The background of the page features a large, light blue watermark of the United Nations logo. It consists of a central map of the world surrounded by a laurel wreath, all enclosed within a circular border.

# **Social, Humanitarian, and Cultural Committee**

## **Study Guide SWMUN 2020**

**Forum:** General Assembly 3 – Social, Humanitarian, and Cultural Committee

**Issue:** The Ethics of Freedom of Political Speech

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## Message from the Directors

### Head Chair: Hamizah Sukiman

Hello everyone! My name is Hamizah Sukiman, and I'm currently in my final year of Law at the University of Exeter. I've been doing MUN since I was a young high schooler (without exposing too much concerning how old I am) back in 2012 and I love it just as much today – if not more – as I did when I first started. As such, that is my hope for you: for South-WestMUN to be the conferences that either sparks or develops your love for the art of advocacy, diplomacy and international relations. The conference aims to tackle today's issues with tomorrow's solutions, and I hope you choose to embark on this challenge with motivation and hope, and – most importantly – I encourage you to have fun in the process!

*Hamizah Sukiman*  
[hbs201@exeter.ac.uk](mailto:hbs201@exeter.ac.uk)

### Deputy Chair: Supraja Saravanan

Hello there!

I'm Supraja Saravanan, and I'm a second year undergraduate pursuing an Economics degree at the University of Bath. I was introduced to the world of MUNs in December 2015, when I attended my first ever MUN conference, as part of a crisis committee. It's been 4 years since then, and I've come a long way - from being a novice to a chairperson!

Today's topic is one that concerns the rights of refugees and immigrants, which have been threatened thanks to the surge in right-wing nationalist policies around the world. While we as individuals empathize with them – those who have been forced to flee their homeland and witness unimaginable, horrific events - our politicians do not echo our sentiments in that regard – repeatedly calling for them to be expelled from the country.

We have systems in place to help refugees and immigrants rebuild their lives, away from the chaos and destruction in their homes, not because of any legal pressures, but because it is the morally right thing to do - it is our moral duty to lend a helping hand to those who suffer for no fault of theirs. The current era of populism, in my opinion, is more dangerous than beneficial, with hate speech fuelling negative stereotypes of not just immigrants, but even minority groups residing in the country. Political rhetoric is powerful enough to cause wars and disrupt the world order, and hence it plays a huge role in our lives. While we preach the values of tolerance, peace and non-violence, we, as children of the world, are doing very little to improve the lives of those afflicted by oppression, war and violence. It is quite heartbreaking.

Here at South-West MUN 2020, I look forward to an interesting debate on how to deal with this unique situation brought about by an unexpected global movement. And as always, it's never all work and no play (not even in real UN conferences, notice the pun.) – so there's always some room for fun in the process! All in all, I hope you enjoy this opportunity to undertake diplomacy to solve the world's most pressing issues, and I can't wait to see you soon!

Warm Regards,  
Supraja Saravanan  
BSc (Hons) Economics, Year 2 University of Bath  
e-mail: [ss3307@bath.ac.uk](mailto:ss3307@bath.ac.uk)

## Introduction to the Committee

The social, humanitarian and cultural committee (“SOCHUM”) is the Third committee of the six General Assembly committees. All 193 Member States have a vote and can attend its annual sessions, which run from October to late November annually. Its main focuses are humanitarian issues: questions concerning human rights, social affairs and other humanitarian matters that do not neatly fit into any of the other five committees in the General Assembly. As per the United Nations General Assembly Handbook – can be found [here](#) – the Third committee places emphasis primarily on the following issues:-

- The advancement of women;
- The protection of children;
- The protection of indigenous populations;
- The treatment of refugees, particularly in the context of discrimination;
- The promotion of fundamental freedoms;
- The right to self-determination;
- The rights of persons with disabilities;
- Crime prevention and criminal justice, including the drug trade.

Naturally, these issues are not the only things that the Third Committee focuses on. For its 74th session, the Third Committee intends on focusing on the following<sup>1</sup>, with the third agenda being the most relevant to the topic in question:-

- Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences;
- Maintenance of international peace and security;
- Promotion of human rights;
- Drug control, crime prevention and combating international terrorism in all its forms and manifestations;
- Organisational, administrative and other matters.

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<sup>1</sup> A/C.3/74/1 – Allocation of agenda items to the Third Committee

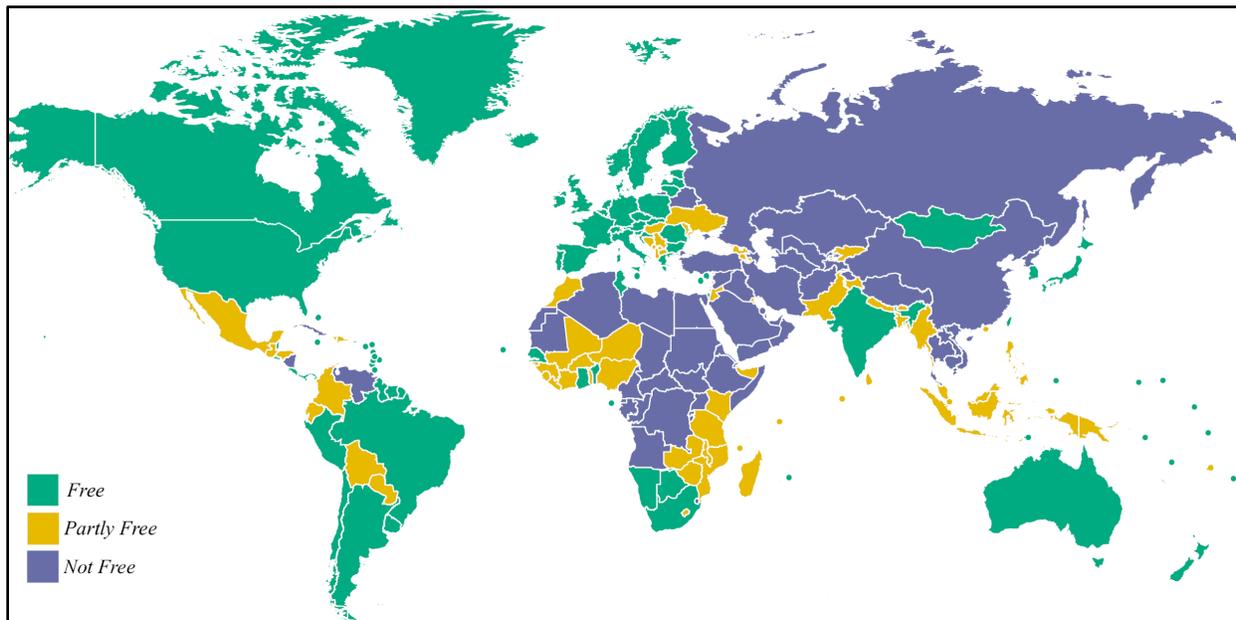
## Introduction to the Topic

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

Article 19, Universal Declaration of Human Rights

Freedom of political thought and speech has always been a fairly uncomplicated matter to discuss – it is difficult to find a nation whose foreign policy entitles a complete ban on political dissent. However, the reality lies in the difference, philosophically, in the limits of political speech. Herein lies the problem: to what extent should freedom of speech be curbed, if any?

The map below – using data on a country or territory’s “freedom score” for each of 10 political rights indicators and 15 civil liberties indicators<sup>2</sup> – shows the aggregate score of freedom for each individual nation, colour-coded into three main categories:-



<sup>2</sup> Freedom in the World 2019 – [“Methodology 2019”](#)

## Background Information

### **“One Country, Two Systems”, Hong Kong Protests: March 2019 to present**

The 2019 Hong Kong protests is perhaps the most recent, and prominent, example of the modern challenges and threats to a free political speech. Labelled as the “worst crisis since the [1997 British] handover of Hong Kong [to the Chinese]”<sup>3</sup>, the protests have been going on for ~200 days, and the end is seemingly not on the horizon. The Hong Kong protests convey and remind the global stage that the fight for political freedom is an uphill battle for some, intertwined with complex direct and indirect causes and political power structures.

#### Why are they protesting?: Background of the Hong Kong Protests

On the 31st of March 2019, the Anti-Extradition Law Amendment Bill (“ELAB”) Movement was born. It was a series of protests – which picked up international attention in early June – which began following the Hong Kong government’s intention to introduce the Fugitive Offenders Amendment Bill<sup>4</sup> (“Extradition Bill”). The bill, in short, sought to permit the authorities to detain and extradite fugitives who are wanted in territories with which Hong Kong does not currently have extradition agreements, including Taiwan and parts of the People’s Republic of China (“mainland China”).

This proved to be a major concern for the citizens of Hong Kong. The bill, in effect, would place Hong Kong residents under Mainland Chinese jurisdiction; this would subject Hong Kong – an autonomous region – and its residents to laws and authorities which would, in their eyes, undermine civil liberties that they have the right to enjoy. Mainland China (as would be later mentioned in the guide) places large emphasis on curbing dissent and keeping order. None of the political values of the People’s Republic fit with the doctrine of “one country, two systems”, a constitutional principle that separates autonomous regions like Hong Kong from the People’s Republic in their governmental system as well as their legal, economic and financial affairs.

The movement outlined five main demands from the Hong Kong government in their protests:-

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<sup>3</sup> Reuters – “[Hong Kong facing worst crisis since handover: senior China official](#)”

<sup>4</sup> Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, accessible at <https://www.legco.gov.hk/yr18-19/english/bills/b201903291.pdf>

1. **The complete withdrawal from the Extradition Bill from the Hong Kong legislative process:** largely regarded as the main demand and fuel behind the protests for reasons aforementioned;
2. **The recharacterisation of the protests from a “riot”:** the government classified the protests as a “riot” under the guise that some protestors were rioting, whilst the protestors claimed that this allegation was untrue, and that there is no riot in the entire process;
3. **The release and exoneration of the arrested prisoners:** due to the fact that there is questionable political motives behind the arrests of some of the protestors;
4. **The establishment of an independent inquiry force:** with a primary purpose of investigating undue police brutality and force inflicted upon the protestors during the course of the movement;
5. **The resignation of Carrie Lam from her position:** and with the resignation, the right to universal suffrage for both the Chief Executive as well as the entirety of the Legislative Council<sup>5</sup> in an effort to introduce more democracy into the system.

#### “Five Key Demands, Not One Less”: Address, Escalation and Compromise

By late August, the tensions have escalated to a peak. The Legislative Council went ahead in late May and early June with further amendments to the Bill, and it seemed to the Hong Kong public like the Bill was still in circulation and would pass in time. This enraged the public; protests thus escalated significantly. The protestors took on MTR stations<sup>6</sup> – a network carrying about 4.97 million commuters a day<sup>7</sup> – setting fire to entrances, and tossing petrol bombs at the central government headquarters. Before long, the police fought back with tear gas, water cannons, blue dye and pepper spray to clear the crowds. By early September, 1,183 protestors have been arrested – some arbitrarily, most were students or young adults – and the tensions grew. Police force became more rampant and uncalculated, violence from the protestors grew in its likelihood<sup>8</sup>. The city has gone awry,

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<sup>5</sup> Currently, the Legislative Council consists of 35 members who are directly elected and 35 members who are indirectly elected through “functional constituencies”, an interest-group-based system (See: New York Times – [“Hong Kong Protesters Are Fueled by a Broader Demand: More Democracy”](#))

<sup>6</sup> *South China Morning Post* – [“Hong Kong protesters return to MTR stations urging passengers to disrupt trains, while calling on students to skip school and workers to go on strike”](#)

<sup>7</sup> *HK.gov* – [“Hong Kong, The Facts: Transport”](#)

<sup>8</sup> *South China Morning Post* – [“Five key demands, not one less’: Hong Kong protesters make clear that Chief Executive Carrie Lam’s bill withdrawal is not enough”](#)

and the protests are not showing signs of backing down until all of their five demands are met.

On the 4th of September, Chief Executive Carrie Lam, addressed national television in a monumental turn in the movement:-

*“[On withdrawing the bill] On June 15 I announced that the Bill was suspended and later reiterated that “the bill is dead” and that all the legislative work had come to a complete halt”<sup>9</sup>*

Her address announced the formal withdrawal of the Extradition Bill, as well as a pledge to address the other socio-political concerns that her people had<sup>10</sup>. At first, this seemed like a positive development in the movement. The announcement solidified that the government were willing to compromise at the very last second; however, this reflected extremely poorly on the image of a powerful China who gets its way with its regions. Suddenly, and very briefly to the protestors, it seemed like China was willing to compromise.

With the world watching, Carrie Lam’s compromise seem inevitable; but it soon became apparent that the movement was far from completion. The protestors made it clear that there were *five key demands, not one less* that needed to be met, and Lam’s failure at meeting the remaining four meant that the protests are to persist. The protestors accused Lam and the government of “*buying time to crush the movement*”<sup>11</sup>; this sentiment was quickly echoed by the Civil Human Rights Front, which credits Lam for “*respond[ing] to one of [the movement’s] calls, [but] she has “severely misjudged” the situation if she thinks that is enough*”<sup>12</sup>.

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<sup>9</sup> *South China Morning Post* – “[Carrie Lam’s speech in full: Hong Kong leader speaks to city on protests in TV address](#)”; important note: this is the full *translated* transcript of the speech, the original speech was done in Cantonese

<sup>10</sup> *South China Morning Post* (n 9)

<sup>11</sup> *South China Morning Post* (n 8)

<sup>12</sup> *South China Morning Post* (n 8)

### What now?: Current developments<sup>13</sup>

On the 1st of October, the day making 70 years of Communist Party rule in China, the movement took a turn for the worst as it marks the first time since the protests began whereby live ammunition was used on a protestor, an 18-year old student who did nothing to provoke authorities<sup>14</sup>. Mere hours after President Xi Jinping gave his speech calling for national unity and Chinese prosperity<sup>15</sup>, rallies and protests broke out up and down Hong Kong in response to this disproportionate police brutality.

With increasing political pressure, Hong Kong evoked emergency powers<sup>16</sup> and proceeded to ban face masks just a mere three days later, as the majority of protestors wore face masks either for their health and safety or as a means of protecting their private identity. Offenders may receive a jail term of as much as one year or a fine of HK\$25,000 (£2,537)<sup>17</sup>. However, this ban swiftly backfired. Protestors stormed the streets in defiance, with some even wearing masks of Xi Jinping himself. In effect, the ban has provoked several more violent demonstrations as fears of the government arbitrarily introducing more measures to suppress civil liberties with the movement growing<sup>18</sup>. Some, who were wearing surgical masks for health reasons and were not part of the protests were also stopped, searched and harassed by the police – this provided the movement with the motivation they needed to stop Hong Kong from heading into the direction of a draconian society.

In the most recent developments, protests are growing with more illegal gatherings outside MTR stations and large marches around important buildings in the city. Though the marches are largely peaceful peaceful, some protesters threw several Molotov cocktails

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<sup>13</sup> This study guide was written in mid-October 2019; developments in the topic from October until February must be researched individually

<sup>14</sup> *Bloomberg* – “[Protester Shot in H.K. on China’s National Day: Hong Kong Update](#)”; **very important note:** this article does have a video from an angle depicting the victim getting shot by authorities and does contain graphic content. The video does **not** autoplay but there is a thumbnail. Other coverage of the incident may also contain the video, at a more explicit angle

<sup>15</sup> *Ministry of Foreign Affairs of the People’s Republic of China* – “[Speech by Xi Jinping At the Reception in Celebration of the 70th Anniversary of The Founding of the People’s Republic of China](#)”

<sup>16</sup> Emergency powers are a byproduct of colonial rule under the Emergency Regulations Ordinance of 1922. It allows for the government to enact new rules or legislation that bypasses the legislature. See: <https://www.elegislation.gov.hk/hk/cap241>

<sup>17</sup> *Bloomberg* – “[Hong Kong’s Descent to Emergency Rule: 118 Days of Unrest](#)”

<sup>18</sup> *The Guardian* – “[Hong Kong protesters defy ban on masks as they clash with police](#)”

inside the MTR stations they were protesting outside as a means of provoking response<sup>19</sup>. As of now, the city is unlikely to see a deescalation within the imminent future.

This has been met with equally powerful force from the Chinese government. On the 13th of October, President Xi Jinping, in his address, warned that “any attempt to split China will ‘end in crushed bodies and shattered bones’”<sup>20</sup>. This makes it painfully clear that the protestors are unlikely to enter into any kind of diplomatic talk with the Chinese government; violence, on both sides, is likely to persist.

### **“Rebel for Life”, Extinction Rebellion: October 2018 to present**

On the other side of the world, a growing conservation group hit the streets to fight for their political statement: Extinction Rebellion (“XR”), born in the streets of London. XR outlines three very clear demands from the government<sup>21</sup> pertaining to the actions taken against the issues surrounding climate change and the “Ecological Emergency”<sup>22</sup>:-

1. Declaration of an Emergency: The urging of the Government to declare a climate and ecological emergency
2. Immediate Action: reduce greenhouse gas emissions to net zero by 2025
3. Creation of a Citizens’ Assembly: the Government will also listen, and be held accountable, to the Citizens’ Assembly

#### Demonstration, Force and Reaction: Police force and Government responses

As of mid October 2019, the protests have escalated in the streets of London (and elsewhere, but London is the most prominent) to an almost uncontrollable degree. It, so far, has costed the Met Police £37 million in violent taskforce<sup>23</sup>. Though most of these protests are relatively non-violent, some emerge to be. For the former, protestors are often forcibly removed from the areas in which they are causing disruption by police, and if they

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<sup>19</sup> *New York Post* – [“Hong Kong protesters bomb subway station with Molotov cocktails”](#)

<sup>20</sup> *CNN* – [“Xi vows attempts to split China will 'end in crushed bodies and shattered bones'”](#)

<sup>21</sup> To a certain extent, the public as well.

<sup>22</sup> Extinction Rebellion defines the Ecological Emergency on their website as “uncontrollable climate and ecological breakdown, with disastrous consequences for people and for all life on Earth”

<sup>23</sup> *The Guardian* – [“Extinction Rebellion protests cost Met police £37m so far”](#)

resist, they stand the chance of being arrested on public order grounds. In cases of the latter, protestors have attacked police, damaged public property, and caused immense public disruption<sup>24</sup>. Some of the less tolerant of XR members have sought to attack Londoners in the streets in places whereby they protest, as a means of calling for action.

The government have supported the Met Office in their feat to curb the violent subset of XR. They continue to dedicate taskforce to it, and is closely monitoring XR to ensure that the violence does not escalate.

**Update, January 2020:** XR has now been classified as an extremist ideology by the Government<sup>25</sup>

#### Police Ban and “*the International Rebellion will continue*”: Current Developments

On the 15th of October, the Metropolitan Police issued a statement<sup>26</sup> that the Extinction Rebellion protesters after 2100 hours who continue to protest in the capital will be arrested, as a violation of the Public Order Act 1986<sup>27</sup>. This came in the middle of their planned two-week protests to demand the government take further action, following 1,445 arrests by 1400 hours on the Monday beforehand, with 76 people charged with offences including criminal damage and obstruction of a highway<sup>28</sup>.

## Current Issue

One of the things the aforementioned case studies have in common in regards to the freedom of political speech is the individual government’s search for balance between allowing people the freedom to have thought and assemble, whilst ensuring that the safety and prosperity of their nation. It is worth remembering that this concern is ***not*** about whether or not people deserve freedom of political speech – this is undisputed as most, if not all, Member States agree with the fundamental aspect of the UN that ensures one’s right to certain freedoms – but rather on *how* and *to what extent* this freedom should be granted. Limited freedoms being adequately combatted is key to any stable society in prevention of anarchy, but the line to thread is fine. Most

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<sup>24</sup> BBC – [“Extinction Rebellion protests: UK arrests as global demonstrations begin”](#)

<sup>25</sup> *The Guardian* – [“Terrorism police list Extinction Rebellion as extremist ideology”](#)

<sup>26</sup> *The Metropolitan Police* – [“Extinction Rebellion protests”](#)

<sup>27</sup> *Legislation.gov* – [Public Order Act 1986](#)

<sup>28</sup> BBC – [“Extinction Rebellion: Police ban London protests”](#)

democracies argue the use of the Harm Principle (*see: required reading list*) is adequate in deciding what and when responses to dissidents are, yet Millian principles don't necessarily uphold cleanly. The UK and their responses to Extinction Rebellion is arguably not compatible with the Harm Principle, by some schools of thought – it was arguable that the arrest was not proportional, even if it was legal.

The crux of the issue lies on what is currently legal and what should be legal, and where and how we draw the line. This is contingent upon the political conditions in the nation, and what values happened to be prioritised in the region, and the culture. There is a growing concern with the growth of the surveillance state; as such, it is time for a universal framework to be established.

Though the study guide focuses on two of the most current events in politics, it is worth noting that there are countless others that are occurring and largely ignored. The situation in Venezuela<sup>29</sup>; the Gilet Jaunes movement in France<sup>30</sup>; and the lack of dissidents in Saudi Arabia<sup>31</sup>. are all different sides of the same coin, and should be researched thoroughly. The understanding of how a solution is to be reached in a matter as broad as this comes from the understanding of how individual nations handle political dissidents, and the escalation of political protests. No country is entirely free from political opposition – what distinguishes them from each other is their handling of it.

## Major Parties Involved

It is important to note that all countries need to be individually researched as the focal point of this topic lies on the establishment of certain universal key features that are commonly held.

### People's Republic of China

The freedom of politics in the People's Republic of China is governed by a two-pronged sword: on the one hand, the 1982 Constitution guarantees a freedom of political thought and speech<sup>32</sup> whilst on the other, the Chinese government regularly uses the doctrine of the

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<sup>29</sup> *Human Rights Watch* – [“Crackdown on Dissent Brutality, Torture, and Political Persecution in Venezuela”](#)

<sup>30</sup> *The Guardian* – [“Who are the gilets jaunes and what do they want?”](#)

<sup>31</sup> *DW* – [“Freedom of expression ranks low in Saudi Arabia”](#)

<sup>32</sup> [The Constitutional Law of the People's Republic of China](#) – do note that this is the translated version; as such, slight inaccuracies in language may exist in conveying certain complex political points

“protection of State secrets” to crack down on apparent dissent. This is, however, not to say that the people cannot speak at all in China. In recent years, following political and international pressure from the UN Member States as well as business stakeholders, China has opened itself up to some forms of criticism. This is, however, far from free. The Chinese approach to allowing freedom is to allow an “elite” subset of people to comment on the government in a government controlled forum<sup>33</sup>. These “elites” are split into a few subcategories of people:-

- **The “Ideological” Elite:** comprised of the senior members or former senior or respectable members of the Communist Party
- **The “Intellectual” Elite:** academics or editors for Chinese publications, but only under the circumstances of “private discussions, closed academic conferences, government-authorized publishing outlets, or other forums where the government does not feel there is any threat of public participation that it cannot control”<sup>34</sup>.
- **The “Linguistic” Elite:** comprised of the people who publish in, and those who can read, a language other than Chinese. Though this seems the most universal approach to allowing freedom of political speech, this condition has to be done in tandem with an analysis of how the access to information works in China.

The vast majority of the publications which qualify – the BBC, New York Times, etc. – are only accessible via the internet, as the print version is not Communist Party-friendly to be sold alongside newspapers. As such, a person needs to get through the Chinese internet censorship regulations<sup>35</sup> first, not get caught for doing so, and read, understand *and* vocalise their dissent in order to be encompassed under this subset of people. In times of extreme political crisis, the ability to avoid the authorities for using VPN and other means to overcome the Chinese firewall is beyond the vast majority of people, given the state of surveillance that exists. At times of political crisis, the “protection of State secrets” requirement can come into play, in the name of preserving the peace and security of the State.

- **The “Financial” Elite:** Article 11 of China's Publishing Regulations specifically requires that anyone wishing to publish a newspaper or magazine must have registered capital of

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<sup>33</sup> *Congressional Executive Commission on China* – [“Freedom of Expression in China: A Privilege, Not a Right”](#)

<sup>34</sup> *Congressional Executive Commission on China* (n 33)

<sup>35</sup> *China Highlights* – [“Internet Access in China — Wi-Fi and Internet Censorship”](#)

at least RMB 300,000<sup>36</sup> – approximately £33,600. As such, the ability to express any kind of political thought is limited only to the very wealthy – who often have a political hand in keeping the status quo. Bearing in mind that the average annual income of the Chinese citizen is RMB 82, 413<sup>37</sup>, the freedom is hardly universal in theory.

Evidently, the Chinese government uses legal technicalities to set up safety nets in order to control the people – but it would be a mistake to presume that everyone’s ability to dissent is curbed, For a specific subset of people, freedom of speech is rife; whilst for the vast majority of people, this is not the case.

## United States of America

By contrast, the Americans enjoy a constitutionally-enshrined right to enjoy the freedom of speech<sup>38</sup>. Whilst ranking nowhere near more authoritarian States in the world, the US has currently seen a split between its foreign policy and the realities on land. The US’ most powerful method of control: libel laws. Between the Supreme Court reviewing freedom of speech in the workplace<sup>39</sup> and President Trump wanting to curb journalists<sup>40</sup>, the US is going through its own morality issue of where freedom of speech should lie. The vast majority of libel law cases are caught in politics; it is a matter for American courts to uphold their First Amendment, and the extent to which this applies in the modern development of libel laws.

## Relevant UN Treaties and Documents

- **A/RES/73/173**: Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association
- **A/RES/66/164**: Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

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<sup>36</sup> *Congressional Executive Commission on China* – [“Regulation on the Administration of Publishing \(Chinese and English Text\)”](#)

<sup>37</sup> *Statista* – [“Average annual salary of an employee working for non-private organizations in urban China in 2018, by region”](#)

<sup>38</sup> *FIRE* – [“History of Freedom of Speech”](#)

<sup>39</sup> *In Defence of Liberty* – [“Week in Review – Our Post-Janus Lawsuit: Free Speech Applies to Everyone”](#)

<sup>40</sup> *The Guardian* – [“Donald Trump pledges to curb press freedom through libel laws”](#)

- **A/RES/64/163:** Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
- **A/RES/53/144:** Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

## Questions to Consider and Further Reading

When beginning research and drafting a resolution, these are useful questions about the topic to consider:

- Is this a matter of international diplomacy?
  - Where does the balance lie in between national sovereignty and the protection of fundamental human rights?
  - Does the UN have any say in this matter? Is this entirely a national issue?
- How does one handle a non-compliant nation?
  - What are the powers that the General Assembly can exercise?
    - Should other UN bodies and other intergovernmental associations come together in this matter? (*Consider:* African Union; UNSC; ASEAN; etc.)
  - What action can UN bodies take against non-compliant nations?
    - Are sanctions enough? Should there be more to protect certain fundamental human rights?
    - Should they take action? Is this matter better left to individual nation states?
  - How can “big” nations be reined in?
    - Can they be stopped in the event where they underperform in upholding fundamental human rights?
- What, realistically, can be done?
  - Are there steps beyond legal means that can be taken?
  - Should it be left to the citizens? (*Consider:* Rule of Law, government intervention, etc.)
    - Is it safe to leave it to only the citizens?
    - Is it ethical to do so?
  - Where does the UN lie in the scheme of things?

Some required reading in order to adequately discuss the topic in depth include:-

- [Freedom in the World Map](#): a visual representation of how free a country is based on the indicators mentioned on p.2 – it acts as a good starting point, but should **not** be taken as a final definitive ranking
- John Stuart Mill, Chapter 2: “On the Liberty of Thought and Discussion” from “[On Liberty](#)” (2001) pp. 18 to 51: do note that this is a relatively lengthy and heavy read, so only skim reading and the basic understanding of the Harm Principle is required for the debate
- Sean Illing, for Vox, “[A philosopher makes the case against free speech](#)”: shapes understanding on the limitations of free speech, and how free speech is defined

Useful links to start the research may also include:

- Bloomberg – “[Hong Kong’s Descent to Emergency Rule: 118 Days of Unrest](#)”: a very brief and basic overview and timeline of the Hong Kong protests
- The Guardian – “[Hong Kong: arrest of 750 children during protests sparks outcry](#)”
- The New York Times – “[Hong Kong Police Shoot a Protester, 18, With a Live Bullet for the First Time](#)”
- South China Morning Post – “[Forget the mask ban. Beijing can solve Hong Kong’s protests by letting a governor run the city](#)”
- Hong Kong Free Press – “[‘We are not afraid’: Over a thousand Hongkongers protest gov’t use of emergency law](#)”
- Extinction Rebellion – “[About Us](#)”: a rough overview of the aims, purposes and goals of the Extinction Rebellion movement
  - “[The Emergency](#)”: the breakdown of their motivations and the factors that drive the Rebellion
- METRO – “Leader of XR arrested as Trafalgar Square camp is cleared by police”:
- Colin Kinniburgh – “[Can Extinction Rebellion Survive?](#)” for the University of Pennsylvania Press: an incredibly important outlook on the tactics of the Extinction Rebellion
- Human Rights Watch – “[Crackdown on Dissent Brutality, Torture, and Political Persecution in Venezuela](#)”: a summary of the political and humanitarian crisis in Venezuela, and the mistreatment of prisoners and other political dissidents

Useful websites you might also want to check:

- [UN Official Document System](#): database to find previous UN resolutions and documents
- [UNGA Previous Documents and Resolutions](#): from the 1st Session (1946)

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**Forum:** General Assembly 3 – Social, Humanitarian, and Cultural Committee (GA3 – SOCHUM)

**Issue:** Refugees, Immigrants VS The Political Rhetoric: How the current political climate impacts their lives

## INTRODUCTION

Although the negative rhetoric around immigrants and refugees isn't a new phenomenon, it seems to be more common now than ever, especially with right-wing nationalism gaining traction around the world. As the international community struggles with civil wars, threats of wars and internal conflicts, many countries seem to prioritize national security over the safety of refugees, as we have seen in the United States of America and the European Union, for example.

In this era of polarization, it's important to address how political rhetoric sways public opinion. In fact, it could very well be the case that rhetoric, in the current political situation, fuels the problem. As countries strive to "close" their borders and tighten restrictions on immigration, refugees and the asylum process, there seems to be no better time than now to address the policies surrounding their rights.

This topic focuses on the political rhetoric surrounding refugees and immigrants, and this document discusses the concept with special references to the current situation in the United States and the European Union (and its members). But before we move on, let us remind ourselves of the words of President Harry Truman of the United States, over the need for asylum laws in the country:

"...These victims of war and oppression look hopefully to the democratic countries to help them rebuild their lives and provide for the future of their children. We must not destroy their hope. The only civilized course is to enable these people to take new roots in friendly soil."<sup>1</sup>

President Harry S. Truman, 1945

## THE RIGHTS OF REFUGEES

### The 1951 Convention and the 1967 Protocol

In July 1951, a diplomatic conference in Geneva adopted the Convention relating to the Status of Refugees ('1951' Convention), which was later amended by the 1967 Protocol. The documents sought to define who is a refugee and the kind of legal protection, other assistance and social rights such an individual is entitled to receive. It also defines a refugee's obligations to host countries and specifies certain categories of people, such as war criminals, who do not qualify for refugee status.

<sup>1</sup> TIME Magazine - [This Was President Truman's Powerful Message on Why the U.S. Should Help Refugees](#)

The 1951 Convention is the only global legal instrument dealing with the status and rights of refugees. In addition, there are several conventions and declarations that are of relevance in specific regions - for instance, legal instruments on refugees that apply in Africa, Latin America and the European Union.<sup>2</sup> There is also a body of international human rights law that complements the rights of refugees, as stipulated in the Convention. States are already committed to protecting the human rights of refugees through their human rights obligations, not least the right to live in security and with dignity. The 1967 Protocol broadens the applicability of the 1951 Convention – it removes the geographical and time limits that were part of the 1951 Convention.

The 1951 Convention has shown remarkable resilience over the last 60 years, as the nature of conflict, as well as patterns of migration have changed. The international system of refugee protection has helped to protect millions of people in various situations. As long as people continue to be persecuted, there will be a need for the 1951 Convention and its 1967 Protocol.<sup>2</sup>

## The Rights of Refugees

The 1951 Convention lists the rights and highlights the obligations of refugees towards their host country.

The cornerstone of the 1951 Convention is the principle of non-refoulement (Article 33) - according to which a refugee should not be returned to a country where he or she faces serious threat to his or her life or freedom. This protection may not be claimed by refugees who are reasonably regarded as a danger to the security of the country, or having been convicted of a particularly heinous crime, are considered a danger to the community.

Other rights contained in the 1951 Convention include:

- - The right not to be expelled, except under certain strictly defined conditions (Article 32);
- - The right not to be punished for illegal entry into the territory of a contracting State (Article 31);
- - The right to work (Articles 17 to 19);
- - The right to housing (Article 21);
- - The right to education (Article 22);
- - The right to public relief and assistance (Article 23);
- - The right to freedom of religion (Article 4);
- - The right to access the courts (Article 16);
- - The right to freedom of movement within the territory (Article 26); and
- - The right to be issued identity and travel documents (Articles 27 and 28)

<sup>2</sup> UNHCR – “The 1951 Convention relating to the Status of Refugees and The 1967 Protocol”

Some basic rights, including the right to non-refoulement, apply to all refugees. A refugee becomes entitled to other rights the longer they remain in the host country, which is based on the recognition that the longer they remain as refugees, the more rights they need. Refugees also have obligations - they are required to abide by the laws and regulations of their country of asylum and respect measures taken for the maintenance of public order.

## THE CONCEPT OF POLITICAL RHETORIC

One of the key reasons why political rhetoric is so relevant is because it plays a huge role in how the public evaluates policies. It can shape public opinion, affect change, and persuade voters to support or reject them. As Gottweis in 2007 book chapter "Rhetoric in Policy Making: Between Logos, Ethos and Pathos" put it, "Rhetoric is typically defined as an integral moment of policy making, and the idea of rhetoric points to the necessity to convince, persuade, and communicate efficiently in the context of shaping and implementing public policies."<sup>3</sup>

But rhetoric does have a bad name. It is often thought to refer to speech that, if it isn't wholly untrue, at least misleading, or perhaps simply vacuous. Sometimes a speech, and a turn of phrase it employs, can name a whole situation in such a memorable and effective way, that it contributes to historical change.

However, it seems that the past may also have some hopeful examples, the most notable one being from the United States in the aftermath of the 9/11 attacks. Brian Levin, Director of the Center for the Study of Hate and Extremism at California State University-San Bernardino, noted that the "worst month for all hate crime (in the United States)" occurred around the Sept. 11, 2001, terrorist attacks. Six days after the attacks, President George W. Bush had addressed the nation, denouncing anti-Muslim sentiments, "The face of terror is not the true faith of Islam." Anti-Muslim hate crime reports dropped by two-thirds the next day, and for the year 2002 as well.<sup>4</sup>

Considering a recent spike in events relating to terrorism and other acts of violence, there seems to be a general climate fuelling violent hate in the country these days. It is in times like these that the President is looked up to as a moral compass, to help reassure their citizens, and provide a haven for residents of the country. However, President Trump\* has focused on naming specific individuals and groups as "enemies of the people" and urges his supporters to focus their ire on them. These targets, once singled out, have been at the receiving end of bigoted, hateful messages. It is no surprise that this could eventually lead to physical violence against them, with the same rhetoric repurposed to fit the perpetrators' motives.<sup>5</sup>

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<sup>3</sup> Herbert Gottweis - "Rhetoric in Policy Making: Between Logos, Ethos and Pathos." In Handbook of Public Policy Analysis: Theory, Politics and Methods

<sup>4</sup> POLITICO Magazine - [Yes, Political Rhetoric Can Incite Violence.](#)

<sup>5</sup> The Guardian - ['Shocking' political rhetoric on refugees aims to poison debate, UN official warns](#)

The language used to describe people caught up in the migration crisis has been attacked by a special representative of the UN as "deliberately invidious" and aimed at poisoning public debate. Using terms such as "illegal" rather than "irregular" migrants, or "hordes, waves and swarms" rather than simply "large numbers", conveniently obscures the vulnerabilities that come from being a foreigner, said Louise Arbour, the UN secretary general's special representative for international migration.<sup>6</sup>

Arbour, a former UN high commissioner for human rights and former chief prosecutor of war crimes in Rwanda and former Yugoslavia, said she believed that 2017 had brought the "beginning of a change of narrative" on migration. "In this field, as in many others nowadays, reality is much better than perception," she said. She criticized "political decision-makers" who were "not particularly well-informed" about important, positive aspects of migration. "Outside informed circles...knowledge about the impact of remittances, for instance, is often limited," she said.<sup>5</sup>

While world leaders have taken different stances to address immigration (in general) and the asylum process, a common thread running through their actions lies in the way they address immigrants and refugees, often referring to them as "invaders", "criminals", and so on. This affects the public's perception of immigrants - they begin to perceive them as a threat to their national security and general wellbeing. Political figures often blame immigrants for major criminal incidents such as terrorist attacks, mass shootings, etc, while studies have repeatedly shown that immigrants often commit crimes less than native-born citizens, and that the influx of immigrants and refugees does not lead to higher crime rates in the country.<sup>7</sup>

## THE ERA OF POPULISM AND THE POLITICAL RHETORIC

### Introducing "Populism"

Populism refers to a range of political stances that emphasize the idea of "the people" and often juxtapose this group against "the elite" – which collectively refers to rich people with political influence. A common framework for interpreting populism is known as the ideational approach: this defines populism as an ideology which presents "the people" as a morally good force and contrasts them against "the elite", who are portrayed as corrupt and self-serving.<sup>8</sup>

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<sup>6</sup> Taylor, E.M. - The Effects of Political Rhetoric on Refugee Policy and Communities in the United States and Germany. *El Rio: A Student Research Journal*, pp. 49 – 58

\* President Trump was impeached by the US House of Representatives on 18 December 2019. He is yet to face a trial in the US Senate.

<sup>5</sup> The Guardian - ['Shocking' political rhetoric on refugees aims to poison debate, UN official warns](#)

<sup>7</sup> Taylor, E.M. - The Effects of Political Rhetoric on Refugee Policy and Communities in the United States and Germany. *El Rio: A Student Research Journal*, pp. 49 – 58

## Anti-Immigration Sentiment & The Rise in Populism

It would seem that the current rise in populism is partially fuelled by anti-immigration sentiment, with prominent (most often self-proclaimed) "populists" - such as Donald Trump<sup>8,9</sup> of the US, Boris Johnson of the UK, Matteo Salvini of Italy, Marine Le Pen of France, and many others - actively promoting hatred against refugees and sometimes, even immigrants legally residing in the country. They use an array of political tactics to rally support, as people are easily manipulated by alarmist narratives. Given the political records of the aforementioned "populists", it would seem that they seek to create anger and resentment against refugees amongst their supporters, and resort to tactics such as spreading false information, reinforcing negative stereotypes, blaming refugees for any and all violent incidents, and engaging in political warfare with opposition groups. Such tactics are quite powerful, given their pervasiveness and wider outreach. These tactics are also used to introduce inhumane policies to detain refugees and deter them from seeking protections. Case in point - the Trump administration's efforts to effectively end asylum processes at the US-Mexico border.

Unfortunately, as political rhetoric plays a key role in how the public evaluates policies, it shouldn't be surprising that negative rhetoric can lead to a rise in hate crimes in the country. This holds true especially in the United States - statistics released by the FBI late last year showed that hate crimes in the United States rose 17% in 2017, compared to the previous year, the third straight annual increase. There were 7,175 hate crime incidents in 2017, and of the crimes motivated by hatred over race or ethnicity, nearly half involved African-Americans and 11% were anti-Hispanic.<sup>10</sup> The Center for the Study of Hate and Extremism at California State University-San Bernardino conducted an analysis based on figures published by the FBI, and the research revealed more specific details, especially when juxtaposed with political context. The center's director, Brian Levin, said in a statement to the Associated Press, "We see a correlation around the time of statements of political leaders and fluctuations in hate crimes. Could there be other intervening causes? Yes. But it's certainly a significant correlation that can't be ignored."<sup>11</sup>

Linking political speech to acts of violence is difficult. People commit such acts that may have nothing to do with political rhetoric or public sentiment. Also, government data on hate crimes is often deemed less useful, as not all incidents of violence get reported to the police, or to the FBI (in the case of the United States).<sup>10</sup> Amid rising tensions over the 'migrant caravan' in October 2018, President Trump\* has sought to defend his rhetoric on immigration and has also denied stoking tensions that brought forth the violence, claiming that he "brings people together. Our country is doing incredibly well." However, immigrants still faced discrimination in all walks of life, particularly at the hands of his supporters.<sup>12</sup> His words have fuelled hatred and popularized conspiracy theories claiming that immigrants were systematically replacing whites.<sup>13</sup>

<sup>8</sup> Wikipedia (2020). Populism. [online] Available at: <https://en.wikipedia.org/wiki/Populism>

<sup>9</sup> \*The President was impeached by the House of Representatives on 18 December 2019, over charges of abuse of power and obstruction of Congress.

<sup>10</sup> FBI - [FBI Releases 2017 Hate Crime Statistics](#)

<sup>11</sup> AP News - [Trump words linked to more hate crime? Some experts think so.](#)

<sup>12</sup> The White House - [Remarks by President Trump Before Marine One Departure](#)

<sup>13</sup> Taylor, E.M. - The Effects of Political Rhetoric on Refugee Policy and Communities in the United States and Germany. *El Rio: A Student Research Journal*, pp. 49 – 58

While cause and effect can be harder to establish in individual cases, researchers do have circumstantial evidence concluding that while rhetoric may not be the key cause of acts of violence, but radical, hateful language can fuel their rage, and keep them more inclined to indulge in such acts. As people prejudiced towards particular groups often display deep hatred for other groups, there have been suggestions stating that bigoted language could have consequences beyond targeted groups.<sup>14</sup>

## MEDIA COVERAGE

### Press Coverage on the Refugee Crisis

As the refugee crisis reared its ugly head in 2014, UNHCR and other humanitarian organisations engaged in a series of large-scale media advocacy exercises, aimed at convincing European countries to help. The UNHCR commissioned a report from the Cardiff School of Journalism to explore what was driving media coverage in five different European countries: Spain, Italy, Germany, UK, Sweden.

The report found that there were major differences between countries, in terms of the sources used (domestic politicians, foreign politicians, citizens or NGOs), the language used, the reasons given for the rise in refugee flows, the solutions proposed, and the predominant themes to their coverage. For instance, Germany and Sweden overwhelmingly used the terms 'refugee' or 'asylum seeker', while Italy and the UK press preferred the word 'migrant'. In Spain, the dominant term was 'immigrant'.

Humanitarian themes were more common than Italian coverage than in British, German or Spanish press. Threat themes were the most prevalent in Italy, Spain and Britain. Overall, the Swedish press was deemed to be the most positive towards refugees and migrants, while the UK's coverage was judged to be the most negative, and the most polarized.<sup>15</sup>

### Anti-Immigration Sentiment in News Reporting

In the early stages of the European Refugee Crisis, the media, in general, did the right thing by pursuing a strategy of emergency reporting - tracking live events relating to the crisis. But with the current trend of 'breaking news culture', viewers are often bombarded with sensational events, with the media often jumping from one sensational news story to another. This is not ideal for viewers - it gives less emphasis on the big picture, and narrows down to small facts, which leaves more room for misinterpretations and so on.

Even the style of reporting deserves to be scrutinized - especially the use of stereotypes in their content. In positive coverage of migrants, it was found that the content typically made use of stereotypes surrounding innocence and vulnerability, with images of women, children, the sick and the elderly. Whereas in negative coverage, the content typically zeroed in on people from certain countries, to suit a political agenda. Images used focused more on able-bodied people gathered at fortifications.

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<sup>14</sup> POLITICO Magazine - [Yes, Political Rhetoric Can Incite Violence](#).

Perhaps the clearest articulation of anti-immigration sentiment can be found in the British press. Examining 43 million words (i.e., the content addressing migration in 20 popular British newspapers) between 2010 and 2012, a 2013 report by the Migration Observatory at the University of Oxford, found that the most common word used in relation to 'migrants' was 'illegal'. Headlines like "Eight-fold increase in the number of illegal migrants entering Europe" were typical. In order to describe the security concerns and aspects of legality of migration, words such as "terrorist", "sham" were commonly used. This kind of language criminalizes migrants who often cross borders in vulnerable circumstances.<sup>16</sup>

These words would often surge without being substantiated by data, while the media turn out to be far from objective when it comes to migration and rather take a stance through the language they choose to echo. This trend is quite alarming, given that the mainstream media is still a primary source of information for many citizens, and its messages are often transmitted subconsciously to readers, affecting how they relate to their society. Several studies have found evidence for positive correlation between media coverage and attitudes towards migrants, where extensive news coverage contributes to the success of populist rhetoric and the rise of anti-immigrant sentiment.<sup>17</sup>

## Bridging the Gap of Alienation

At the same time, some are attempting to reshape the discussion, breaking the demonization of migrants and highlighting the contributions they make to their host countries. The UK newspaper Migrant Voice, led by migrants, is actively disseminating their opinions to the public, while introducing readers to their life stories, aspirations, and so on. It draws attention to migration policies and their consequences, including economic ones. The objective is to build a more inclusive public debate and shifting the narrative to change public perceptions.

Migrant Solidarity in Calais, an independent website run by a group in France, documents the daily abuses of refugees by the French police, while also providing them with legal advice and information on their rights. Through media, they attempt to share accurate information with the public on the poor conditions that refugees face.<sup>16</sup>

<sup>15</sup> UNHCR - [Press Coverage of the Refugee and Migrant Crisis in the EU: Analysis of Five European Countries](#) <sup>16</sup> Victoria Danilova - [Media and their Role in Shaping Public Attitudes Towards Migrants](#)

<sup>17</sup> Victoria Danilova - [Media and their Role in Shaping Public Attitudes Towards Migrants](#)

<sup>17</sup> Victoria Danilova - [Media and their Role in Shaping Public Attitudes Towards Migrants](#)

## RELEVANT UN TREATIES AND DOCUMENTS (FOR REFERENCE)

General Assembly resolutions relevant to the global compact for migration.

1. 22 January 2018: [Modalities for the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration](#)
2. 21 December 2016: [International Migration and Development \(A/RES/71/237\)](#)
3. 3 October 2016: [New York Declaration for Refugees and Migrants \(A/RES/71/1\)](#)
4. 30 June 2016: [High-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants \(A/RES/70/290\)](#)
5. 21 October 2015: [Transforming our world: the 2030 Agenda for Sustainable Development \(A/RES/70/1\)](#)
6. 17 August 2015: [Addis Ababa Action Agenda of the Third International Conference on Financing for Development \(Addis Ababa Action Agenda\) \(A/RES/69/313\)](#)
7. 3 October 2013: [Declaration of the High-level Dialogue on International Migration and Development \(A/RES/68/4\)](#)

## QUESTIONS RESOLUTION HAS TO ANSWER

Here are some key points to consider while formulating your resolution.

1. The issues at hand are observed within the sovereign territory of the member states. What kind of action can the UN take to address it?
2. Take the deeper problem into account. Remember that you have many resources at your disposal, including other agencies of the UN.
3. Acknowledge that countries also pursue other legal measures (policies, bilateral agreements, and so on) which seek to serve their own interests, but cause harm to refugees and immigrants. What course of action can the UN take in this situation?
4. How can the UN realistically address the political rhetoric surrounding refugees and immigrants?
5. How can you ensure that the rights of refugees are never violated? What kind of repercussions would

you propose for those who do not comply with the guidelines?

## RECOMMENDED RESOURCES

Here's a list of some resources to help you learn more about the issue:

1. [Brazil elections 2018: how will Bolsonaro's victory affect migration policy in Brazil and South America?](#) – This is an article about Brazilian President Bolsonaro's possible migration policy stance, written in the immediate aftermath of his election. It also has links to other related documents in the text, so it could be a great resource to start with.
2. [The 1951 Refugee Convention](#) – This webpage has a link to the official documents from the 1951 Convention. It helps to gain a better understanding of the rights of refugees for this topic.
3. [Protecting Refugees: Questions & Answers](#) – This is a UNHRC Q&A article that addresses some frequently asked questions about refugees and refugee policies.
4. [Political Rhetoric](#) – If you're unfamiliar with the concept, or want to learn more about it, this link can help you download a PDF copy of the paper.
5. [How politicians and the media made us hate immigrants](#) – This article focuses on the negative political rhetoric and the media coverage of immigrants and talks about the resulting demonisation (of immigrants).
6. [2015: The Year in Anti-Immigrant Rhetoric](#) – This article, published in 2015, reflects on the rise of anti-immigrant rhetoric in that year.
7. [Yes, Political Rhetoric Can Incite Violence - POLITICO Magazine](#) – This article talks about the consequences of negative political rhetoric: violence.
8. [Trump words linked to more hate crime? Some experts think so](#) – This article also talks about how negative political rhetoric can fuel hate crimes in the country.
9. [Trump's Worst Policy: Killing Asylum | Patriot Act with Hasan Minhaj | Netflix](#) – This video provides a good case study on how political rhetoric can cause harm to refugees. While it is recommended that you remain sceptical of the host's remarks, do check out the sources quoted in the episode.

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