



WHIS MUN 2024

STUDY GUIDE



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United Nations Human Rights Council

Agendas : Deliberating policy measures for racism xenophobia and intolerance

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Letter from the Executive Board

Dear Delegates,

On behalf of the Executive Board, we extend a warm welcome to all of you and congratulate you on being a part of the United Nations High Commissioner for Refugees at WHIS Model UN.

We are sure that this background guide will give you a perfect launching pad as it encompasses a plethora of information that we believe will help you kickstart your research. This being clear, kindly do not limit your research to the areas highlighted, but ensure that you logically deduce and push your research to areas associated with the issues mentioned.

The Executive Board wants to make it clear that we are not looking for a repetition of existing solutions but adaptations and undeployed solutions presented in a practical manner are fair play. Your goal should not be to recite your research and existing solutions but to put your minds to use for developing your own analysis of subject matters and bring forth novel solutions if possible.

Another thing to note, we will be following the base provided by UNA-USA rules of procedure to conduct debate but won't be restricted by it. If you're unaware of how it is implemented, kindly do not worry. You can choose to learn more about it through the delegate resources provided and we will also conduct a session at the start of Day 1 to explain everything in detail. At no point during the debate will points be deducted for not knowing the procedure but it is encouraged to keep note of how Model UNs under this procedure work for a smooth discourse.

We look forward to engaging with your diverse perspectives and contributing to the efforts of the United Nations High Commissioner for Refugees during this simulation at WHIS Model UN 2024. All the best!

Warm Regards,
The Executive Board;

Yash Mudaliyar
(President)

Tannusriya Tripathi
(Vice President)



Introduction to the Committee

Although Human Rights have been a fundamental concern of the United Nations since its inception, the United Nations Human Rights Council (UNHRC) is, in fact, a very new body in the organization. “Inception phase” should not be confused with “infant phase” however, for the Council has plenty of experience and data to draw on from its predecessor, the United Nations Commission on Human Rights (UNHCR). On April 3, 2006, in GA resolution 60/251, the new Human Rights Council was formally established to replace the Commission on Human Rights. The actual handover took place later in June that year.

Although the Council performs the same fundamental function as the Commission did, the General Assembly made several additional changes to the body in order to improve its functioning, and prevent problems which arose in the Commission. Although the Commission came under fire for an array of reasons, the chief criticism was corruption and hypocrisy within the body with high profile positions within the body being awarded to countries which themselves had questionable human rights policies. Libya, for example, was elected as Chair of the Commission just before the body was disbanded. The changes made with the establishment of the new Council include many measures which are designed to ensure that the Council continues to function optimally in its purpose.

While the Commission was an independent body, the Council is a subsidiary body of the GA. Member states must be approved by the GA, are subject to suspension by the GA and may not hold office for more than two terms running. The number of seats on the Council has been reduced from 53 to 47.

Another aspect which has come under scrutiny is the Special Procedures mechanisms, which were established by the Commission. Special Procedures were the mechanisms used by the Commission to gather information concerning human rights violations around the world. At present, there is much interest in improving Special Procedure methods in order to increase the Council’s reach and effectiveness. These mechanisms have now fallen under periodic review. Naturally, the new Council has yet to prove itself to the world. The burden it carries is a great one, and it will find no easy tasks to tackle. The outcome of the initial projects that the Council undertakes will be extremely



important in determining how much support, respect and power it gains. And yet, under the gaze of an anticipating world the council must take on some of the most difficult problems known to mankind in today's shifting paradigms. The question remains, will it be successful, or will it just be another commission?





Introduction to the Agenda

Various forms of racism, racial discrimination, xenophobia, and related intolerance are present in every society and occur daily. These issues perpetuate inequality, hindering development, peace, and the universal realization of human rights and fundamental freedoms. The rise of nationalism and populist ideologies exacerbates these problems, leading to a resurgence of violent manifestations. Although there are no universal standards for measuring and monitoring these phenomena and their impacts, Member States have reported an increase in incidents such as hate crimes. The COVID-19 pandemic has disproportionately affected groups already suffering from these issues, further worsening the situation.

Racism, racial discrimination, xenophobia, and related intolerance, while often overlapping, are distinct issues. Racial discrimination involves any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin, which aims to nullify or impair equal enjoyment of human rights and freedoms in various fields. Racism is the ideology that assumes the existence of different races and attributes characteristics and abilities to them based on race. Xenophobia involves hatred or dislike based on presumed or actual descent, national, ethnic, or social origin, race, color, religion, gender, sexual orientation, or other grounds. The Council of Europe defines intolerance as a lack of respect for practices or beliefs other than one's own.

The Human Rights Council (HRC) holds an annual general debate on this topic and adopts thematic resolutions, including appointing the Special Rapporteur on contemporary forms of racism. The Special Rapporteur prepares annual reports on specific issues, undertakes country visits, and submits urgent appeals to Member States violating human rights related to her mandate. The Office of the High Commissioner for Human Rights (OHCHR) supports the Special Rapporteur and other relevant subsidiary bodies in their work.

In June 2020, following the killing of African American George Floyd by police and the subsequent global protests, the HRC held an urgent debate on systemic racism. Speakers condemned the incident, emphasizing its institutionalized nature. The High Commissioner for Human Rights, along with some Member States, explored colonialism



and slavery as root causes of racial discrimination, recognizing the need for historical revision and reparations, and called for decisive action against systemic racism.

This introduction sets the stage for delegates to delve into the complex issues surrounding racism, xenophobia, and related intolerance, providing a comprehensive understanding of the topic's urgency and global impact.



Frameworks and Past Actions

The Charter of the United Nations underscores the significance of promoting and fostering respect for human rights and fundamental freedoms for all individuals without discrimination. The 1948 Universal Declaration of Human Rights (UDHR) reiterates this principle of non-discrimination in Article 7, affirming equality before the law and the right to equal protection under the law without discrimination. These foundational principles are further elaborated in Articles 26 and 27 of the 1966 International Covenant on Civil and Political Rights (ICCPR), which delineate anti-discrimination and minority rights legislation.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is the foremost legal instrument dedicated to combating and preventing racial discrimination. With 182 parties, ICERD condemns any doctrines of superiority based on racial differentiation, including practices such as racial segregation and apartheid. The convention mandates States parties to avoid racial discrimination, protect individuals from such discrimination, prosecute racist crimes, and establish and enforce laws that prohibit and eradicate racial discrimination. Signatories are also required to submit reports detailing actions taken to combat racial discrimination. The Committee on the Elimination of Racial Discrimination (CERD) oversees the implementation of the convention, offering recommendations based on these reports and considering submissions from Non-Governmental Organizations (NGOs). The convention also includes a mechanism for individual complaints.

Beyond ICERD, the 1990 International Convention on the Protection of the Rights of All Migrant Workers (ICRMW) aims to safeguard the human rights of migrant workers and shield them from discriminatory treatment. Migrant workers and their families often face xenophobia from employers, society, and authorities. The convention acknowledges that expressions of national, racial, or religious hatred can incite violence or discrimination. The Committee on Migrant Workers (CMW) monitors the implementation of ICRMW.

At the 2001 World Conference against Racism in Durban, South Africa, Member States adopted the Durban Declaration and Programme of Action (DDPA). The DDPA builds on ICERD by promoting a victim-centered approach and recognizing the compounded nature of racial discrimination. It suggests specific measures to address racism, racial



discrimination, xenophobia, and related intolerance, such as creating national action plans, preventing incitement to hatred based on racial discrimination, and adopting affirmative action policies. Strengthening and promoting the effective implementation of both the DDPA and ICERD is a key goal of the International Decade for People of African Descent (2015-2024), as proclaimed by General Assembly resolution 68/237. This initiative serves as a vital framework for addressing issues like racial profiling, economic marginalization, and equal access to quality education. The Office of the High Commissioner for Human Rights (OHCHR) conducted a mid-term review of the Decade in 2020, with results pending publication.

In 2015, the UN adopted the 2030 Agenda for Sustainable Development, which includes 17 interdependent Sustainable Development Goals (SDGs). The eradication of racism, racial 6 discrimination, xenophobia, and related intolerance is crucial for achieving SDG 10 (reduced inequalities) and SDG 16 (peace, justice, and strong institutions).

Regional bodies have also incorporated the fundamental principles of the UDHR and ICCPR and some provisions of ICERD and DDPA into their legislative frameworks. The 1950 European Convention on Human Rights (ECHR) prohibits discrimination and ensures non-discriminatory application of the rights and freedoms outlined in the convention. In 2013, the Organization of American States (OAS) adopted the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance, which requires States parties to enact legislation defining and prohibiting acts of racism and racial discrimination and to ensure due process and reparations for victims.

Xenophobia against Migrants

The number of migrants worldwide rose by about 50% between 2000 and 2017, when it was estimated to be 258 million. Violent xenophobic attacks against migrants are a common occurrence, which has a detrimental effect on their civil, cultural, economic, political, and social rights. Discrimination against immigrants has the potential to erode societal harmony, democratic principles, and peace.

The New York Declaration for Refugees and Migrants, which was adopted by the General Assembly in September 2016, reaffirmed Member States' commitment to upholding the human rights of all migrants, regardless of their status. The 2018 "Global Compact for Safe, Regular and Orderly Migration," which places a strong emphasis on the protection of migrants' human rights and against discrimination, came next. The Global Compact reaffirms the commitment to end prejudice of any kind, including xenophobia directed towards immigrants.

Data gathering and statistics are crucial in the fight against contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, according to the 2017 Report of the Special Rapporteur on These Issues. Effective policymaking is hampered by the absence of detailed data on discriminatory practices against migrants. To promote national capacity and anti-discrimination policies, OHCHR works with its treaty bodies, including the Committee on Migrant Workers, and the Special Rapporteur on the Human Rights of Migrants.

The International Labour Organization (ILO) and the International Organization for Migration (IOM) within the UN system promote the use of fundamental principles to counteract racism and xenophobia directed towards migrants. Making racist and xenophobic acts unacceptable is one of these principles, along with encouraging diversity's good features, dispelling prejudices, introducing intercultural topics into the classroom, fostering greater civil society collaboration, and keeping an eye on anti-discrimination laws.

A few Member States have already taken action to reduce prejudice against immigrants. To combat hate crimes against migrants, Belgium implemented community policing with



specialized training and educational initiatives. Spain revised its criminal codes, created a Racism and Xenophobia Observatory, and passed legislation aimed at promoting social cohesion. To recognize and address discriminatory acts, as well as to increase awareness, France started an anti-discrimination effort. Member states are required under the European Court of Human Rights to look into and punish offenses that have their roots in racism or xenophobia.



Regional Perspectives

African Group

Position: The African Group emphasizes the urgent need for comprehensive measures to combat racism, xenophobia, and intolerance, reflecting the continent's historical and ongoing struggles with racial discrimination.

Key Priorities:

- Implementation of ICERD: Advocate for the robust enforcement of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- Reparations and Historical Justice: Push for reparations and acknowledgment of historical injustices such as slavery and colonialism.
- Support for African Descent Initiatives: Strongly support initiatives under the International Decade for People of African Descent.

Asia-Pacific Group

Position: The Asia-Pacific Group promotes an inclusive approach to combat racism and xenophobia, emphasizing the respect for cultural diversity and national sovereignty.

Key Priorities:

- Cultural Sensitivity: Encourage culturally sensitive policies that respect regional diversity.
- Economic and Social Inclusion: Advocate for economic and social policies that promote inclusion and reduce discrimination.
- Regional Cooperation: Support regional collaborations to share best practices and effective measures.

Eastern European Group

Position: The Eastern European Group supports strong legal frameworks and educational initiatives to address rising xenophobic attitudes in the region.



Key Priorities:

- Legal Enforcement: Promote the development and strict enforcement of anti-discrimination laws.
- Awareness Campaigns: Support educational campaigns to raise awareness and foster tolerance.
- Data Collection: Advocate for comprehensive data collection to inform policies on racism and xenophobia.

Latin American and Caribbean Group (GRULAC)

Position: GRULAC emphasizes addressing the root causes of racism and xenophobia, including historical and social inequalities.

Key Priorities:

- Addressing Historical Context: Focus on policies that acknowledge and address the historical context of racism.
- Social Justice: Support initiatives aimed at achieving social justice and reducing inequalities.
- Community Involvement: Encourage the active involvement of marginalized communities in policy development.

Western European and Others Group (WEOG)

Position: WEOG supports comprehensive, multi-faceted approaches to combat racism and xenophobia, grounded in human rights principles.

Key Priorities:

- Human Rights-Based Approach: Advocate for policies based on human rights to address discrimination.
- Civil Society Support: Promote the role of civil society organizations in combating racism and xenophobia.
- Tackling Online Hate Speech: Call for measures to combat online hate speech and racism on digital platforms.

Middle Eastern Group et Organization of Islamic Cooperation (OIC)

Position: The Middle Eastern Group stresses the importance of addressing both regional and international aspects of racism, focusing on vulnerable populations such as refugees and migrant workers.

Key Priorities:

- Protecting Vulnerable Populations: Advocate for the protection of refugees and migrant workers against xenophobia.
- Promoting Interfaith Dialogue: Support initiatives that encourage interfaith dialogue and understanding.
- Strengthening Legal Frameworks: Call for the enhancement of legal and institutional frameworks to effectively combat discrimination.
- Islamophobia: Places a strong emphasis on combating Islamophobia and discrimination against Muslims.
- Religious Intolerance: Advocates for measures to combat religious intolerance and protect religious minorities.
- Human Rights in Context: Stresses the importance of respecting cultural and religious contexts when implementing human rights measures.

Non-Aligned Movement (NAM)

Position: The Non-Aligned Movement emphasizes international solidarity and cooperation among developing countries to combat racism and xenophobia.

Key Priorities:

- International Solidarity: Promote international cooperation and solidarity in addressing racism and xenophobia.
- Capacity Building: Advocate for capacity-building initiatives to help developing countries implement anti-discrimination policies.
- South-South Cooperation: Encourage South-South cooperation and sharing of best practices among developing nations

Final thoughts

Combating racism, racial discrimination, xenophobia, and related intolerance necessitates collaborative efforts from the UN system, Member States, non-governmental organizations (NGOs), international and regional organizations, and civil society. The OHCHR and its partners have devised a strategy to address these concerns, which includes tracking indicators, reporting hate crimes, and establishing legislative protections against discrimination. Aside from tactics and programs, continual follow-up is required to measure their efficacy. Addressing these issues is crucial because they jeopardize the general fulfillment of all human rights. The policy measures soon to be presented in our upcoming committee sessions can either be driven by these indicators or propose an entirely different landscape for human rights monitoring. The decision lies with you, so does the responsibility associated with it.

Questions A Resolution Must Answer (QARMAs)

1. How can the Human Rights Council (HRC) promote the universal implementation of ICERD?
2. What effective measures can Member States take to combat racism?
3. What challenges exist for a legal framework to punish racism and xenophobia on online platforms?
4. How can the HRC guide Member States to combat discrimination, especially against marginalized groups?
5. What specific actions can the HRC request from Member States to address xenophobia targeting migrants?
6. How can Member States and the international community collect data to support effective policy-making against racism, racial discrimination, xenophobia, and related intolerance?