSOC), UNHCR, and the UN Human Rights Council (HRC) in recommending information and providing aid to Member States in need of assistance. The committee looks forward to using the successful models and experiences of the aforementioned organizations in its efforts to help prevent and respond to future refugee crises.

E. EASY ACCESSIBILITY TO ESSENTIAL ASPECTS OF LIVELIHOOD FOR REFUGEES

16. The accessibility to labor markets and the right to work are crucial in maintaining the economic rights of refugees. CESC would like to refer to Articles 23 and 26 of the UDHR, which highlights all individuals’ equal rights to employment, equal pay, and decent working conditions without any type of discrimination.

17. The full integration of women into the labor force is necessary to preserve the economic and social rights of all refugees. CESC reiterates Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which encourages the full political, economic, and cultural participation of women to ensure the enjoyment of certain human rights. Moreover, CESC commends the work found in GA resolution 69/154, which recognizes the vulnerability of women among refugees and displaced persons in Africa. This committee would like to call attention to the vulnerability of women refugees throughout the world that face discriminatory norms, which regulate women to the informal economic sector.

18. SDG 8 for decent work and economic growth has the stated goal to “achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labor-intensive sectors.” CESC views ensuring the economic rights of refugees as a way to pursue this goal.

II. Mandate

19. CESC monitors the implementation of the ICESCR through its process of receiving and reviewing reports submitted by individual Member States on the status of ESC rights within its borders, as well as on what action the Member State is taking to guarantee these rights to all people. CESC also creates reports with recommendations and guidance to help Member States fulfill these obligations.

III. Conclusions and Recommendations

A. PROTECTION OF REFUGEES

20. The committee stands in compliance with Article 2 of the ICCPR, which states the importance of each Member State to respect all individuals within its territory without distinction based on ethnicity, gender, language, religion, political preference, nation, or social origin. Subsequently, in order to protect social rights, governments could create legislation that safeguard the social protection of refugees within state borders, especially during or within the after effects of a crisis. Therefore, Member States are encouraged to support the legal protection of refugees and urges for the accompaniment of proper legal representation in all legal affairs.
In accordance with SDG 4 and 8, both Host and Transit nations should prioritize providing quality education. Education can improve overall prosperity and lead to an enhanced global understanding of cultural differences. In order to guarantee the non-discriminatory handling of refugees by police forces, CESCR stresses the importance of the continuation of the UNHCR’s oversight of the treatment of refugees in Host and Transit states.

22. Over time, and specifically in the past year, refugees have had no choice but to abandon their homes and jobs. Given such tragedies, housing and a lack of income to provide proper nutrition have hindered the majority of refugees. To address the housing and malnutrition issues facing many refugees in their new states of residence, Member States ought to ensure that refugees are provided shelter, and are properly accommodated with basic necessities such as housing, food, and water.

23. As a result of refugees not gaining health care access due to their lower socio-economic status and lack of legal registration, Member States are encouraged to provide refugees with proper medical assistance including equal access to all forms of health care. Refugees who cannot afford the necessary medical attention are encouraged to be provided with free-of-charge or subsidiary health care. Our committee also believes in the necessity to provide adequate psychological support with an understanding that many asylum seekers might suffer from traumas or similar mental illnesses due to war, or other very vulnerable situations they may encounter.

24. As a result of refugees being denied entry into other Member States that are not of their origin, border forces should be prepared to alleviate and cope with the tensions caused by the borders’ influx of refugees. In addition, CESCR suggests fellow Member States open up their borders, in compliance with Article 13 of the UDHR, particularly its mention on freedom of movement.

B. RESETTLEMENT OF DISPLACED PERSONS IN CRISIS SITUATIONS

25. Resettlement serves as an essential step to protecting refugees. It is vital because it provides a baseline to reintegration into society and normalizes their lives as soon as possible. Resettlement encompasses a wide range of ESC rights, such as the right to education, the right to work, and the right to economic opportunities. The benefits and advantages provided by refugees of all skill levels in the workforce will help ease the apprehension often attributed to this group of people, and therefore these human rights should apply to all people regardless of their citizenship status.

26. In order to better secure ESC rights to refugees, a system of classification could be created that would distinguish each phase of the resettlement in order to safeguard the ESC rights of refugees. These Member States could provide humane living conditions, primary and vocational education, work permits, and access to information on both the process of immigration and the host destination. For example, in partnership with UNCHR, Egypt has implemented a program that expedites the work permit process to allow refugees to work while residing in Egypt. These Member States could facilitate several programs including pathways to citizenship, degree evaluations, and language education, as further outlined in the integration section of this report.

27. Education can improve overall prosperity and lead to an enhanced global understanding of cultural differences. In accordance with SDG 4 and 8, both Host and Transit nations should prioritize providing quality education.
and opportunities for decent work. With an increase of population, there is a greater demand for goods and services leading to need for a more robust labor force. Refugees can often fill these jobs and positively affect the economies of the Member States they reside in.

29. Once in the Host or Transit nation, refugees should retain their ability to voluntarily return to their home Member State, once they are willing and able to. CESCR believes that is necessary to provide economic assistance to those who wish to return to their state of origin.

30. In accordance with SDG 17, CESCR suggests the collaboration of Member States, UN partners, and bodies such as Amnesty International, HCSP, and MOPIC in order to certify the efficient implementation of the recommendations. For example, HCSP has previously worked with governments of Host nations to develop comprehensive action plans, such as Jordan’s National Resilience Plan, developed in 2014, that desired to adequately prepare the Member State for the short and long-term effects of the current crisis.

31. Since the beginning of the Syrian refugee crisis six years ago, it has escalated to be the worst humanitarian crisis since World War II, according to UNCHR. The need for bolder action in terms of investments and growth that empower the refugees to create a self-sustaining and resilient environment for them to reside in is a crucial aspect of successful resettlement. Member States can provide any amount of help in order to further empower the self-dependency of refugees such as the pilot program successfully being implemented in the Republic of Korea that offer programs accelerating integration.

32. Funding for the recommendations made by this committee can be attained on several levels. Each Member State could be primarily responsible for funding country-specific refugee programs with possible assistance from non-governmental organizations (NGOs) and regional funding organizations, such as Amnesty International and the Asylum, Migration and Integration Fund (AMIF), which can be involved not monetarily, but also provide volunteer support. CESCR encourages donations and monetary assistance to be voluntarily given from states that cannot classify themselves as a Host or Transit nation, or are otherwise willing to assist. If needed, loans from the World Bank can be applied for on a short-term basis with a low interest rates.

C. INTEGRATION OF REFUGEES INTO SOCIAL, CULTURAL, AND ECONOMIC NORMS

33. The rights to education are for social rights; therefore it is important that education for refugees throughout the international community is promoted and reinforced. Children of refugees under the age of twelve should enjoy the right to essentially cost free education, spanning from pre-school to primary school. Some effective measures can be considered regarding discrimination in the school setting and the continuation of schooling beyond primary school. Such measures can include the provision to educational benefits on a non-discriminatory basis, in relation to identities such as country origin, refugee status, minority status, and gender status. Once students have completed primary school, it is important to implement a secondary school scholarship fund designated for refugees upon completion of primary school, to encourage further education of all people, including refugees, with the help of civil society organizations (CSOs) and NGOs. Higher education should be available to refugees without the possibility of discrimination based on refugee status. CESCR envisions the support of World Education as well as UNHCR and UNESCO in order to fund these efforts.

34. Refugees need support from their host nations to be adequately prepared to integrate economically and socially. In previous refugee crises, it has proven difficult for refugees to maintain their native language in the host country, as well as having the resources to learn the language of the respective Member State. The implementation of numerous training systems for refugees can facilitate the integration of refugees into their new country: training systems including language, vocational, residency, and international training systems to foster integration and community support can be implemented to better help refugees’ integration. Language training is integral to aid in smooth transitions for refugees into host Member States. Proficiency in the national language of a host country is a logical necessity for refugees in order to function in the given society. These trainings should not suppress the refugees’ home language, yet will prepare them to integrate economically and socially in the host nation. Meanwhile, refugee professional development training allows for vocational assimilation. Refugees unfamiliar with their new environment often struggle with finding adequate and sustainable housing. Through residency trainings, a communal effort between refugees and local citizens can help facilitate the access to housing for refugees.
35. CESC R envisions media awareness through media campaigns, youth involvement, and digital archives enriched by multimedia contents. Civilians can download documents regarding the current state of refugees to enlighten the greater population on their status and struggle, alleviating the stereotypes and heightening sympathies. Media campaigns can include but are not limited to, online documents and biographies, television, radio, and print services.

36. Succinct refugee status determination (RSD) procedures will increase their access to fundamental benefits provided by UNHCR. Member States should improve asylum practices by guaranteeing the access of asylum seekers to fair and effective procedures, in accordance with international standards related to RSD, such as the UN Protocol of 1967 and the 2004 UNHCR Code of Conduct. By strengthening technological procedure, countries could expedite the RSD, performed by the hosting state or UNHCR, and help aid stateless people in their journey from asylum seeker to refugee. The fluid transfer of documents among relevant state parties accelerates the process, increases the organization, and lessens the amount of time that refugees are left with a temporary status.

37. In order to promote the multi-cultural blend of ethnicities that coincides with refugee migration, intercultural Ethnic Advisory Councils (EACs) could be installed among Member States. The advisory councils can be groups created to represent ethnic minorities within the state. Specifically, the initial dialogue within the council is critical to protecting the cultural rights and backgrounds of refugees. Sustaining their heritage because language proficiency allows refugees to share their culture. In addition, these councils are responsible for initiating cultural festivals to provide a platform of cultural expression for refugees.

38. Within the cultural and social aspect, it is important that refugees are reunited with family members. It is important to consider that family members are kept together. We hope Member States continue to work closely with NGOs or other IGOs in order to achieve these goals to reunite and support refugees as they have the resources necessary to successfully reach separated family members.

D. MITIGATION OF ESC RIGHTS VIOLATIONS

39. In order to better protect ESC rights during a crisis, programs that provide a response mechanism by evaluating the risk of ESC rights violations could be implemented among Member States. This response mechanism can work more effectively when supported by three pillars:

a. A refugee risk model, where Member States are classified according to their risk of violating ESC rights during a refugee crisis occurring within their borders. A classification of 5 means there is a very high risk of violating ESC rights, and a classification of 1 means there is a very low risk. Factors that may contribute to a Member State’s classifications include, but are not limited to, internal conflict, famine and poverty, and economic instability.

b. Other UN agencies such as UNHCR and HRC are welcomed to provide risk-mitigating recommendations with the intent of lowering each Member States’ risk of violating ESC rights during a refugee crisis.

c. By having an outlined response in place, Member States will be able to more efficiently and successfully respect and protect the ESC rights of refugees. In order to outline intended policies and measures that will protect the ESC rights during such a crisis, strategic response plans can be personally drawn by each Member State in advance of a refugee crisis. The Member State’s relation to the state of refugee crisis, whether that is as a bordering state or a regional neighbor, can influence their specific policy plans. Each plan can be flexible and adaptable according to the different protection needs of each refugee crisis.

E. EASY ACCESSIBILITY TO ESSENTIAL ASPECTS OF LIVELIHOOD FOR REFUGEES

40. In order to ensure economic rights of refugees, the right to work should be encouraged. The development of employment policies that promote fair competition between refugees and local citizens will aid refugees in becoming self-sufficient. Member States should encourage employment policies that consider the presence and
value of unskilled, skilled, and highly labor skilled refugees to fully take advantage of refugees with higher labor skill levels. This will promote a faster transition into the labor force, and will aid refugees in not only gaining employment, but also maintaining it. As a result, refugees will be able to further their professional development, and secure economic stability. Other employment policies can include the availability of psychological support and counseling for vocational training to refugee groups. Psychological counseling for vocational training should exist throughout the process of moving from Transit nations to Host nations. In order to create an effective strategy for psychological counseling for vocational training, a program can be developed in partnership with UNHCR to assist Member States in implementing employment policies that reflect these ideals. The UNHCR program for psychological counseling in vocational training should be available to all Member States who choose utilize their services.

41. Full access to labor markets and the ability of vocational choice for refugees ensures they are able to work in fields that are appropriate to their skill set and experience. Another important aspect of access to labor markets and vocational choice is the ability to own property. In order to have full access to labor markets, refugees need the ability to own property and use their property for economic purposes. This will help to ensure economic stability for refugees, and has the possibility of benefitting the Host nation in certain economic areas. CESCR encourages Member States to examine the possibilities of granting property rights to refugees within host nations.

42. In 2015, the International Labour Organization (ILO) estimated that only 50% of the female population participated in the global labor force; however, women workers make significant contributions to the economic growth of Member States. Increasing women’s participation in the economic sector furthers the ESC rights of refugees, and enriches the labor force in Host nations. Employment policies should include the integration of women in the labor force without unreasonable discriminatory practices on the basis of gender. The Committee welcomes a partnership with UNHCR and the ILO to develop a special program that focuses on the integration of women refugees into the labor force. The program should provide a specified type of counseling in regards to vocational training, and educational initiatives that focus on women’s access to labor markets and property.

43. In many parts of the world there is a “refugee gap,” which means there is a disparity between refugees and citizens. Refugees do not have adequate access to economic opportunities, and receive lower wages than other populations, due to language barriers, work experience, and lack of education. Economic rights of refugees should be expanded in order to become similar to those of citizens, and a review board could be established to ensure progress in this regard. This can be accomplished through an evaluation of the status of economic and labor rights among Member States, and can create a method of comparison between the economic rights of citizens and that of refugees. This evaluation should include a comparison of the legal and practical rights of refugees between Member States as it relates to psychological support for vocational training, the integration of women, access to labor markets, and property rights. In addition, the evaluation will include an assessment of what action should be taken to advance economic rights for refugees in various Member States.

44. All refugees should have access to adequate housing and living conditions, as well as minimum wages regardless of their place of origin, culture, respective religion, language, and gender, in order to better protect ESC rights for refugees. Member States should consider granting refugees a minimum wage that is similar to the minimum wage for citizens of the particular state. This will increase the rights of refugees and contribute to a more productive economic sector in the Host nation. Furthermore, this Committee encourages Member States to provide technological support that would help to expedite the process of obtaining these securities, as well as informing refugees of their rights to these securities. The acquisition of housing for refugees could be expedited through the increased use of technology to relay information about options and funding for housing. Furthermore, technology in the work place could be utilized to establish a higher minimum wage for refugees by increasing productivity and maximizing profits.