

ACMUN 2026

Background Guide

United Nations Human Rights Council (UNHRC)

Agenda

*Balancing the rights of migrants and the concerns of native populations in the European
migrant crisis*

Letter from the Executive Board

The Executive Board of The United Nations Human Rights Council (UNHRC) extends its warmest regards to all participants. As experienced delegates who have attended numerous Model United Nations conferences, we recognize the importance of the background guide as a valuable tool for research. We believe that the purpose of the background guide is to aid in research rather than provide all the answers on a silver platter. While we acknowledge that the background guide can serve as a starting point or reference for your study, we encourage delegates to conduct further research and delve deeper into the topic at hand. We believe that MUN conferences are not just about acquiring knowledge, but also about expressing ideas, gaining a broader perspective, and comprehending the complex issues that our world faces today. This comprehensive background guide aims to provide you with sufficient information to familiarise yourselves with the agenda "**Balancing the rights of migrants and the concerns of native populations in the European migrant crisis.**" However, it is crucial to understand that this guide is just the beginning of your research journey and should not be considered the final word on the subject. With that said, we emphasise the importance of conducting extensive research and preparing diligently to ensure meaningful discussions and productive debates during the conference. We encourage all delegates to approach the conference with an open mind, a spirit of diplomacy, and a commitment to finding viable solutions to the challenges faced by the religious and emerging communities.

Thank you,

The Executive Board

Co-Chairperson: Atul Tharian

Co-Chairperson: Noel Ankit

Nature and Proof of Evidence

Documents from the following sources will be considered as credible proof for any allegations made in committee or statements that require verification:

Reuters: Appropriate documents and articles from the Reuters News agency will be used to corroborate or refute controversial statements made by the committee.

UN Documents: Documents by all UN agencies will be considered sufficient proof. Reports from all UN bodies, including treaty-based bodies, will also be accepted.

National Government Reports: Government Reports of a given country used to corroborate an allegation on the same aforementioned country will be accepted as proof. The documents stated above will hold a binding nature of establishment.

NOTE: Other sources like Wikipedia, Amnesty International, or newspapers like the Guardian, and so on and so forth will **not be accepted** as credible proof, but may be used for a better understanding of any issue and even be brought up in debate, if the information given in such sources is in line with the beliefs of a government or a delegate.

The background guide cannot be used or cited as a valid source for credible proof.

Introduction

The UN Human Rights Council agenda item concerning the European migrant crisis addresses one of the most pressing and contentious human rights challenges of our time: how to reconcile the fundamental rights of migrants, asylum seekers, and refugees with the legitimate concerns of native populations in European host countries. This agenda encompasses a complex web of issues, including the right to seek asylum and the principle of non-refoulement under the 1951 Refugee Convention, the prevention of human trafficking and migrant smuggling, the protection of vulnerable groups such as women, children, and victims of trafficking, and the socioeconomic integration of migrants into host societies. The UN High Commissioner for Human Rights has implored European states to establish "effective and principled migration governance," emphasizing that while states have a sovereign right to secure their borders, they also bear an obligation to respect international human rights law, refugee law, and humanitarian law. The agenda is further complicated by the instrumentalization of migrants for political purposes, rising xenophobia and harmful narratives, and the practical challenges of implementing fair and efficient asylum procedures and border management. Ultimately, the Council's discussions reflect the urgent need for a comprehensive, principled, and human rights-based approach that ensures protection for those in need while addressing the social and economic concerns of host communities through inclusive policies and international cooperation.

1. The Right to Asylum, Non-Refoulement, and Access to International Protection

This subtopic forms the legal and moral cornerstone of the agenda, reaffirming the absolute prohibition on returning individuals to countries where they face a real risk of persecution, torture, or other serious harm. It encompasses the fundamental right to seek asylum, the obligations of states under the 1951 Refugee Convention and its 1967 Protocol, and the challenges of ensuring fair and efficient asylum procedures, particularly at borders and in transit zones. The UNHCR and like-minded states have called on all nations to uphold these principles and to ensure unhindered humanitarian access for those seeking protection. This area also covers the protection of refugees, internally displaced persons, and stateless persons, and the pursuit of sustainable solutions, including resettlement, complementary pathways, and voluntary return in safety and dignity.

2. Border Management, Detention, and the Prevention of Pushbacks

This subtopic addresses the critical tension between state sovereignty in managing borders and the human rights of individuals crossing them. It involves examining the practices of border control, including the use of detention, which the UNHCR and others argue is never in a child's best interest and should be avoided, with alternatives to detention (ATDs) prioritized. The issue of "pushbacks", the practice of forcing migrants back across borders without allowing them to access asylum procedures is a major concern, with cases pending before the European Court of Human Rights highlighting the need for human rights-compliant border

procedures. This area also includes the call for strengthened human rights monitoring and complaint mechanisms to report abuses and discrimination against migrants at international borders.

3. Combatting Human Trafficking and Migrant Smuggling

This subtopic focuses on the shared international responsibility to dismantle criminal networks that exploit vulnerable migrants. The Security Council and other UN bodies have emphasized the need to address the root causes of irregular migration and forced displacement, which are often exploited by traffickers and smugglers. Efforts such as the EU Naval Force Mediterranean Operation IRINI and various EU-funded projects in North Africa aim to combat these networks, but must be carried out in a manner consistent with international law to prevent more lives being endangered. This also involves protecting victims of trafficking and providing them with assistance.

4. The Protection of Vulnerable Migrants and Asylum Seekers

A central theme of the agenda is the need to give particular attention to migrants and asylum seekers in vulnerable situations, including women, children, unaccompanied minors, persons with disabilities, older persons, and survivors of gender-based violence and trafficking. The UNHCR and other actors advocate for the systematic application of protection mainstreaming, including vulnerability screening and identification, access to legal assistance, and specialized support for survivors of sexual and gender-based violence. The specific needs of indigenous migrants, who may face additional layers of discrimination and invisibility, have also been highlighted by UN experts.

5. Socioeconomic Integration, Self-Reliance, and Cultural Rights

This subtopic addresses the long-term challenge of integrating migrants and refugees into host societies, which is key to both their well-being and to alleviating the concerns of native populations. Efforts to promote self-reliance, including access to legal documentation, freedom of movement, the right to work, and inclusion in nationally-led services such as education, health, and social protection, are central to this agenda. This approach helps refugees become consumers, laborers, taxpayers, and investors, contributing to local economies. Furthermore, the cultural rights of migrants and their right to participate in and express their own culture are increasingly recognized as a neglected area that states have a responsibility to support, including by removing restrictions and countering negative stereotypes.

6. Countering Xenophobia, Harmful Narratives, and the Instrumentalization of Migrants

This subtopic confronts the rising tide of xenophobia, racism, and dehumanizing narratives that often target migrants and asylum seekers. The Human Rights Council has convened

panels specifically to address these harmful narratives and to strengthen monitoring mechanisms for related human rights violations. The agenda also includes the deliberate "instrumentalization" of asylum seekers and migrants for political purposes, a practice that UNHCR and European states have condemned as unacceptable and a violation of human rights. Shifting the public discourse to a more balanced, evidence-based perspective that recognizes migrants' sociocultural, civic-political, and economic contributions is a key objective highlighted in the reports of the Special Rapporteur on the human rights of migrants.

7. International Cooperation, Burden-Sharing, and Addressing Root Causes

This overarching subtopic acknowledges that the migrant crisis cannot be solved by any one nation alone and requires a coordinated global response. This includes deepening cooperation with countries of origin, transit, and destination, and addressing the root causes of irregular migration and forced displacement, such as armed conflict, lack of economic opportunity, poor governance, and climate change. The European Union and its member states, as stable and strategic partners to UNHCR, have contributed significant funding to humanitarian efforts and are committed to the "Global Compact for Safe, Orderly and Regular Migration" and the "Global Compact on Refugees". The principle of "flexible solidarity" and the debate over mandatory resettlement quotas versus other forms of support, such as financial contributions or technical assistance, are part of the ongoing political and legal discussions on how to fairly distribute responsibility within Europe and internationally.

International Law Pertinent to the Agenda

UN Charter (1945)

Article 1(3): Purposes of the UN include promoting and encouraging respect for human rights and fundamental freedoms for all without distinction.

Article 55: The UN shall promote universal respect for, and observance of, human rights and fundamental freedoms.

Article 56: All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Universal Declaration of Human Rights (UDHR) (1948)

Article 1: All human beings are born free and equal in dignity and rights.

Article 2: Rights apply without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 13: Right to freedom of movement and residence within the borders of each state; right to leave any country, including one's own, and to return.

Article 14: Right to seek and to enjoy in other countries asylum from persecution.

1951 Convention Relating to the Status of Refugees & 1967 Protocol

Article 31: Prohibition of penalties for illegal entry or presence of refugees coming directly from a territory where their life or freedom was threatened.

Article 33: Principle of non-refoulement—prohibiting the return of a refugee to a country where they face threats to their life or freedom.

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)

Article 15: Recognizes the right of everyone to take part in cultural life, which applies regardless of a person's migrant status.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984)

Article 3: Obligation not to expel or return a person to a state where there are substantial grounds for believing they would be in danger of being subjected to torture.

Convention on the Rights of the Child (CRC) (1989)

Article 37: Prohibits arbitrary detention and emphasizes that detention of a child should be a measure of last resort and for the shortest appropriate period of time. The UNHCR has called on states to recognize that detention is never in a child's best interest.

Global Compact for Safe, Orderly and Regular Migration (2018)

A non-binding framework for international cooperation on migration governance, cited as an important reference point by UN member states.

Global Compact on Refugees (2018)

A framework for predictable and equitable burden-sharing to address refugee situations, including pledges made by the Council of Europe and others.

Treaty on the Functioning of the European Union (TFEU)

Article 78(1): The EU shall develop a Common European Asylum System (CEAS) in conformity with the Refugee Convention and the European Convention on Human Rights (ECHR).

Article 80: The principle of solidarity and fair sharing of responsibility between member states, including in financial terms.

European Convention on Human Rights (ECHR)

Article 3: Prohibition of torture and inhuman or degrading treatment or punishment.

Article 4: Prohibition of slavery and forced labour.

Article 5: Right to liberty and security.

Article 8: Right to respect for private and family life.

Case Studies

Case Study 1: The EU-Turkey Statement and the Concept of "Return for Resettlement"

This case study examines the controversial 2016 EU-Turkey Statement, which aimed to curb irregular migration flows to the EU. Under the deal, irregular migrants arriving in Greece from Turkey could be returned, while for every Syrian returned, another Syrian would be resettled to the EU from Turkey. Legal analysis has raised significant concerns that this policy departs from international refugee law, particularly by prioritizing for resettlement those who had not irregularly entered the EU, which runs counter to the prohibition of penalties for illegal entry under Article 31 of the 1951 Refugee Convention. Furthermore, concerns were raised that automatic returns could result in violations of the non-refoulement principle, as the EU and its Member States cannot shift responsibility for violating obligations under the ECHR and the Charter of Fundamental Rights to third countries or UNHCR on the basis of cooperation agreements. This case highlights the tension between border control objectives and international protection obligations, and the difficulty of establishing a "comprehensive CEAS" that is in line with the legally anchored goal of offering international protection to those in need.

Case Study 2: The EU's Partnership with Libya and the Issue of Interdiction

This case study focuses on the EU's efforts to cooperate with Libya to stem irregular migration across the Central Mediterranean. Through the Global Approach to Migration and Mobility (GAMM) and its Partnership Framework, the EU invested in building the capacity of the Libyan Coast Guard for search and rescue and interdiction operations. However, critics have argued that this policy has resulted in migrants being brought back to Libyan camps where they faced inhuman and degrading treatment, and from where they were often "returned to Nigeria after agreeing to 'voluntary repatriation' as the only alternative to indefinite detention they were offered". This situation underscores the reality that the EU has not reached its proclaimed political objectives to reduce human rights abuses in third countries, and it highlights the clash between the EU's foreign policy objectives of promoting human rights and its migration policy aimed at strengthening external borders through migration control. It serves as a powerful example of how the pursuit of migration management objectives can lead to violations of international human rights and refugee law, raising fundamental questions about the consistency of EU external action with its primary law obligations.

Case Study 3: The UNHCR and Council of Europe Action Plan on Migration and Refugees (2026-2029)

This case study represents a positive example of international cooperation aimed at addressing the balancing act between migrant rights and state concerns. UNHCR and the Council of Europe are working closely to implement a new Action Plan focused on promoting and protecting human rights in the context of border control, ensuring effective access to protection, and promoting social integration. Key actions include providing legal expertise on vulnerability screening, advocating for safeguards on detention and alternatives to detention, and developing joint legal capacity-building events for authorities and judges to ensure border procedures are compliant with international law. The Action Plan also includes initiatives to enhance job-matching programmes for refugees, such as the Council of Europe's European Qualification Passport for Refugees and UNHCR's Refugee Employment Platform Initiative, as well as projects to strengthen guardianship for unaccompanied children and to end statelessness through the Global Alliance to End Statelessness. This case study illustrates a principled, rights-based approach to migration governance that seeks to reconcile border security with the protection of fundamental rights.

Case Study 4: The Issue of Migrant Detention of Children

This case study focuses on the specific practice of detaining migrant children for immigration-related purposes, a major point of contention between human rights advocates and some states. UNHCR, IOM, UNICEF, and other actors have consistently called on states to recognize that detention is never in a child's best interest and should be prohibited, with alternatives being prioritized instead. This advocacy is backed by findings from the European Court of Human Rights and the Committee on the Rights of the Child. Despite these calls, UNHCR continues to monitor and report on the use of detention and movement restrictions that amount to de facto detention in some countries, urging states to ensure that such measures are not used for children and that reception conditions in border areas offer better support for those with specific needs. This case exemplifies the direct conflict between state security concerns and the protection of the most vulnerable migrants.

Case Study 5: The Cultural Rights of Migrants and the Challenge of Integration

This case study examines the often-neglected issue of the cultural rights of migrants, as highlighted by the UN Special Rapporteur on Cultural Rights. While much focus is placed on urgent issues like non-refoulement and detention, the right of migrants to express their own culture and access cultural resources is frequently overlooked. Challenges include states whose cultural policies only apply to citizens, the underrepresentation of migrant cultures in public institutions, and barriers such as language and legal status that hinder participation in cultural life. The Special Rapporteur calls on states to take responsibility for supporting

cultural rights, including by removing legal restrictions, increasing access to cultural frameworks, and countering xenophobic narratives that lead to the perception of other cultures as inferior. This case study illustrates that a truly balanced approach to migration must not only address economic and security concerns but also foster social cohesion through mutual respect and cultural exchange.

Case Study 6: The Intersessional Panel on Harmful Narratives and Hate Speech (2026)

This case study focuses on a direct UNHRC initiative to address one of the key concerns of both migrants and native populations: the rise of hate speech, xenophobia, and dehumanizing narratives about migrants. In its Resolution 57/14, the Human Rights Council requested the Office of the High Commissioner for Human Rights (OHCHR) to convene a one-day intersessional panel on measures to prevent, counter, and address these harmful narratives. The panel was structured in two sessions: one on preventing and addressing harmful narratives, and another on strengthening human rights monitoring and complaint mechanisms to report violations and discrimination against migrants at international borders. This case study demonstrates the Council's proactive role in tackling the social and political tensions that underpin the migrant crisis, aiming to shift the discourse away from fear and intolerance towards a more factual and human rights-based understanding of migration.

Case Study 7: The Role of the EU as a Major Humanitarian Donor

This case study examines the European Union's substantial financial commitment to humanitarian efforts related to migration and displacement, which is a key part of the balancing act between supporting migrants and protecting the interests of native populations. In 2025, the EU and its member states collectively allocated around USD 1.2 billion to UNHCR, demonstrating their role as stable and reliable partners. However, the EU has also called for UNHCR to increase coordination, reduce duplication, and adopt a more efficient "mandate-driven approach" in response to budgetary shortfalls, urging the organization to seize moments of renewal to serve those in need more effectively. The EU's support extends beyond funding to include projects like the Neighbourhood, Development and International Cooperation Instrument (NDICI), which has developed €46 million in projects to combat migrant smuggling and trafficking in North Africa, and the European Union Naval Force Mediterranean Operation IRINI, which enforces the arms embargo on Libya and collects information on migrant trafficking. This case illustrates the complex role of major donors who must balance the need for effective humanitarian action with accountability to their own taxpayers and citizens.

Conclusion

The foregoing analysis of the UNHRC agenda on "Balancing the rights of migrants and the concerns of native populations in the European migrant crisis" reveals a profoundly complex and multifaceted challenge that defies simple solutions. At its core, the agenda grapples with the fundamental tension between the sovereign right of states to control their borders and their binding obligations under international human rights, refugee, and humanitarian law to protect the rights of all individuals, regardless of their immigration status. The case studies and legal frameworks presented illustrate that while there is broad international consensus on the principles of non-refoulement, the right to seek asylum, and the need to combat xenophobia, the practical implementation of these principles is fraught with legal, political, and ethical dilemmas. Policies such as the EU-Turkey Statement and cooperation with Libya have shown a tendency to prioritize migration control over protection, often with severe human rights consequences. This has fueled a cycle where the "concerns of native populations," whether real or perceived, are used to justify restrictive measures that undermine the very values that European societies claim to uphold.

However, the search results also demonstrate that a more principled and effective path is not only possible but is being actively pursued through international cooperation. The work of UNHCR and the Council of Europe on the new Action Plan for Migration and Refugees, the UNHRC's efforts to counter harmful narratives and hate speech, and the advocacy for alternatives to detention all represent concrete steps toward a more balanced approach. The recurring calls for addressing root causes of displacement, promoting refugee self-reliance and inclusion, and recognizing the sociocultural and economic contributions of migrants point toward a long-term strategy that can foster social cohesion and benefit both migrants and host communities. Yet, as the UNHCR and its partners have warned, the current context is one of "continued budgetary shortfalls" and "protracted displacement crisis being at its record peak," which requires not only a "mandate-driven approach" but also a significant and renewed political will from all states. Ultimately, the success of this agenda will depend on whether the international community can move beyond reactive crisis management and embrace a holistic, principled, and truly cooperative framework that upholds the rights and dignity of all people, recognizing that the security and well-being of native populations and migrants are inextricably linked in an increasingly interconnected world.

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QARMA

This section is intentionally left empty as the Executive Board believes the onus is on the delegates of the UNHRC to deem what is necessary and what isn't and hence the content of the Resolution will be solely decided upon by the delegates after debate has occurred.