



## Human Rights Council

President: Ignacio Busto

Moderator: Miguel Yu

HR High Commissioner: Amélie Charton



Institución  
Educativa SEK  
Est. 1892





# THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

*Honouring the Drafters of the Declaration*

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a new world which, in the midst of the horror and despair of nuclear war, has been proclaimed to the common people;

it is not to be hoped to have recourse, against tyrannies, which destroy the rule of law, to the rule of force.

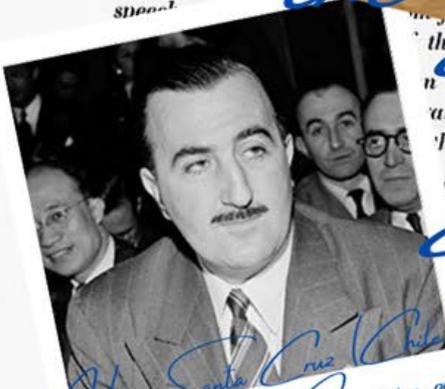
WHEREAS the Commission on Human Rights, established by the United Nations General Assembly, has the honor to announce that it has adopted the following Declaration of Human Rights, which it recommends that all States should observe.

decided to promote social progress and better living conditions and to enlarge the sphere of freedom, and to observe the principles of justice, equality and mutual respect.

WHEREAS Member States have agreed to cooperate with the United Nations in the promotion and observance of human rights;

WHEREAS the Commission on Human Rights, established by the United Nations General Assembly, has the honor to announce that it has adopted the following Declaration of Human Rights, which it recommends that all States should observe.

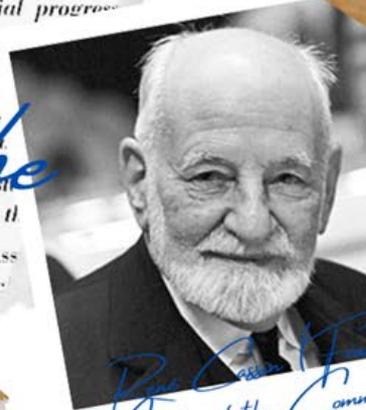
NOW THE GENERAL ASSEMBLY OF THE UNITED NATIONS, in its resolution of 21 December 1948, has adopted the following Declaration of Human Rights, which it recommends that all States should observe.



*Homer Santa Cruz (Chile)  
Member of the Commission on Human Rights*



*Eleanor Roosevelt (USA)  
Chairperson of the Commission on Human Rights*



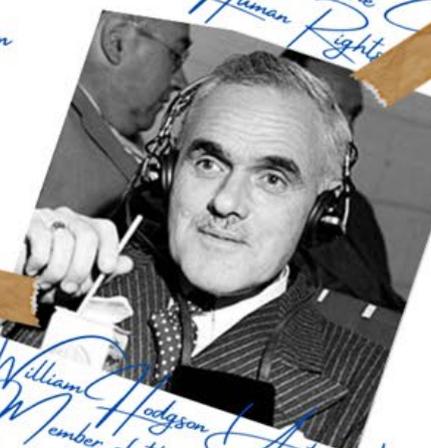
*René Cassin (France)  
Member of the Commission on Human Rights*



*Charles Malik (Lebanon)  
Member of the Commission on Human Rights*



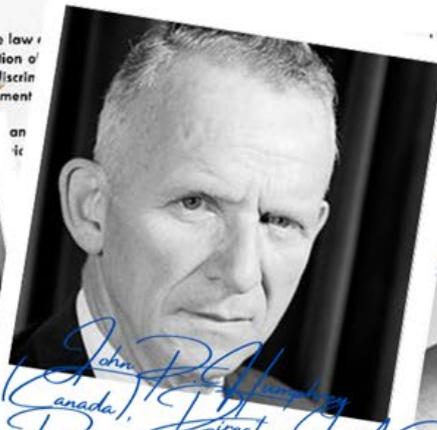
*Alexander Orlov (USSR)  
Member of the Commission on Human Rights*



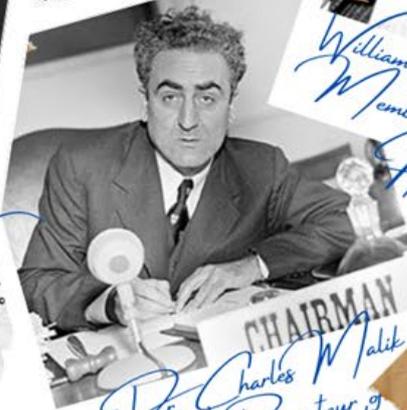
*William Hodgson (Australia)  
Member of the Commission on Human Rights*



*Dr. Peng-chun Chang (China)  
Vice-Chair of the Commission on Human Rights*



*John P. Humphrey (Canada)  
Director, Division of Human Rights*



*Dr. Charles Malik (Lebanon)  
Rapporteur of the Commission on Human Rights*

Everyone has the right to life, liberty and security of person.

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1. Everyone has the right to freedom of movement and residence within the borders of each state.  
2. Everyone has the right to leave any country, including his own, and to return to his country.

Everyone has the right to life, liberty and security of person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be held in slavery or servitude; slavery and the slave trade, including the trade in women, are prohibited in all their forms.

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## Letter to the delegations

Dear delegates,

The chairs of this committee, Ignacio Busto, President, Miguel Yu, Moderator and Amélie Charton, High commissioner, would like to welcome you to the XVII edition of SEKMUN and to the Human Rights Council, that specializes in promoting and ensuring human rights globally.

The topics on the agenda this year are of great interest and relevancy, considering the global events that have happened recently. We have selected these topics as they are currently being addressed but effective solutions have not been achieved yet. Hence, the council ought to treat these issues in order to fulfil the objective this committee has in the first place: to ensure international wellbeing. These are the topics in question:

- Ensuring and promoting safe migration methods and handling migration crisis.
- Adequate right to mental and physical well-being affected by discrimination regarding sexual orientation and gender identity in the Middle East.

It is important to remember, delegates, that in any MUN or even the UN itself, there are no small countries. Instead, there are great delegations. Delegations that move the debate; that have carried out a thorough research and that have cooperated with other delegates to achieve constructive solutions to the proposed topic. As the very motto of SEKMUN says, 'dialogue for coexistence', we recommend trying to participate as much as possible and to not be afraid to make mistakes, especially if this is your first MUN, as this is the way we learn. We also recommend reading the handbook that has been handed over by your debate teachers for you to have a general idea on what a Model UN debate works.

As chairs we are here to walk you every step of the journey to help this experience be as joyful and educational as possible.

We thank you in advance for your participation and commitment,  
Ignacio, Miguel and Amélie.

## Human Rights Council (HR)

The Human Rights Council is one of the inter-governmental bodies of the United Nations and is subordinate to the General Assembly. The goal of this committee is to promote and protect human rights worldwide. And thus, it addresses its issues and violations to improve the health and well-being of all individuals.

This is a relatively young council as it was formed in March 2006, replacing the previous United Nations Commission on Human Rights (UNCHR). HR accounts for 47 members, each elected for three-year staggered terms. Its headquarters are held in Geneva, Switzerland, at the United Nations Office.

HR's functions are carried out in these main capacities:

- To examine and engage in dialogue on the human rights situation, including cases of grave and systematic violations.
- To draw up recommendations to promote and protect human rights.
- To offer recommendations to the General Assembly to develop protection of human rights within the limits of International Law.
- To respond quickly to emergency situations where human rights issues are involved.
- Every four years, the Member States of the UN must present a national report to the Council. It shows the initiatives and measures taken to improve the human rights situation in their country and indicates the level of compliance with the established recommendations. The President of the Council will then make relevant suggestions on the report.

## Topic 1: Promoting safe migration methods and handling migration crisis [A/HRC/31/35]

Migration, i.e., to live in another country than where you were born, is not unusual at all. In fact, 4% of the total world population are migrants (roughly 270 million people). And given that the freedom of transit is a human right, there are certain international laws linked to this process to help and protect migrants in transit.

To migrate, certain documents are needed. These vary depending on the country of destination and of origin of each individual. Those who meet these requirements are deemed regular migrants. On the other hand, those who are unable to comply with the national policies by not providing the required documents or providing fake ones are deemed **irregular migrants**, a definition set by the International Organisation of Migration (IOM). This group includes a vast number of individuals, such as refugees and internally displaced people. However, as irregular migration is a broad concept that changes within national laws and policies, it is difficult to track irregular migratory flows, as well as data and statistics.

Moreover, as the IOM points out, irregular migration can be dangerous: irregular migrants have a greater chance at becoming victims of human trafficking (not to be confused with smuggling), sexual or another kind of exploitation and mistreatment. They are also at risk of sexually transmitted diseases, working conditions close to slavery and can be susceptible to xenophobia leading to a lack of rights that could get them imprisoned and/or deported. Furthermore, entering a country by illegal means may also prevent them from receiving basic services like healthcare, thus further deteriorating their condition. Indeed, they are a very **vulnerable** group.

Even though they are aware of their own vulnerability, they still access this kind of migration through illegal means because they are left with **no other choice**. This is due to the **visa restrictions** in place for nationals from countries that rank high in the Fragile States Index (FFI), whereas the ones from highly developed countries can access more

than 85% of all countries world-wide **visa-free**. And given the dangerously low levels of human development indexes in these states, staying is not an affordable option. This means that the very reason they need to migrate is also the same factor that prevents them from doing so in a safe and legal manner; these patterns lead them to making this life-threatening decision.

Having covered the background of the topic, it is important to highlight what the irregular migratory situation is like right now. Given that a war between two European nations, Ukraine and Russia, is in development, we are currently handling a refugee crisis due to the number of people displaced. Nonetheless, the aid European and North American nations have provided in receiving these migrants is exceptional and the crisis is well under control.

In contrast, the migratory crisis of 2015 has no point of comparison with the one in current development. Even though the number of displaced refugees was smaller, the casualties were far greater. This is due to the conditions refugees had to endure in order to reach European mainland. Among the total 1.3 million (mainly Syrian) refugees, **4 thousand** of them, including children, **lost their lives** in the perilous journey by sea. And even more refugees from other underdeveloped nations have lost their lives in similar maritime routs over the years.

Even though the pandemic saw a decrease in irregular migration due to restrictions in several countries, it is again on the rise. Compared to 2021's data, irregular migration flow has grown by **57%**. Not only that, but ever since 2018 European national authorities have begun legal proceedings against NGO rescue vessels and their crew, whose purpose is to search and rescue migrants in distress at sea. Some ships have even started to have **trouble docking** due to change in national laws. As a result, some have been **stranded** for more than 24 hours with freezing refugees. Moreover, some EU leaders are advocating for far more conservative approaches regarding migration which will further worsen the current situation. In fact, some have proposed to close off borders to treat the ongoing issue, which has proven to do otherwise: it rapidly increases the irregular migratory flow to other neighbouring nations.

The irregular migratory situation across the ocean, in North America, is also concerning. The main problem in countries like Canada and the US is migrants overstaying their visas. In fact, two-thirds undocumented migrants have lived in the US for more than a decade and many of those have had US-born children. On the other hand, those undocumented migrants who do enter the country are generally asylum seekers and, quite frequently, **unaccompanied minors**. As such, a 2008 anti-human trafficking law in the US prevents them from being deported before being granted a hearing regarding their migratory status. However, spikes in Central American migrations (and from countries like India or China) have strained the US immigration system, with more than **1.8 million** pending cases in immigration courts. Moreover, changes in regulations and policies within states makes the situation even more challenging. Not to mention the **abuse** some asylum seekers receive in Canada-US and Mexico-US borders. Between 2016 and 2021 over 160 claims have been filed against bodies like the Immigration and Customs Enforcement (ICE), although the number of migrants affected is probably far larger.

Thirdly, the irregular migratory situation in South America is also of interest considering that among all kinds of regular migration, the largest share belongs to south-south migration, with a 34% dominance. It is no wonder, then, that irregular migration is also significant. However, data shows that it was not that popular up until the 2000's, when it **started to grow considerably** due to peaks of political, social, economic and climate instability. Moreover, irregular migration to South America from Asia and Africa also account a sizeable portion and it has had important peaks in 2007 and 2008 with the visa waivers of Colombia and Ecuador, respectively. Nonetheless, **human trafficking** proves to be a more severe problem there. Although human trafficking already is a serious issue internationally, the situation in South America is particularly acute. Even though the restrictions due to the pandemic sought to reduce levels of migration, the irregular migratory flow grew significantly. The following map explains the irregular migratory route of individuals looking to reach the US:



As seen, the example above shows that the route begins in Cuba. However, that does not mean that every irregular migrant reaching the US is Cuban. It is quite the opposite, as any migrant can join the route in other points such as Colombia, Panama or Mexico. Moreover, migrants following this route are extremely vulnerable, as they can easily become victims of human trafficking due to the high number of criminal organisations that control certain segments. The corridor that runs across Mexico to the US is especially dangerous, as it is mostly controlled by criminal organisations that work in collusion with local authorities. Thus, a lack of resources and embedded corruption inside governments makes fighting irregular migration in South America a particularly difficult task.

In response to the issues above mentioned, the UN and other migration bodies linked to the UN, like the IOM, have recommended the following measures. These resolutions are centred around the need to protect irregular migrants in transit due to the dangers they are exposed to and the need to create uniform laws and policies to improve the efficiency of migration bodies to carry out their duties of protection of migrants. These are some of the proposed measures:

- Enable the access of all migrants in transit to justice and basic services like healthcare.

- To make data regarding irregular migration flows more transparent and accessible.
- To provide resources to facilitate assisted return and actions to promote international protection.
- To establish, maintain and operate adequate and effective rescue services as well as search and rescue sea services in the case of coastal states.
- To establish laws to protect migrants in transit to prevent their abuse and ensuring these laws are respected by border officials by establishing standardized protocols.
- To develop mechanisms to assess the individual situation of migrants in transit, without discrimination, to avoid individual expulsion.

Throughout this topic guide one aspect has been made clear: the situation on irregular migration is exceptionally fragile. Despite the international efforts already made to assess the issue, irregular migration is still on the rise. As the Human Rights Council, it is our task to ensure the safety migrants in transit and to cease irregular to an end. Thus, delegations will be asked to cooperate and to share their differing points of view on how to address this issue in a constructive way having taken into consideration the points previously made.

The following links may help your investigation:

- [General information on irregular migration](#)
- [General data and statistics on migration](#)
- [General data and statistics on migration | An economic perspective](#)
- [The impacts of irregular migration](#)
- [The resolution made by the UN](#)
- [The resolution made by the IOM](#)
- [Human trafficking situation in South America](#)