

Oldenburg Model United Nations Conference 2011
- Changes and Challenges in a Globalised World -



Guide to
The Human Rights Council

Measures to Ensure the Right to Education to Stateless Persons and Refugees

Personal introductions

Honourable delegates,

My name is Marie Jelenka Kirchner and together with Alina I have the honour to be one of your chairs in the HRC at OLMUN 2011.

I am an almost 18 years old pupil from Oldenburg and will graduate at the Cäcilien-schule in Oldenburg this year. After that I am going to spend a European Voluntary Service in Cracow. I am very interested in politics and human rights and love MUNs for giving a chance to “learning-by-doing”-learning. Every MUN I took part in was an immense experience not just because I met great people but because I always got the feeling that I have the chance to change the world.

This OLMUN 2011 will be my 5th MUN and my 2nd year in the Inner Circle. As I already mentioned my interest in Human Rights I can say that I am a member of Amnesty International since 2007 and spokesperson of a Youth Group since 2009. In my free time I like to play the clarinet or the piano, read or write own stories and, of course, love to spend time with friends.

I am looking forward to meeting you at OLMUN 2011 in the Human Rights Council.

Yours sincerely

Marie Jelenka Kirchner



Honourable delegates,

My name is Alina Ruge and I will be your Chair at OLMUN 2011 in the HRC. Looking forward to meeting you I am expecting a great, productive and enjoyable session. The school I attend is the “Neues Gymnasium Oldenburg” where I am in 12th grade. I was taught in English for five years in several school subjects and have participated at four MUNs yet. At first I was a delegate at OLMUN 2009, and then - still in 2009 - I went to Munich to the MUNOM as Deputy Chair of the GA 6th. In June 2010 I was Chair at OLMUN for the first time.

In my spare time I like to do sports, play the guitar and sing. I hope to monitor some lively discussions and am sure to enjoy this year’s OLMUN session with you.

Do not hesitate to contact us you have any questions!

Yours sincerely

Alina Ruge



What is the Human Rights Council?

The Human Rights Council is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The Council was created by the UN [General Assembly](#) on 15 March 2006 with the main purpose of addressing situations of human rights violations and make recommendations on them¹.

What are Human Rights and what are refugees?

An Introduction

Climate Change, high unemployment rates, dictatorship and war or armed conflicts. There are various reasons why people leave their home and flee from the circumstances they face. As it occurs in conflicts like Darfur, Congo or Ruanda, they try to get help by UN NGO such as UNICEF or the United Nations World Food Program (UNWFP).

The term refugees implies two specifications. First, refugees are people who flee from their country into another, such as the neighbour countries. They often live in refugee camps and have only the installations for basic human needs, such as water, access to sanitary installations, food and places to sleep. The other basic human needs as education or information are often not provided in such refugee camps. This can be a major task for this committee to discuss on.

The other cases are displaced persons. Displaced persons are defined as persons who had to flee but stay inside the borders of their homeland. It is pretty much the same like in the first case. The basic human needs are provided to them, but education is a weak point in camps of displaced persons. This is stated in the Report of the Human Rights Situation in refugee camps(1):

"Access to education: a right which is essential to all children in situations of displacement. Where a child is unable to attend primary school education over a 5-year period of displacement, for example, it may never again be possible for the child to recover those lost years. The 5 years of displacement will thus have a permanent and potentially limiting effect on the child's entire adult life."

Furthermore:

"Children often have only limited access to education. Adolescents, in particular, frequently find that there are no secondary, vocational or other further education opportunities suited to them."

It shows that education for displaced persons e.g. refugees is important. The Report also suggests a monitoring of the access to education in camps. The question at this point is, who is responsible for the monitoring? Who is responsible for the education?

To cite the report one more time:

"77. Every child has the right to education. HROs should note whether the educational needs of children in the camp are being met. Free compulsory primary education should be available to all

¹ C.f. <http://www2.ohchr.org/english/bodies/hrcouncil/>

children in the camp. Provision should be made for the education needs of older children, and particularly adolescents, including secondary and vocational education. As far as possible, all education services should allow children to follow a curriculum identical to that which other children in their home country or region are following, so that reintegration into a normal education system upon their return will be without problems. To the greatest extent possible, educational services should be organized and administered by members of the refugee/IDP community."

Furthermore, it is important to difference between political refugees which can join protection by the Geneva Convention from 1951² and economical refugees.

The word "Human Rights" implies the requirement of freedom any human has because of being a human. Human Rights are natural and inalienable.

Not all humans could profit of the human rights: Those living in poorness, in war regions or in dictatorships, "climbing over razor wire fences, taking to sea in leaking boats or stowing away in airless containers, refugees and migrants around the world risk their lives every day in desperate attempts to find safety or a better life."³ mostly suffer from an abuse of human rights by others.

"A refugee is a person who has been forced to leave his or her home and seek refuge elsewhere"⁴. Since a long time, refugees represent problems for both the states the refugees try to escape from and the countries where they go to.

It is an international phenomenon and needs to be solved. The financial interests stand opposite to the requirement of a dignified treating of any people.

The responsibility of Hosting Countries

The 14th Article of the Declaration of Human Rights passed in 1948 says: „Everyone has the right to seek and to enjoy in other countries asylum from persecution“⁵. As it is a fact, every human right is right and duty in the same time. Article 14 ensures refugees the right to join asylum, to become asylum seekers and gives governments and states the duty to take responsibility and treat refugees human.

This deals with fair treatment of refugees in the hosting country and, during their arrival most important, with an appropriately welcoming. An appropriately welcoming includes many things. But primary it is important for the refugees to reach the hosting country.

Entry

² C.f. <http://www.unhcr.org/pages/49da0e466.html>

³ <http://www.unhcr.org/pages/4a1d406060.html>

⁴ <http://en.wikipedia.org/wiki/Refugee>

⁵ <http://www.un.org/en/documents/udhr/index.shtml>

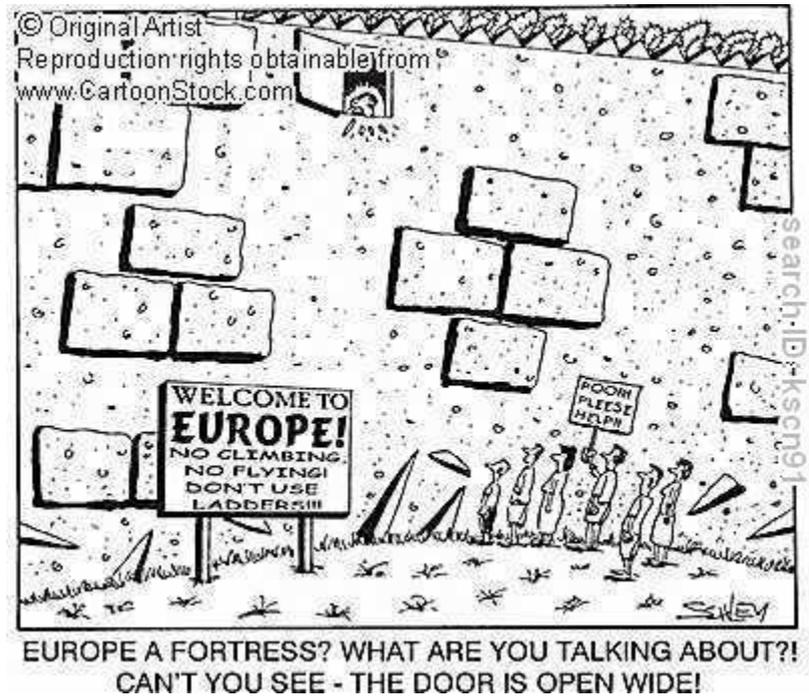
An escape from the country one is born in is dangerous, often expensive and normally ends in the deportation waits.

It is no secret that e.g. Europe is called “Fortress Europe”, that the human rights understanding of the border organisations (in Europe: “Frontex”) is not similar human rights fighters and that the situation in overcrowded refugee camps is bad.

Of course it is not possible to allow any refugee to stay in the countries they arrive. The consequence would be that e.g. Spain, Greece and Italy would have to find solutions for a high number of refugees while Germany, France and the Netherlands would not be reached by any of those.

It is important to find a solution for a fair assignment of refugees over all Europe, to facilitate the entry and to ensure security. The border officers need to get sensitised for human rights and for human dignity. Helper ships on the oceans and seas or helper groups at land could ensure security. Furthermore, any hosting country needs to pay attention to the financial aspect.

To facilitate the entry and assure refugees to get the possibility living in the country they flee to, resettlement programs could be a solution for uncontrolled immigration.



Education

Education is important, since it is the key for knowledge and knowledge is power.

Firstly, refugees need to be taught in their hosting country's language. Secondly, it is important that they receive a chance to join further education, which qualify them and gives them a basis for job opportunities.

Questions should be: Do the refugees have education in the hosting countries? Do the hosting countries have the possibilities to ensure education? If they do not have the chance, how could the states' community support them? Who has the responsibility to ensure the Right of Education? How could education programs for any refugees' child be financed?

Especially the matter of expense is an important point: it shows how important the interspersion of Human Rights is for a country.

Integration

Refugees' education cannot be successfully without integration. The refugees, especially children and the youth, have to be integrated in the hosting country's population. That means: same schools, same residential areas and same activity clubs for both the refugees and the natives. The refugees should live with the inhabitants of the hosting country from the beginning on.

Human Rights Education

Not only the refugees need to be educated in the matters of Human Rights but also the children and youth of the hosting countries. "Treat others as you would like to be treated" is a morally principle any pupil should internalize.

Help for those countries people emigrate from

When we talk about solving the problems of countries people emigrate from we have to consider a high number of basic phenomena. For example we have to know prevalent ethical values and different attitudes towards morality of the inhabitants of the country concerned. We have to search for the actual reasons of those inhabitants to emigrate and try to alleviate these. No one can expect these people to stay in their countries under inhuman circumstances. So it is up to richer countries to help countries people emigrate from by establishing an infrastructure, educating their children and help them becoming independent wealthy countries in which children do not have to work as parents are able to feed their families on their own.

We cannot prohibit child labour and force young people to visit school without making their parents understand the significance of their children's education in relation to their future. To actually improve the situation in countries people emigrate from we have to improve their infrastructure and support the education of young as well as of older people.

An essential part of our work would be to increase acceptance of our work above all inhabitants of the country concerned by improving education.

Now the question would be how attain our goals. There exist several answers. Richer countries could support schools and send development workers as well as development funds. They could start training development-aid-teachers who are then send to the countries concerned. Those teachers would be trained the same way "normal" teachers are with variant fields of study. Besides their normal training they will be disposed for their mission in detail. Their main contents of teaching would include modern comprehensions of morality, western ethical values, maths, grammar, history, biology etc. They would teach children as well as older people and help training them to also become teachers.

Improving the infrastructure of failing countries one should be especially concerned about child labour. Currently families are dependent on the help of their children so there is no time for them to visit a school. Due to their poverty parents are forced to let their children work. Unfortunately this leads to a higher number of underpaid jobs as

children claim less money than adults. Child labour leads to poverty instead of ending it. We have to find a way parents are able to earn enough money on their own to feed their family and let their children visit a school.

Working on the rights of children we have to include “The Convention on the Right of the Child” established in 1989 in New York:

Objectives

The Convention's objective is to protect children from discrimination, neglect and abuse. It is the principal children's treaty, covering a full range of civil, political, economic, social and cultural rights. It grants rights for children in peacetime as well as during armed conflict, and provides for the implementation of those rights. The Convention serves as both a rallying point and a useful tool for civil society and individual people, working to protect and promote children's rights. In many ways, it is an innovative instrument.

Key Provisions

The Convention is the first legally binding international treaty to give universally-recognized norms and standards for the protection and promotion of children's rights in a single text.

It is the most rapidly and widely ratified international human rights treaty in the world. This unprecedented wide participation clearly shows a common political will to improve the situation of children.

The Convention highlights the spirit of complementarity and the interdependence of human rights by combining civil and political rights with economic, social and cultural rights. It calls for a holistic approach in analysis, and recognizes that the enjoyment of one right cannot be separated from the enjoyment of others.

It creates a new vision of the child, combining provisions aimed at protecting the child through positive action by the child's country, parents and relevant institutions, with provisions that recognize the child as a holder of participatory rights and freedoms.

In this way it creates rights in areas not covered by previous international treaties, such as the right of the child to freely express views and have those views taken seriously, and the right of the child to a name and nationality from birth. The Convention also creates standards for such issues as alternative care, the rights of disabled and refugee children; and the administration of juvenile justice. It also stresses the need for recovery and social reintegration of a child victim of neglect, exploitation or abuse.

While stressing the country's duty to help families care for and protect the child, the Convention acknowledges the primary role of family and parents in this task. It calls for positive action by institutions and the State or parents.

It serves as a useful tool for advocacy and greater awareness of the new understanding on children's rights, and attaches special importance to international cooperation and assistance as ways of protecting children's rights.

The Convention rests on a foundation of four general principles that express its philosophy and offer guidance to national programs for putting that philosophy into effect.

Key provisions focus on:

- *Non-discrimination*
- *Best interests of the child*
- *Right to life, survival and development*
- *Views of the child*

Article 43 of the Convention establishes the Committee on the Rights of the Child. The Committee is a monitoring body of ten experts who examining the progress that countries party to the Convention have made in realizing its provisions.”

<http://www.un.org/Pubs/CyberSchoolBus/treaties/child.asp>

The fight against child labour, education and an improved infrastructure are three things belonging together. To improve the infrastructure a social and free market economy including faire minimum wages, labour unions, retirement pensions and the consideration of equitable income distribution. This again can only be accepted throughout the population of the country concerned by improving education.

To achieve this, the training of “development-aid-teachers” is of major importance. A “development-aid-teacher course of studies” has to be established and pupils, future employees have to be informed about their opportunity to help. After finishing this course of studies one could call himself for example “Master of Development Aid in manners of Education”.

All in all we have to try to make people stay in their home countries without being forced to. They have to be educated in languages and science such as in social matters. But is it also important to finds solutions for people that already have emigrated. As they are often not accepted and are sometimes even deported we need to build up some new guidelines for immigrants. Also their education needs to be improved.

All these points should be considered, while writing a draft resolution. We hope that every one of you will be well prepared for our discussion. Of course we are open to any points of information if you have any questions before our session. If so, please contact hrc@olmun.org.

Research

<http://www2.ohchr.org/english/bodies/hrcouncil/www.unhcr.org>

<http://www.unhcr.org/pages/49da0e466.html>

<http://en.wikipedia.org/wiki/Refugee>



<http://www2.ohchr.org/english/issues/education/rapporteur/docs/QuestionnaireContributions.pdf>

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