

OAKRIDGE



MUN 2023

UNHRC

BACKGROUND GUIDE

**Addressing the human rights violations faced by
stateless persons with special emphasis on Russia-
Ukraine Crisis**

Letter from EB

Greetings Delegates!

Welcome to the United Nations Human Rights Council at Oakridge MUN 2023. We are glad to have you here and hope to give you a positive learning experience in an entertaining and fun manner.

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

This guide exists solely, as the name states, to give you some basic information about the agenda. This cannot suffice as your only source of information. Delegates will need to reach far beyond the surface as the agenda that has been presented to you is quite extensive in nature. We would still recommend that you are thorough with the content in the guide, as it acts as a springboard for further research.

If you are a first-timer, we would like to reiterate - research goes a long way. MUNs can be a great learning experience and we will do our best to make sure you have an amazing time and comfortable and fulfilling experience. Another thing that we would like to really emphasise upon is that, sometimes the adrenaline and intellectual stimulation that debate can provide, makes us lose ourselves and forget that these are still very real issues in the real world, with real human consequences. So let's not forget to extend a little empathy and kindness, and not gamify the agenda given at hand. A little awareness goes a long way.

Hoping to see you guys soon and happy researching!

Regards,
Executive Board of United Nations Human Rights Council

NOTE

The following details regarding the committee and agenda will be adhering to the UNHCR mandate, however the committee will be UNHRC. As the agenda is better suited for UNHCR, it is imperative to keep in mind that while the two committees have similar rules and regulations, they are still slightly different. For the benefit of all delegates the committee will follow UNHCR's mandate.

ABOUT THE COMMITTEE

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

UNHCR, the UN Refugee Agency, is a global organisation dedicated to saving lives, protecting rights and building a better future for people forced to flee their homes because of conflict and persecution. Formally known as the Office of the High Commissioner for Refugees, UNHCR was established by the General Assembly of the United Nations in 1950 in the aftermath of the Second World War to help the millions of people who had lost their homes. Today, UNHCR works in 135 countries. They provide life-saving assistance, including shelter, food, water and medical care for people forced to flee conflict and persecution, many of whom have nobody left to turn to. They defend their right to reach safety and help them find a place to call home so they can rebuild their lives. Long term, they work with countries to improve and monitor refugee and asylum laws and policies, ensuring human rights are upheld. UNHCR is mandated by the United Nations to protect and safeguard the rights of refugees. We also support former refugees who have returned to their home country, people displaced within their own country, and people who are stateless or whose nationality is disputed.

The UNHCR is guided by and acts as the guardian of the 1951 Refugee Convention and its 1967 Protocol

Important Conventions and Protocols:

- [The 1951 Refugee Convention](#)
- [UN Convention on Statelessness](#)
- [UNHCR Statute](#)

Role of UNHCR

UNHCR protects people forced to flee their homes as well as stateless persons. They deliver life-saving assistance in emergencies, safeguard fundamental human rights, and help find long-term solutions so they can find a safe place to call home.

Respond to Emergencies

UNHCR works to ensure that people can reach safety and are not returned to situations where their lives or freedom would be in danger. This is the core principle of the 1951 Refugee Convention, which forms the legal basis of their work. They help people displaced from their homes settle in a safe place, far from conflict or those trying to harm them, rapidly deliver life-saving supplies and mobilise expert staff to protect them. They ensure they have shelter, food, water, access to medical care and help to find missing family members.

Protect human rights

Governments normally guarantee the basic human rights and security of their citizens, but when people are forced to flee and become refugees they can no longer rely on this safety net. UNHCR works to protect refugees, displaced and stateless people by advocating for their rights. They work with governments and partners to advise on and strengthen laws and national systems and help provide services. Through this they help ensure displaced people can access documentation, education, work and health care. They also work to ensure stateless people achieve their right to a nationality.

Ending statelessness

They also work to secure nationality for people who are stateless by advocating for change in laws and practices. One of the most important ways to achieve this is through nationality laws that allow children to become citizens of the country where they were born if they would otherwise be stateless. Birth registration is also critical. Likewise, they make sure people do not lose their nationality through changes to laws, when new states emerge or when there are changes to national borders.

Safeguarding individuals

Displaced and stateless communities are made up of diverse groups of people. Age, gender, social or legal status, disability and other characteristics can exacerbate inequality and limit opportunities. We engage with refugees and host communities to understand the different needs and protection risks within communities. We aim to make sure the most vulnerable, such as children on their own, or people who have survived torture or sexual and gender-based violence, can access the extra protection and specialized services they need.

INTERNATIONAL HUMAN RIGHTS LAW

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

UDHR

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

ICCPR AND ICESCR

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

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

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

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

AGENDA

Addressing the human rights violations faced by stateless persons with special emphasis on the Russia Ukraine crisis

WHO ARE REFUGEES?

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

Who are refugees?

A refugee is a person who has fled their own country because they are at risk of serious human rights violations and persecution there. The risks to their safety and life were so great that they felt they had no choice but to leave and seek safety outside their country because their own government cannot or will not protect them from those dangers. Refugees have a right to international protection. An asylum-seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim. Everyone should be allowed to enter another country to seek asylum.

Who is a migrant?

A migrant is best understood as someone who chooses to move, not because of a direct threat to life or freedom, but in order to find work, for education, for a family reunion, or for other personal reasons. Unlike refugees, migrants do not have a fear of persecution or serious harm in their home countries. Migrants continue to enjoy the protection of their own governments even when abroad and can return home. It is important to understand that, although migrants do not flee persecution, they are still entitled to have all their human rights protected and respected, regardless of the status they have in the country they moved to. Migrants should never be detained or forced to return to their countries without a legitimate reason.

HUMANITARIAN LAW, HUMAN RIGHTS, AND REFUGEE LAW

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

What constitutes an armed conflict?

While in 1974 the General Assembly adopted a definition of aggression, nowhere - neither in international humanitarian law instruments nor in any other body of international law - do we find a definition of armed conflict. If we look to international humanitarian law treaties for guidance, while we do not find a definition, we do have provisions indicating when relevant conventions are applicable. International humanitarian law recognizes two types of conflict: international armed conflicts and non-international armed conflicts. Different criteria determine the existence of these types of conflict, which are regulated by different rules.

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

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

(Note: It is very crucial to, before discussing solutions and recommendations for a conflict, define whether the armed conflict being discussed is International or Non-International.)

Armed conflict and International Humanitarian Law are of relevance to refugee law and refugee protection in a number of ways.

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

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

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

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

THE 1951 GENEVA CONVENTION

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

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

The agenda is a complicated and critical problem that necessitates a multifaceted response. Statelessness is the circumstances in which a person is not recognised as a citizen of any country. Individuals who are stateless are frequently marginalised, underprivileged, and denied many fundamental rights and protections. This problem is especially important in the context of the Russia-Ukraine crisis because of the forced displacement of people and the human rights violations that have occurred.

RUSSIA-UKRAINE WAR

Russia-Ukraine War, a conflict between Russia and Ukraine that began in February 2014 with the covert invasion of the Ukrainian autonomous republic of Crimea by Russian forces dressed as Ukrainian military. In April 2014, Russians and local proxy forces seized land in Ukraine's Donbas area, escalating the conflict; over the following seven years, more than 14,000 people would be murdered in combat in eastern Ukraine. Russia started a full-scale invasion of Ukraine on February 24, 2022. Despite considerable successes by Russian forces in the early days of the conflict, Ukrainian defences repelled attempts to take Kyiv and other important cities and were soon launching counter attacks against Russian strongholds.

Effect on Stateless Persons

An estimated eight million people fled Ukraine and nearly that many were internally displaced; in total, more than one-third of Ukraine's population was displaced by the fighting. The Russian military also carried out the forcible transfer of between 900,000 and 1.6 million Ukrainian citizens (including some 260,000 children) to Russian territory; this constituted a clear war crime under the Fourth Geneva Convention. The mass kidnapping and "filtration" of Ukrainians in Russian-occupied territory was part of a broader campaign of ethnic cleansing that recalled similar Russian efforts in Chechnya and Georgia.

Right to Nationality

The right to nationality is a basic human right. It indicates that everyone has the right to acquire, modify, and keep their nationality. According to international law, states' ability to select who their nationals are is not absolute, and states, in particular, must comply with their human rights duties for the granting and loss of nationality. Without a nationality, it may be difficult for a person to attend school, consult a doctor, find a job, establish a bank account, or marry. Millions of individuals are stateless all over the world. A stateless person is 'a person who is not considered as a national by any State under the operation of its law.' The exact number of stateless people is not known, but the United Nations High Commissioner for Refugees (UNHCR) estimates that there are at least 12 million globally.

Minorities and Discrimination

Discrimination, including discrimination based on minority status, religion or belief, age, gender identity or gender expression, disability, language, racial or ethnic origin, sex, sex features, or sexual orientation – or a combination of these – is a major cause of statelessness. More than 75% of the world's recognised stateless populations are thought to be members of minority groups.

Minorities and other disadvantaged groups confront additional challenges as a result of statelessness. Minority women may be further marginalised by gender-based discrimination in the acquisition, alteration, or retention of nationality, as well as the conferral of nationality on their children. While nationality is not a solution for the stigma and prejudice experienced by stateless people, it is critical to the full and equal enjoyment of human rights and freedoms.

The Refugee Crisis

Approximately 2.9 million individuals, or 35% of Ukrainian refugees in Europe, have fled to Russia. Poland, which already hosts an estimated 1.3 million Ukrainians (including naturalised citizens and temporary migrant workers), has welcomed more than 1.6 million. The majority of the surviving refugees have gone to the Czech Republic, Moldova, Romania, Slovakia, and other European nations, all of which had substantial Ukrainian communities before the conflict.

Officials in the European Union (EU) promptly invoked the bloc's emergency Temporary Protection Directive, a never-before-used provision that permits those leaving Ukraine to live and work in EU countries for up to three years without appealing for asylum. Currently, almost 4.8 million Ukrainians are registered under the EU's temporary protection or comparable programmes, accounting for 60% of all refugees. The EU has also offered more than \$50 billion in financial, humanitarian, and military aid to Ukraine, including up to \$19 billion in extra economic assistance in 2023. Some European countries have set up temporary housing, hospitals, and reception centres to offer food, information, and medical supplies, while aid and civil society organisations have provided baby supplies and spare clothes. Others, such as Ireland, have waived all visa requirements for Ukrainians seeking refuge, and the Czech Republic has lifted its entry ban and COVID-19-related travel restrictions.

What role have international organisations played?

Russia has used its veto to block UN Security Council action, but the broader UN General Assembly has expressed widespread opposition to the invasion of Ukraine. The body has passed several resolutions by large majorities, including ones that called on Russia to pay war reparations and urged countries not to recognize Putin's annexation of four eastern Ukrainian regions. At the same time, almost a dozen UN organisations, including the World Food Program and the World Health Organization, have provided assistance on the ground in Ukraine. In 2022, the United Nations allocated \$192 million in funding to over one hundred projects through its Ukraine Humanitarian Fund, and in the coming year, the United Nations is seeking to raise an additional \$5.6 billion. Likewise, the World Bank has mobilised more than \$34 billion in financial support since the war broke out. Meanwhile, the International Criminal Court continues to investigate claims that Russian forces have committed war crimes, of which Ukrainian officials say they have documented more than sixty-six thousand incidents. Ukrainian courts have already indicted nearly ninety members of the Russian military.

International laws that address the plight of refugees and stateless persons

- 1951 United Nations Convention Relating to the Status of Refugees
- 1967 Protocol Relating to the Status of Refugees.

RESOURCES

- <https://www.britannica.com/event/2022-Russian-invasion-of-Ukraine/The-Ukrainian-counterattack#ref354597>
- <https://www.aljazeera.com/news/2022/2/28/russia-ukraine-crisis-in-maps-and-charts-live-news-interactive>
- <https://www.cfr.org/in-brief/ukraine-humanitarian-crisis-refugees-aid>
- <https://www.unhcr.org/what-we-do/protect-human-rights>
- <https://www.un.org/en/global-issues/refugees>

All the best, and Happy Researching!