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# HUMAN RIGHTS





# **United Nations Human Rights Council (UNHRC)**

## **Topic: Protection of Human Rights of Refugees In Recipient Countries** **Background Guide**

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## 1. Introduction to the body

### 1.1 The tasks of United Nations Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.<sup>1</sup> It works towards the aim that: **All people know about their rights; All people can use their rights.**<sup>2</sup> The Human Rights Council helps people whose rights are deprived of and checks if all people can make use of their rights and whether governments are committing their tasks with the help of the HRC's independent human rights experts ("Special Procedures") serving as the eyes and ears of the Council by monitoring human rights in countries pushing for improved conditions.<sup>3</sup> These experts speak out on themes such as education, health, free speech and human trafficking, as well as on country situations. More importantly, the HRC prevents oncoming human right disasters or protracted crises from spreading.

### 1.2 Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a

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<sup>1</sup> OHCHR, Promoting better human rights standards, Welcome to the Human Rights Council, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

<sup>2</sup> OHCHR, About the Human Rights Council, About the council <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

<sup>3</sup> OHCHR, Briefing Note: U.N. HUMAN RIGHTS COUNCIL <https://ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/HRCBasicFacts.pdf>



milestone document in the history of human rights, which was adopted at the United Nations General Assembly on 10 December 1948<sup>4</sup>. The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. While not a treaty itself, the Declaration is of fundamental significance and legal effect.

## **2. Introduction to the topic**

### **2.1 Definitions**

- Refugee

A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. <sup>5</sup>Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.

Two-thirds of all refugees worldwide come from just five

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<sup>4</sup> Wikipedia, Universal Declaration of Human Rights  
[https://en.wikipedia.org/wiki/Universal\\_Declaration\\_of\\_Human\\_Rights](https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights)

<sup>5</sup> UNHCR, "What is a refugee", 2018  
<https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>



countries: Syria, Afghanistan, South Sudan, Myanmar and Somalia.<sup>6</sup>

- Internally Displaced Person

An internally displaced person, or IDP, is someone who has been forced to flee his or her home but never cross an international border. These individuals are the largest group that UNHCR assists, but they are not protected by international law or eligible to receive many types of aid because they are legally under the protection of their own government.

- Stateless Person

A stateless person is someone who is not a citizen of any country. Citizenship is the legal bond between a government and an individual, and allows for certain political, economic, social and other rights of the individual, as well as the responsibilities of both government and citizen. A person can become stateless due to a variety of reasons, including sovereign, legal, technical or administrative decisions or oversights.<sup>7</sup> The Universal Declaration of Human Rights underlines that “everyone has the right to a nationality”.

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<sup>6</sup> UNHCR, Refugee facts, Who is an internally displaced person?  
<https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>

<sup>7</sup> UNHCR, Refugee facts, Who is a stateless person?  
<https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>



All three types of people mentioned above are people delegates are going to help during this conference in a broad sense.

All “refugee” mentioned hereinafter fall into this category.

## 2.2 Brief Introduction to the Issue

Though refugees have long been existent, the world is witnessing the highest levels of displacement on record. An unprecedented 70.8 million people around the world have been forced from home by conflict and persecution at the end of 2018. Among them are nearly 30 million refugees, over half of whom are under the age of 18. There are also millions of stateless people, who have been denied a nationality and access to basic rights such as education, healthcare, employment.<sup>8</sup> The following table shows a partial distribution of current refugees:

Europe and North Asia	6.088 million
South/East Asia and Oceania	4.153 million
West Asia and North Africa	2.653 million
Sub-Saharan Africa	6.236 million

In addition to persecution and conflict, in the 21st century,

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<sup>8</sup> United Nations, Refugees

<https://www.un.org/en/sections/issues-depth/refugees/>





natural disaster (sometimes due to climate change) can also force people to seek refuge in other countries. Such disasters – floods, earthquakes, hurricanes, mudslides – are increasing in frequency and intensity. None of the existing international and regional refugee law instruments, however, specifically addresses the plight of such people while its acceleration of drought, desertification, the salinization of ground water and soil, rising sea levels and climate changes, can contribute to the displacement of people across international frontiers.

Other human-made calamities, such as severe socio-economic deprivation, can also cause people to flee across borders. While some may be escaping persecution, most leave because they lack any meaningful option to remain. The lack of food, water, education, health care and a livelihood would not ordinarily and by themselves sustain a refugee claim under the 1951 Convention.<sup>9</sup>

All of these circumstances - conflict, natural disasters, and climate change - pose enormous challenges for the international humanitarian community.

The present refugee problem usually refers to the Europe refugee crisis, which occurred after the Arab Spring in 2010, manifesting as

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<sup>9</sup> United Nations, Climate change, natural disasters and displacement  
<https://www.un.org/en/sections/issues-depth/refugees/>



a surge of refugees or economic migrants in Europe. The dramatic increase in the number of refugees has clearly exceeded the capacity of European countries. Lampedusa, Italy's southern gateway has long been under pressure to resettle migrants from North Africa. Greece and Italy, the starting points for refugees from the Middle East and North Africa, are already overwhelmed. Germany is by far the largest recipient of refugees in Europe, with more than 200,000 refugees as long-term residents and more than 600,000 refugees entering the country.<sup>10</sup>

Except for the obvious political, social and military factors, lots of refugees came to Europe for economic reasons. Europe has always been an economic powerhouse and going to Europe to find a job is the best way for most of the refugees who are currently starving to keep themselves and their families alive. Thus, people have also been seen smuggling into Europe from regions and countries without war.

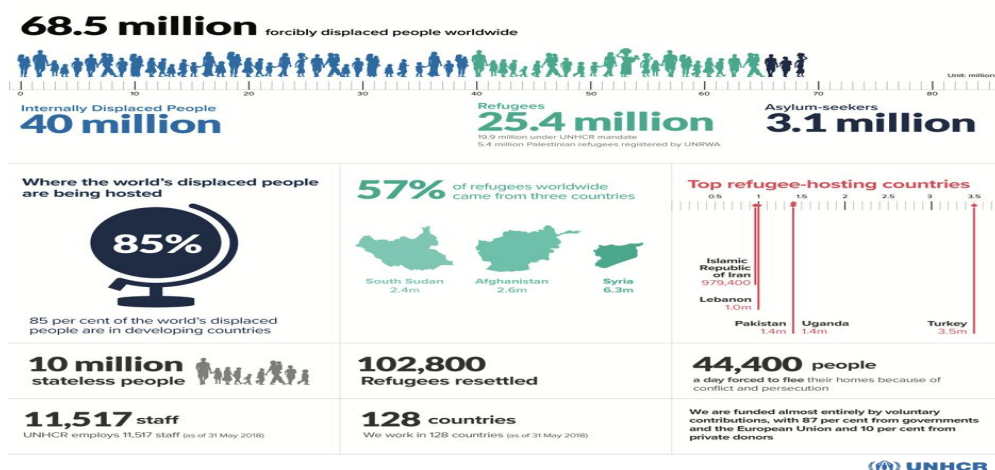
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<sup>10</sup> 百度百科, 欧洲难民危机  
<https://baike.baidu.com/item/欧洲难民危机>



However, European governments and civil society organizations weren't and are still not fully prepared for the refugee crisis. There is not enough housing and logistics supply, and the shortage of infrastructure is also a huge problem for Europe to accept refugees. Each day the refugees consume as much money and manpower as an army, and Europe, already suffering from economic malaise, looks even more demoralized. At the same time, due to the excessive influx of refugees, a large number of immigrants occupy the facilities and welfare that were once owned by European nationals, causing citizens in many countries to protest. There have even been anti-refugee conflicts in Denmark and Sweden. German chancellor Angela Merkel, who is known for her tolerant refugee policies, has resigned under domestic pressure.

Europe therefore suffers from both internal and external troubles. Finding solutions to the refugee crisis is one of the most important issues in Europe and the world.



Refugees bring many social problems to hosting countries, and on the other hand their own quality of life is not guaranteed. When people are displaced and flee their home countries due to dire circumstances, many countries are quick to accept these people in search of international protection. These refugees, while often accepted into the new country labeled as refugees, struggle to assimilate into society by becoming consumers and tax-paying citizens with the same rights as others within the country. And in fact, their needs and rights often vary, whether they constitute common freedoms or simple needs such as food and water. Once in refugee camps, many of the rights violations continue, including sexual violence, lack of healthcare, and lack of educational resources.

When these refugees do not have the option to return to their home countries, they may face legal difficulties with public benefits and discrimination, as well as language and cultural barriers in their



new host country. While assimilation often appears to be a better choice than staying in a refugee camp, the conditions are comparably not much better. Unfortunately, refugees are often an underrepresented group with little to no negotiation power or leverage, thus making it difficult for them to defend themselves in the face of these issues.

### 2.3 UNHCR and Other Relevant Agencies

The UN agency that helps refugees is United Nations High Commissioner for Refugees (also known as the UN Refugee Agency), which emerged in the wake of World War II to help Europeans displaced by that conflict.

UNHCR was established on December 14, 1950 by the UN General Assembly with a three-year mandate to complete its work and then disband. But instead of ending its work after three years, UNHCR has been working ever since to help refugees. In a world where nearly one person is forcibly displaced every two seconds as a result of conflict or persecution, the work of UNHCR is more important than ever before.<sup>11</sup>

The UN Refugee Agency has its Headquarters in Geneva, but

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<sup>11</sup> United Nations, An agency to help Refugees  
<https://www.un.org/en/sections/issues-depth/refugees/index.html>

about 89 per cent of staff are in the field.<sup>12</sup> Today, a staff of more than 9,700 people in 126 countries provides protection and assistance to nearly 59 million refugees, returnees, internally displaced and stateless people. The largest portion of UNHCR staff are based in countries in Asia and Africa, the continents that both host and generate the most refugees and internally displaced people. Many are in isolated locations where staff work in difficult - and often dangerous - conditions.



The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was mandated by the UN General Assembly in 1949,<sup>13</sup> responding to the needs of about

<sup>12</sup> United Nations, UNHCR in the field

<https://www.un.org/en/sections/issues-depth/refugees/index.html>

<sup>13</sup> United Nations, UNRWA

<https://www.un.org/en/sections/issues-depth/refugees/index.html>



750,000 Palestine refugees. UNRWA is at present a direct service provider, delivering primary and secondary education, health care, relief and social services, camp infrastructure and improvement, micro-finance, and emergency aid to 5.4 million Palestine refugees.

UN peacekeepers are often there to protect the camps in which refugees must live. When they are left without access to such basic necessities as food, water, sanitation and health care, the UN family provides it.<sup>14</sup> The Inter-Agency Standing Committee (IASC) brings together all major humanitarian agencies, both within and outside the UN system, for coordinated action.

UNHCR is the lead agency with respect to the protection of refugees and the internally displaced. Along with the International Organization for Migration (IOM), it is the lead agency for camp coordination and management. And it shares the lead with respect to emergency shelter with the International Federation of Red Cross and Red Crescent Societies.

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<sup>14</sup> United Nations, Support for refugee camps  
<https://www.un.org/en/sections/issues-depth/refugees/index.html>





## 2.4 Relevant Treaties

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. <sup>15</sup>The Convention also defines a refugee's obligations to host governments and certain categories of people, such as war criminals, who do not qualify for refugee status. 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.

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<sup>15</sup> UNHCR, What is a refugee

<https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>





Other legal protections include:

- Universal Declaration of Human Rights (art. 14)
- American Declaration on the Rights and Duties of Man (art. 27)
- American Convention on Human Rights (art. 22)
- African [Banjul] Charter on Human and Peoples' Rights (art. 12)
- Arab Charter on Human Rights (art. 28)
- Cairo Declaration on Human Rights in Islam (art. 12)
- European Convention on Human Rights (arts. 2, 3, and 5)
- Convention on the Rights of the Child (art. 22)

### **3. Significance of the topic**

#### **3.1 Current situation of refugees**

Though having fled from what they considered hell, the refugees are still faced with exploitation of basic human rights in what they once considered heaven in wartime, the recipient countries, which, to some extent, symbolizes that the refugees still live in an environment packed with hostility and unfriendliness. Refugees fled only to find out cashing the check that their endangered human rights in their countries will be fully protected and respected is a will that is never going to be satisfied.

Suffering, refugees can hardly get a stable and dignified job to



maintain their family and continue they stay in their recipient countries where they are welcomed with poor sanitation and hostile life, nor can refugees' children gain proper education and acceptance into a regular hospital when ill. They do not have their human rights fully protected. Contrast between the miserable life and the wonderful dreamland makes the refugees mad and exhausted. As the number of refugees seeking a possible better life in recipient countries continues to increase, refugees in recipient countries could do nothing but rub their eyes with their dirty hands and see their life taking continuing turns for the worse, with anger and despair.

### 3.2 Possible influence

More social disturbance might occur when refugees' human rights remain unprotected. The unprotected condition of their human rights do harm to the stability of the society by developing refugees' resistance to the local residents. Moreover, the unsolved difficulty of integration of refugees into the local society made the local residents develop the same resistance to refugees as the refugees have to the local. Such incidents have occurred to warn the Europeans of the significant importance of dealing with that problem. In the New Year Festival of 2016, some refugees are accused of committing sexes harassment in the city of Cologne, Germany. And later demonstration of objection to those deeds



by local residents broke out in the city. How to prevent such incidents of conflicts from happening is a problem worth all countries considering.

Such disturbance may possibly be made evil use of by terrorists. In such circumstances, it is too easy for terrorist organizations to develop. Foreign terrorist groups might develop new members in the refugees' recipient countries by inciting the refugees with a different religion.

That may cause a lot of trouble: If the refugees' human rights are still not protected, then more conflicts will occur, which will result in social contradictions, which means the refugees' human rights will be further ignored; If the refugees' human rights are still not protected, then probably more will be bewitched by terrorists and cause severe trouble to the public, which means less refugees will be accepted. Thus, the problem of human rights is not solved and will never be solved. It is quite clear that this topic is of great importance, to all humanity.

#### **4. Possible entry points**

##### **4.1 Right to seek asylum**

- Basic residence and Non-Refoulment

The basic principle of refugee law, non-refoulement refers to the obligation of States not to refoul, or return, a refugee to “the frontiers of territories where his life or freedom would be threatened



on account of his race, religion, nationality, membership of a particular social group or political opinion.”<sup>16</sup> Correspondingly, recipient countries are obliged to guarantee security of refugees, including providing them with proper residences. However, plausible as it may seem at first glance, the refugee camps recipient countries built are at levels below acceptable standards of environmental health, with overcrowding environment and short of wastewater networks and sanitation systems.

It is possible to say that the reason for mentioned situation is that the establishment of asylum proceedings and refugee status determinations are left to each state party to develop and the adjudication of asylum claims is reserved to individual states, which still has considerable room for improvement. Despite differences across, and sometimes within states, there are a number of commonalities among the asylum procedures of States which have national frameworks for granting refugee status. The following shows a general and simplified explanation of these procedures.<sup>17</sup>

Typically, refugee status determinations or asylum adjudications are conducted by an official from a designated

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<sup>16</sup> International Justice Resource Center, Non-Refoulment  
<https://ijrcenter.org/refugee-law/>

<sup>17</sup> The lawyers n jurists, Refugee Law  
<https://www.lawyersnjurists.com/article/refugee-law/>



government department or agency. The burden is on the asylum seeker to prove that he or she meets the definition of a refugee and asylum seekers are encouraged to supply as much supporting evidence as possible. However, in most cases, for refugees, it's a task with tremendous obstacles.

- Right to family reunification and protection of refugee children

The family is seen as the “natural and fundamental group unit of society and is entitled to protection by society and the State.”<sup>18</sup> In respect of this right, several countries provide the granting of derivative status to dependent relatives. Also, the definition of ‘dependent’ remains misty and hazy. Nearly half of all refugees are children, and almost one in three children living outside their country of birth is a refugee.<sup>19</sup> While refugee boys have been identified as the main victims of exploitation in the labor market, refugee girls aged have been the main targets of sexual exploitation. How to find their dependent relatives and how to ensure their security remains challenging.

- Protection of basic economic, social and cultural rights

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<sup>18</sup> International Justice Resource Center, Right to family life  
<https://ijrcenter.org/refugee-law/>

<sup>19</sup> Wikipedia, Refugee Children  
[https://en.wikipedia.org/wiki/Refugee\\_children](https://en.wikipedia.org/wiki/Refugee_children)



Economic, social and cultural rights are part of the body of human rights law that developed in the aftermath of World War II.<sup>20</sup> Human rights law includes all economic and social rights, as well as civil and political rights like the right to free speech and the right to a fair trial. These rights are deeply intertwined: for example, the right to speak freely means little without a basic education, the right to vote means little if you are suffering from starvation. Similarly, the right to work means little if you are not allowed to meet and assemble in groups to discuss work conditions. States are bound to ensure minimum human rights regardless of their resource constraints. For refugees, the first step of enjoying equal rights may be integration into host societies.

Despite these rights being protected in the 1951 Convention and under human rights treaties, refugees in various countries do not enjoy full or equal legal protection of fundamental privileges.<sup>21</sup>

At the international level, the most effective enforcement mechanism for all international human rights is political pressure. Additionally, petitions in regional human rights commissions can also be effective in highlighting an issue and seeking remedy. At the

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<sup>20</sup> Center for economic and social rights, What are economic and social rights?  
<http://cesr.org/what-are-economic-social-and-cultural-rights>

<sup>21</sup> International Justice Resource Center  
<https://ijrcenter.org/refugee-law/>



domestic level, there are political and legal remedies for many ESC violations. Although these remedies are still far from comprehensive, they do demonstrate that economic and social rights are fundamentally justiciable. An important nonstate actor is enforcement of their basic rights through judicial action.

#### 4.2 Right to Freedom

In 1762, Jean-Jacques Rousseau said in <Social Contract> that all men and women are born to be free. For refugees, their contract with society seems to be diluted, and so, simultaneously, their right to freedom is restrained.

- Freedom of movement

Freedom of movement is one of the most important rights of man's liberties. Article 13 of the Universal Declaration of Human Rights declare the right of freedom of movement as "a citizen of a state in which that citizen is present has the liberty to travel, reside in, and/or work in any part of the state where one pleases within the limits of respect for the liberty and rights of others, and that a citizen also has the right to leave any country, including his own, and to return to his country at any time". <sup>22</sup>In context of refugees,

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<sup>22</sup> Bartleby Research, The Freedom Of Movement Of Refugees  
<https://www.bartleby.com/essay/The-Freedom-Of-Movement-Of-Refugees-FKFKCMT3RZ3W>



this right should be seen in close connections with the right to seek asylum and the right against refoulement since these make up finished and safe journeys for refugees.

The freedom of movement of refugees includes the whole right including leaving origin States, freely moving within host States' territories and returning to home countries. At the regional level, the freedom of movement of refugees comprises of the right to choose the places to reside, to move freely within the territory of host countries and to travel outside the State "unless compelling reasons of national security or public order otherwise require." In reality, refugees are usually accounted as unwanted immigrants and also got limited movement right. From the States' perspectives, it is reasonable that they strictly regulate entry into their territories. But there are cases where refugees are arrested arbitrarily by the hosting country, which violates their right to freedom to a large extent.

- Freedom of conscience and religion

When looking at some of the international organizations utilized throughout treaties in place to protect refugees, there are several human rights treaties applicable to all human beings that can be specifically applied rights of refugees. The International Covenant on Civil and Political Rights (ICCPR) and the





International Covenant on Economic, Social, and Cultural Rights (ICESCR) are two great examples of treaties that can help refugees, but often aren't properly utilized to help the cause. Each raises a separate set of obligations for Member States and a separate set of rights for individuals. Besides the fact that each Covenant relates to different spheres of human rights, each also imposes a different duty.

While the ICESCR requires states to take steps to fulfill rights to needs such as health care and education, it only requires that they do so to the maximum extent of their available resources. The ICCPR, on the other hand, deals with the rights to religious beliefs, among other liberty rights, and sets a significantly higher standard in place,<sup>1</sup> requiring states to respect religious rights through legislation among other means. This distinction is important to understand in the context of the refugee crisis, particularly considering the strain on a country's resources when dealing with forced migration on a large scale.

The ICCPR covers a great deal more specifically and is crucial to gaining a full understanding of the situation at hand. Most notably, the ICCPR protects individual rights to freedom of religion, race, gender, nationality, political alignment, and other basic freedoms. This is important to recognize because it is often



disregard for these exact freedoms that inhibits refugees from properly integrating into the society of their host country. Further, the ICCPR protects against arbitrary arrest or detention. While the resolution states that Member States must protect this right, they often do not. Part of the purpose of this committee is to motivate member states to increase enforcement of this resolution to ensure a smoother transition for refugees in entering their host country.

#### **4.3 Right to life**

- Enough food and Clean drinking water

The elimination of starving and the approach to clean drinking water are the basic elements of life, without which people cannot survive. Refugees are no exception, which means enough food supply and clean water, serving as life necessities, is needed so as to protect their human rights, undoubtedly.

- Social environment

To properly hold, accommodate, shelter, offer help to and protect refugees, including their human rights, social environment, if not more important than, is as important as food and water. A society take possess of openness, which allows more refugees in and to be shared with all categories of resources unreservedly by local people; so should



anti-discrimination spirits and measures which guarantees equal status of refugees and locals. Only such a society is able to provide refugees with a promising future, where they, several years later, or their children, grandchildren, and great-grandchildren is able to make a name, make fortune with their hard work generation by generation, instead of being noted as refugees forever and receiving malicious mercy accompanied with discrimination, day by day.

However, most countries receiving refugees can hardly achieve such a level. Advertised as humanitarian, the actual ambition of receiving refugees of some countries may be to relieve the growing population aging by providing more labor to do the inferior work, such as street-cleaning and dish-washing, which in a developed country are undignified jobs that few will do. The improper ambition supplies less promising future to the still-suffering refugees in their recipient countries.

## **5.Key challenges**

### **5.1 Rising number of refugees**

Still rising, the number of the refugees becomes the main obstacle to providing the refugees with better life. The increasing population of refugees results in their poorer living condition. The sharp contradiction is definitely worth the world's consideration.



As for the recipient countries, who is responsible for upholding and protecting the refugees is not clear at all, currently. Then the recipient countries may better come up with better ideas about the entire system of holding refugees to better adapt themselves in the trend in which the refugees continue pouring into their countries.

## 5.2 Prejudice and discrimination

It is typical of the locals to show prejudice and discrimination toward the foreigners, especially the refugees, in a highly united society. However, prejudice and discrimination may and is doomed to arouse refugees' sharp reaction, which may result in what nobody is able to control. Prejudice and discrimination are severe social problems that are difficult to avoid in current times. But to relieve the prejudice and discrimination is suggested feasible.

## 5.3 Future of refugees

One of the key challenges is the future of refugees, which currently no one, not the government, nor the refugees themselves can decide. Whether they should one day go back to their homeland by themselves or they will be repatriated directly or they will settle in their recipient country is not certain at all. This results in the incredibly changeable life of the refugees, which may prevent them from a stable life where their



basic needs can be fulfilled and their human rights can be protected. Not only should we pay attention to the current condition of the refugees, but also we should take a closer look at their future.

## 6. Assignments and notes

- **Each delegation( two delegates representing the same country)** is required to write one position paper of 1-2 pages single spaced, with at least 500 words. All requirements can be found in PKUNMUN 2019 Academic Standard Pack. The position paper should have three sections:

- 1) Your country's stance on this issue;
- 2) Action or stances your country has taken in the past to address the issue;
- 3) Possible solutions that fit your country's characteristic, position and national interest. **This part should be emphasis**, try to go as in depth as you can regarding feasible solutions so that you are prepared for debate in conference.

Though formal citations are not required, delegations should provide a list of resources used in their position papers at the end of documents. The list of citations does not count as part of the page limit. A list of URLs, book or article titles will be accepted as



formal MLA or Chicago style citations. Position paper will be included as a critical part for committee awards and will be evaluated by the dais before the conference. In order to be eligible for evaluation, all delegations are required to send their position papers to [zhangmingsu@hsefz.cn](mailto:zhangmingsu@hsefz.cn) prior to **23:59, 25<sup>th</sup> July 2019**. The document name should be “Position Paper + Your country+ Your Chinese Name”.

- Delegates are encouraged to join QQ Group (group number: 894835719 Group Name: EAMUC2019-UNHRC): for information release and to facilitate communication **in and between** delegations before, during and even after the conference.

- Delegates **are required to** carefully value every word in Background Guide first. However, contents within is far less than enough. Delegates **are recommended to** read extended materials in the material pack and search and find information on your own. Bing, official website of UN and Google (VPN required) are highly recommended.

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