



DPSH MUN 2022

**UNITED NATIONS HUMAN
RIGHTS COUNCIL
BACKGROUND GUIDE:**

Discussing the Human Rights
Violations of refugees of
Ethnic Discrimination, with
special emphasis on the
Rohingya crisis

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Letter from the Executive Board



Greetings Delegates!

Firstly, welcome to United Nations Human Rights Council at DPSHMUN 2022. We are glad that you are here and hope to give you a positive learning experience in an entertaining and fun manner. The main focus of the committee is obviously going to be the delegates and we'll make sure from our end that every delegate is heard and that there is an unbiased judgment on our end.

Secondly, we would like to emphasize that there are certain positive actions that we expect from every delegate. These include participating in the committee, reading the background thoroughly and understanding the agenda. For success in anything, hard work is going to be key, and this committee is not going to be any different. We expect every delegate to research appropriately on the agenda and about their country's position and foreign policy.

This guide exists solely, as the name states, to give you some basic information about the agenda. This cannot suffice as your only source of information. Delegates will need to scratch far beyond the surface as the agendas that have been presented to you are quite gargantuan in nature. We would still recommend that you are thorough with the content in the guide, as it acts as a springboard for further research. Extensive research will help you take the committee in the right direction, it will prevent debate from getting rancid. The executive board will not interfere substantially at any time unless necessary.

If you are a first-timer, we would like to reiterate what we were saying before - research goes a long way. MUNs can be a great learning experience and we will do our best to make sure you have an amazing time and experience.

Hoping to see you guys soon and happy researching!

Regards,

Executive Board of UN Human Rights Council at DPSHMUN 2022



About the Committee



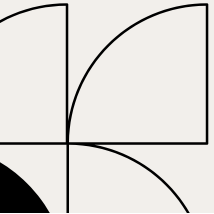
The United Nations was founded in 1945 after the Second World War by 51 countries that were committed to achieving success in terms of these four goals listed while promoting social progress, better living standards, and human rights.

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.

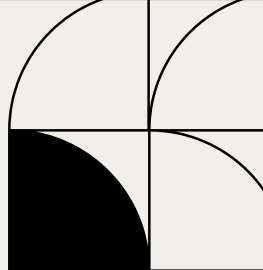
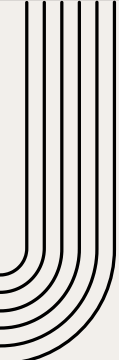
UNHRC has played the role of a political platform that aims to ensure that human rights remain a top priority within the UN.

1) Global reach - UNHRC has a wide mandate which facilitates it to respond to human rights cases across the globe. In doing so, it also brings the members of civil society together for voicing concerns related to human rights in their respective local regions.

2) Special Procedures - Special Procedures of UNHRC are a universal source of knowledge on human rights themes and country-specific conditions which helps to improve the understanding of human rights law.



About the Committee



3) Universal Periodic Review - The Universal Periodic Review motivates nation-level dialogues on human rights, and also mandates that every UN member state examines human rights on a regular basis. It ensures transparency and accountability in the functioning of UNHRC.

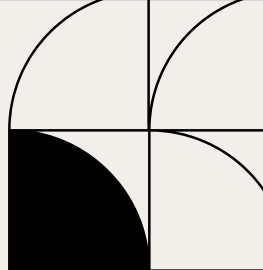
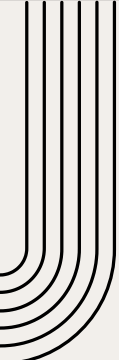
4) Condemning the violations - In the recent past, the resolutions adopted by the UNHRC have highlighted and condemned distinctive violations despite the efforts to the contrary by some members of the HRC. For example, in the midst of the Arab Spring, the Human Rights Council voted unanimously to suspend Libya's membership. More recently, the Council did not permit Syria to bid for a seat on the grounds of human rights violations and appointed an investigation there.

5) Issue-based coalitions - There is an increasing number of countries from all parts of the world which have started working together to further human rights, irrespective of their shared history and regional politics. The regional bloc voting practices have become a matter of the past, and considered discussion along with collective action is becoming possible.

6) Role of special rapporteurs - The experts' mandates (Special Rapporteurs) recommended by UNHRC have resulted in manifested actions on problems ranging from combating torture in Jordan to protecting journalists in Cambodia, decriminalizing blasphemy in the United Kingdom, and reducing prison sentences in China.



International Human Rights Law



International Human Rights Law can be defined as the set of laws that promote human rights which are made up of treaties, agreements between states, and customs that hold the force of law. While international treaties and customary law form the backbone of international human rights law other instruments, such as declarations, guidelines, and principles adopted at the international level contribute to its understanding, implementation and development.

UDHR

The Universal Declaration of Human Rights (UDHR) is one of the most important international frameworks concerning human rights. It was signed on 10th December, 1948 in New York, United States of America. It set the foundation of the corpus of International Human Rights Law.

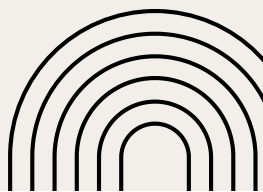
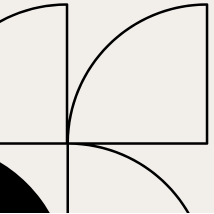
ICCPR AND ICESCR

The International Covenant on Civil and Political Rights and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights built on the rights that were enshrined in the UDHR, and set forth everyday rights such as the right to life, equality before law, freedom of expression, etc. They came into force in 1976 and became effectively binding on Countries that ratified them and the UDHR. Together with the UDHR, the two covenants form the 'International Bill of Human Rights'. While the ICCPR focused on freedom of expression and right to life, ICESCR focused on food, education, shelter and health.

Some legal instruments, like the aforementioned 'International Bill of Human Rights', have legal force while some don't. However, these other international human rights instruments do have persuasive value and have been recognized as a source of political obligation.

A state becomes a party to a treaty when it ratifies the said treaty. This ratification can be done by various ways which differ from country to country. But upon ratification every country assumes obligations and duties under international law to respect, to protect and fulfil human rights which are laid down in the international human right treaties. This means the states must refrain from curtailing the enjoyment of human rights and protect the individuals and groups against human right abuses.

The governments are also obligated to put in place domestic measures and legislations based on their treaty obligations and duties. If the domestic provisions fail then the international human right standards can be implemented and enforced at a local level.



About the Agenda

Who are Refugees?

Refugees are people who have fled war, violence, conflict, or persecution and have crossed an international border to find safety in another country. They often have had to flee with little more than the clothes on their back, leaving behind homes, possessions, jobs, and loved ones. Refugees are defined and protected in international law. The terms "migrant" and "refugee" are often used interchangeably but it is important to distinguish between them as there is a legal difference.

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

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

Who is a migrant?

A migrant is best understood as someone who chooses to move, not because of a direct threat to life or freedom, but in order to find work, for education, for a family reunion, or for other personal reasons. Unlike refugees, migrants do not have a fear of persecution or serious harm in their home countries. Migrants continue to enjoy the protection of their own governments even when abroad and can return home.

It is important to understand that, just because migrants do not flee persecution, they are still entitled to have all their human rights protected and respected, regardless of the status they have in the country they moved to. Migrants should never be detained or forced to return to their countries without a legitimate reason.

About the Agenda



Humanitarian Law, Human Rights, and Refugee Law
International humanitarian law, refugee law, and human rights law are complementary bodies of law that share a common goal, the protection of the lives, health, and dignity of persons.

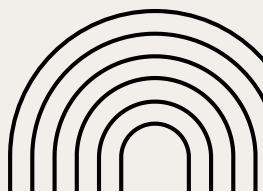
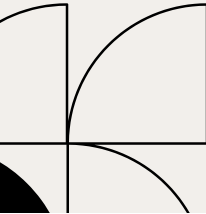
International humanitarian law (IHL) is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly or actively participating in hostilities, and imposes limits on the means and methods of warfare. It applies, as mentioned before, in times of armed conflict.

What constitutes an armed conflict?

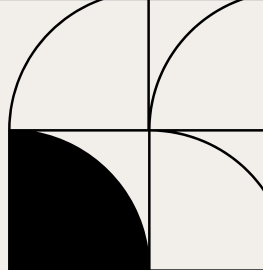
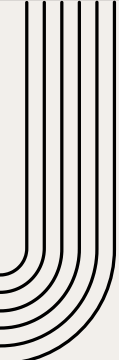
While in 1974 General Assembly adopted a definition of aggression, nowhere - neither in international humanitarian law instruments nor in any other body of international law - do we find a definition of armed conflict.

If we look to international humanitarian law treaties for guidance, while we do not find a definition, we do have provisions indicating when relevant conventions are applicable. International humanitarian law recognizes two types of conflict: international armed conflicts and non-international armed conflicts. Different criteria determine the existence of these types of conflict, which are regulated by different rules.

International conflicts are those opposing two or more states. The word "international" is used to describe the parties fighting each other (ie inter-states) and not in a geographic sense.



About the Agenda



Non-International conflicts are those opposing a state and an organized armed group or two or more such groups. Again, "non-international" is not used as a geographic term. Although these tend to be internal conflicts, they can easily have a cross-border dimension. Although there is no precise formula or checklist for determining the existence of a non-international armed conflict, some elements are relevant, like a state fighting an organized armed group or two or more such groups fighting among themselves, a certain level of violence and intensity of the fighting, resort to military means, etc. Handling these matters is a little more tricky than international conflicts.

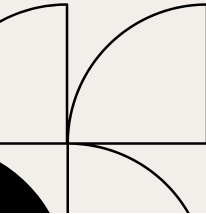
Armed conflict and international humanitarian law are of relevance to refugee law and refugee protection in a number of ways.

First, to determine who is a refugee. Many asylum seekers are persons fleeing armed conflict and often violations of international humanitarian law. Does this make them refugees? Not every person fleeing an armed conflict automatically falls within the definition of the 1951 Refugee Convention, which lays down a limited list of grounds for persecution. While there may be situations, notably in conflicts with an ethnic dimension, like in this particular case, where persons are fleeing because of a fear of persecution based on their "race, religion, nationality or membership of a particular social group", it is not always so.

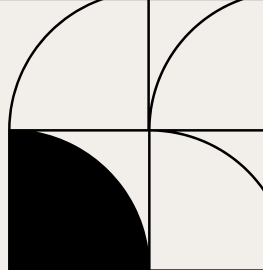
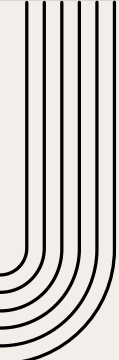
Recognizing that the majority of persons forced to leave their state of nationality today are fleeing the indiscriminate effect of hostilities and the accompanying disorder, including the destruction of homes, food stocks, and means of subsistence - all violations of international humanitarian law - but with no specific element of persecution, subsequent regional refugee instruments, such as the 1969 OAU Refugee Convention and the 1984 Cartagena Declaration on Refugees have expanded their definitions to include persons fleeing armed conflict.

The second point of interface between international humanitarian law and refugee law is in relation to issues of exclusion. Violations of certain provisions of international humanitarian law are war crimes and their commission may exclude a particular individual from entitlement to protection as a refugee.

International humanitarian law offers refugees who find themselves in a state experiencing armed conflict two-tiered protection. First, provided that they are not taking a direct part in hostilities, as civilians refugees are entitled to protection from the effects of hostilities. Secondly, in addition to this general protection, international humanitarian law grants refugees additional rights and protections in view of their situation as aliens in the territory of a party to a conflict and their consequent vulnerabilities.



About the Agenda

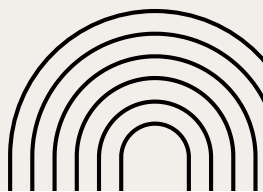
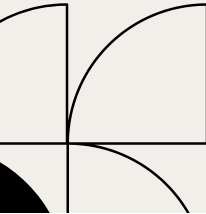


The 1951 Geneva Convention is the main international instrument of refugee law. The Convention clearly spells out who a refugee is and the kind of legal protection, other assistance, and social rights he or she should receive from the countries who have signed the document. The Convention was limited to protecting mainly European refugees in the aftermath of World War II, but another document, the 1967 Protocol, expanded the scope of the Convention as the problem of displacement spread around the world.

The core principle is non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. This is now considered a rule of customary international law. UNHCR serves as the 'guardian' of the 1951 Convention and its 1967 Protocol. According to the legislation, States are expected to cooperate with them in ensuring that the rights of refugees are respected and protected.

Who are the Rohingyas?

The Rohingya are an ethnic group, the majority of whom are Muslim, who have lived for centuries in the majority of Buddhist Myanmar. Currently, there are about 1.1 million Rohingya in the Southeast Asian country. They are not considered one of the country's 135 official ethnic groups and have been denied citizenship in Myanmar since 1982, effectively rendering them stateless. Nearly all of the Rohingya in Myanmar live in the western coastal state of Rakhine and are not allowed to leave without government permission. It is one of the poorest states in the country, with ghetto-like camps and a lack of basic services and opportunities. Due to ongoing violence and persecution, hundreds of thousands of Rohingya have fled to neighboring countries either by land or boat over the course of many decades.



Topics to be discussed in the committee



1) Understanding the flaws in the Human Rights Mechanism with respect to Refugees and ways to tackle them.

2) Discussing Myanmar's persecution of Rohingya refugees

3) Other sub-themes within the conflict, such as Children's Rights, and over-persecution of women.

4) Genocide Convention's implications can also be brought up.



Resources



1)

<https://www.unocha.org/rohingya-refugee-crisis>

2)

<https://www.unicef.org/emergencies/rohingya-crisis>

3)

<https://www.unhcr.org/3b66c2aa10>

