

SYMMUN '16

March 26-27



BACKGROUND GUIDE- UNHRC

AGENDA: SYRIAN REFUGEE CRISIS IN GERMANY

LETTER FROM THE EXECUTIVE BOARD

Dear Delegates,

We welcome you to this simulation of the United Nations Human Rights Council at the Symbiosis Model United Nations Conference 2016. From the off, it is our hope that you have begun your initial and most basic research into the agenda and related topics. Seeing as this is a conventional but slightly technical committee, we hope that the following study guide can provide an insight into the nature and functionality of the committee. However, we must also warn you that this guide is merely an assistive document, and should by no means encompass the entire scope of your research into the agenda. We, the members of the Executive Board, do indeed expect the debate in committee to follow a certain direction that shall be made clear by this guide, however, we would highly appreciate delegates to find different viewpoints and angles to the issues put forward by the agenda.

We urge you to use this background guide only as a starting point for your research. At no point are you supposed to rely completely on it. Only when you research beyond the guide can we ensure healthy debate. Use journals, newsletters, treaties, books, whatever sources you feel you would gain the most information from. However, the only legitimate source of documentation that will be accepted in this committee for sake of validation of arguments will be Reuters and UN Reports (or UN Authorized reports). We expect the delegates to perform well by striking the right balance between Substantive and Procedural knowledge. We look forward to an exciting and interesting committee, which should certainly be helped by the relevance of the agenda in today's time. Hopefully we, as members of the Executive Board, do also have a chance to gain from being a part of this committee.

Lastly, we would request all the delegates to put sincere efforts in preparation and

research for the simulation and work hard to make it a fruitful learning experience for all. Feel free to contact us if you have any queries or doubts.

Thank you!

Warm regards,

Executive Board

ABOUT THE UNHRC

The United Nations Human Rights Council (UNHRC) is a United Nations System inter-governmental body whose 47 member states are responsible for promoting and protecting human rights around the world. The UNHRC is the successor to the UN Commission on Human Rights (UNCHR, herein CHR), and is a subsidiary body of the UN General Assembly. The council works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the United Nations' special procedures. The General Assembly established the UNHRC by adopting a resolution (A/RES/60/251) on 15 March 2006, in order to replace the previous CHR, which had been heavily criticized for allowing countries with poor human rights records to be members. The UNHRC has addressed conflicts including the Israeli-Palestinian conflict and also addresses rights-related situations in countries such as in Burma, Guinea, North Korea, Côte d'Ivoire, Kyrgyzstan, Syria, Libya, Iran, and Sri Lanka. The UNHRC also addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

HISTORY

- The humanitarian situation in Syria remains extremely challenging. In the fourth year of the conflict, there are more than 3 million Syrian refugees in the region. In addition, over 50,000 Syrians have sought asylum in more than 90 countries outside the region. Inside Syria, an estimated 10.8 million people are in need of humanitarian assistance, including some 6.5 million internally

displaced people (IDPs). The security situation remains volatile, and humanitarian access is a continuing challenge. Between January and September 2014, UNHCR supported more than 3 million IDPs with more than 11 million core relief items (CRIs). In 2015, further mobilization of response and support for both IDPs and the millions of refugees now residing outside the country will continue to be critical to save lives and help keep people in displacement safe and well (see box on the Syria situation).

- In Iraq, the deteriorating security situation and armed conflict in Anbar and Ninewa Governorates have triggered new waves of internal displacement. As estimated by the Government of Iraq and the Kurdistan Regional Government (KRG), some 1.8 million people were displaced by insecurity in Iraq between January and September 2014, and heavy fighting has continued to force people to flee to other parts of the country. Many of the displaced have sought safety in the Kurdistan Region, which is also hosting more than 95 per cent of Syrian refugees in Iraq, in addition to thousands of other IDP and refugee groups. In August 2014, the Iraqi internal displacement situation was declared a UN system-wide Level-3 emergency. UNHCR rapidly scaled up its response to the IDP crisis and launched a massive logistics operation to bring in relief supplies by air, land and sea. This largest single aid operation organized by UNHCR in more than a decade targeted some 500,000 IDPs. As for the Syrian situation, this emergency will clearly continue to mobilize enormous resources in 2015, including for winterization measures as the cold season approaches (see box on the Iraq situation).

The security situation in Libya is increasingly volatile with at least 140,000 Libyans displaced within the country by recent fighting, as of September 2014. UNHCR and national partners are involved in the distribution of CRIs, including medical supplies and in monitoring missions into Libya to assess the needs and provide assistance to IDPs. Contingency plans have been developed by the Governments of Tunisia and Egypt in coordination with UNHCR to deal with potential further displacement across Libya's borders.

- Yemen continues to face a complex humanitarian situation characterized by ongoing insecurity, localized conflicts, water scarcity and the extreme poverty of growing numbers of the population. These challenges are exacerbated by rising prices and economic difficulties that contribute to reduced access to food and safe water, basic state services and livelihood opportunities. Yemen's malnutrition levels are among the highest in the world. The number of people internally displaced rose significantly in 2014 as a result of recent conflicts, with over 334,000 people registered as IDPs across the country. In addition, Yemen hosts 246,000 registered refugees, 95 per cent of whom are Somalis.

Images of refugees fleeing conflict in Syria and arriving at Munich's central station flooded the Internet last year. There was a huge surge of sympathy from all over the world when pictures emerged of the body of three-year-old Aylan Kurdi, who had died as his family crossed the Aegean Sea from Turkey to Greece.

Soon Merkel announced she was opening her country to migrants. To the citizens of Germany who expressed scepticism at the country's ability to absorb so many foreigners from a conflict zone, Merkel said, "Wir schaffen das," or "We can do it."

Hordes of volunteers prepared food, collected clothes and helped set up temporary camps for people coming into the country. Countries like Greece opened up their borders and allowed refugees to freely pass through the Balkans into Austria and then into Germany.

However, soon many countries, beginning with Hungary, began expressing their dissent, which spread across Europe. Most European countries refused a quota to share migrants among themselves. Even in Germany, voices against rehabilitating migrants grew louder, with several small attacks on refugee shelters and repeated pleas from regional heads of government to stop the flow of refugees into the country.

Anti-refugee sentiment increased after the Paris terror attacks in November 2015, igniting fears that jihadists could have come into the country unnoticed among the throngs of asylum seekers. But emotions took a complete turn for the worse in the beginning of 2016 after reports that over 1,000 migrant men had sexually harassed

and robbed hundreds of women at Cologne's central station and in cities like Hamburg and Stuttgart over the new year weekend.

NO PLAN B

These incidents and subsequent pressure from regional governments spurred Germany into introducing several changes in its asylum law. Countries like Morocco and Tunisia were declared safe and refugees from there would be sent back if they came here. Albanians and Kosovars, considered financial migrants, would also be sent back. In the latest set of rules, people not considered personally persecuted would not be able to call their families to Germany before two years are up. Germany and the EU are also desperately trying to get Turkey on board to absorb Syrian immigrants before they cross over to Greece.

Merkel is finding it hard to keep the anti-immigrant sentiment under control. In an interview over the weekend, she announced she was going to stick to her current migrant policy and work towards agreements with nations like Turkey, Morocco, Tunisia and Algeria to stem the flow of asylum seekers. "There is no Plan B," she said.

But regional support for Merkel's refugee policy is decreasing. Austria and the West Balkan countries, including Hungary, Serbia and Macedonia, have opted to close their borders to traveling migrants.

Nearly two weeks ago, videos emerged showing protesters in Bautzen, in the eastern state of Saxony, blocking a bus full of refugees for four hours and shouting aggressive slogans.

A day later, a planned refugee shelter burned in Clausnitz, also in Sachsen, as onlookers cheered and blocked firefighters from doing their job.

It would be wrong to say that such incidents are representative of the sentiment in the Germany, as they have been criticised by prominent leaders and the common people who continue to work towards integrating migrants in the country. However, the 1.1 million refugees that arrived last year and the 3.6 million who are projected be living in Germany by 2020 will prompt the country to dig deeper into its idea of what the German nation is and who its citizens are.

TURKEY AND GERMANY AGREE ON PLAN TO EASE REFUGEE CRISIS

Turkey and Germany have agreed on a set of measures to deal with the Syrian refugee crisis, including a joint diplomatic initiative aiming to halt attacks against Aleppo, Syria's largest city.

Officials from the two countries announced on Monday in Ankara that they would also push to curb what they called illegal migration.

German Chancellor Angela Merkel, who was in the Turkish capital for talks on how to reduce the influx of refugees into Europe, said after discussions with Ahmet Davutoglu, Turkey's prime minister, that she was "not just appalled but horrified" by the suffering caused by Russian bombing in Syria.

Merkel said Turkey and Germany will push at the United Nations for everyone to keep to a UN resolution passed in December that calls on all sides to halt without delay attacks on the civilian population.

We have been, in the past few days, not just appalled but horrified by what has been caused in the way of human suffering for tens of thousands of people by bombing - primarily from the Russian side," she said.

"Under such circumstances, it's hard for peace talks to take place, and so this situation must be brought to an end quickly."

Davutoglu, for his part, said the city of Aleppo was "de facto under siege. We are on the verge of a new human tragedy."

"Russians are carpet-bombing - they want to clean the entire region so as to make sure the Damascus [Syrian] army will take over and push on to the Turkish border," Cengiz Aktar, a political scientist with the Istanbul Policy Centre, told Al Jazeera.

"This will make the lives of refugees more difficult."

In the context of the Syria and Iraq situations, UNHCR will continue to coordinate the refugee responses, together with more than 150 partners in the case of the Syria regional response (see boxes). This will include support for host countries that are providing assistance and support services for Syrian and Iraqi refugees in

the region. Cash-assistance programmes targeting the most vulnerable people of concern, and registration activities, will continue to be a priority in 2015.

Throughout the region, UNHCR will pursue its efforts towards the protection of urban refugees, the delivery of assistance and burden sharing with the governments and host communities.

Owing to the ongoing crises and complex operating environment in the region, the prospects for durable solutions for large proportions of the refugee populations remain limited; innovative approaches in delivering assistance when dealing with the implications of protracted displacement will therefore have to be pursued.

To respond to sexual and gender-based violence (SGBV) and to address refugee child protection issues, UNHCR will continue to implement a multi-sectoral, coordinated and community-based approach to prevent and respond to SGBV and prioritize activities aimed at strengthening national and community-based child protection systems.

Working towards the establishment of responsive national asylum systems and the promotion of protection-sensitive management of mixed migration movements will also be key priorities, particularly in North Africa. In Yemen, UNHCR will strengthen refugee status determination activities and legal counselling. Detention monitoring and advocacy will also be prioritized.

To achieve its goals for 2015, UNHCR will continue to strengthen its partnerships with States, governmental and non-governmental organizations and civil society across the region, and in particular will continue to widen and deepen its relations with key actors in countries of the Gulf Cooperation Council.

Female genital mutilation has long been regarded as a human rights abuse against women and girls under international law, but it continues to be practised by ethnic groups in almost 60 countries, mainly in Africa as well as parts of Asia and the Middle East.

Those at risk include female refugees in camps and urban areas. Thousands of women and girls from FGM-practising communities whose families have settled in Europe, North America, Australia and New Zealand are also affected or at risk. Carried out for traditional, cultural or religious reasons, FGM can cause severe health problems and even lead to death. Young girls are particularly vulnerable and FGM disproportionately affects the female child.

FEW FACTS ABOUT SEXUAL AND GENDER-BASED VIOLENCE

- World-wide, an estimated 40 to 70 per cent of homicides of women are committed by intimate partners, often in the context of an abusive relationship.
- Around the world, at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime.
- Trafficking of humans world-wide grew almost 50 percent from 1995 to 2000 and the International Organisation for Migration (IOM) estimates that as many as 2 million women are trafficked across borders annually.
- More than 90 million African women and girls are victims of female genital mutilation.
- At least 60 million girls who would otherwise be expected to be alive are missing from various populations, mostly in Asia, as a result of sex-selective abortions, infanticide or neglect.
- In recent years, mass rape in war has been documented in Bosnia, Cambodia, Liberia, Peru, Somalia and Uganda. A European Community fact-finding team estimates that more than 20,000 Muslim women were raped during the war in Bosnia.
- Ninety-four percent of displaced households surveyed in Sierra Leone have reported incidents of sexual assault, including rape, torture and sexual slavery. At least 250,000, perhaps as many as 500,000, women were raped during the 1994 genocide in Rwanda.

SEXUAL AND GENDER-BASED VIOLENCE DURING THE REFUGEE CYCLE

During armed conflict, social structures are disrupted. Women and children face the additional risks of being subjected to sexual and gender-based violence when fleeing the fighting and seeking asylum. Family members are often dispersed during flight, leaving children separated from the rest of their families and women as solely responsible for protecting and maintaining their households. The following chart, adapted from a table developed by S. Purdin, describes the types of violence that can occur during the various phases of the refugee cycle.

Phase	Type of Violence
During conflict, Prior to flight	Abuse by persons in power; sexual bartering of women; sexual assault, rape, abduction by armed members of parties in conflict, including security forces; mass rape and forced pregnancies
During flight	Sexual attack by bandits, border guards, pirates; capture for trafficking by smugglers, slave traders.

In the country of asylum

Sexual attack, coercion, extortion by persons in authority; sexual abuse of separated children in foster care; domestic violence; sexual assault when in transit facilities, collecting wood, water, etc.; sex for survival/ forced prostitution; sexual exploitation of persons seeking legal status in asylum country or access to assistance and resources, resumption of harmful traditional practices

During repatriation

Sexual abuse of women and children who have been separated from their families; sexual abuse by persons in power; sexual attacks, rape by bandits, border guards, forced/coerced repatriation

During reintegration

Sexual abuse against returnees as a form of retribution; sexual extortion in order to regularise legal status, exclusion from decision-making processes; denial of or obstructed access to resources, right to individual documentation and right to recover/own property

CHILDREN

Half of the world's refugees are children. Many refugee children spend their entire childhoods in displacement, uncertain about the future. Children – whether refugees,

internally displaced or stateless – are at greater risk than adults of violence, abuse, neglect, and exploitation. They may experience and witness disturbing events, or separate from their families. At the same time, family and other social support networks may be weakened and education may be disrupted. These experiences can have a profound effect on children – from infancy and childhood through adolescence. During emergencies and in displacement, girls and boys may face particular gender-related protection risks. The total number of refugees in MENA has doubled in four years, largely due to the Syria crisis. Since 2011, more than 3 million Syrian refugees have fled their country and sought refuge in the region. Every 30 minutes, 35 children become refugees in MENA.

Over 1,530,000 Syrian refugees are children, leaving national child protection systems overburdened in refugee-receiving countries in the region – countries that have already experienced several waves of refugee influxes and situations of protracted displacement. Although refugee children find safety from conflict and persecution when they arrive in host countries, they often need support to overcome the distressing experiences they have faced in their countries of origin—including widespread violence, abuse, neglect, exploitation, and family separation. Further, in displacement, they continue to face child protection risks, including child labour, violence in their homes and schools, early marriage, sexual and gender-based violence (SGBV), recruitment into armed groups, limited access to birth registration, and separation from parents and families.

In the broader MENA region, mixed migration and onward movements are exposing children to increased risks of detention, trafficking, and other abuses. Given the additional vulnerabilities and needs of refugee children, UNHCR and partners are prioritizing their protection in the region by investing in national child protection systems, by supporting families to better protect children during displacement, and by providing specialized protection services for refugee children.

Syrian refugees continue to seek safety and protection in large numbers in the region. On average more than 100,000 newly arriving refugees have been registered every month since the beginning of 2014. With maintaining access to safety for those fleeing conflict and continued protection from refoulement as the fundamental tenets

of protection, key elements of the protection response are registration, including through renewal of documentation, the multi-sectoral prevention and safe response services to sexual and gender-based violence (SGBV) and child protection systems as well as community participation and empowerment.

Resettlement continues to play a role as a protection tool by providing durable solutions to some of the refugees most at risk. The focus on host communities also remains a key element of the regional protection strategy. While countries have largely kept their borders open to Syrians fleeing the conflict, access to territory is increasingly constrained.

The introduction of a visa regime in July 2013 in Egypt, the staggered arrival policy in Turkey, an increasingly managed admission policy in Jordan, together with fewer safe crossing points have contributed to relatively lower numbers of Syrians arriving in 2014. Continued close dialogue with host governments as well as, in some instances, the need to strengthen the capacity of national authorities dealing with border management has become increasingly important to ensure protection-sensitive border management and facilitate the admission of refugees.

While the number of Syrian refugees, including children, detained in the first five months of 2014 remains limited, there is an overall increase in the use of detention. Higher detention rates link to more regulated admission as well as difficulties to regularize stay or work and make legal aid, including representation, a growing necessity to prevent forcible returns from custody. Effective strategies to meet the needs of urban non-camp refugees should be strengthened given that they represent 85 per cent of Syrian refugees in the region.

Female genital mutilation has long been regarded as a human rights abuse against women and girls under international law, but it continues to be practised by ethnic groups in almost 60 countries, mainly in Africa as well as parts of Asia and the Middle East.

Those at risk include female refugees in camps and urban areas. Thousands of women and girls from FGM-practising communities whose families have settled in Europe, North America, Australia and New Zealand are also affected or at risk.

Carried out for traditional, cultural or religious reasons, FGM can cause severe health problems and even lead to death. Young girls are particularly vulnerable and FGM disproportionately affects the female child.

INTERNATIONAL TREATIES

1. DUBLIN REGULATION

The Dublin Regulation (Regulation No. 604/2013; sometimes the Dublin III Regulation; previously the Dublin II Regulation and Dublin Convention) is a European Union (EU) law that determines the EU Member State responsible to examine an application for asylum seekers seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union. It is the cornerstone of the Dublin System, which consists of the Dublin Regulation and the EURODAC Regulation, which establishes a Europe-wide fingerprinting database for unauthorized entrants to the EU. The Dublin Regulation aims to “determine rapidly the Member State responsible for an asylum claim” and provides for the transfer of an asylum seeker to that Member State. Usually, the responsible Member State will be the state through which the asylum seeker first entered the EU. The Dublin regime was originally established by the Dublin Convention, which was signed in Dublin, Ireland on 15 June 1990, and first came into force on 1 September 1997 for the first twelve signatories (Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom), on 1 October 1997 for Austria and Sweden, and on 1 January 1998 for Finland. While the convention was only open to accession by member states of the European Communities, Norway and Iceland, non-member states, concluded agreements with the EC to apply the provisions of the Convention in their territories. The Dublin II Regulation was adopted in 2003, replacing the Dublin Convention in all EU member states except Denmark, which has an opt-out from implementing regulations under the area of freedom, security and justice. An agreement with Denmark on extending the application of the Regulation to Denmark came into force in 2006. A separate protocol also extended the Iceland-Norway agreement to Denmark in 2006. The provisions of the Regulation were also extended by a treaty to

non-member states Switzerland on 1 March 2008, which on 5 June 2005 voted by 54.6% to ratify it, and Liechtenstein. A protocol subsequently made this agreement also applicable to Denmark. On 3 December 2008, the European Commission proposed amendments to the Dublin Regulation, creating an opportunity for reform of the Dublin System. The Dublin III Regulation (No. 604/2013) was approved in June 2013, replacing the Dublin II Regulation, and applies to all member states except Denmark. It came into force on 19 July 2013. It is based on the same principle on the previous two i.e. that the first Member State where finger prints are stored or an asylum claim is lodged is responsible for a person's asylum claim.

1.1. Objectives

One of the principal aims of the Dublin Regulation is to prevent an applicant from submitting applications in multiple Member States. Another aim is to reduce the number of "orbiting" asylum seekers, who are shuttled from member state to member state. The country that the asylum seeker first applies for asylum is responsible for either accepting or rejecting asylum, and the seeker may not restart the process in another jurisdiction.

1.2. Criticism

According to European Council on Refugees and Exiles (ECRE) and UNHCR the current system fails in providing fair, efficient and effective protection. Around 2008, those refugees transferred under Dublin were not always able to access an asylum procedure. This put people at risk of being returned to persecution. It has been demonstrated on a number of occasions both by ECRE and UNHCR, that the Dublin regulation impedes the legal rights and personal welfare of asylum seekers, including the right to a fair examination of their asylum claim and, where recognized, to effective protection, as well as the uneven distribution of asylum claims among Member States.

Application of this regulation can seriously delay the presentation of claims, and can result in claims never being heard. Causes of concern include the use of detention to enforce transfers of asylum seekers from the state where they apply to the state

deemed responsible, also known as Dublin transfers, the separation of families and the denial of an effective opportunity to appeal against transfers. The Dublin system also increases pressures on the external border regions of the EU, where the majority of asylum seekers enter EU and where states are often least able to offer asylum seekers support and protection.

After ECRE, the UNHCR and other non-governmental organizations openly criticized Greece's asylum system, including the lack of protection and care for unaccompanied children, several countries suspended transfers of asylum seekers to Greece under the Dublin II regulation. Norway announced in February 2008 it would stop transferring any asylum seeker back to Greece under the Dublin II regulation. In September, it backtracked and announced that transfers to Greece would be based on individual assessments. In April 2008 Finland announced a similar move. The regulation is also criticized by the Council of Europe Commissioner for Human Rights as undermining refugee rights. The European Court of Human Rights in the case *M.S.S. v Belgium and Greece*, judged on 21 January 2011 that both the Greek and the Belgian governments violated the European Convention on Human Rights when applying the EU law on asylum seekers and were given fines of €6,000 and €30,000, respectively. Recently, voices have been heard calling for the imposition of tougher sanctions, should similar cases occur in the future.

1.3. Partial suspension of the regulation during 2015 European refugee and migrant crisis

Under the Dublin Regulation, an asylum seeker has to apply for asylum in the first EU country they entered and, if they cross borders to another country after being fingerprinted, they can be returned to the former. During the 2015 European refugee and migrant crisis, Hungary became overburdened by asylum applications to the point that it stopped on 23 June 2015 receiving back its applicants who later crossed the borders to other EU countries and were detained there. On 24 August 2015, Germany decided to make use of the "sovereignty clause" to voluntarily assume responsibility for processing Syrian asylum applications for which it is not otherwise responsible under the criteria of the Regulation. On 2 September 2015, the Czech

Republic also decided to offer Syrian refugees who have already applied for asylum in other EU countries and who reach the country to either have their application processed in the Czech Republic (i.e. get asylum there) or to continue their journey elsewhere. Other member states such as Hungary, Slovakia and Poland officially stated their denial to any possible revision or enlargement of the Dublin Regulation, specifically referring to the eventual introduction of new mandatory or permanent quotas for solidarity measures.

2. CONVENTION RELATING TO THE STATUS OF REFUGEES

The Convention relating to the Status of Refugees, also known as the 1951 Refugee Convention, is a United Nations multilateral treaty that defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. The Convention also sets out which people do not qualify as refugees, such as war criminals. The Convention also provides for some visa-free travel for holders of travel documents issued under the convention.

The Convention builds on Article 14 of the 1948 Universal Declaration of Human Rights, which recognizes the right of persons to seek asylum from persecution in other countries. A refugee may enjoy rights and benefits in a state in addition to those provided for in the Convention.

2.1. History

The Convention was approved at a special United Nations conference on 28 July 1951. Denmark was the first state to ratify the treaty on 4 December 1952, which entered into force on 22 April 1954. It was initially limited to protecting European refugees from before 1 January 1951 (after World War II), though states could make a declaration that the provisions would apply to refugees from other places. The 1967 Protocol removed the time limits and applied to refugees "without any geographic limitation", but declarations previously made by parties to the Convention on geographic scope were grandfathered (Although, like many international treaties, the Refugee Convention was agreed in Geneva, it is incorrect to refer to it as "the Geneva Convention," because there are four treaties regulating armed conflict known as the Geneva Conventions.) As of July 2013, there were 145 parties to the

Convention, and 146 to the Protocol. Most recently, the President of Nauru, Marcus Stephen, signed both the Convention and the Protocol on 17 June 2011 and acceded on 28 June 2011. Madagascar and Saint Kitts and Nevis are parties only to the Convention, while Cape Verde, the United States of America and Venezuela are parties only to the Protocol.

2.2. The principle of non-refoulement

A refugee's right to be protected against forcible return, or refoulement, is set out in the 1951 Convention relating to the Status of Refugees:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (Article 33(1))."

It is widely accepted that the prohibition of forcible return is part of customary international law. This means that even States that are not party to the 1951 Refugee Convention must respect the principle of non-refoulement. Therefore, States are obligated under the Convention and under customary international law to respect the principle of non-refoulement. If and when this principle is threatened, UNHCR can respond by intervening with relevant authorities, and if it deems necessary, will inform the public.

2.3. Application Today

The rights promulgated by the Convention generally still stand today. Some have argued that the complex nature of 21st century refugee relationships calls for a new treaty that recognizes the evolving nature of the nation-state and modern warfare. Nevertheless, ideas like the principle of non-refoulement are still applied today, with the 1951 Convention being the hallmark of such rights.

CURRENT SCENARIO

Germany appeared to take a tougher stance on immigrants over the weekend with top government officials saying refugees need to return home at some point, or will have to properly integrate should they want to stay.

Chancellor Angela Merkel said on Saturday she expects many refugees to leave Europe's largest economy once the war in Syria is over, addressing public concerns the country won't be able to cope with the continued influx of immigrants. Some politicians viewed the statement as a move away from Germany's welcoming culture.

Germany's labor minister Andrea Nahles of the Social Democratic Party said that refugees who want to stay need to adhere to the country's rules and values and will have to get jobs or else their subsidies will be cut. Refugees who get help "need to bring in all their abilities," she wrote in an op-ed published in the weekly Frankfurter Allgemeine Zeitung on Sunday. She tasked her ministry with drafting legislation for integration to clear bureaucratic hurdles that impede it.

Other politicians Sunday urged Ms. Merkel to hurry plans to deport criminal immigrants.