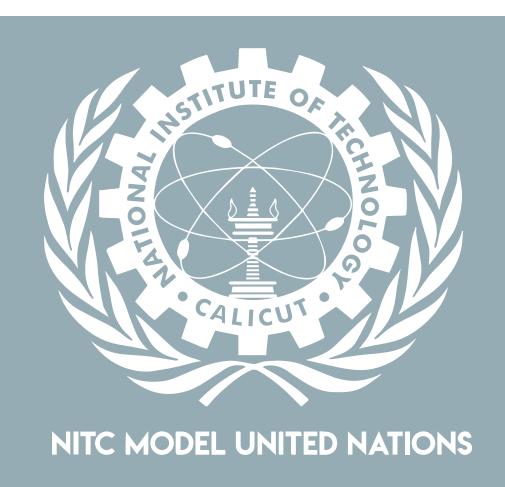
# National Institute Of Technology Calicut Model United Nations (NITCMUN)

UNHRC Delegate preparation study guide

November 27 - November 29, 2020







# Table of Contents

2 Lette	er from the Executive Board	4
2 The l	United Nations Human Rights Council History of the Human Rights Council	5
•	Membership and Mandate	5
•	Responsibilities and Actions	5
2Agen	da	7
	HUMAN TRAFFICKING AND REPATRIATION OF REFUGEES WITH SPECIAL EMPHASIS	ON
	MIDDLE EAST REFUGEE CRISIS AND COVID-19 PANDEMIC.	
D Intro	duction to the agenda	7
•	Definition of Key Terms	/
Inter	rnational law related to refugees	
•	1951 protocol relating to status of refugees	
•	1967 protocol	
•	Refugee Law Specific to the Middle East and Asia The New York Declaration	
2 Othe	er international legal standards that protect asylum-seekers and refugees	
•	International Human Rights Law	
•	How other human rights instruments protect refugees	
2 The S	Syrian Refugee Crisis	10
•	International and Regional framework	11
•	Role of the International System	12
•	Urban Settings	13
•	Education	
•	Livelihoods	
•	Shelter	
•	Camp Settings	
•	Health and Nutrition	
•	Water, Sanitation and Hygiene	
•	Sexual and Gender based Violence	
•	COVID-19 impact on Syrian refugees	
•	Conclusion	16
2 Prote	ecting Refugees From Human Trafficking	17
•	Role of the International System	17
•	Trafficking in Persons and Refugee Status	18
•	Trafficking in Persons in Conflict	19
•	Trafficking in persons and Gender	19
•	COVID-19 and risk of human trafficking	19
•	International and Regional Cooperation	19
•	Vulnerability Refugees and Human Trafficking	20

Assisting Trafficked Refugees	21
Conclusion	22
Possible Solutions	24
2 Repatriation of refugees and internally displaced persons	25
International Framework	25
Role of the International System	
Promoting Repatriation as a Durable Solution	26
Further Research	27
External links and references	28
Bibliography	31

Dear delegates,

At the outset, we would like to tell you that it will be our honour to serve as your Executive

Board for the simulation of the United Nations Human Rights Committee at NITC Model United

Nations Conference 2020.

To the veterans of MUN, we promise you a very enriching debate that you've never experienced before and to the newcomers, we are really excited to be a part of your maiden voyage.

The following pages intend to guide you with the nuances of the agenda as well as the Council.

The Guide chronologically touches upon all the different aspects that are relevant and will lead to fruitful debate in the Council. It will provide you with a bird's eye view of the gist of the issue.

However, it has to be noted that the background guide only contains certain basic information which may form the basis for the debate and your research.

We encourage you to go beyond this background guide and delve into the extremities of the agenda to further enhance your knowledge of a burning global issue.

We wish all of you the very best.

Safal Tom	Rose Binoy Mechery	Tugba
Chairperson	Vice Chairperson	Director

## THE UNITED NATIONS HUMAN RIGHTS COUNCIL

# History of the Human Rights Council

The United Nations Human Rights Council (UNHRC) was founded on 15 March 2006 by the General Assembly with the adoption of resolution A/RES/60/251. The council is the successor of the United Nations Commission on Human Rights and held its first session from 19 to 30 June 2006.

# Membership and Mandate

The council consists of 47 member countries who are elected by the UN General Assembly. The countries elected remain in the Human Rights Council for a term of 3 years. Instead of all members being elected at once one third of the UNHRC members is replaced every year. To ensure a representation as fair as possible the UNHRC always consists of 13 African and 13 Asian states, 8 Latin American and Caribbean states, 7 Western European and 6 Eastern European states. The numbers have been determined according to the areas populations.

# Responsibilities and Actions

The UNHRC is responsible for the promotion and protection of human rights. To do so the committee actively promotes human rights, checks what governments do for the protection of those rights, addresses the violations of human rights and gives recommendations to other UN bodies especially regarding human right emergencies. The council meets several times a year at the United Nations Office in Geneva in Switzerland. There are at least 3 regular session scheduled in a year and additionally the council can have meetings on human rights crises. Its documents are not legally binding and have a rather recommendatory nature. In order for a draft resolution to be adopted a simple majority is required. The HRC has several procedures and sub bodies which distinguish it from other UN committees.

#### Those include:

The Universal Periodic Review: Every 4, 5 years the council conducts a Universal Periodic Review (UPR) during which it reviews the human rights records of all 193 Member States of the UN. During the UPR the UNHRC gives recommendations to each individual member state and the member states can come forward and ask for assistance if they struggle to ensure human rights within their country.

**The Special Procedures**: The UNHRC is entitled to Special Procedures. For those special procedures the council appoints 5 independent individuals, for example experts in a certain field who can go to places struggling with human rights and help by giving expertise, assisting in setting up infrastructure for the development of human rights and by raising awareness and writing reports.

**The Advisory Committee**: The HRC has an advisory committee, which "functions as the "thinktank" of the Council is focused mainly on studies and research-based advice". This committee consists of 18 independent experts from 5 regional areas, who were elected by the HRC for a period of 3 years. Those experts have varying professional backgrounds and contribute to the council by examining proposals and offering their expertise.

The Complaint Procedure: The so called "Complaint Procedure" allows non-governmental groups and even individuals to issue a complaint, if they feel that their human rights are being

violated. This distinguishes the HRC from other UN bodies, since it "is the only universal complaint procedure covering all human rights and fundamental freedoms in all UN Member States."

# Agenda

Human Trafficking and Repatriation of Refugees with Special Emphasis on Middle East Refugee Crisis and COVID-19 Pandemic.

#### INTRODUCTION TO THE AGENDA

The 21st century has brought a wave of changes that shaped our current reality. Human migration and refugee crises are some core factors that forge the foreign as well as the internal policy of states. However, we must never forget that a refugee crisis is a human crisis: behind the policies, the letters of intent by the governments and the statistics are people with dreams, hopes and plans for them and their children's futures. We are the witnesses of a massive shift of humanity unlike ever before. It is our duty to ensure that all refugee voices will be heard and that we will provide them with everything and anything we can for them to continue their lives and thrive. Most of the world's refugee camps were designed as temporary facilities. However, many have grown and developed into fully fledged cities, replete with vibrant economies, systems of governance, and civic institutions. Thus, refugee camps are monuments to human suffering, and the sheer size of these settlements testifies to the severity of forced displacement around the world. Yet, the settlements are also spaces of hope and optimism: for many inhabitants, these camps represent a stepping stone on the path to safety and prosperity.

There is also an estimated 26.4 million internally displaced persons, mainly coming from nations that experience internal uprisings or strife. Three countries with the largest IDP populations include Colombia, Iraq, and South Sudan. Many of the ID population consist of women and children who live in poor-quality housing or shelter typically in tents or unsubstantial mud homes. In displacement, many times families report facing obstacles to find adequate health services and education facilities for their children.

In addition to this 2020 comes with a new risk COVID-19. As countries around the world take extraordinary steps to fight the coronavirus pandemic, global watchdogs are concerned that human rights and civil liberties could become a casualty. In crafting their individual response to the deadly COVID-19 crisis, many governments are invoking emergency powers and introducing measures that observers warn could be abused for political gain and could be difficult to revoke when the crisis passes.

As per the Universal Declaration of Human Rights (UDHR), access to healthcare is classified as a human right. The Covid 19 pandemic is soon putting pressure on those countries with poor public healthcare systems to rethink on their health policy and public spending. Another important aspect of human rights is the protection of livelihood which has been denied due to lockdowns and shutdowns worldwide. Daily wage workers are not even provided basic

amenities like minimum wages and job security. The fight against human rights violations continue.

# **Definition of Key Terms**

In order to avoid misunderstanding during debate, the following five definitions should be carefully studied as these three words have long been an issue of misconceptions:

**Refugee**: A person who has escaped their own country for political, religious, or economic reasons or because of war.2

**Immigrant**: A person who has come to a different country in order to live there permanently.3

Migrant: A person that travels to a different country or place in order to find work.4

**Internally Displaced Person**: Someone who is forced to flee his/her home but who remains within his/her country's borders.5

**Refugee camps**: A place where people who have escaped their own country can live, usually in bad conditions and are only expected to stay there for limited time.6

#### INTERNATIONAL LAW RELATED TO REFUGEES

# 1951 Convention relating to the Status of Refugees

The 1951 Convention relating to the Status of Refugees is the foundation of international refugee law. It defines the term "refugee", establishes the principle that refugees should not be forcibly returned to a territory where their lives or freedom would be threatened, and sets out the duties of refugees and States' responsibilities toward them. As new refugee crises emerged around the globe during the 1950s and early 1960s, it became clear that the temporal and geographical scope of the 1951 Convention needed to be widened.

# 1967 Protocol

The 1967 Protocol is independent of, though integrally related to, the 1951 Convention. The Protocol removes the temporal and geographic limits found in the Convention. By acceding to the Protocol, States agree to apply the core content of the 1951 Convention (Articles 2–34) to all persons covered by the Protocol's refugee definition, without limitations of time or place.

# Refugee Law Specific to the Middle East and Asia

There are no binding regional instruments addressing refugee law in the Middle East or Asia. In 1994, the Arab Convention on Regulating Status of Refugees in the Arab Countries was adopted by the League of Arab States (LAS), but it never entered into force. In October 2017 the League of Arab States adopted a new Arab Convention on refugees.

In 2001, Asian and African countries adopted the revised Bangkok Principles on the status and treatment of refugees. Both the proposed Arab Convention and the Bangkok Principles use the refugee definition contained in the 1969 OAU Refugee Convention. The Arab Convention extends it further to persons fleeing disasters or other grave events disrupting public order.

In 2012, Member States of the Organization of Islamic Cooperation adopted the Ashgabat Declaration at a ministerial conference in Turkmenistan. The Declaration recognizes that "over fourteen centuries ago, Islam laid down the basis for granting refuge, which is now deeply ingrained in Islamic faith, heritage and tradition". The ministers also noted the "enduring value and relevance in the twenty-first century" of the 1951 Convention and 1967 Protocol and "the importance of respecting the principles and values that underlie these instruments"

## The New York Declaration

The New York Declaration for Refugees and Migrants expresses the political will of world leaders to save lives, protect rights and share responsibility on a global scale. The New York Declaration contains bold commitments both to address the issues we face now and to prepare the world for future challenges. Refugees, migrants, those who assist them, and their host countries and communities will all benefit if these commitments are met.

# OTHER INTERNATIONAL LEGAL STANDARDS THAT PROTECT ASYLUM-SEEKERS AND REFUGEES

As explained above, international refugee law consists of the 1951 Convention and its 1967 Protocol, and related regional instruments. But, international refugee law does not operate in isolation. It is complemented by other bodies of law, notably international human rights law, international humanitarian law, and international criminal law. There is no hierarchical relationship between these bodies of law, but they are interconnected.

# International human rights law

Like all people, asylum-seekers and refugees are protected by international human rights law. This body of law extends to everyone within a State's territory or under its authority or jurisdiction. As the 1948 Universal Declaration of Human Rights affirms: "All human beings are born free and equal in dignity and rights." Refugees and asylum-seekers are thus entitled to two partially overlapping sets of rights: those which States are obliged to respect, protect and fulfill under international human rights law, and the specific rights of refugees. Under international human rights law, some guarantees, such as the prohibitions of torture and slavery, cannot be restricted or suspended for any reason. Others may be derogated from under specific conditions, such as to uphold public order or health or protect the rights of others.

# How other human rights instruments protect refugees

The other main international human rights treaties, many of which have optional protocols that are relevant, play an important part in protecting refugees:

- The rights in the International Covenant on Civil and Political Rights are to be enjoyed on a non-discriminatory basis, and nearly all of its provisions apply to everyone within a State's territory or under its jurisdiction. It includes the right not to be subjected to torture, cruel, inhuman or degrading treatment, which has been interpreted to prohibit return to such treatment. Other civil and political rights include the right to life; the right to liberty and security of person; to liberty of movement within the State; to protection from expulsion, which shall only be undertaken pursuant to a decision reached in accordance with law; and to equal protection of the law.
- The International Covenant on Economic, Social and Cultural Rights establishes the principle of non-discrimination in the context of economic, social and cultural rights. It commits States to working progressively to realize rights to an adequate standard of living, to the highest attainable standard of physical and mental health, and to education, among others.
- The Convention on the Elimination of All Forms of Racial Discrimination contains detailed prohibitions of, and obligations to prevent, discrimination on grounds of race, colour, descent, or national or ethnic background. This can be particularly relevant for asylumseekers and refugees who may be the targets of racial discrimination and xenophobia.
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States parties to refrain from discriminating against women in any way that directly or indirectly results in denying them equal enjoyment of their rights with men.
- The Convention on the Rights of Persons with Disabilities specifically requires States parties to ensure the protection and safety of persons with disabilities in situations of risk, including during armed conflict and humanitarian emergencies.
- The International Convention for the Protection of All Persons from Enforced Disappearance requires States parties to make enforced disappearance a criminal offence and bring those responsible for it to justice.

#### THE SYRIAN REFUGEE CRISIS

Since the beginning of the Syrian War in 2011, almost 6 million people have fled their wartorn country. Another 6 million have been internally displaced7, half of which are in areas for which they are unaccounted, and the rest have basic unmet needs.8 The conflict, sparked by the Assad regime's violent backlash to 2011's Arab Spring protests, has resulted in one of the biggest, most devastating refugee crises since the Second World War.9 The current involvement of UNHCR regarding the Syrian refugee crisis has been the agency's largest operation to date.10 The Syrian refugee crisis has grave ramifications in the region, given that the more significant

<sup>7</sup> UNHCR, Refugee total hits 3 million as Syrians flee growing insecurity and worsening conditions, 2014; BBC, Arab Uprising: Country by country – Syria.

<sup>8</sup> Australia for UNHCR, Syria Crisis Appeal; United Nations Relief and Works Agency, Palestine Refugees.

<sup>9</sup> Ibid. 10 UNHCR, UNHCR and host countries seek more help to cope with Syria refugee crisis.

part of three million people have crossed Syria's borders and are now scattered throughout varying neighboring countries.11 The situation has become a burden for most of the neighboring countries in the Middle East, and closer countries in Eastern Europe, as hosting Syrian refugees has undoubtedly overstretched their infrastructures and budgets. 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.12 As the UN's Secretary-General, António Guterres, noted: "Syria has become the great tragedy of this century – a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history."13

# International and Regional Framework

Although the Syrian refugee crisis is a recent development, there have been global and regional legal instruments framing the issues surrounding the crisis for decades. Since its adoption in 1951,14 the Convention relating to the Status of Refugees has been the main framework for such matters. Syrian refugees fall under this definition, as they have fled from the civil war that worsened over the past several years.15Moreover, the lack of resolution to this conflict makes them unable or unwilling to return to their country.16 Whereas the Convention applies 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).17

The definition for refugees doesn't, however, apply to Internally Displaced Persons.18 IDPs do, as civilians, have protected rights under international humanitarian law, namely the Geneva Conventions of 1949 and the Additional Protocols of 1977.19

On a regional level, the referential document about this topic is the revised Arab Charter on Human Rights, adopted in 2004 by the members of the League of Arab States. To address the criticism it faced and to improve the implementation of the Charter, its 45th article created the Arab Human Rights Committee.20 The Charter promotes individual, civil, political, economic, social and cultural rights, as well as rules of justice. Although the Charter is applicable in the region about this topic, there still lacks an enforcement and accountability mechanism.21

```
11 Ibid.
```

<sup>12</sup> Ibid

<sup>13</sup> UNHCR, The 1951 Refugee Convention

<sup>14</sup> UN General Assembly, Convention Relating to the Status of Refugees (A/RES/409 (V)), 1951

<sup>15</sup> Ibid.

<sup>16</sup> UN Economic and Social Council, Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

<sup>17</sup> UNHCR, The 1951 Refugee Convention.

<sup>18</sup> UNHCR, Syrian Arab Republic.

<sup>19</sup> Syria Humanitarian Assistance Response Plan & Syria Regional Response Plan, Common Planning Framework. 20 Ibid.

<sup>21</sup> UNHCR, UNHCR - A Year in Review 2013.

## Role of the International System

Within the United Nations system, the UNHCR is the lead agency responding to the Syrian refugee crisis. Their operations in the field cover non-food items (NFIs), shelter, health, cash assistance, and protection among other forms of aid. The agency works with international actors under an inter-agency framework to strengthen the coordination of humanitarian emergency assistance.22

The Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP),23 comprised of UN agencies, the International Organization for Migration (IOM) and international nongovernmental organizations (NGOs) assist 9.3 million people in need with a needed budget of \$2.27 billion.24They oversee 112 projects to complete five main objectives. More precisely, they work towards the protection of civilians, the provision of emergency services and relief supplies, and the restoration of livelihoods. Within this framework, the UNHCR focuses mainly on camp management.25 SHARP assists roughly three million people of concern.

A few years ago, 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." 26 which stated that the rising numbers of refugees concerned the General Assembly due to the political issues in Syria, and further urged the UNHCR and other agencies to support Syrian refugees and the host countries. 27 In 2014, the UN Security Council adopted resolution 2139 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 [of Syrian refugees]."28 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.29

In addition to the UN system and its agencies, international and national NGOs have played an essential role in the Syrian refugee crisis. With an extensive grass-roots network and knowledge of local communities, they represent a considerable partner for UNHCR. Among these organizations, the International Committee of the Red Cross (ICRC) has unlocked a budget of \$157 million to provide humanitarian assistance for Syrian IDPs and refugees.30 The Norwegian Refugee Council (NRC), on the other hand, focuses its resources mostly on shelter, education, sanitation, and hygiene. In 2013, the NRC constructed or rehabilitated hundreds of housing

22 OCHA, Humanitarian Response.

23UN OCHA, 2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP).

24 Ibid.

 $25\ UN\ General\ Assembly,\ Situation\ of\ human\ rights\ in\ the\ Syrian\ Arab\ Republic\ (A/RES/68/182).$ 

26 UN Security Council, Middle East (S/RES/2139 (2014)) [Resolution].

27 UNHCR, Education Regional Dashboard June 2017.

 $28\ UNHCR, UNHCR\ and\ host\ countries\ seek\ more\ help\ to\ cope\ with\ Syria\ refugee\ crisis.$ 

29 Ibid.

30 Syria Humanitarian Assistance Response Plan & Syria Regional Response Plan, Common Planning Framework

units and numerous classrooms, as well as restrooms and water points. Other NGOs who partnered with the UNHCR to provide aid to refugees include Save the Children, Oxfam, Relief International, and the International Rescue Committee.

# **Urban Settings**

Refugees living in urban areas have better opportunities than those living in camps, as they can retain a certain degree of autonomy and earn money on their own. To better address their needs, the UNHCR published their "Policy on refugee protection and solutions in urban areas" in 2009, laying down a new, two pronged approach to the issue.31 First, "it is to make certain that the cities are recognized as legitimate locations for refugees to reside and exercise the rights which they are entitled to," and second, "to maximize the protection of the available space to urban refugees and the humanitarian organizations that support them." Through the Syrian Regional Response Plan, UNHCR assists refugees living in urban areas with a wide variety of measures, including assistance in the areas of education, livelihoods, and shelter.32

#### Education

As of a few years ago, hundreds of thousands of Syrian refugee children were enrolled in primary or secondary school, comprising over 50% of the planned target of the RRP. Despite improvements made on the education front, many challenges remain and differ depending on the host country.33 In Egypt, some difficulties stem from the different dialect of the Egyptian school system to which Syrian children struggle to adapt. Moreover, some parents of schoolaged Syrians are reluctant to enroll them, for fear of sexual and other harassment or discrimination both in school and on their way to school. Jordan has the highest number of Syrian refugee children enrolled in formal education, with 120,555 of them attending school.34 As a result, the capacity and space of Jordan's school system is overstretched, which constitutes a significant obstacle to the education of both Syrian and Jordan children. Among the policies employed to face these challenges, the "No Lost Generation" strategy implemented by the UNICEF has three main objectives: increasing learned skill and abilities, providing an environment in which they are protected and broadening opportunities for children and adolescents. 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 to help Syrian children adapting to different dialects, and providing more protection from sexual discrimination.

<sup>31</sup>UNHCR, Syria Regional Refugee Response.

<sup>32</sup> Syria: Unprecedented humanitarian needs entail record budget, International Committee of the Red Cross.

<sup>33</sup> UNHCR, UNHCR policy on refugee protection and solutions in urban areas.

<sup>34</sup> UNHCR, Urban Refugees.

#### Livelihoods

In order to provide for themselves, Syrian refugees need to have access to their host country's labor market. Unfortunately, in some cases, their refugee status makes it more difficult for them to find employment.35 This issue is particularly real in Iraq, Jordan, and Lebanon since none of them are parties to the Convention relating to the status of Refugees (1951). In Iraq, for example, Syrian refugees can work legally so far as they have a residency permit, but acquiring such a document can prove challenging.36 Indeed, residency permits are not provided anymore in non-camp settings since April 2013. 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. These additional areas of concern include "the remoteness of locations where refugees reside, language skills, tools, capita and increasing intolerance towards Syrian refugees."

#### 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. To provide refugees with shelter assistance, the UNHCR implemented several strategies, including cash for rent, shelter kits, and weatherproofing. 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. 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.37 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 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."38

# Camp Settings

16 percent of the three million Syrian refugees living in neighboring countries live in camps.39 The proportion of refugees living in camps versus those living elsewhere, however, differs among host countries, as people have fled to them out of need, location, services, and familiarity. Some of the most basic and most common challenges faced by Syrians living in refugee camps include nutritional health, water, and hygiene, and sanitation.

<sup>36</sup> United Nations, Office of Legal Affairs, Chapter V, Refugees and Stateless Persons.

<sup>37</sup>UNHCR, Shelter Regional Dashboard February 2016.

<sup>38</sup> UNHCR, 2014 Syria Regional response Plan. Strategic Overview, 2014.

#### Health and Nutrition

The problems refugees usually encounter regarding their health and nutrition in camps include communicable and non- infectious diseases, low immunization coverage, malnutrition, mental illness, and a lack of access to reproductive health care. The overall current situation is different depending on the country hosting the camp, as primary health care is granted by nations' respective healthcare systems. Therefore, challenges and priorities vary across nations.40 In Iraq, for example, limitations in financial and human resources are the most significant factor influencing refugee's health. Beyond individual differences, all host nations need to "improve equitable access, quality, and coverage to comprehensive primary health care for all Syrian Refugees" and "support the capacity of the national health care system to provide both nutritional and health services."

# Water, Sanitation, and Hygiene

The challenges met with water, sanitation and hygiene (WASH) stem from pre-existing problems in host countries. These shortcomings may have adverse effects on various sectors such as livestock and food production with the potential of ultimately decreasing informal employment in the abovementioned sectors.41 In Jordanian camps, for example, refugees have managed to face tough challenges which arose from an influx in water-demanding devices, and the cost of water transportation and filtration overall. In Iraqi as well as other Middle Eastern camps, some of the measures undertaken to improve WASH are implemented through community mobilization, which "facilitate[s] greater ownership of resources."42

#### 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 the 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."43 In the document mentioned above, the agency gives the following definition for sexual and gender-based violence: "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."44 SHARP has undertaken several activities to respond to these types of crimes in Syria, which includes, but is not limited to, raising awareness for the

<sup>40</sup> UNICEF, No Lost Generation – Strategic Overview.

<sup>41</sup> Norwegian Refugee Council, A Terrible Milestone.

<sup>42</sup> Ibid.

<sup>43</sup> Interaction, 16 projects in Syrian Arab Republic.

<sup>44</sup> Ibid

cause, psychosocial support, cash assistance, legal advisement, and emergency medical care.45 Challenges to these programs include societal norms which condone particular sexual and gender-based violence as well as women's resulting lack of access to this program's services. The forced early marriage of young girls, which eventually leads to a recrudescence of a specific form of SGBV, is also at play in these families.46 While Syria's refugee crisis has exacerbated the risks of SGBV, it also provides certain opportunities, as "displacement can enable women to take on new roles and instigate positive change."

# COVID-19 impact on Syrian refugees

In countries, hosting large numbers of Syrian refugees, the pandemic has added new challenges for vulnerable people resulting in difficulties of sustaining livelihoods and limiting access to sources of income. Evidence on how the pandemic affects workers and their employers is beginning to emerge as the world starts to grapple with the effects from the restrictions put in place to mitigate the spread of the virus.

# Conclusion

Since 2011, millions of displaced Syrians have faced the challenges of national or international relocation and rely on the United Nations. With political tensions still boiling to this day and the added strain of the pandemic, the number of refugees continues to grow, causing a rise in the agency's demand. More than an internal issue, the entire area, as well as the rest of the world, are affected by the Syrian refugee crisis as the strain on resources is felt in host countries. Delegates should attempt to address a variety of issues to improve the living conditions of Syrian refugees living both in urban and camp settings and to provide innovative solutions to the challenges these people are facing. Delegates aren't, however, tasked with finding a political solution to the crisis' root cause.

#### 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."47

At present, approximately 2.5 million trafficking victims are ensnared in the rapidly expanding web of the world's third-largest criminal industry.48 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.49 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.50 In recent years, human trafficking has become a critical issue for the international community.51 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.52 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.53 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.54 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.55

Article 3 of the Trafficking in Persons Protocol formally defines "trafficking in persons" as "the recruitment, transportation, transfer, harboring 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."56Unlike migrant smuggling, which involves facilitating a person's illicit entry into another state for profit, human trafficking can occur without movement across international borders.57 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.58

The rights-based approach focuses on promoting and protecting the rights of all individuals implicated in human trafficking, including "trafficked persons, individuals at risk of being trafficked, [and] individuals accused or convicted of trafficking-related offenses."59 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.60 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.61

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.62 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.63 In addition to fundamental rights, refugees enjoy further protections afforded to them by international law as a result of their status.64 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."65 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.66 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.67

```
49Kneebone, The Refugee-Trafficking Nexus: Making Good (the) Connections, 2010, p. 152.
50UNODC, Global Report on Trafficking in Persons 2012, 2012, p. 15.
51UN DPI, On World Day against Trafficking in Persons, UN calls for action to eradicate scourge, 2014.
520HCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 1.
53Riiskjær & Gallagher, Review of UNHCR's efforts to prevent and respond to human trafficking, 2008, p. 6.
54Floor, UNHCR's role in combating human trafficking in Europe, 2006, p. 23.
55 OHCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 2.
56 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.
57 OHCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 3.
580HCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1),
2002, p. 3.
59 OHCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 8.
60 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.
61 OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary, 2010,
p. 39.
62 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.
63 OHCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 1.
64 OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary, 2010,
65 UN General Assembly, Convention relating to the Status of Refugees (A/RES/429 (V)), 1950, art. 1A(2).
```

## 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).68 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.69 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.70

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).71 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.72 To this end, UN.GIFT works with stakeholders to raise awareness, share knowledge, and build capacity.73

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.74

UN entities partner frequently with civil society organizations, which are especially important to work focused on assisting trafficking victims.75 In the GPA, Member States specifically

```
66 UNHCR, Refugee Protection and Human Trafficking: Selected Legal Reference Materials, 2008, p. 135. 67 UN General Assembly, Convention relating to the Status of Refugees (A/RES/429 (V)), 1950, arts. 31, 33. 68 UN General Assembly, United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293), 2010.
```

69 Ibid., p. 4.

70 Ibid. p. 5.

71 UN.GIFT, About UN.GIFT, 2014.

 $72\ UN. GIFT, Work\ programme\ of\ the\ Global\ Initiative\ to\ Fight\ Human\ Trafficking\ (UN. GIFT),\ 2008,\ p.\ 10.$ 

73 UN.GIFT, Goals: UN.GIFT strategy, 2014.

74UN.GIFT, The Inter-Agency Coordination Group against Trafficking in Persons (ICAT), 2014.

[acknowledged] the important role of civil society organizations in providing assistance and empowerment to victims of trafficking in persons."76 Civil society 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.77 More generally, civil society organizations may also participate in gathering information, raising awareness, and advocacy efforts in relation to human trafficking.78 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.79

# Trafficking in Persons and Refugee Status

Persons who have been trafficked across an international border, in transit or at destination, may be in need of international protection as refugees on the basis of this experience. Ensuring protection against their refoulement and access to procedures that can determine their refugee status is therefore critical.

While not all victims of trafficking are refugees, depending on the circumstances, some victims of trafficking qualify for refugee status. UNHCR's Guidelines on International Protection No. 7 set out when the 1951 Convention refugee definition applies to victims of trafficking and persons at risk of being trafficked.

Among other activities, UNHCR supports the capacity of national decision makers to draw the link between a person's trafficking experience and their need for international protection. UNHCR also provides support to the developing national legal frameworks on trafficking in persons, national strategies and national referral mechanisms (NRMs) for victims of trafficking to ensure that they are asylum-sensitive and utilize a victim-centred, rights-based approach.

# Trafficking in Persons in Conflict

UN Security Council Resolutions 2331 (2016) and 2388 (2017) task UNHCR and the international community to work together to address trafficking in conflict, in particular, as it relates to the activities of terrorist groups such as ISIS and Boko Haram. UNHCR is actively involved in enhancing State capacity to identify and protect victims of trafficking from among persons falling under its mandate and who have fled situations of armed conflict and violence. UNHCR's Guidelines on International Protection No. 12 provide guidance on claims for refugee status related to situations of armed conflict and violence, and UNHCR's Guidelines on International Protection No. 1, on the needs of persons fleeing gender related persecution, further explains that trafficking in persons, sexual slavery and conjugal slavery/forced marriage, are common forms of persecution in many situations of armed conflict and violence.

Among other initiatives, with IOM and Heartland Alliance, UNHCR co-leads the Task Team on Anti-Trafficking to the Global Protection Cluster which will produce global guidance on practical measures needed to address trafficking in persons through the cluster response.

# Trafficking in Persons and Gender

Unequal gender norms and sexual and gender-based violence can create circumstances that may result in trafficking in persons. Male and female victims of trafficking alike may be exposed to many kinds of sexual violence during their trafficking experience – whatever the type of exploitation they endure. It affects victims of forced labour, forced begging and domestic servitude as well as victims of commercial sexual exploitation and forced marriage.

UNHCR has developed an online facilitator's guide as part of a comprehensive training on sexual and gender-based violence prevention and response that explores the links between trafficking, smuggling, gender, sexual and gender-based violence, and forced displacement. It includes case studies and provides recommendations on how to mitigate against the risk that a man, woman, girl or boy may become a victim of trafficking on account of their gender or prior experience of gender-based violence.

# COVID-19 and risk of human trafficking

The COVID-19 crisis has a potentially far-reaching, long-term negative impact on trafficked and exploited persons. Although at this stage it is not yet possible to assess the full impact of the pandemic on human trafficking, it is sure that its socio-economic consequences are already making precarious and marginalized people more vulnerable to trafficking and exploitation. The policies and measures adopted in the wake of the pandemic will be crucial in the unfolding crisis and will also shape how the labour market and, in general, societies will look like into the future. The socio-economic consequences of the pandemic will exacerbate the vulnerabilities to trafficking, posing a further threat not only to actual victims, but also to people at risk of being trafficked.

Most countries in the world have implemented partial or total border closures. While this can be justified by the necessity to protect public health, refugees, asylum seekers and trafficked persons might be disproportionately affected by the border closures and find themselves trapped in conflict zones and exploitative situations. Moreover, governments are taking advantage of the crisis to adopt harsher migration policies that could stay in place long after the COVID-19 outbreak. The restrictive migration measures adopted by several countries to push people out of their borders or segregate them in camps follow the trend seen in recent years in which countries have restricted access to asylum procedures and international mobility. The restrictions to or ban of asylum procedures can have a long-term impact on victims of trafficking and exploitation, since a prolonged situation of irregularity exacerbates vulnerabilities. Travel restrictions might also prompt many migrants or asylum seekers to look for alternative, more dangerous escape paths, thus becoming vulnerable to trafficking in transit and at destination. During the pandemic enforced returns put people at high risk of infection, especially when migrants are returned to countries with a high number of COVID-19 positive cases

<sup>75</sup> Hoff, The role of NGOs in combating human trafficking and supporting (presumed) trafficked persons, 2011.
76UN General Assembly, United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293), 2010, p. 10.
77Hoff, The role of NGOs in combating human trafficking and supporting (presumed) trafficked persons, 2011.
78 Ibid.

# International and Regional Cooperation

The Inter-Agency Coordination Group against Trafficking (ICAT) is a policy forum mandated by the General Assembly to improve international cooperation and coherence in approaches to trafficking in persons. As an active member of the ICAT working group, UNHCR has contributed expertise to a number of policy papers and short issue briefs – such as the issue brief on Trafficking in Persons and Refugee Status. Other resources, including the ICAT Toolkit on Evaluating Counter Trafficking Programs can be found on the ICAT website.

UNHCR also engages with regional organizations on trafficking in persons, such as ECOWAS, IGAD, the African Union, the League of Arab States and the Council of Europe, including its Group of Experts on Action Against Trafficking in Human Beings (GRETA). See for example, Protecting Refugees and Other Persons on the Move in the ECOWAS Space and UNHCR's comments on the proposal for a Directive on Combating Trafficking in Human Beings. As a member of the OSCE Alliance against Trafficking, UNHCR has played a key role in the design and facilitation of the OSCE Live Simulation Trainings on Combating Human Trafficking along Migration Routes. UNHCR is also a member of many regional consultative processes where trafficking in persons, forced displacement and migration are discussed including the Bali Process, Khartoum Process, Prague Process and Rabat Process

The 10-Point Plan in Action (2016) contains good practice examples of measures used to identify and respond to trafficking in persons in mixed migration settings.

In 2009 UNHCR and IOM published a Guiding Framework on Developing Standard Operating Procedures for the Identification and Protection of Victims of Trafficking that has enhanced referrals and cooperation between the two agencies on trafficking in persons.

In response to the trafficking of thousands of refugees in the Sinai Peninsula, in 2012 UNHCR launched a Strategy and Regional Plan of Action: Smuggling and Trafficking from the East and Horn of Africa. The strategy led to the development of counter-trafficking projects and activities across the region, including a joint UNHCR, IOM and Government strategy on addressing trafficking, kidnapping and smuggling of persons in Sudan.

## 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." 80 Fundamental "social values and practices" engender the vulnerability that make certain individuals more likely to become victims of human trafficking.81 Circumstances that influence the occurrence of human trafficking include social, economic, and political inequality; severe restrictions on immigration; and rising demand for cheap labor.82 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.83 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."84 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."85

80 UNODC, Global Report on Trafficking in Persons 2012, 2012, p. 15.

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

<sup>81</sup> Ibid.

<sup>82</sup> OHCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 1.

<sup>83</sup> UNODC, Global Report on Trafficking in Persons 2012, 2012, p. 26.

<sup>84</sup> Ibid., p. 25

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."86 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.87 For example, restrictive border controls may prevent refugees from seeking asylum in another state.88 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.89 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.90

# **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.91 Often, the first challenge to protecting trafficking victims is identification.92 As an insidious crime, human trafficking creates difficulties in identifying trafficking victims, who are frequently at risk of invisibility.93 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.94 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.95 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.96

```
86 Wilson, Trafficking Risks for Refugees, 2011, p. 1.
```

<sup>87</sup> Kneebone, The Refugee-Trafficking Nexus: Making Good (the) Connections, 2010, p. 152.

<sup>88</sup> Wilson, Trafficking Risks for Refugees, 2011, p. 10.

<sup>89</sup> UNHCR, Human Trafficking and Refugee Protection: UNHCR's Perspective, 2009, p. 2.

<sup>90</sup> Wilson, Trafficking Risks for Refugees, 2011, p. 12.

<sup>91</sup> OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary, 2010, p. 89.

<sup>92</sup>Wilson, Trafficking Risks for Refugees, 2011, p. 1.

<sup>93</sup> OHCHR, Human Rights and Human Trafficking: Fact Sheet No. 36, 2014, p. 12.

<sup>94</sup> Ibid.

<sup>95</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.
96 Ibid.

#### **Possible Solutions**

In its effort to assist and provide shelter, aid and asylum to refugees, the United Nations have promoted the implementation of numerous measures and resolutions. First of all, the Resolutions A/RES/50/150 and A/RES/51/73 were voted upon on the 9th of February 1996 and 12th of February 1997 by the General Assembly with the title: "Assistance to unaccompanied refugee minors", calling for the protection of the children's rights and the coverage of their basic needs. Secondly, the New York Declaration for Refugees and Migrants: A/RES/71/1 was adopted on the 3rd of October 2016 by the General Assembly expressing the commitment of world leaders towards the protection of refugees' rights. Furthermore, A/RES/71/354 was voted on the 23th of August 2016 with the title: "Assistance to Refugees and displaced persons in Africa". One year later, on the 22nd of August 2017, A/RES/72/354 was passed with the same title, both coordinated by the UNHCR and focusing on issues relating to refugees. Nevertheless, even with these resolutions in place, and despite the work of UNHCR and other international organizations, both governmental and NGOs, the provision of aid to refugees and the reunification of refugee families, remains a major issue that still has not been completely resolved. The three main and durable solutions, upon which further development should be anticipated, are:

**Voluntary repatriation**: As the term signifies, refugees can return to their country of origin, safely and with dignity, while being protected and also avoiding all the risks that made them flee it in the first place.

**Local integration**: Refugees integrate in the host and destination countries in a legal, economic and social way while being under the protection of their "new" home country.

**Resettlement**: Mostly referred to as "resettlement to a third state", meaning that refugees are transferred from their host country to a third state with permanent residence status. Undoubtedly, it is a need of the refugee to be reunited with their family. Thus, guidelines and procedures could be adopted by states in order to cover such a need, regardless of who the claimant is, i.e. head of the household, elderly member or young and unaccompanied minor. These procedures should be expeditious, taking into account the special needs of women, children and adolescents, refugees with medical needs, and elderly members of the family.

In addition, states could:

- Open up safe routes to sanctuary for refugees, by means of giving visas to them in order to reach safety, as well as, allowing them to reunite with their relatives and family,
- Locate, investigate and prosecute people who exploit refugees and migrants, either by means of trafficking or for the purpose of crossing borders,
- Raise awareness in their citizens in order to combat racism, xenophobia and discrimination, which are the main common problems refugees have to face,
- Invest and develop rescue procedures and operations. This way they help people in distress and facilitate their trips and safer journeys.

- Grant asylum to refugees under a standard framework across countries, which will facilitate the process of family reunification and will also increase the number of refugees being given asylum.
- Establish specific funds and raise donations in order to be able to cover refugees' basic human needs, such as shelter, food, water, sanitation and human rights protection.
- Develop infrastructure to welcome refugees as a workforce and introduce children to the local education system.

Considering the pandemic situation

- States should make sure that all workers are provided with adequate health protections and that occupational safety and health measures are put in place
- Not suspend labour inspections due to the COVID-19; labour inspectorates should be trained to recognize cases of trafficking and exploitation
- Ensure adequate alternate accommodation for residents in shelters that were shut down due to COVID-19 infections
- Non-governmental organizations should raise awareness with donors on the increased needs to fund trafficking prevention and response in light of the COVID-19 pandemic.
- States should ensure that response plans to COVID-19 include gender sensitive and age appropriate measures to protect children from abuse and neglect
- States should address the gendered impact of the pandemic and strengthen efforts to effectively identify victims of sexual exploitation

In order to improve the rights and status of the internally displaced persons, the United Nations should address several issues:

- Cooperation with national government: As citizens of their home country, IDPs are still under the jurisdiction of their domestic government.
- Return and resettlement: Delegates shall plan to either returning IDPs back to their respective homes or to relocate the IDPs to another part of the country with sustainable conditions.
- Defining international law for IDPs: Just as the delegates of the 1951 UNHCR
  Convention outlined criteria and international law for refugees, the same course of action
  should be
- Economic stability: One of the main reasons why many men, women, and children are forced to relocate is because of a lack of job opportunities. Delegates should look toward creating jobs or other economic stimuli in order to boost a nation's economy and provide long-term stability for a family.

# REPATRIATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS

Since 1946, when the United Nations (UN) General Assembly adopted resolution 62 (I)-I, "Refugees and Displaced Persons," the UN has recognized the need to assist in the repatriation and reintegration of refugees and IDPs to their countries of origin as a durable solution to forced displacement. The Office of the United Nations High Commissioner for Refugees (UNHCR) leads the UN's efforts, assistance, programs, and initiatives in this regard and expanded its work to internally displaced persons (IDPs) in 2003. According to the Convention Relating to the Status of Refugees (1951), refugees are persons who have left "their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order. For UNHCR, the return and

reintegration is the most desirable solution for refugees. According to international refugee law, return is a fundamental right of all refugees, but the decision to return should be voluntary in nature, meaning that no one can force refugees to return to their countries of origin. Return and reintegration can be organized, in coordination with host countries and UNCHR, or spontaneous, when refugees return by their own means. Once refugees return to their countries of origin, they are no longer refugees and are, instead, returnees. Reintegration occurs immediately after return and is the process that enables returnees to regain all their rights and capacities to participate, work, and live within their communities of origin without fearing any type of discrimination. In order to achieve effective repatriation and reintegration, countries of origin are called to demonstrate their political will and commitment to help their displaced communities. When national capacities to protect the rights and interests of returnees are fully restored, effective repatriation and reintegration can happen.

## **International Framework**

Article 33 of the Universal Declaration of Human Rights (UDHR) and the Convention Relating to the Status of Refugees acknowledge return as right for all refugees. Article 33 of the latter introduced the principle of non-refoulement, which states that Parties to the Convention shall not expel or obligate refugees to return involuntarily to their countries of origin since this might represent a threat to their life and freedoms. The Convention also implies that repatriation, can only happen once the fear of persecution has ceased

The Cairo Programme of Action (1994) encourages States to strengthen by all possible means the development of international assistance for the effective repatriation and reintegration of refugees and IDPs; it suggests that Member States adopt political provisions for refugees' return and reintegration. These provisions can include programmes for providing rehabilitation assistance to returnees and the creation of long-term reconstruction and development policies for building more inclusive and sustainable societies. With the adoption of the 2030 Agenda, Member States committed themselves to 17 goals to improve the quality of lives of all persons, including refugees and IDPs. More specifically, Sustainable Development Goals (SDGs) 5, 8, 10, and 11 seek to construct societies that are more inclusive for vulnerable communities, including refugees and IDPs. Following this, in 2016 the report of the Secretary-General, A/70/59 called upon states to cooperate toward effective action for assisting refugees and potential returnees. The Secretary-General's recommendations include developing interstate cooperation at the regional and global levels, improving their screening procedures for awarding both temporary and definite asylum or facilitating return, and coordinating international humanitarian assistance so that it can be distributed efficiently and effectively for strengthening the capacities of refugees, host communities, and returnees. Complementarily, in 2016, the General Assembly adopted the New York Declaration for Refugees and Migrants and the Comprehensive Refugee Response Framework (CRRF).

# Role of the International System

UNHCR plays a key role in facilitating effective return and reintegration processes. In response to a lack of synchronized action across the UN system in its refugee response in the 1990s, General Assembly resolution 46/182 (1992) created the UNHCR-led Inter-Agency Standing Committee (IASC). UNHCR chairs and sponsors different IASC commissions and thus significantly contributes to and coordinates the cooperation among UN humanitarian agencies for enhancing repatriation and reintegration of IDPs and refugees. It also facilitates,

in partnership with countries of origin, the creation of the necessary conditions that permit a return in safety and dignity. As the leader of IASC, UNHCR coordinates cooperation among relevant stakeholders to assist refugees from Afghanistan, Myanmar, South Sudan, Libya, and Venezuela, among others. Most of UNHCR's actions addressing return and reintegration are based on the Voluntary Repatriation: International Protection Handbook (1996). This document represents a set of guidelines for all repatriation operations and explains how the 4Rs approach (Repatriation, Reintegration, Rehabilitation, Reconstruction) and the principles of international refugee law should be applied.

In addition to the Handbook guidelines, UNHCR bases its actions on the 4Rs, which were first included in UNHCR's Framework for Durable Solutions for Refugees and Persons of Concern (2003) and expanded in the Policy Framework and Implementation Strategy (2018).

The 4Rs approach seeks to connect all four processes in order to promote durable solutions for refugees, reduce poverty levels within returnees' communities, and help to create good local governance for the benefit of returnees. UNHCR's Policy Framework and Implementation Strategy also emphasizes the importance of working within an extended partnership and multistakeholder perspective, which should incorporate not only international organizations and agencies but also NGOs, community-based organizations, and civil society. For all these initiatives, UNHCR works alongside other UN agencies such as the UN Development Program (UNDP), the United Nations Children's Fund (UNICEF), and the World Food Programme (WFP), as well as the World Bank. UNDP works with UNHCR and states to address the root causes of displacement, support return, and enhance reintegration.

# Promoting Repatriation as a Durable Solution

Supporting repatriation as a durable solution is one of UNHCR's key goals for 2018-2019. UNHCR underscores that voluntary repatriation provides returnees with the opportunity to recover not only their economic, social, and political rights, but also their land, wells, and other properties. UNHCR works to support refugees and IDPs "to return voluntarily in safety and dignity in situations where conditions permit."

For example, UNHCR, aiming to facilitate return for refugees and IDPs from Myanmar, has requested the government to provide the following guarantees for a safe return: a definite end to violence; a restoration of safety and security for all citizens; clear progress on rights and citizenship for all; and, inclusive development for all the displaced people of the Rakhine State. According to UNHCR spokesperson Andrej Mahecic, as of October 2018, the conditions in the Rakhine State of Myanmar are not conducive for a safe return of the Rohingya refugees. UNHCR works in partnership with the governments of origin and host countries in order to facilitate the creation of conditions for return, as it has done with the creation of the Solutions Strategy for Afghan Refugees (SSAR).

In 2012, UNHCR and the Swiss government hosted a conference for the countries of Afghanistan, Pakistan, and Iran. This conference led to the creation of the SSAR, a multi-year framework that seeks to identify and implement durable solutions and facilitate technical and in-field assistance to host countries. The SSAR pursues five key objectives, all of them for refugees and returnees and led by UNHCR: support voluntary repatriation; warrant access to shelter and essential social services; facilitate improved livelihood opportunities and food security; warrant social and environmental protection; and provide capacity development for national authorities, associations, organizations, and communities.

In order to achieve these objectives, UNHCR, with the assistance of more than 50 humanitarian partners, UN agencies, and other stakeholders, facilitated an unprecedented support to Afghanistan and host countries. As a means of achieving Objective 1 of the SSAR on addressing return and reintegration, UNHCR facilitated the construction of the Afghan Voluntary Return and Reintegration Programme in 2012. In Afghanistan, the main goal was to immediately create these conditions in order to improve the standards of living in 48 communities of origin so that this could guarantee for all returnees an effective reintegration. In Iran, for example, UNHCR works with the Iranian government to provide all Afghan refugees with information about the existing facilities in their country. This information includes the mechanisms and procedures that refugees have to follow in order for them to opt for voluntary repatriation. All this information is widely distributed by UNHCR staffers and governmental institutions on flyers and bulletins and in information centres. In Pakistan, UNHCR also provides information to refugees about the existing facilities in Afghanistan and the procedures to follow in order to return. Some community-based consultative meetings, called Shuras, take place and gather members of the government, UNHCR, civil society, and refugees in order to promote a voluntary and well-informed return.

UNHCR's participation is also important for registration management and logistics since it provides shelter, basic needs, medical care, and transportation services for returnees. It also creates Voluntary Repatriation Centers (VRCs) for voluntary return. In Pakistan, VRCs are in charge of facilitating informed decisions of voluntary return. There, UNHCR has assisted more than 13,000 refugees seeking voluntary repatriation. Additionally, VRC personnel interview possible-returnees and remove them from refugee registration lists as long as they proceed to reintegration processes. In Iran, UNHCR contributed to the creation of a health clinic in Dogharoun, near the border, where, as of 2014, more than 3,278 refugees have benefited prior to their return. All these actions are implemented in cooperation with other UN agencies such as UNDP, the International Labour Organization, and the World Health Organization.

# Further Research

As delegates work to try to meet the current needs for supporting return and reintegration of largescale movements of refugees , they should consider questions such as:

- How can the international community cooperate with countries of origin to build the necessary conditions for return?
- How can Member States innovate the current mechanisms for return and reintegration in order to improve the social, political, and economic conditions of returnees?
- How do all these processes benefit vulnerable groups such as women and children?
- How can UNHCR improve its mechanisms of response to the effects of large-scale transnational mobilization?
- What kinds of programs or initiatives are necessary for a better understanding of this situation?

# Questions to Consider

In order to attempt to improve the living conditions (giving emphasis on COVID-19), of refugees, the following questions should be kept in mind by the delegates in the committee:

- How can UNHCR facilitate access to their services for refugees living in urban areas?
- What further partnerships can the UNHRC build with host countries to alleviate their burden?
- What socioeconomic and cultural barriers would inhibit your country from making the refugee situation a health priority?
- What should be the responsibility of countries who host refugees?
- Should all neighbouring countries accept displaced persons?
- How does your country handle the situation of Syrian refugees attempting to seek asylum in your territory?
- Do you think permanent dislocation should be an option for refugees who have already settled in other countries?
- What can we do to help make a difference for refugees in camps?
- What can your country do to go against xenophobia?
- What is the role of UNHRC with respect to human trafficking?
- What is the connection between anti-trafficking measures and the human rights of refugees and other persons of concern?
- 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 UNHRC promote the rights-based approach to human trafficking?
- How can UNHRC protect individuals who are at higher risk of human trafficking, including women and children?
- How can UNHRC strengthen partnerships with other UN agencies, intergovernmental organizations, and civil society in its work on human trafficking?
- How can UNHRC better assist refugees who are vulnerable to the pandemic?

#### External links and References

- Office of the United Nations High Commissioner for Refugees. (1996). Voluntary Repatriation: International Protection Handbook. Geneva. Retrieved 6 August 2018 from: <a href="http://www.unhcr.org/afr/3bfe68d32.pdf">http://www.unhcr.org/afr/3bfe68d32.pdf</a>
  - This document provides technical guidance to the personnel and Member State specialists working in the field of repatriation, principally in the case of large-scale situations. It also includes relevant elements that explain the mandate of UNHCR and its role in return, repatriation, and reintegration processes. It also explains a wide range of activities, practices, and approaches for the management of repatriation and reintegration. This handbook will help UNHCR have managed flows of refugees and returnees.
- Office of the United Nations High Commissioner for Refugees. (2011). UNHCR Resettlement Handbook. Retrieved 3 July 2018 from: http://www.unhcr.org/46f7c0ee2.html
  - This handbook contains UNHCR's policies on each stage of the refugee resettlement process, from assessing resettlement needs of various populations to relationships with other crucial partners. The handbook also provides useful background on UNHCR's resettlement mandate. Delegates should in particular look to chapter four on managing resettlement and chapter eight on partnerships and public relations
- Office of the United Nations High Commissioner for Refugees. (2013). The Integration of Resettled Refugees: Essentials for Establishing a Resettlement Programme and

Fundamentals for Sustainable Resettlement Programs [Guide]. Retrieved 7 July 2018 from: <a href="http://www.refworld.org/docid/51b81d9f4.html">http://www.refworld.org/docid/51b81d9f4.html</a>

This document explains the criteria that UNHCR uses to regularly assess a state's readiness to resettle refugees. It highlights in detail the necessary legal frameworks, stakeholder partnerships, funding, and community planning for successful and sustainable resettlement programs. Delegates should use this document to gain an understanding of the practical needs of resettled refugees that UNHCR has already identified as they consider how to improve existing state capacity for resettlement.

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

  <a href="http://www.ohchr.org/Documents/Publications/Commentary\_Human\_Trafficking\_en.pdf">http://www.ohchr.org/Documents/Publications/Commentary\_Human\_Trafficking\_en.pdf</a>

  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: <a href="http://www.ohchr.org/Documents/Publications/FS36\_en.pdf">http://www.ohchr.org/Documents/Publications/FS36\_en.pdf</a>
  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: <a href="http://unhcr.org/4986fd6b2.html">http://unhcr.org/4986fd6b2.html</a>
  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
- The New York Declaration for Refugees and Migrants(2016) https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\_RES\_71\_1.pdf&ved=2ahUKEwjN2b72mvLmAhVIwzgGHTiRDA0QFjAHegQIAxAB&usg=AOvVaw2kiLGxQC1wPxP-AJASSL8
- Repatriation: International Protection Handbook (1996)
- Framework for Durable Solutions for Refugees and Persons of Concern (2003)
- Policy Framework and Implementation Strategy (2018)

# **Bibliography**

Al-Midani, M. & M Cabanettes. (2006). Arab Charter on Human Rights. Boston University International Law Journal, 24 (2): 147-164. Retrieved 29 August 2014 from: http://www.acihl.org/res/Arab Charter on Human Rights 2004.pdf

Australia for UNHCR. (n.d.). Syria Crisis Appeal [Website]. Retrieved 29 August 2014 from: <a href="http://www.unrefugees.org.au/emergencies/current-emergencies/syria-crisis-urgentappeal#overview">http://www.unrefugees.org.au/emergencies/current-emergencies/syria-crisis-urgentappeal#overview</a>

BBC. (2013). Arab Uprising: Country by country – Syria. Retrieved 1 October 2014 from: http://www.bbc.com/news/world-12482309

Business Insider. (2014, September 9). The Syrian Civil War is on the Verge of Getting Even Worse. Retrieved 1 October 2014 from: <a href="http://www.businessinsider.com/the-syrian-civil-war-ison-the-verge-of-getting-even-worse2014-9">http://www.businessinsider.com/the-syrian-civil-war-ison-the-verge-of-getting-even-worse2014-9</a>

Interaction. (2014). NGO Aid Map - 16 programs Syrian Arab Republic [Website]. Retrieved 29 August from: http://ngoaidmap.org/location/192?

International Committee of the Red Cross. (2014, May 8). Syria: Unprecedented humanitarian needs entail record budget. Retrieved 1 October from:

https://www.icrc.org/eng/resources/documents/news-release/2014/05-08-syriabudgetextension.htm

Lavoyer, J-P. (1998). Comments on the guiding principles on internal displacement. International Review of the Red Cross, 324.

Norwegian Refugee Council. (2014). The Consequences of Limited Legal Status for Syrian Refugees in Lebanon. Retrieved 10 July 2014 from:

http://reliefweb.int/sites/reliefweb.int/files/resources/NRC%20Consequences%20of%20Limit ed%20Legal%20Status%20for%20Syrian%20Refugees%20in%20Lebanon%20April%20201 4.pdf

Norwegian Refugee Council. (2014, August 29). A Terrible Milestone. Retrieved 1 October from: <a href="http://www.nrc.no/?aid=9147821">http://www.nrc.no/?aid=9147821</a>

Syria Humanitarian Assistance Response Plan & Syria Regional Response Plan. (2014). Common Planning Framework 2014. Retrieved 10 July 2014 from: http://www.unhcr.org/mediarrp6/planning.pdf

The Swiss Human Rights Portal. (n.d.). Arab Charter on Human Rights [Website]. Retrieved 29 August 2014 from: <a href="http://www.humanrights.ch/en/standards/other-regions-instruments/arabcharter-on-human-rights/">http://www.humanrights.ch/en/standards/other-regions-instruments/arabcharter-on-human-rights/</a>

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\_201 4. pdf

United Nations, Department of Public Information. (2014, February 22). Security Council unanimously adopts resolution 2139 (2013) to ease aid delivery to Syrians, provide relief from "chilling darkness". Retrieved 1 October 2014 from:

http://www.un.org/News/Press/docs/2014/sc11292.doc.htm

United Nations High Commissioner for Refugees. (1990). Policy on Refugee Women. Retrieved 1 October 2014 from: <a href="http://www.unhcr.org/3ba6186810.html">http://www.unhcr.org/3ba6186810.html</a>

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

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

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

United Nations High Commissioner for Refugees. (2013). Global Report 2013. Retrieved 10 July 2014 from: <a href="http://www.unhcr.org/539809f90.html">http://www.unhcr.org/539809f90.html</a>

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

United Nations High Commissioner for Refugees. (2014). Education Regional Dashboard June 2014. Retrieved 29 August 2014 from:

 $\underline{http://reliefweb.int/sites/reliefweb.int/files/resources/EducationRegionalDashboardJune 2014.}$ 

United Nations High Commissioner for Refugees. (2014). Global Appeal 2014-2015. Retrieved 10 July 2014 from: <a href="http://www.unhcr.org/528a0a2d15.html">http://www.unhcr.org/528a0a2d15.html</a>

United Nations High Commissioner for Refugees. (2014). Health Regional Dashboard June 2014. Retrieved 29 August 2014 from:

http://reliefweb.int/sites/reliefweb.int/files/resources/HealthRegionalDashboardJune2014.pdf