

Committee Overview

Introduction

While the Human Rights Council (HRC) has not adopted formal resolutions since its 27th session, held between the 8 and the 26 of September 2014, the previous resolutions and reports adopted by the Council have in the past few months been subject to review and consideration by the Third Committee of the General Assembly (GA).¹ Moreover, several United Nations (UN) working groups initially created by HRC, or its predecessor the Commission on Human Rights, organized formal sessions in the latter part of 2014, in order to share best practices, and monitor progress on specific human rights issues.² The following update will review in priority the most recent HRC-related activities, in order to gain a better understanding of the Council's current work within the broader UN framework.

Recent Activities

During the 69th Session of the General Assembly, in its 69th session considered a report that included all substantive outcomes of the Human Rights Council from the past year. These were the official outcomes of the HRC's 20th special session held on 20 January 2014; 25th Session held from 3 to 28 March 2014; 26th Session held from 8 to 26 of September 2014; and 21st Special Session held on 23 July 2014.³ All the resolutions, decisions, and presidential statements that were delivered during these meetings were taken under consideration by the GA for a review of the progress made by the Council in matters of human rights.⁴ Moreover, the report published in February 2014 by HRC Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea received the commendation of the GA and after further assessment, was transmitted by the Assembly to the Security Council in order to take action against the serious human rights violations described.⁵

Since the conclusion of its 27th session, the HRC Member States have focused on subsidiary responsibilities and planning for upcoming 28th session. On the 13 of January 2015, HRC held an organizational meeting to outline the program of work for its 28th Session. Areas of focus will include human rights and climate change and human rights mainstreaming within national policies.⁶ Further, the 20th session of the Universal Periodic Review was held from 27 October to 7 November, where the review of 14 Member States (Angola, Bolivia, Bosnia and Herzegovina, Egypt, El Salvador, Fiji, Gambia, Kazakhstan, Madagascar, San Marino, and Slovenia) on human rights commitments was completed.⁷ In addition, the Universal Periodic allowed for overarching discussion on the topics of migrants' rights, domestic violence, child protection measures, and the prevention of torture and ill treatment.⁸ The Council also organized the third forum on Business and Human Rights in December 2014, inviting all relevant stakeholders to discuss the challenges brought by the interdependence of human rights and economic growth, especially regarding particular vulnerable sectors and sustainable growth.⁹ Furthermore, several working groups collaborating with HRC have held sessions in the past few months. The Intergovernmental Working Group on effective implementation of the Durban Declaration and Programme of Action met from the 7 to the 18 of October to share best practices on the prevention of racism, racial discrimination, and xenophobia, followed by the Working Group of experts on People of African Descent.¹⁰ Similarly, the Working Group on Enforced and Involuntary Disappearances held its 101st Session in November 2014 under the aegis of HRC, as did the Working Group on Arbitrary Detention for its 68th Session.¹¹ Finally, the GA appointed 15 new members to the HRC for a mandate of three years following an intense election

¹ UNHRC, *27th Session of the HRC (8-26 September 2014): Adopted Resolutions, Decisions, and Presidential Statements*, 2014.

² Universal Rights Group, *URG Human Rights Council Session Reports*, 2014.

³ UNGA, Sixty-Ninth Session, *Report of the Human Rights Council (A/69/53)*, 2014.

⁴ UNHRC, *27th Session of the Human Rights Council: Reports*, 2014.

⁵ UN News Center, *GA decides to refer UN report on Human Rights in DPRK to Security Council*, 18 December 2014.

⁶ UN OHCHR, *28th Regular Session of the Human Rights Council*, 2015.

⁷ UN OHCHR News Center, *Human Rights Council Universal Periodic Review Working Group concludes twentieth session in Geneva*, 7 November 2014.

⁸ *Ibid.*

⁹ UN OHCHR, *2014: United Nations Forum on Human Rights and Business*, 2014.

¹⁰ UN OHCHR, *12th Session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action*, 2014.

¹¹ UN OHCHR News Center, *Working Group on Arbitrary Detention concludes its 71st session*, 27 November 2014.

process in October 2014; these appointments have a critical impact on the work made by HRC, seeing as new members can help steer the Council in a new direction.¹²

Recent Policy Outcomes

Recent developments in the review of HRC's substantive decisions and subsequent subsidiary work focus on the realization of rights for marginalized groups. Specifically, on the different dimensions of human rights when applied to specific groups of population that might be marginalized from these universal rights for various reasons, such as women, indigenous people, migrants, LGBT, elderly, children, and persons with disabilities.¹³ In continuum, The Council's Advisory Committee is currently focusing its research on thematic issues which will be at the forefront of HRC's agenda in its future sessions, including the rights of people with albinism, the impact of corruption on human rights, the role of human rights in post-disaster and post-conflict context, and the prevention of unilateral coercive measures.¹⁴ Another priority for the council is strengthened partnerships with the human rights treaties body including the Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee on the Elimination of Racial Discrimination; Committee on the Elimination of Discrimination against Women; Committee against Torture; the Committee on the Rights of the Child; Committee on Migrant Workers; Committee on the Rights of Persons with Disabilities; and the Committee on Enforced Disappearances.¹⁵

Future sessions of the Human Rights Council will continue to be rooted in the founding principles outlined within the Charter of the United Nations and the Universal Declaration of Human Rights.¹⁶ In addition to upholding these core norms, HRC discusses a variety of emerging and prevalent human rights issues to further progress in individual rights realization.¹⁷ These include amongst others, the interdependence between climate change and access to resources, sustainable economic development, human rights priorities in private-sector development, the abolition of the death penalty, arbitrary detention or executions and disappearances, the role of human rights in the post-2015 agenda and the right to basic needs such as food, water, and healthcare.¹⁸ Furthermore, the Human Rights Council has requested that Member States aspire to greater transparency and accountability, especially regarding Special Rapporteurs inquiries during the Universal Periodic Review.¹⁹

Implementation of Human Rights Council Outcomes

As a subsidiary body of the GA created in 2006, the HRC reports to the Third Committee on Social, Humanitarian & Cultural Affairs.²⁰ Every five years, HRC submits to the GA a report outlining its work and the progress made on the human rights front. The most recent report, titled Review of the Human Rights Council, was adopted by the General Assembly on the 20 July 2011 as resolution 65/281.²¹ HRC holds no less than three regular session per year, and can organize special sessions year-round in case of human rights emergencies that require immediate attention.²² HRC's resolutions which are adopted by the body during these sessions are key in identifying, challenging, and addressing specific human rights issues.²³ However, it is the responsibility of the Member States to ensure their concrete implementation on the field.²⁴ Therefore, HRC serves as a substantive body that supports national governments, non-governmental organizations, and other UN agencies like the Office of the High Commissioner for Human Rights (OHCHR).²⁵ In exchange, OHCHR assists the Council in the implementation of its outcomes, through various means including national treaty ratification, and enforcement of international human rights standards on the ground.²⁶

¹² UNGA, *Elections of the Human Rights Council (21 October 2014)*, 2015.

¹³ UNHRC, *27th Session of the HRC (8-26 September 2014): Adopted Resolutions, Decisions, and Presidential Statements*, 2014.

¹⁴ UN OHCHR, *HRC Advisory Committee: Background information about the Advisory Committee*, 2014.

¹⁵ UN OHCHR, *Human Rights Bodies*, 2014.

¹⁶ UN OHCHR, *Welcome to the United Nations Human Rights Council*, 2014.

¹⁷ *Ibid.*

¹⁸ UN OHCHR, *List of Human Rights Issues*, 2014.

¹⁹ Universal Rights Group, *URG Human Rights Council Session Reports*, 2014.

²⁰ UN Das Hammarskjöld Library Research Guides, *UN Documentation: Human Rights*, 2014.

²¹ UNGA, *Review of the Human Rights Council (A/RES/65/281)*, 20 July 2011.

²² UN OHCHR, *Welcome to the United Nations Human Rights Council*, 2014.

²³ UN Das Hammarskjöld Library Research Guides, *UN Documentation: Human Rights*, 2014.

²⁴ UN OHCHR, *Welcome to the United Nations Human Rights Council*, 2014.

²⁵ UN OHCHR, *About the High Commissioner of Human Rights*, 2014.

²⁶ UN Das Hammarskjöld Library Research Guides, *UN Documentation: Human Rights*, 2014.

In order to succeed in its mandate, the Council adopted on the 18 of June 2007 resolution 5/1, entitled “Institution-building of the United Nations Human Rights Council,” which creates a set of mechanisms aimed at helping HRC implement its outcomes.²⁷ Within this framework, three procedures hold a central role: the Universal Periodic Review (UPR), the Advisory Committee, and the Complaint Procedure. UPR is a State-driven mechanism under the aegis of the Council, which allows for a review of human rights conditions and standards that are exercised within all UN Member States.²⁸ The Advisory Committee is often coined “HRC’s think tank,” as it serves as a source of expertise, research, and independent knowledge for the Council.²⁹ Finally, the Complaint Procedure is a tool within HRC’s framework that permits any individual, group, or organization to communicate directly with the Council and to call attention to specific human rights abuses they have been victim of.³⁰ Nonetheless, the progress and outcomes made by HRC are most apparent within the UN Special Procedures, which include special rapporteurs, special representatives, working groups, and independent experts.³¹ All these entities serve HRC through their mandate, which makes them accountable for monitoring human rights norms, assessing respect to universal standards, examining critical situations, advising stakeholders, and reporting to the Council.³²

Conclusion

The Human Rights Council is the UN’s leading intergovernmental body in human rights affairs. Its mandate, which focuses on the promotion of universal human rights and the prevention of abuses worldwide, represents a unique opportunity to safeguard the core values of the United Nations. In addition, with the establishment of a new post-MDG framework, the year 2015 at the United Nations represents a perfect occasion for HRC to gain momentum on human rights issues by ensuring that they are significantly mainstreamed within the new agenda. As a subsidiary body of the GA, HRC can help shape the issues tackled by the United Nations, as well as the post-2015 framework.

HRC remains an open forum to all human rights related topics, taking under consideration the impact of current affairs on human rights, including those that will be addressed during the conference. Indeed, HRC is currently discussing within its own regular sessions issues linked to discrimination based on sexual orientation and gender identity, as well as the rights of migrant workers, and human rights within post-conflict societies. While the focus of the Council is already outlined within its mandate, the newly appointed Member States and bureau for the year 2015, under Ambassador Jochim Ruecker’s Presidency, will provide a new perspective and leadership to HRC.³³ In the upcoming months, the Human Rights Council will spearhead its 28th regular session from the 2 to the 27 of March 2015, as well as the 21st session of the Universal Periodic Review.³⁴

²⁷ UN HRC, Ninth Session, *Institution building of the Human Rights Council (A/HRC/RES/5/1)*, 18 July 2007.

²⁸ UN OHCHR, *Welcome to the United Nations Human Rights Council*, 2014.

²⁹ UN OHCHR, *HRC Advisory Committee: Background information about the Advisory Committee*, 2014.

³⁰ UN OHCHR, *Human Rights Council Complaint Procedure*, 2014.

³¹ UN OHCHR, *Special Procedures of the Human Rights Council*, 2014.

³² *Ibid.*

³³ UN OHCHR News Center, *HRC elects new President and Vice-President for 2015*, 8 December 2014.

³⁴ UN OHCHR, *United Nations Human Rights Council*, 2014.

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United Nations, Human Rights Council. (2014). *27th Session of the Human Rights Council (8-26 September 2014): Adopted Resolutions, decisions, and Presidential Statements* [Website]. Retrieved 1 January 2015 from: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Pages/ResDecStat.aspx>

The Human Rights Council held its most recent regular session from the 8 to the 26 of September 2014, adopting in the process a groundbreaking resolution on sexual orientation and gender identity, creating a mandate for a Special Rapporteur on unilateral coercive measures, and discussing a series of issues such as the Ebola epidemic and the Syrian Crisis. The 27th Session exemplifies a Human Rights Council regular session and will therefore provide delegates with the perfect illustration of the Council's mandate, its actions, its outcomes, and its meetings. In the following link, delegates will be able to explore all resolutions adopted during this session, as well as the decisions taken, and the presidential statements made. They will gain insight on a traditional HRC forum and better understand what is expected of them during the conference.

United Nations, Office of the High Commissioner of Human Rights. (2014). *Human Rights Council Advisory Committee: Background information about the Advisory Committee* [Website]. Retrieved 1 January 2015 from: <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/AboutAC.aspx>

The Advisory Committee is the United Nations Human Rights Council research institution, which provides counsel and expertise to the Council regarding critical human rights issues and at times suggests further research projects. It was established as an implementation-oriented think tank. Currently the Advisory Committee is focused on several thematic issues: albinism, negative impact of corruption; local government; human rights in post-disaster and post-conflict situations; sport and the Olympic ideal, and unilateral coercive measures. As an entity collaborating closely with HRC, the advisory committee can influence the outcomes of the Council and its agenda. As recommended with this source, delegates should pay close attention to the research published by the Advisory Committee in order to better understand HRC's outcomes.

United Nations, Office of the High Commissioner of Human Rights. (2014). *Human Rights in the World* [Website]. Retrieved 1 January 2015 from: <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

On this webpage, delegates will find a detailed account of the state of human rights in the world. Moreover, this account is organized by country, allowing each delegate the possibility to gain insight on the Member State they will be representing during the conference and its respect in regards to human rights standards. Treaty ratifications and Member States reservations or commitment are also classified on this website. As a result, this is the perfect place for delegates to begin research on their Member States.

United Nations, Office of the High Commissioner of Human Rights. (2014). *List of Human Rights Issues* [Website]. Retrieved 1 January 2015 from: <http://www.ohchr.org/EN/Issues/Pages/ListOfIssues.aspx>

The Human Rights Council is a forum for all Member States who wish to discuss issues linked to human rights affairs. As a result, HRC sets its agenda on a diversity of issues, ranging from the importance of adequate housing, to the prevention of discrimination based on sexual orientation and gender based identity. The following source classifies comprehensively all topics covered by HRC and provides additional information on the progress and outcomes made by the Council regarding each of them. It represents a unique opportunity for delegates to gain insight on the wide breadth of work that falls under the Council's purview.

United Nations, Office of the High Commissioner of Human Rights. (2015). *28th Regular Session of the Human Rights Council* [Website]. Retrieved 25 January 2015 from: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/28RegularSession.aspx>

This source links to the official page of the 28th Regular Session of the United Nations Human Rights Council, which will be held from 2 to 27 of March 2015. It contains a diversity of useful information, especially for delegates during the month leading up to the conference. Delegates should take the time to explore extensively the various information offered on this website in order to gain a broader understanding of HRC's mandate, actions, sessions, meetings, subsidiary

bodies, statements, and news. In particular, a list of reports which will be discussed and reviewed during the 28th session, as well as the current agenda for the conference are available.

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I. Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity

Introduction

Despite significant progress made in the field of advancing human rights to protect against discrimination based on sexual orientation and gender identity (SOGI), it is important to highlight that lesbian, gay, bisexual, transgender, and intersex (LGBTI) people across the globe remain particularly vulnerable to violations of their fundamental human rights.³⁵ The 2013 International Conference on Human Rights, Sexual Orientation and Gender Identity provided a summary of conclusions after a series of consultations with the intent of designing mechanisms to combat discrimination based on SOGI.³⁶ These included creating local and national policies and actions to implement recommendations by the United Nations High Commissioner for Human Rights and identifying opportunities to advance international human rights law to protect human rights in relation to SOGI more effectively.³⁷

Human Rights Council (HRC) resolution 27/32 on “Human rights, sexual orientation and gender identity,” adopted on 26 September 2014, called upon the United Nations High Commissioner for Human Rights to update the report entitled “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity” and to present the results of this update at the Council’s 29th session.³⁸ This resolution was considered an important accomplishment for advancing LGBTI rights, as it specifically identifies violence and discrimination based on SOGI as critical issues that need to be addressed by the international community.³⁹ In addition, the General Assembly Third Committee stressed the critical function of the family in developing understandings of SOGI, particularly in relation to children, families and socioeconomic development.⁴⁰ This is especially important, as studies have suggested that LGBTI people are more likely to experience socioeconomic disadvantages, such as discrimination in the workplace and youth homelessness.⁴¹

Key documents that continue to underpin this topic include the *Universal Declaration of Human Rights* (1948), the *International Covenant on Civil and Political Rights* (1966), the *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* (2006), and HRC resolution 17/19 on “Human rights, sexual orientation and gender identity” (2011).⁴² The Office of the United Nations High Commissioner for Human Rights (OHCHR) supports and facilitates coordination between the numerous United Nations (UN) human rights mechanisms, including the HRC, that work to combat discrimination based on SOGI.⁴³

In the United Kingdom, the Forum for Sexual Orientation and Gender Identity Equality in Post-School Education recommended a series of steps to advance SOGI equality in schools.⁴⁴ These steps emphasized creating goals for SOGI equality and engaging in public actions and commitments, such as in public policies and procedures, to tackle homophobia, transphobia, biphobia, bullying, and other forms of harassment.⁴⁵ This is important not only for

³⁵ International Commission of Jurists, *Sexual Orientation and Gender Identity*.

³⁶ International Conference on Human Rights, Sexual Orientation and Gender Identity, *Co-chairs’ summary of conclusions*, 2013.

³⁷ *Ibid.*

³⁸ OHCHR, *Human Rights Council adopts resolution on sexual orientation and gender identity and concludes twenty-seventh session*, 2014; UN Human Rights Council, *Human rights, sexual orientation and gender identity (A/HRC/RES/27/32)*, 2014.

³⁹ ARC International, *27th session of the Human Rights Council*, 2014.

⁴⁰ UN DPI, *General Assembly, Observing Anniversary of International Year, Stresses Essential Role of Family in Socioeconomic Development, Argues Over Its Proper Definition*, 2014.

⁴¹ American Psychological Association, *Lesbian, Gay, Bisexual, and Transgender Persons & Socioeconomic Status*.

⁴² UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity*, 2006; UN Human Rights Council, *Human rights, sexual orientation and gender identity (A/HRC/RES/17/19)*, 2011.

⁴³ OHCHR, *The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity*, 2014.

⁴⁴ The Forum for Sexual Orientation and Gender Identity Equality in Post-School Education, *12 Steps Guidance to Advancing Sexual Orientation and Gender Identity Equality*, 2013.

⁴⁵ *Ibid.*

combatting discrimination among students in schools from an early age, but also for raising awareness of the issue among parents and other family members.⁴⁶

Recent Developments

On 25 September 2014, the UN Lesbian, Gay, Bisexual, and Transgender Core Group Ministerial Event took place to discuss the future steps in moving forward to combat homophobia and transphobia.⁴⁷ Foreign ministers and other high-level state representatives from several UN Member States attended the event. In his video message to the attendees of the event, Secretary-General Ban Ki-moon stated, “The fight against discrimination lies at the core of the mission of the United Nations.”⁴⁸ He added that eradicating homophobia and transphobia is “a great human rights cause” and noted that 76 countries (almost 40% of UN Member States) around the globe still criminalize same-sex relationships and exhibit “deeply disturbing patterns of violence and discriminatory laws and practices.”⁴⁹ The event was part of the UN Free & Equal campaign, a global public education initiative for LGBTI equality, which has reached more than one billion people worldwide to promote fair treatment and generate support for LGBTI people.⁵⁰

In November 2014, human rights groups welcomed growing international support for condemning acts of violence and killings based on SOGI in light of relevant work by the General Assembly Third Committee.⁵¹ On 18 December 2014, on the report of the Third Committee, the General Assembly adopted resolution 69/182 on “Extrajudicial, summary or arbitrary executions,” which urged all states “[t]o ensure the effective protection of the right to life of all persons” and to investigate all killings as required by international law, including those targeted at persons because of their sexual orientation or gender identity.⁵² The issue of the right to life is being featured in ongoing discussions within the HRC, and at the UN more broadly, particularly in issues pertaining to SOGI.⁵³ As outlined by Ruth Baldacchino, co-secretary general of the International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), the advancement of the issue of LGBTI rights at the UN depends upon the acceptance of Member States that all human beings, including LGBTI people, have the same basic and inalienable rights and freedoms.⁵⁴

Also in November 2014, OHCHR published a paper summarizing the work of UN entities on LGBTI rights in recent years.⁵⁵ An extremely comprehensive document with regard to its widespread approach and detailed scope, it also includes different aspects of human rights such as sexual and reproductive rights, National Human Rights Institutions, and combatting HIV, among others.⁵⁶ The United Nations Children’s Fund (UNICEF) also released a position paper in November 2014 on discrimination against children and parents based on sexual orientation and/or gender identity.⁵⁷ This paper detailed that discrimination based on SOGI significantly affects children and youth and increases their risk of experiencing marginalization, assault, abuse, and exploitation.⁵⁸ This illustrates a trend within the UN to focus on education and youth awareness campaigns, such as the aforementioned Free & Equal Campaign, as children will shape the future for generations to come.

⁴⁶ The Forum for Sexual Orientation and Gender Identity Equality in Post-School Education, *12 Steps Guidance to Advancing Sexual Orientation and Gender Identity Equality*, 2013.

⁴⁷ United Nations Free & Equal Campaign, *Ban Ki-Moon’s Call to World Leaders at the UN*, 2014.

⁴⁸ UN DPI, *Ban says world must press ahead on equal rights for LGBT community*, 2014.

⁴⁹ Ibid.

⁵⁰ OHCHR, *The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity*, 2014.

⁵¹ International Service for Human Rights, *UN General Assembly: Rights groups welcome condemnation of killing of LGBT persons*, 2014.

⁵² Ibid.; UN General Assembly, *Extrajudicial, summary or arbitrary executions (A/RES/69/182)*, 2014.

⁵³ International Service for Human Rights, *UN General Assembly: Rights groups welcome condemnation of killing of LGBT persons*, 2014.

⁵⁴ Ibid.

⁵⁵ OHCHR, *The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity*, 2014.

⁵⁶ Ibid.

⁵⁷ UNICEF, *Eliminating Discrimination against Children and Parents Based on Sexual Orientation and/or Gender Identity*, 2014.

⁵⁸ Ibid.

In December 2014, the International Gay and Lesbian Human Rights Commission (IGLHRC) held a breakfast for LGBT advocates and delegates from non-Western countries to share concerns for human rights abuses worldwide and stories from people affected by violence and discrimination who are often ignored or silenced in their country.⁵⁹ Additionally, LGBT advocates spoke at a UN commemorative event for Human Rights Day on 10 December 2014, hosted by the LGBT Core Group, OHCHR, the European Union, Human Rights Watch, and IGLHRC.⁶⁰ The theme for the event was “Love is a Family Value,” which highlighted how discriminatory attitudes often break up family units and put millions of young people and children worldwide at risk.⁶¹

Conclusion

This topic has recently proven relevant to the human rights agenda and the international community as a whole. Many UN agencies have observed how important it is to include and mainstream the issue of LGBTI rights within the human rights agenda and develop inclusive policies so that those vulnerable groups have access to the same treatment and benefits as others.⁶² It is also an issue closely linked with development, as “it is estimated that LGBT people receive less than one-one hundredth of 1 percent of all development funding.”⁶³ Thus, several approaches can be taken with regard to the topic at hand and delegates will be able to address a wide range of issues stemming from the central theme.

⁵⁹ International Gay and Lesbian Human Rights Commission, *Media Advisory: Global LGBT Leaders to Speak Out at United Nations*, 2014.

⁶⁰ Ibid.

⁶¹ European Union Delegation to the UN, *Human Rights Day Event at the UN: Love is a Family Value*, 2014.

⁶² European Parliament, *Report on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2013/2183(INI))*, 2014.

⁶³ USAID, *Inclusive Development: Advancing LGBTI Human Rights*.

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International Commission of Jurists. (n.d.). *Sexual Orientation and Gender Identity*. Retrieved 17 December 2014 from: <http://www.icj.org/themes/sexual-orientation-and-gender-identity/>

This page from the International Commission of Jurists (ICJ) provides a general overview of international human rights law and the theme of SOGI. It highlights the shortcomings of the protections meant to be afforded by international law for LGBTI people and the reality of their lives. The page provides links, news, and publications for delegates on the ICJ relating to SOGI.

Office of the United Nations High Commissioner for Human Rights. (2014). *The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity* [Programmatic Overview]. Retrieved 6 January 2015 from:

http://www.ohchr.org/Documents/Issues/Discrimination/LGBT_UN_SOGI_summary12Nov2014.pdf

This document presents a clear and detailed overview of UN entities that tackle discrimination and violence based on SOGI and their cooperation with many LGBTI communities worldwide. Prepared by OHCHR on the basis of contributions from relevant UN entities, it provides delegates with a comprehensive summary of how issues related to SOGI are being addressed within the UN system. It also contains a useful list of contacts in each UN entity, and a series of helpful reports, documents, and other materials that can be consulted by delegates.

United Nations Children's Fund. (2014). *Eliminating Discrimination Against Children and Parents Based on Sexual Orientation and/or Gender Identity* [Position Paper]. Retrieved 6 January 2015 from:

http://www.unicef.org/media/files/Position_Paper_Sexual_Identification_and_Gender_Identity_12_Nov_2014%2829.pdf

This document provides a position statement from UNICEF regarding children and parents who experience discrimination based on SOGI. It details, through an analysis of important UN guiding documents, such as the Convention on the Rights of the Child (1989) and the Universal Declaration of Human Rights (1948), why it is crucial that the UN advances LGBTI rights worldwide. A useful tool for delegates, the paper also provides terms and definitions as well as detailing relevant articles and conventions.

United Nations, Department of Public Information. (2014, December 3). *General Assembly, Observing Anniversary of International Year, Stresses Essential Role of Family in Socioeconomic Development, Argues Over Its Proper Definition* [Press Release]. Retrieved 6 January 2015 from: <http://www.un.org/press/en/2014/ga11594.doc.htm>

The above news release details important discussions with relation to the post-2015 development agenda and central human rights issues, including LGBTI rights. It contains speeches by several Member States and provides an important insight into the dynamics of the debate around issues related to SOGI within the UN. Delegates can also use other links and tools within the website to search for further material.

United Nations, Human Rights Council, Twenty-seventh session. (2014). *Human rights, sexual orientation and gender identity (A/HRC/RES/27/32)* [Resolution]. Retrieved 3 January 2015 from:

http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/RES/27/32

This UN resolution is considered an important step for advancing LGBTI rights within the HRC and the UN as a whole. This is only the second resolution adopted by the UN's top human rights body attempting to deal with SOGI. It was declared by Human Rights Watch as a "critically important achievement for upholding the principles of the Universal Declaration of Human Rights."

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II. Protecting Migrant Workers

Introduction

On December 18, 2014 (International Migrants Day), the United Nations (UN) Secretary-General Ban Ki-moon delivered his annual address on the status of migrants worldwide.⁶⁴ In his speech, the Secretary-General called attention to the unfair and precarious situations in which migrants live.⁶⁵ Discrimination, inadequate shelter, limited access to medical care, and exploitation by violent groups are just a few of the obstacles that stand between migrants and a positive integration into their host countries.⁶⁶ As recalled by the UN Secretary-General, the post-2015 development agenda and its theme of “leaving no one behind” are inclusive of migrants and their human rights.⁶⁷ Both the ratification of the International Convention on Protection of Rights of All Migrant Workers and Members of Their Families (ICRMW) by all UN Member States, and the creation of proper migration channels are necessary to improve the condition of the 232 million migrants worldwide.⁶⁸ Additionally, the International Organization for Migration (IOM) published a report explaining its position on the post-2015 development agenda, citing that migrants should be included in the post-2015 development agenda and that human migration is an integral part of the human social experience.⁶⁹ IOM strongly urges all States to implement transparent and nondiscriminatory migration policies into their development frameworks.⁷⁰

Recent Developments

In August 2014, UN Special Rapporteur on the human rights of migrants François Crépeau presented his report (A/69/302) on the human rights of migrants to the 69th session of the UN General Assembly (GA). The report explains how the Millennium Development Goals (MDGs) excluded human rights from its framework, consequently marginalizing migrants’ from the benefits of human rights protection.⁷¹ Reasons for this omission include both: human rights not included as a foundation of the MDGs and the MDGs failing to properly target the root causes of inequalities.⁷² As a result, human rights have become a central focus for the post-2015 development agenda.⁷³ In particular, Crépeau mentions that regardless of legal status or administrative circumstances, all migrants should benefit from human rights protections within their host country.⁷⁴ The upcoming agenda encourages governments to pursue legal channels of migration, as well as improve overall conditions for migrant workers and their families.⁷⁵

The UN Secretary-General published his synthesis report on the post-2015 sustainable development agenda in December 2014.⁷⁶ Recognizing that the MDGs overlooked certain groups of vulnerable people, this report reinforces the idea of “leaving no one behind,” and names migrants among other marginalized groups as key participants in the establishment of the sustainable development goals.⁷⁷ Moreover, as the Secretary-General highlighted, with economic growth as an objective in the post-2015 sustainable development agenda, it is imperative to provide legal,

⁶⁴ United Nations Secretary-General Ban Ki-moon, *Speech by UN Secretary-General Ban Ki-moon on International Migrants Day on 18 December 2014*, 2014.

⁶⁵ Ibid.

⁶⁶ OHCHR, *Open, safe and regular migration channels crucial to stop human rights violations against migrants – International Migrants Day*, 2014.

⁶⁷ United Nations Secretary-General Ban Ki-moon, *Speech by UN Secretary-General Ban Ki-moon on International Migrants Day on 18 December 2014*, 2014.

⁶⁸ Ibid.

⁶⁹ IOM, *IOM Position on the post-2015 United Nations development agenda*, 2013.

⁷⁰ Ibid.

⁷¹ United Nations, General Assembly, *Human rights of migrants: Report of the Special Rapporteur on the human rights of migrants (A/69/302)*, 2014.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ UN, General Assembly, *The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet (A/69/700)*, 2014.

social, and financial protection for migrants due to their important role in the economic health of a country and on stable employment.⁷⁸

In his statement at the IOM New York Migration Series, the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein noted that the post-2015 sustainable development framework needs to include migrants in its agenda, otherwise it has the potential to fail the objective of “leaving no one behind.”⁷⁹ Al Hussein also states that some governments do not have relevant policies on migrant workers due to a mistaken belief that irregular migrants negatively impact the economy by fraudulently using social services.⁸⁰ As recent studies completed by OHCHR have revealed, migrant workers do not usually move abroad with intent to undermine current legal processes, but rather are forced to work undesirable jobs in order to provide for themselves and their families.⁸¹ Further, these migrants are subject to discriminatory workplace labor policies and lack of access to education, healthcare, and housing, which subsequently leaves them vulnerable and without the social support necessary for a positive integration process.⁸² This current system creates stark social inequalities that are counterproductive to migrant integration.⁸³ Al Hussein states that the post-2015 sustainable development agenda is an opportunity to rectify these inequalities in human rights framework⁸⁴

Migration and Youth

Of the 232 million migrants worldwide, about 12% of them are youth (ages 15-24).⁸⁵ The long-term effects of migration on youth migrants depend upon whether the entire migration process was positive or negative.⁸⁶ With the global North experiencing low fertility rates and aging populations and the global South experiencing higher birth rates and possessing a large youth population, the need for expanded legal migration channels is apparent.⁸⁷ On 18 December 2014, the Global Migration Group (GMG) published the first extensive study on youth and migration, the result of two years of research.⁸⁸ In this report, the Global Migration Group (GMG) calls for governments to incorporate youth migration into policies concerning migration.⁸⁹ The GMG also asks stakeholders in all countries involved in the migration process to cooperate on the improvement of migration channels.⁹⁰ Labor and social protections are also integral to the youth migration process.⁹¹ Ultimately, a crucial element to improving the lives of youth migrant workers is the inclusion of migration policy and protection in the post-2015 sustainable development agenda.⁹²

Ratification of ICRMW

December 18, 2015 is the 25th anniversary of the International Convention on Protection of Rights of All Migrant Workers and Members of Their Families.⁹³ To date, ICRMW has received 47 ratifications.⁹⁴ Ratification of ICRMW is imperative to the creation and maintenance of migration policies.⁹⁵ The Migration Forum in Asia is partnering with several civil service organizations (CSOs) to spearhead “Step It Up: Dignity, Rights, Development,” a yearlong campaign focusing on the rights of migrant workers and the promotion of ICRMW ratification.⁹⁶ The 25th

⁷⁸ UN, General Assembly, *The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet (A/69/700)*, 2014.

⁷⁹ OHCHR, *Speech by High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the IOM New York Migration Series on 17 December 2014*, 2014.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Global Migration Group, *Migration and Youth: Challenges and Opportunities Executive Summary*, 2014, p. 2.

⁸⁶ Ibid., p. 3.

⁸⁷ Ibid., pp. 3-4.

⁸⁸ Global Migration Group, *Global Migration Group releases new book on youth and migration*, 2014.

⁸⁹ Global Migration Group, *Migration and Youth: Challenges and Opportunities Conclusion*, 2014, p. 2.

⁹⁰ Ibid., p. 3.

⁹¹ Ibid., p. 4.

⁹² Ibid., p. 5.

⁹³ Migrant Forum in Asia, *About | Step It Up: Dignity, Rights, Development*, 2014.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

anniversary of ICRMW helps this campaign revive support for ratification.⁹⁷ Its themes include: promotion of ICRMW ratification, children of migrant workers, migrant domestic workers, contributions of migrant workers in countries of origin and destination, and forced labor.⁹⁸ This campaign is highlighting migrants' human rights as a crosscutting issue pertaining to other issues such as equality.⁹⁹

Regional framework

A joint project between the Migration Policy Institute and the International Labour Organization produced a recent report on integrating migrant workers into the European workforce.¹⁰⁰ Much of Europe is still recovering from an economic recession and the focus on immigration policy has weakened in some of these countries.¹⁰¹ There are integration systems in place in several European countries to offer migrant workers steady employment and social assimilation, however these programs are limited in reach, often benefitting migrants skilled in a specific field of work.¹⁰² Successful public employment systems (PES) assist migrant workers beyond finding a job; child care, upward mobility, and career support are all issues that are included in the migrant worker's experience in assimilating in the country of destination.¹⁰³ Though the issue of integrating migrant workers into the workforce is complex, this report found that the improvement of career support and opportunities for social upward mobility with the cooperation of governments and service providers could have a positive impact on migrant workers' assimilation.¹⁰⁴

The Regional Conference on Migration held a workshop in Guatemala on 19 December 2014, during which IOM presented its International Recruitment Integrity System (IRIS).¹⁰⁵ IRIS is a framework that maintains transparency in job recruitment for migrants.¹⁰⁶ This voluntary system uses a set of principles as a means of accreditation for members.¹⁰⁷ The principles include: respect for workers' rights, no fees charged for service rendered, and no retention of jobseekers' documents.¹⁰⁸ Migrants will be able to readily differentiate between IRIS-accredited and non-accredited employers and agencies.¹⁰⁹ Migrants within the Americas often face illegal recruiting practices and pay excessive fees to recruiting agencies; the implementation of IRIS would help to curb such practices.¹¹⁰

Conclusion

On 18 December 2014, a group of experts called for the protection of the human rights of migrants and their families as well as the ratification of international and regional frameworks on the issue.¹¹¹ State policies that limit immigration and fail to protect the human rights of migrants leave them in precarious situations.¹¹² The ratification of ICRMW and relevant regional policies is vital to the advancement of migrant workers' human rights.¹¹³ With the UN Secretary-General's point to include migrants in the post-2015 sustainable development agenda and the push for ICRMW ratification, the status of migrant workers' human rights is at a pivotal point in history.¹¹⁴ As High

⁹⁷ Migrant Forum in Asia, *About | Step It Up: Dignity, Rights, Development*, 2014.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ Benton, et al., *Aiming Higher: Policies to Get Immigrants into Middle-Skilled Work in Europe*, 2014.

¹⁰¹ *Ibid.*, p. 4.

¹⁰² *Ibid.*, p. 1.

¹⁰³ *Ibid.*, p. 2.

¹⁰⁴ *Ibid.*, p. 24-26.

¹⁰⁵ IOM, *Guatemala Workshop Addresses Ethical Recruitment, International Recruitment Integrity System (IRIS)*, 2014.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ IOM, *About Ethical Recruitment*, 2013.

¹⁰⁹ IOM, *About IRIS*, 2013.

¹¹⁰ IOM, *Guatemala Workshop Addresses Ethical Recruitment, International Recruitment Integrity System (IRIS)*, 2014.

¹¹¹ OHCHR, *Open, safe and regular migration channels crucial to stop human rights violations against migrants – International Migrants Day*, 2014.

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

Commissioner for Human Rights Zeid Ra'ad Al Hussein stated in his speech at the IOM New York Migration Series, "there is no such thing as an illegal human being."¹¹⁵

¹¹⁵ OHCHR, *Open, safe and regular migration channels crucial to stop human rights violations against migrants – International Migrants Day*, 2014.

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Benton, M., M. Sumption, K. Alsvik, S. Fratzke, C. Kuptsch, & D. Papademetriou. (2014). *Aiming Higher: Policies to Get Immigrants into Middle-Skilled Work in Europe*. Migration Policy Institute and International Labour Organization. Retrieved 3 January 2015 from: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_320425.pdf

This report is a detailed view of the issue of migrant workers in Europe. Current systems operating for migrant workers are critiqued, as is the true capacity for the region to properly address the situation. Career support, language training, vocational skills, and the use of employment services are the three major points in the report. Delegates should consider this source, as it is an example of regional framework on the main topic. Delegates can take the health of the European economy into consideration when researching regional frameworks and Member States' immigration policies.

Global Migration Group. (2014). *Migration and Youth: Challenges and Opportunities – Conclusion*. UNICEF. Retrieved 3 January 2015 from: http://globalmigrationgroup.org/sites/default/files/22_Conclusion.pdf

This source provides plenty of information on the unique position of youth migrants. Youth migrants make up for a large percentage of the total migrant population; they have their own specific concerns, like trafficking, seeking asylum as a youth, and access to education. This report considers all issues of youth migrants and provides policy recommendations to improve the lives of youth migrants. This source is particularly helpful in that the subtopic of migration and youth is explored fully in the report. Delegates are encouraged to consider the special needs of youth migrants when developing positions.

Office of the High Commissioner for Human Rights. (2014, December 17). *Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights at Session II – Migration across the post-2015 agenda, IOM New York Migration Series “Defining the role of migration in the Post-2015 UN Development Agenda [Website]*. Retrieved 3 January 2015 from:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15431&LangID=E>

This speech provides delegates with the view of the High Commissioner for Human Rights on the issue of migrants, especially concerning the post-2015 development agenda. Al Hussein highlights the importance of accurate data collection and workplace labor rights as focal points within the topic of migrant workers' rights. This source is useful in that it shows the direction that OHCHR is taking on this issue. Delegates should consider the High Commissioner's words when forming possible avenues of action for HRC.

United Nations, General Assembly, Sixty-ninth session. (2014). *Report of the Special Rapporteur on the human rights of migrants (A/69/302)*. Retrieved 3 January 2015 from: <http://undocs.org/a/69/302>

This report gives details of the Special Rapporteur's activities and findings from 2013 and 2014. Crépeau makes a case for the inclusion of migrants into the post-2015 development agenda, stating that Member States have the legal obligation to guarantee the human rights of migrants, regardless of legal status. Current migration trends are explained and an outline on how to integrate migrants' human rights into the post-2015 development agenda is given. Delegate should consider this source in detail, seeing as the Special Rapporteur is an expert in this field and has delivered a large amount of useful data and findings on this topic. His report should be taken into consideration when discussing the integration of migrants into the post-2015 development agenda.

United Nations, General Assembly, Sixty-ninth session. (2014). *The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet – Synthesis Report of the Secretary-General on the post-2015 sustainable development agenda (A/69/700)*. Retrieved 3 January 2015 from: <http://undocs.org/a/69/700>

This report gives a detailed overview of the efforts made by the United Nations in the post-2015 sustainable development agenda. The UN Secretary-General notes the failings of the MDGs and declares that marginalized groups that did not benefit from the MDG framework will be included in the post-2015 development agenda. By including six specific components within the agenda (people, dignity, prosperity, planet, partnership, and justice), the United Nations has ensured that

all matters of human rights are covered within the new framework. The Secretary-General places emphasis on partnership and cooperation to reach the goals by 2030. This source is useful in that it provides a roadmap for actions by the United Nations concerning the post-2015 development agenda.

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International Organization for Migration. (2013) *IOM position on the post-2014 United Nations development agenda*. Retrieved 3 January 2015 from: <http://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/IOM-Position-Paper-on-Post-2015.pdf>

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Office of the High Commissioner for Human Rights. (2014, December 17). *Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights at Session II – Migration across the post-2015 agenda, IOM New York Migration Series “Defining the role of migration in the Post-2015 UN Development Agenda* [Website]. Retrieved 3 January 2015 from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15431&LangID=E>

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United Nations, Secretary-General Ban Ki-moon. (2014, December 18). *Speech by United Nations Secretary-General Ban Ki-Moon on International Migrants Day on December 18, 2014* [Website]. Retrieved 2 January 2015 from: <http://www.un.org/en/events/migrantsday/2014/sgmessage.shtml>

III. Promoting and Protecting Human Rights in Post-Conflict Societies

Introduction

The promotion and protection of human rights in post-conflict societies is a multifaceted challenge that calls for comprehensive solutions in various interrelated fields. Secretary-General Ban Ki-moon highlighted the interrelation between development, human rights, and security at a United Nations Security Council (UNSC) meeting in January 2015.¹¹⁶ In post-conflict societies, where grave acts of violence and human rights violations have destroyed the social fabric, this insight translates into the need to foster trust between communities by ensuring social, political, and economic inclusion and by promoting women's participation in reconciliation and reconstruction efforts.¹¹⁷ Similar priorities were outlined three months prior by Mr. Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, in his opening address at the 27th session of the Human Rights Council (HRC).¹¹⁸ He emphasized the need to promote accountability for human rights violations and to foster reconciliation in post-conflict states.¹¹⁹ This update highlights key developments and events in recent months that are related to the protection and promotion of human rights in post-conflict settings. The role of women in peacebuilding drew greater attention from the international community due to relevant reports, a related General Assembly resolution, and an open panel discussion of the UNSC on women as leaders in post-conflict societies.¹²⁰ Additionally, the importance of transitional justice and rule of law was underpinned by one resolution and two reports on the issue, as well as through an expert panel of the United Nations Development Programme (UNDP) and the revisiting of the Rwandan case through meetings of the General Assembly.¹²¹

A number of United Nations (UN) entities have recently considered various aspects of this topic. The importance of post-conflict reconciliation and justice for human rights was underlined in HRC resolution 27/3, which extended the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.¹²² General Assembly resolution 69/147 on "Intensification of efforts to eliminate all forms of violence against women and girls" emphasized the potential gains from a greater involvement of women in transitional justice mechanisms and peacebuilding efforts.¹²³ The Secretary-General recently submitted reports on women and peace and security (S/2014/693) and peacebuilding in the aftermath of conflict (A/69/399-S/2014/694), both of which elaborate on the need for institution-building, democratic reform, rule of law, access to justice, and accountability for past human rights violations in the context of peacebuilding.¹²⁴ The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Pablo de Greiff, submitted his report to the General Assembly (A/69/518), in which he addresses the issues of impunity, truth, and reconciliation and recommends placing human rights at the center of reparation programmes.¹²⁵ Furthermore, numerous entities, including the United Nations Children's Fund (UNICEF), the World Bank Group (WBG), and the Organization for Security and Cooperation in

¹¹⁶ UN DPI, *UN must boost links between development, security, human rights, Ban tells Security Council*, 2015.

¹¹⁷ *Ibid.*

¹¹⁸ OHCHR, *UN Human Rights Chief Zeid Addresses the 27th Human Rights Council session*, 2014.

¹¹⁹ OHCHR, *Opening Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights at the Human Rights Council 27th Session*, 2014.

¹²⁰ UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women and girls (A/RES/69/147)*, 2014; UN Security Council, *Report of the Secretary-General on women and peace and security (S/2014/693)*, 2014; UN General Assembly, *Peacebuilding in the aftermath of conflict: Report of the Secretary-General (A/69/399-S/2014/694)*, 2014; UN Women, *Press release: As nature of conflicts change, UN Women urges swifter action to protect targets of violence*, 2014.

¹²¹ UN Human Rights Council, *Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/HRC/RES/27/3)*, 2014; UN General Assembly, *Peacebuilding in the aftermath of conflict: Report of the Secretary-General (A/69/399-S/2014/694)*, 2014; UN General Assembly, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/69/518)*, 2014; UN General Assembly, *Schedule of General Assembly plenary and related meetings: 69th session*, 2015.

¹²² UN Human Rights Council, *Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/HRC/RES/27/3)*, 2014.

¹²³ UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women and girls (A/RES/69/147)*, 2014.

¹²⁴ UN Security Council, *Report of the Secretary-General on women and peace and security (S/2014/693)*, 2014; UN General Assembly, *Peacebuilding in the aftermath of conflict: Report of the Secretary-General (A/69/399-S/2014/694)*, 2014.

¹²⁵ UN General Assembly, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/69/518)*, 2014.

Europe (OSCE), have been engaged in the topic either as platforms for discussion, as providers of funding, or as coordinators of concrete projects.¹²⁶

Beyond the *International Bill of Human Rights*, which outlines human rights guarantees in times of peace, international humanitarian law provides the foundation of post-conflict judicial persecution.¹²⁷ The *Fourth Geneva Convention* (1949) and the related *Additional Protocols* (1977), as well as the *Rome Statute of the International Criminal Court* (1998), represent a selection of the international documents governing the legal conduct of war, providing for protection of vulnerable groups, and enabling criminal prosecution in the aftermath of conflict.¹²⁸ The key HRC resolution 22/16 on “Promotion and protection of human rights in post-disaster and post-conflict situations” requested the HRC Advisory Committee to draft a report on the issue, which will be presented at the 28th session of the HRC in March 2015.¹²⁹ The progress report, which was delivered in 2014, identified the needs of vulnerable groups, reconstruction efforts, and access to water as priorities.¹³⁰

To explore the contribution of reconciliation to transitional justice, UNDP hosted a three-day expert consultation in Johannesburg from 2 to 5 September 2014, themed “Reconciliation as a mechanism for conflict prevention and peacebuilding.”¹³¹ The General Assembly met twice in the final quarter of 2014 to discuss the annual report of the International Criminal Tribunal for Rwanda, putting the issue of post-conflict prosecution of human rights violations in the spotlight.¹³² The role of women in post-conflict societies was highlighted on 28 October 2014 at the UNSC’s annual Open Debate on Women, Peace and Security, titled “Displaced Women and Girls: Leaders and Survivors.”¹³³ In the context of the International Day to End Impunity for Crimes against Journalists, which takes place annually on 2 November, the Council of Europe, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and civil society organizations (CSOs) hosted a regional conference in Tunis from 3 to 4 November 2014 on the situation in the Maghreb countries.¹³⁴

Recent Developments

The role of women in post-conflict Afghanistan

Conflicts and the phase of instability following conflict have a different impact on men and women.¹³⁵ In post-conflict societies, women and girls are more vulnerable to human rights violations and are less likely to have a stake in the peace and reconstruction process.¹³⁶ Acts of sexual violence against women often go unpunished in this phase.¹³⁷ The present situation in Afghanistan illustrates how gender discrimination in post-conflict societies leads to the denial of fundamental human rights.

At the beginning of November 2014, the Special Rapporteur on violence against women, Ms. Rashida Manjoo, paid a nine-day visit to Afghanistan.¹³⁸ Upon her return, she stated that despite positive legislative and institutional

¹²⁶ OSCE, *Mission to Bosnia and Herzegovina: Human Rights*, 2014; UNICEF, *Education in Emergencies and Post-Crisis Transition*, 2014; WBG, *DRC: Prevention and Mitigation of SGBV in North and South Kivu*, 2014.

¹²⁷ OHCHR, *Fact Sheet No. 2 (Rev. 1), The International Bill of Human Rights*, 1996; Salmón, *Reflections on international humanitarian law and transitional justice: lessons to be learnt from the Latin American experience*, 2006.

¹²⁸ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, 1949; *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977; *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 1977; *Rome Statute of the International Criminal Court*, 1998.

¹²⁹ UN Human Rights Council, *Promotion and protection of human rights in post-disaster and post-conflict situations (A/HRC/RES/22/16)*, 2012.

¹³⁰ UN Human Rights Council, *Progress report on the research-based report of the Human Rights Council Advisory Committee on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations (A/HRC/27/57)*, 2014.

¹³¹ UNDP, *Reconciliation as a mechanism for conflict prevention and peacebuilding*, 2014.

¹³² UN General Assembly, *Schedule of General Assembly plenary and related meetings: 69th session*, 2015.

¹³³ UN Women, *Displaced Women and Girls: Leaders and Survivors*, 2014.

¹³⁴ UNESCO, *Regional commemoration of the International Day to End Impunity for Crimes against Journalists for Maghreb*, 2014.

¹³⁵ OHCHR, *Consolidating the rights of women in conflict and post-conflict situations*, 2012.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ OHCHR, *Violence against women: UN expert urges Afghanistan to focus on accountability, empowerment and change*, 2014.

developments, there was much left to be desired in implementation.¹³⁹ She particularly deplored the lack of accountability for crimes committed against women and girls in public and private spheres.¹⁴⁰ Similarly, on 28 October 2014 at the UNSC's Open Debate on Women, Peace and Security, the Executive Director of UN-W, Ms. Phumzile Mlambo-Ngcuka, emphasized the need to promote gender equality, as the empowerment of women is the best chance for sustainable development in the aftermath of conflict.¹⁴¹ The issue was also addressed at the London Afghanistan Conference, which took place from 3 to 4 December 2014, where government representatives and civil society groups discussed the future path of Afghanistan after the withdrawal of North Atlantic Treaty Organization (NATO) troops.¹⁴² In conjunction with the conference, the British and Irish Agencies Afghanistan Group (BAAG) hosted a civil society engagement event that explored the role of women's rights CSOs in the rebuilding of Afghan society.¹⁴³ The BAAG also launched a report entitled "Getting it Right: Examining Gender Programming in Afghanistan," which provides guidelines for mainstreaming gender and human rights in development.¹⁴⁴ A week before the London Conference, Oxfam published a report which recommends safeguarding women's rights as the peace process in Afghanistan shifts from international engagement to domestic dialogue with militant, Islamist groups, such as the Taliban.¹⁴⁵ The report, titled "Behind Closed Doors: The risk of denying women a voice in determining Afghanistan's future," proposes involving women at all levels of decision-making, establishing a 30% quota for female political representatives, increasing funding from international donors, and ensuring that all reconciliation and reintegration processes take women's rights into account.¹⁴⁶

Justice, reconciliation, and reintegration in Burundi

In post-conflict societies, the need to redress a legacy of large-scale human rights violations is often accomplished through transitional justice mechanisms, including truth commissions, judicial persecution, reparations, and reforms.¹⁴⁷ Ongoing events in Burundi exemplify challenges and opportunities concerning transitional justice.

In November 2014, Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, assessed the state of affairs in Burundi and deplored the difficult situation of human rights activists in the country, which has experienced several periods of grave violence since its independence in 1962.¹⁴⁸ Human rights defenders are regarded as political opponents by the governing parties and face acts of defamation and harassment.¹⁴⁹ Mr. Forst sees fundamental rights, such as freedom of expression, freedom of assembly, and liberty of association, under threat and calls upon the Burundian authorities to embrace CSOs as vital components of a functioning democracy.¹⁵⁰ In concluding observations on Burundi's second periodic review, which took place at the beginning of October 2014, the Human Rights Committee noted substantial shortcomings in Burundi's judicial system, which denied people basic provisions pertaining to access to justice and legal safeguards.¹⁵¹ On 16 December 2014, Mr. de Greiff concluded his first visit to Burundi and presented his findings on the post-conflict development of the country.¹⁵² Concerning the mandate of Burundi's Truth and Reconciliation Commission, he warned against overemphasizing pardons and jeopardizing the truth-finding function of the Commission.¹⁵³ He pointed to the danger of temporary immunities impeding the establishment of justice and called for an inclusive process, open to CSOs and accessible to victims regardless of their individual background.¹⁵⁴ Also, he underscored the multifaceted nature of transitional justice, which must be complemented by a swift reparation program and guarantees of non-recurrence, such as

¹³⁹ OHCHR, *Violence against women: UN expert urges Afghanistan to focus on accountability, empowerment and change*, 2014.

¹⁴⁰ Ibid.

¹⁴¹ UN Women, *Press release: As nature of conflicts change, UN Women urges swifter action to protect targets of violence*, 2014.

¹⁴² Department for International Development, *International community welcomes Afghan reform vision at London conference*, 2014.

¹⁴³ Ibid.

¹⁴⁴ BAAG, *BAAG launch their Getting it Right report on gender programmes*, 2014.

¹⁴⁵ Oxfam, *Behind Closed Doors: The risk of denying women a voice in determining Afghanistan's future*, 2014.

¹⁴⁶ Ibid.

¹⁴⁷ OHCHR, *Transitional Justice and Economic, Social and Cultural Rights*, 2014.

¹⁴⁸ OHCHR, *Burundi: Government should ease pressure on human rights defenders*, 2014.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ UN Human Rights Committee, *Concluding observation on the second periodic report of Burundi [CCPR/C/BDI/CO/2]*, 2014.

¹⁵² OHCHR, *Preliminary observations and recommendations by Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence: Visit to Burundi (8-16 December 2014)*, 2014.

¹⁵³ OHCHR, *Burundi / Transitional justice: "Focus on pardon risks undermining justice and reconciliation" – UN expert*, 2014.

¹⁵⁴ Ibid.

demobilization and reintegration.¹⁵⁵ A recently published study by the World Bank Group on the reintegration of ex-combatants in the Great Lakes Region showed that, despite an overall positive trajectory, ex-combatants find it harder to make progress in social integration than in economic terms.¹⁵⁶ The report found that young ex-combatants find it significantly harder than adults to reintegrate.¹⁵⁷ It further stated that both female civilians and female ex-combatants often experience greater disadvantages than their male counterparts, as women face stigma and traditional values that constitute structural barriers to successful reintegration.¹⁵⁸

Post-conflict societies also face problems pertaining to governance and elections as well as social, economic, and cultural rights.¹⁵⁹ In the case of Burundi, the country has the chance to make a significant step forward by ensuring that the 2015 elections are conducted in a peaceful and credible fashion.¹⁶⁰ The country's democratization efforts are supported by a UN Electoral Observation Mission and the UN Peacebuilding Fund.¹⁶¹ UN Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman, reported on the situation in Burundi at a UNSC meeting in January.¹⁶² Besides the need for electoral support, a wider slate of issues including access to health and education will have to be addressed in order to progress towards a universal realization of human rights.¹⁶³

Conclusion

The topic at hand is multifaceted and approached by various entities from different angles. The UNSC and the Peacebuilding Commission apply a security-oriented focus, whereas the General Assembly and the HRC put a greater emphasis on the rights of particular groups.¹⁶⁴ Most recently, there has been a strong focus on women's rights and female empowerment in the context of peacebuilding.¹⁶⁵ Both case studies show that this trend is justified, as all involved institutions have noted both the particular challenges women face and the untapped potential of female engagement in post-conflict peacebuilding and human rights protection.¹⁶⁶ Findings further suggest that justice and reconciliation also have an economic, social, and cultural dimension that need to be addressed in order to achieve fulfillment of all human rights.¹⁶⁷

¹⁵⁵ OHCHR, *Burundi / Transitional justice: "Focus on pardon risks undermining justice and reconciliation"* – UN expert, 2014.

¹⁵⁶ WBG, *A comparative study of ex-combatant reintegration in the African great lakes region: trajectories, processes, and paradoxes*, 2014.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ Chinkin, *The Protection of Economic, Social, and Cultural Rights Post-conflict*, 2007; OHCHR, *United Nations Human Rights Appeal*, 2014.

¹⁶⁰ UN DPI, *UN political chief says Burundi making strides toward 'peaceful, credible' elections*, 2015.

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ UN Human Rights Council, *Progress report on the research-based report of the Human Rights Council Advisory Committee on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations (A/HRC/27/57)*, 2014.

¹⁶⁵ UN Security Council, *Report of the Secretary-General on women and peace and security (S/2014/693)*, 2014.

¹⁶⁶ Oxfam, *Behind Closed Doors: The risk of denying women a voice in determining Afghanistan's future*, 2014.

¹⁶⁷ UN Human Rights Council, *Progress report on the research-based report of the Human Rights Council Advisory Committee on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations (A/HRC/27/57)*, 2014.

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The preliminary observations and recommendations on Burundi published by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence make for a very short, concise and easily comprehensible case study of the application of transitional justice theory to an actual country. The Special Rapporteur briefly outlines the theoretical basis of transitional justice theory, explains the interrelatedness of the various instruments of transitional justice, and emphasizes their indivisibility. In a four-step analysis, he presents the situation in Burundi in the fields of truth, justice, reparation, and guarantees of non-recurrence and names achievements that have been made, but also challenges that persist and need to be overcome. He gives specific recommendations to the government of Burundi in order to successfully deal with previous human rights violations. The case study provides an easily accessible mix of theoretical considerations and practical application, which can be used by delegates as a convenient entrance point into the matter.

Oxfam International. (2014). *Behind Closed Doors: The risk of denying women a voice in determining Afghanistan's future*. Retrieved 5 January 2015 from: http://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp200-behind-doors-afghan-women-rights-241114-en.pdf

This report was published by Oxfam against the backdrop of the approaching withdrawal of the major part of the International Security Assistance Force (ISAF) from Afghanistan in 2015. The report provides a detailed account of the development of the human rights situation of Afghani women in the 13 years after the war against the Taliban officially ended. It describes, in an easily comprehensible manner, how hard it can be to make progress in women's rights in certain political and cultural settings and how fragile these rights can be. In light of the international disengagement, there is great danger that women's rights will be up for negotiation in order to achieve a peace agreement with fundamentalist, retrogressive forces. The report closes with recommendations for the Afghan government, the Taliban, and the international community, which can serve as an inspiration for delegates and an illustration of the crucial role that women play in post-conflict societies.

United Nations, General Assembly, Sixty-ninth session. (2014). *Report of the Secretary-General: Peacebuilding in the aftermath of conflict (A/69/399-S/2014/694)*. Retrieved 5 January 2015 from: http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20OCT%202014%20EN69_399.pdf

This report, which was submitted by the Secretary-General to both the General Assembly and the Security Council, was compiled pursuant to a statement by the President of the UNSC (S/PRST/2012/29). The report is a synthesis of reports on peacebuilding in the aftermath of conflict and women's participation in peacebuilding. By reflecting on the progressive mainstreaming of gender in peacebuilding activities, it allows delegates to understand the link between gender and the highlighted key areas. The report identifies inclusivity, institution-building, sustained international support, and mutual accountability as the priority fields for engagement in post-conflict settings. The report gives an in-depth analysis of each of the highlighted fields and provides delegates with a detailed understanding of the fundamentals of modern peacebuilding.

United Nations, General Assembly, Sixty-ninth session. (2014). *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/69/518)*. Retrieved 5 January 2015 from: <http://undocs.org/A/69/518>

This report, which has been compiled by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, was submitted to the General Assembly pursuant to HRC resolution 18/7. The topic of the report is the question of reparations for human rights violations and its contribution to reconciliation, accountability and justice. It offers theoretical as well as practical considerations and addresses a plethora of different aspects related to

reparations. This report offers the delegate a very detailed account of one facet of transitional justice that is often neglected in practice, but should find consideration when addressing the issue of human rights promotion in post-conflict situations following grave violations of human rights.

United Nations, Security Council. (2014). *Report of the Secretary-General on women and peace and security (S/2014/693)*. Retrieved 5 January 2015 from: www.un.org/Docs/journal/asp/ws.asp?m=S/2014/693

This report by the Secretary-General on women and peace and security compiles information on the progress in implementing UNSC resolutions 1325 (2000) and 2122 (2013), which call for a greater involvement of women in peace processes. The paper provides a very detailed assessment of the steps taken towards implementation of the resolutions and takes a meticulous statistical account of indicators to measure this progress in the fields of prevention of violations against women in conflict; participation of women in peace negotiations; protection of human rights of women and girls; and peacebuilding, relief, and recovery. The report offers an understanding of the existing gaps and challenges to the implementation of the aforementioned resolutions and gives the delegate a precise idea of the untapped potential that women represent for the realization of peace.

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