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UNHCR: United Nations High Commissioner for Refugees

# Research Report

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Topic 2: Stressing the need for the establishment of a legal framework to prevent human rights violations in refugee camps.



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# Introduction

As of mid-2025, over 117 million people are forcibly displaced worldwide. Of these, about 42.5 million are refugees who have crossed borders. Many of these refugees live in camps – settlements intended as temporary shelters – but in practice often remaining for years or decades. Refugee camps are usually under the authority of host governments and may lack full legal oversight. In such settings, human rights violations are common: Reports cite frequent attacks on camps, widespread sexual and gender-based violence, forced recruitment of minors, and extortion by camp authorities or criminals. Despite these dangers, refugees retain all fundamental human rights and freedoms under international law. However, in the absence of clear legal protections and accountability, refugees in camps often live in a “legal limbo”. Establishing a robust legal framework – at both the international and national levels – it is therefore critical to prevent abuse and ensure that refugees in camps have recourse to justice.<sup>1</sup>

## Definition of Key Terms

**Refugee:** A refugee is a person who, owing to a well-founded fear of persecution for reasons such as race, religion, nationality, social group or political opinion, is outside their country and cannot avail themselves of its protection<sup>2</sup>

**Refugee Camp:** A settlement established (typically by a host government with UN or NGO assistance) to provide shelter and aid to large groups of refugees. Camps are meant to be civilian and humanitarian spaces – for example, humanitarian law requires camps be located away from combat and “not serve as bases” for armed operations – and refugees there remain under the protection of the host state. However, camps are often overcrowded and subject to informal administration. Refugees in camps usually receive UN-issued IDs and have access to limited services; However, they generally lack full civil rights afforded to nationals and remain dependent on assistance from UNHCR and NGOs.<sup>3</sup>

**Human Rights Violations:** Breaches of rights guaranteed by international law (e.g. right to life, security, education, freedom from torture, etc.). In refugee camps, common violations include physical attacks and killings, sexual and gender-based violence, forced recruitment of

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<sup>1</sup> <https://www.unhcr.org/sites/default/files/2025-11/mid-year-trends-report-2025.pdf>

<sup>2</sup> <https://www.refworld.org/legal/agreements/unga/1951/en/39821>

<sup>3</sup> <https://guide-humanitarian-law.org/content/article/3/camps/#:~:text=When%20there%20are%20mass%20flows,settlements%20is%20stressed%20in%20several>

children into armed groups, arbitrary detention, and denial of basic services (food, healthcare, water). International human rights law applies to refugees, so any abuse or discrimination in camps can constitute a human rights violation.<sup>4</sup>

**Legal Framework:** The body of international treaties, customary norms and domestic laws that establish who is protected and how, and that set the authorities' responsibilities and liabilities. A strong framework codifies refugees' rights (e.g. non-refoulement, access to courts, basic services) and obliges states and international agencies to enforce them.<sup>5</sup>

**Non-refoulement:** The principle forbidding the forcible return of a refugee to a territory where they could face threats to life or freedom. It is enshrined in Article 33 of the 1951 Refugee Convention<sup>6</sup> and in Article 3 of the UN Convention Against Torture<sup>7</sup> and is considered a cornerstone of refugee protection.

## Background Information

Refugee camps emerged during the 20th century as tools of mass humanitarian assistance. After World War II, the UN created UNHCR (1950) and adopted the 1951 Refugee Convention, providing a legal basis for refugee protection. Early camps (in Europe, Asia and Africa) supplied emergency shelter, food and medical aid. In post-colonial and conflict periods (Cold War, 1990s Balkans, Rwanda, Sudan wars, etc.), new camps were created globally. Larger camps are now common – for example, Dadaab and Kakuma in Kenya and Cox's Bazar in Bangladesh are among the world's largest settlements.<sup>8</sup> Kutupalong (Cox's Bazar) hosts ~800,000 Rohingya, making it the largest refugee camp in the world.<sup>9</sup> These settlements face

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<sup>4</sup> <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet20en.pdf>

<sup>5</sup> <https://www.refworld.org/legal/agreements/unga/1951/en/39821>

<sup>6</sup> <https://www.refworld.org/legal/agreements/unga/1951/en/39821>

<sup>7</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>8</sup> <https://www.unhcr.org/about-unhcr/overview/history-unhcr>

<sup>9</sup> <https://www.malteser-international.org/en/our-work/asia/bangladesh/life-in-a-refugee-camp.html#:~:text=Kutupalong%20located%20in%20the%20coastal,makeshift%20shelters%20in%20the%20camp>

chronic overcrowding: often families share tiny strangers or even traditional enemies.<sup>10</sup> Limited infrastructure and high density exacerbate risks.

Despite humanitarian aid, camps often remain de facto closed environments. Refugees in camps generally remain under host-state jurisdiction with only limited legal standing. In practice this means basic rights like education, work and free movement are often restricted by camp rules or national policy. For example, many camp residents can only circulate inside the camp; some jurisdictions impose curfews or forbid economic activity. A human rights fact sheet notes that refugees “may feel compelled to leave [camps] owing to the degrading conditions” they face. Camps also tend to lack robust law enforcement: as one analysis warns, the design of many camps (communal sleeping areas, shared latrines, no door locks or lights) and “the lack of police protection and general lawlessness” contribute to high rates of assault and exploitation. UN studies confirm that camp residents – especially women and girls – suffer disproportionately: “Refugee women... are very frequently subjected to physical and sexual abuse in countries of refuge”. In some violent conflicts (e.g. Darfur, South Sudan), armed attacks on camps have been devastating. UN reports note that “many have died in military or armed attacks on refugee camps and settlements,” and indeed UN General Assembly resolutions have repeatedly condemned such attacks.<sup>11 12 13</sup>

Overall, while refugees enjoy international protection in principle, in practice camp conditions often leave them vulnerable. Most live in neighbouring low- and middle-income countries (73%), often in camps or settlements near frontiers.<sup>14</sup> Of displaced populations, only a fraction end up in stereotypical camps; many refugees are hosted in cities. But for those in camps, monitoring is easier, yet conditions can be dire. Common issues documented in humanitarian reports include inadequate water/sanitation, insufficient schooling, and camp economies that foster exploitation. For example, in Bangladesh’s Rohingya camps some shelters lack safe

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<sup>10</sup> <https://www.hrw.org/reports/2000/tanzania/Duhweb-16.htm#:~:text=,perhaps%20among>

<sup>11</sup> <https://www.unhcr.org/sites/default/files/2025-11/mid-year-trends-report-2025.pdf>

<sup>12</sup> <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet20en.pdf>

<sup>13</sup> Committee on the Elimination of Discrimination against Women General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, 14 November 2014

<sup>14</sup> <https://www.unrefugees.org/news/five-takeaways-from-the-2024-unhcr-global-trends-report/#:~:text=Contrary%20to%20popular%20belief%2C%20most,girls%20account%20for%2050%20percent>

latrines and many women travel long distances to fetch water, increasing exposure to assault.<sup>15</sup> Similarly, overcrowding in Sudanese camps has fuelled disease outbreaks like Cholera and malnutrition.<sup>16</sup> These examples underscore that without legal guarantees, aid and monitoring alone may not prevent violations in camps.

## Major Countries and Organisations Involved<sup>17</sup>

**Iran:** Iran hosts around 3.5 million refugees, primarily Afghans. Many have been residing in the country for decades under varying legal arrangements, making Iran one of the largest refugee-hosting countries in the world.

**Turkey:** Turkey shelters roughly 2.9 million refugees, predominantly Syrians. The country has balanced large-scale camp infrastructure with policies of partial integration, notably enrolling significant numbers of Syrian children in public schools.

**Uganda:** Uganda is home to approximately 1.9 million refugees and is widely regarded as a global benchmark for refugee self-reliance. Refugees are granted land, freedom of movement, and the right to work within settlements, supporting long-term stability and autonomy.

**Bangladesh:** Bangladesh continues to host over 1 million Rohingya refugees in Cox's Bazar. The humanitarian response there is massive yet remains ad hoc, leaving refugees in a prolonged state of legal and economic precarity despite the scale of assistance provided.

**The UN Ecosystem:** UNHCR leads the global mandate, coordinating protection and ensuring the principle of non-refoulement. However, the response is a multi-agency effort: UNICEF manages education and nutrition for the 46% of refugee children still out of school; the World Health Organisation (WHO) bolsters local clinics to prevent outbreaks; and the World Food Programme (WFP) provides the essential scheduling for food and water

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<sup>15</sup> [https://www.jointdatacenter.org/literature\\_review/systematic-human-rights-violations-traumatic-events-daily-stressors-and-mental-health-of-rohingya-refugees-in-bangladesh/#:~:text=,rights%20violations%2C%20traumatic%20events%2C%20and](https://www.jointdatacenter.org/literature_review/systematic-human-rights-violations-traumatic-events-daily-stressors-and-mental-health-of-rohingya-refugees-in-bangladesh/#:~:text=,rights%20violations%2C%20traumatic%20events%2C%20and)

<sup>16</sup> <https://doi.org/10.1007/s44197-025-00405-x>

<sup>17</sup> <https://www.unhcr.org/sites/default/files/2025-11/mid-year-trends-report-2025.pdf>

distribution. This is supplemented by UNESCO's focus on accelerated learning and UN Women's specialised work on gender-based violence (GBV) prevention.<sup>18</sup>

**Legal Frameworks and Regional Protections:** While the 1951 Convention is the universal standard, regional treaties have expanded protections to meet modern crises. The 1969 OAU Convention in Africa and the 1984 Cartagena Declaration in Latin America broadened the refugee definition to include those fleeing generalised violence, not just individual persecution. These legal tools are reinforced by the Global Compact on Refugees, which, though non-binding, coordinates international burden-sharing through forums like the Global Refugee Forum.<sup>19</sup>

**NGOs:** On the ground, NGOs provide the specialised infrastructure that states often cannot. MSF (Doctors Without Borders) is the primary provider of emergency surgical and WASH (water/sanitation) services, while groups like the International Rescue Committee and Save the Children focus on psychosocial support and child-friendly spaces. Increasingly, the focus has shifted toward Refugee-Led Organisations (RLOs), where displaced professionals like teachers, nurses, and engineers manage their own community services. Meanwhile, groups like Amnesty International act as the system's watchdogs, documenting abuses and military attacks on camps to demand accountability in international courts.<sup>20</sup>

## Relevant UN Resolutions<sup>21 22</sup>

Refugee camps and the rights of their inhabitants are governed by a web of international laws and UN instruments. The Universal Declaration of Human Rights (1948) proclaims at Article 14 that “everyone has the right to seek and enjoy in other countries asylum from persecution”, underscoring a basic right to refuge. The 1951 Refugee Convention and its 1967 Protocol (UN treaties) set out refugees’ legal status. Article 33 of the Convention codifies non-refoulement, and other provisions grant rights to work, education, and legal assistance. Complementing this, the UN Convention Against Torture (Article 3) forbids returning anyone to a country where

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<sup>18</sup> <https://www.unhcr.org/media/global-appeal-2025>

<sup>19</sup> <https://www.unhcr.org/sites/default/files/2025-02/1951-refugee-convention-1967-protocol.pdf>

<sup>20</sup> <https://humanitarianaction.info/document/global-humanitarian-overview-2025>

<sup>21</sup> <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet20en.pdf>

<sup>22</sup> <https://www.unhcr.org/sites/default/files/2025-11/mid-year-trends-report-2025.pdf>

they may face torture. The Convention on the Rights of the Child (1989) specifically obliges states to provide “appropriate protection and humanitarian assistance” to refugee children (Art.22). Other human rights treaties (ICCPR, ICESCR, CEDAW, CRPD, etc.) apply to refugees in camp settings, affirming rights to life, health, freedom from discrimination and abuse.

In practice, UN bodies have repeatedly affirmed refugees’ rights. The General Assembly’s New York Declaration (2016) and the resulting Global Compact on Refugees (2018) (Resolution 73/151) committed Member States to improve legal pathways and protection. UNHCR Executive Committee conclusions and HRC resolutions regularly call on states to uphold refugee rights and access. The UN Security Council, in resolutions on conflict zones, has emphasised protection of displaced civilians (for example, Resolution 1208/1998 stressed the “civilian and humanitarian character” of camps). Importantly, UN reports note that “attacks on refugee camps have been condemned by the United Nations General Assembly in numerous resolutions” – a testament to global consensus that camps must be protected. Despite these commitments, many measures remain non-binding or poorly enforced. For example, regional agreements like the 1984 Cartagena Declaration, though influential in Latin America, are not themselves treaties. The legal gap is felt keenly in countries without domestic refugee laws. Nevertheless, the overall international framework (from the UDHR to modern compacts) provides a normative basis for demanding that host states and aid agencies prevent rights violations in camps.

## Proposed Solutions

### **1. Establish a Binding International Legal Instrument on the Protection of Refugees in Camps**

A central solution is the development of a binding international legal instrument such as a protocol or convention specifically addressing human rights protection in refugee camps. While existing treaties apply to refugees, none explicitly regulate camp governance, security, accountability, or oversight. A dedicated legal instrument could:

- Codify minimum standards for camp security, housing, healthcare, education, sanitation, and protection from violence,
- Explicitly prohibit militarisation of camps, forced recruitment, sexual exploitation, and arbitrary detention,
- Define legal responsibility and liability of host states, camp authorities, and international actors,
- Require regular reporting, inspections, and compliance mechanisms under UN supervision.

Comparable to the Optional Protocol to the Convention Against Torture, such an instrument could authorise independent inspections of camps to prevent abuse before it occurs, shifting the system from reactive humanitarian response to preventive legal protection.<sup>23</sup>

## 2. Incorporate Refugee Camp Protections into Domestic Law and National Asylum Systems

Because refugee camps fall under host-state jurisdiction, international law must be reinforced by strong domestic legislation. Host states should:

- Enact or amend national refugee and asylum laws to explicitly apply constitutional and human rights protections inside camps<sup>24</sup>
- Guarantee refugees' legal personality, access to courts, and the right to file complaints against abuse by officials or non-state actors
- Clearly regulate the powers and limits of camp administrators, security forces, and private contractors

Countries such as Uganda demonstrate that when refugees are recognised under national law granted freedom of movement and work rights, rights violations decrease and reliance on coercive camp control diminishes. Legal clarity reduces informal governance structures that often enable corruption and abuse.<sup>25</sup>

## 3. Create Independent Monitoring, Complaints, and Accountability Mechanisms

Legal frameworks are ineffective without independent enforcement and oversight. To prevent violations:

- States should establish independent refugee camp oversight bodies, including national human rights institutions with guaranteed access to camps
- The UN Office of the High Commissioner for Human Rights should be granted formal monitoring mandates in long-term camps
- Refugees must have access to confidential, safe complaints mechanisms, including hotlines, ombudsperson offices, and legal aid clinics

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<sup>23</sup> [https://www.researchgate.net/publication/371583165\\_Protecting\\_the\\_Human\\_Rights\\_of\\_Refugees\\_in\\_Camps\\_in\\_Thailand\\_The\\_Complementary\\_Role\\_of\\_International\\_Law\\_on\\_Indigenous\\_Peoples](https://www.researchgate.net/publication/371583165_Protecting_the_Human_Rights_of_Refugees_in_Camps_in_Thailand_The_Complementary_Role_of_International_Law_on_Indigenous_Peoples)  
[link/681cb43bd1054b0207ec231f/download](https://link/681cb43bd1054b0207ec231f/download)

<sup>24</sup> [https://dataviz.unhcr.org/product-gallery/2024/07/protecting-refugees-through-international-legal-instruments-and-domestic-asylum-laws/?utm\\_source=chatgpt.com](https://dataviz.unhcr.org/product-gallery/2024/07/protecting-refugees-through-international-legal-instruments-and-domestic-asylum-laws/?utm_source=chatgpt.com)

<sup>25</sup> [https://en.wikipedia.org/wiki/Convention\\_Relating\\_to\\_the\\_Status\\_of\\_Refugees?utm\\_source=chatgpt.com](https://en.wikipedia.org/wiki/Convention_Relating_to_the_Status_of_Refugees?utm_source=chatgpt.com)

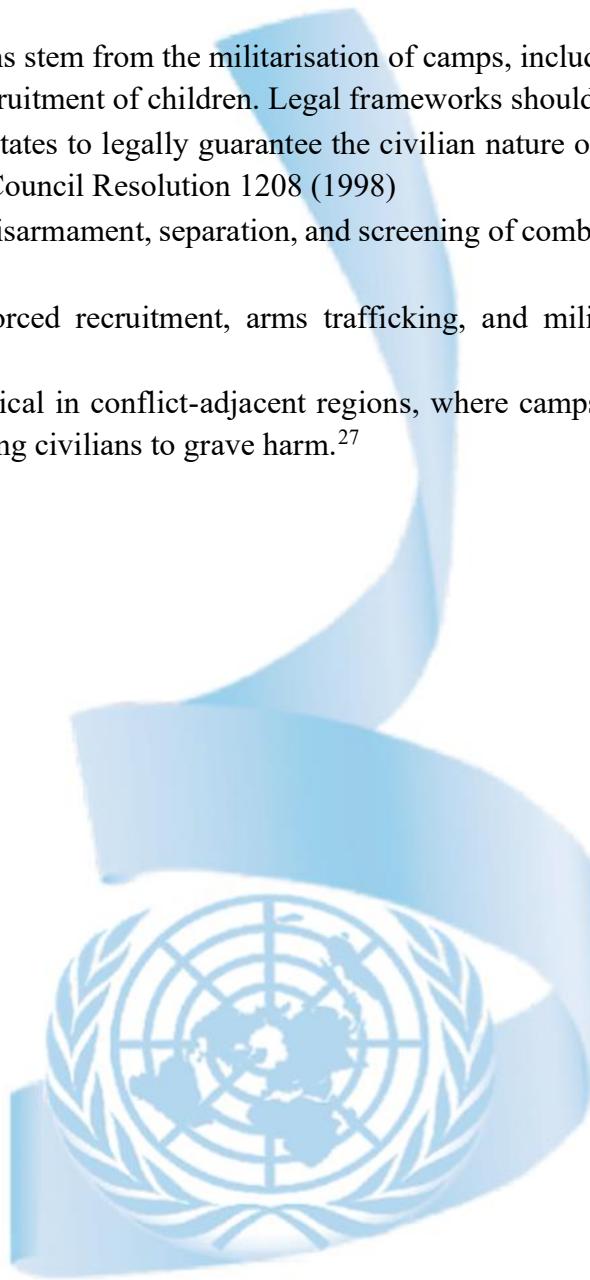
Evidence from human rights monitoring systems shows that regular inspections and public reporting significantly deter abuse, particularly sexual violence, arbitrary detention, and exploitation by authorities.<sup>26</sup>

#### **4. Ensure the Civilian and Humanitarian Character of Refugee Camps Through Legal Safeguards**

Many severe violations stem from the militarisation of camps, including the presence of armed groups and forced recruitment of children. Legal frameworks should:

- Require host states to legally guarantee the civilian nature of camps, as emphasised in UN Security Council Resolution 1208 (1998)
- Mandate the disarmament, separation, and screening of combatants at borders and camp entry points
- Criminalise forced recruitment, arms trafficking, and military use of camps under domestic law

This is especially critical in conflict-adjacent regions, where camps risk becoming targets of armed attacks, exposing civilians to grave harm.<sup>27</sup>



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<sup>26</sup> [https://emergency.unhcr.org/protection/legal-framework/civilian-and-humanitarian-character-asylum?utm\\_source=chatgpt.com](https://emergency.unhcr.org/protection/legal-framework/civilian-and-humanitarian-character-asylum?utm_source=chatgpt.com)

<sup>27</sup> [https://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_1208?utm\\_source=chatgpt.com](https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_1208?utm_source=chatgpt.com)

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