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Human Rights Council Background Guide 2018

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Dear Delegates,

Welcome to the 2018 National Model United Nations Conference in Washington, D.C. (NMUN•DC)! We are pleased to introduce you to our committee, the Human Rights Council (HRC). This year's staff is composed of Director Ana Willett and Assistant Director Gabriela Alvarado. Ana is a graduate student of Political Science and is currently writing her thesis on international marine conservation. She holds two Bachelor of Arts degrees in International Relations and World Languages and is incredibly excited to be back for this year's conference. Gabby is a multiplatform journalist currently working at NBCUniversal Telemundo Enterprises. She has a Bachelor of Business Administration in International Business with a concentration in Political Science.

The topics under discussion for the HRC are:

- I. Protecting the Rights of Persons with Disabilities in Humanitarian Emergencies
- II. Expanding Protections for Victims of Gender-Based Violence

The Human Rights Council's goal and mandate is to protect and promote human rights around the world. Specifically, HRC aims to strengthen the protection of human rights, addressing issues in which human rights have been distinctly violated. Meeting in the UN office in Geneva, the HRC makes recommendations on thematic human rights issues and provides guidance and investigation on country-based human rights issues as well.

We hope you will find this Background Guide useful as an introduction to the topics for this committee. However, it is not intended to replace individual research. We highly encourage you to explore your Member State's policies in-depth, as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the conference, each delegation will submit a [position paper](#). Please take note of the [NMUN Conduct Expectations](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct, dress code, sexual harassment, and the awards philosophy and evaluation method. Adherence to these guidelines is mandatory.

The [NMUN Rules of Procedure](#) are available to download from the NMUN website. This document includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is thus an essential instrument in preparing for the conference, and a reference during committee.

If you have any questions concerning your preparation for the committee or the conference itself, feel free to contact the Under Secretary-General for the committee, Leah Schmidt; the Deputy Secretary-General, Chase Mitchell; or the Secretary-General for the conference, Angela Shively. You can contact them by email at: usgleah.dc@nmun.org, dsg.dc@nmun.org, or secgen.dc@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the conference!

Sincerely,

Ana Willett, *Director*
Gabriela Alvarado, *Assistant Director*



Committee Overview

"When Leaders undermine human rights, and human rights law, this is in no way an act of patriotism. They are eroding the structures which can ensure the safety of their people..."¹

Introduction

The Human Rights Council (HRC) is "responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them."² The HRC is mandated to respond to urgent human rights situations by addressing accountability and liability for violations of international human rights and humanitarian law.³

Since the adoption of the *Universal Declaration of Human Rights* (UDHR) in 1948, the human rights agenda has expanded greatly.⁴ To facilitate the implementation of the UDHR, the UN Secretariat established a UN department responsible for overseeing its human rights program.⁵ This department, known as the Center for Human Rights, expanded its reach in the 1980s and moved from New York to Geneva.⁶ In 1993, at the World Conference on Human Rights, Member States created the Office of the UN High Commissioner for Human Rights (OHCHR) with the responsibility of coordinating the human rights agenda across all intergovernmental agencies and departments within the UN.⁷ The OHCHR is responsible for the substantive, logistical, and administrative needs of all UN human rights mechanisms, including core treaty-based bodies, thematic working groups, and the HRC.⁸

International human rights law has evolved and specialized agencies within the UN system have been created to address urgent needs and respond to human rights violations.⁹ Among these was the Commission on Human Rights (CHR), which was an intergovernmental organization of the UN established in 1946 to address human rights challenges and concerns.¹⁰ Over time, the CHR received increasing criticism from the international community for "excessive politicization."¹¹ Persistent controversy led to the CHR's loss of credibility, which damaged the UN's reputation and work in human rights.¹² Reform efforts culminated in the creation of the HRC in 2006.¹³ Pursuant to resolution 60/251, the General Assembly "decide[d] to establish the Human Rights Council, based in Geneva, in replacement of the [CHR]."¹⁴ The HRC had in essence the same responsibilities as CHR, but possessed an enhanced scope of action under its new mandate.¹⁵ As stipulated by the General Assembly, the HRC submitted to a five-year review in 2011.¹⁶ All areas of the HRC were subject to scrutiny and critical assessment to ensure mechanisms and frameworks were streamlined and efficient.¹⁷ The review identified only minor areas for improvement; the HRC's "strong and largely well-functioning" nature led to its preservation as a subsidiary body of the General Assembly without significant changes to its structure or operations.¹⁸

¹ UN OHCHR, *Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council*, 2018.

² UN OHCHR, *The 20th Anniversary of OHCHR – 20 human rights achievements*, 2016.

³ *Ibid.*

⁴ Trindade, *Universal Declaration of Human Rights*, 1948.

⁵ UN OHCHR, *Who we are: Brief History*, 2018.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ UN OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*, 2007.

⁹ UN OHCHR, *Who we are: Brief History*, 2017.

¹⁰ *Ibid.*

¹¹ UN DPI, *General Assembly Establishes New Human Rights Council by vote of 170 in Favour to 4 Against, with 3 Abstentions (GA/10449)*, 2006.

¹² UN General Assembly, *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General (A/59/2005)*, 2005, p. 45.

¹³ Spohr, *United Nations Human Rights Council: Between Institution-Building Phase and Review of Status*, 2010, pp. 174-175.

¹⁴ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

¹⁵ *Ibid.*

¹⁶ UN General Assembly, *Review of the Human Rights Council*, 2011.

¹⁷ UN DPI, *Five Years after Creation, General Assembly Maintains Human Rights Council as Subsidiary Body, Concluding Review of Work, Functioning (GA/11101)*, 2011.

¹⁸ *Ibid.*

Governance, Structure, and Membership

Through a majority vote, the General Assembly elects the HRC's 47 Member States, which serve for a period of three years.¹⁹ These elections are staggered so that only one third of the seats are elected at a single time.²⁰ The 47 Member States are distributed in regional groups: 13 from Africa, 13 from Asia, six from Eastern Europe, eight from Latin America and the Caribbean, and seven from the Western European and Others Group.²¹ New members were elected in October 2017 during the General Assembly's 72nd session.²² The Member States elected to serve on the HRC as of 1 January 2018 are: Afghanistan, Angola, Australia, Chile, Democratic Republic of the Congo, Mexico, Nepal, Nigeria, Pakistan, Peru, Senegal, Slovakia, Spain, and Ukraine; Qatar was re-elected to serve for another term.²³

The General Assembly Third Committee, which is responsible for evaluating questions related to human rights, considers the annual reports of the HRC and works closely with the HRC's Special Procedures mandate holders.²⁴ Each year in March, June, and September, the HRC holds regular sessions to discuss issues under its purview.²⁵ These sessions last a combined minimum of 10 weeks, and at any time, one third of the HRC's Member States can request a special session "to address human rights violations and emergencies" related to human rights.²⁶ At the start of each annual meeting, Member States elect a President and four Vice Presidents that make up the Bureau, which is responsible for all issues relating to the organization and procedures of the HRC, and lead the cycle.²⁷ The President is responsible for convening and chairing organizational meetings and regular sessions, as well as proposing candidates to serve as Special Procedures mandate holders.²⁸ The current President is Mr. Vojislav Šuc, a Permanent Representative to the UN from Slovenia.²⁹ The Vice Presidents are Mr. Evan P. Garcia (Philippines), Ms. Antje Leendertse (Germany), Ms. Marta Maurás Pérez (Chile), and Mr. Francois Xavier Ngarambé (Rwanda).³⁰

Partnerships

The HRC strengthens its efforts in upholding human rights by forming partnerships with non-governmental organizations (NGOs), National Human Rights Institutions (NHRIs), and other civil society actors.³¹ These partnerships facilitate many of the HRC's initiatives, including specific programs or frameworks targeting groups deprived of their access to fundamental human rights and freedoms.³² NGOs that have received Economic and Social Council (ECOSOC) consultative status and NHRIs can directly address the HRC during discussions and debates and inform it of situations occurring in their home states.³³ Groups and NGOs that have not achieved ECOSOC consultative status can provide written documents on a Member State as part of the Universal Periodic Review (UPR) Process.³⁴

Mandate, Functions, and Powers

The HRC possesses a unique and comprehensive mandate which was established by General Assembly resolution 60/251 of 2006 on the "Human Rights Council," and determines that the HRC be guided by the principles of

¹⁹ UN OHCHR, *Welcome to the Human Rights Council*, 2017.

²⁰ UN OHCHR, *Welcome to the Human Rights Council*, 2017.

²¹ UN DPI, *General Assembly, by Secret Ballot, Elects 15 Member States to Serve Three-Year Terms on Human Rights Council*, 2017.

²² *Ibid.*

²³ *Ibid.*

²⁴ UN General Assembly, *General Assembly of the United Nations: Social, Humanitarian & Cultural - Third Committee*, 2018.

²⁵ UN OHCHR, *Sessions*, 2017.

²⁶ *Ibid.*

²⁷ UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

²⁸ UN OHCHR, *Special Procedures of the Human Rights Council*, 2017.

²⁹ UN HRC, *Membership of the Human Rights Council*, 2018.

³⁰ UN OHCHR, *Officers of the Human Rights Council's Twelfth Cycle*, 2018.

³¹ UN OHCHR, *NGO and NHRI Information*, 2017.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

“universality, impartiality, objectivity and non-selectivity, constructive international dialogue, and cooperation.”³⁵ The General Assembly mandates that the HRC promote universal respect for human rights and fundamental freedoms; address and provide recommendations on all human rights, and particularly grave and systematic violations of human rights; and promote an effective system of coordination within the UN system with respect to human rights issues.³⁶ The General Assembly also designated the HRC as a forum for debate and dialogue on all human rights issues, including addressing violations and responding to emergencies, promoting cooperation and education on human rights, reviewing Member States’ history and performance, and preventing abuses from occurring.³⁷

Also crucial in informing the mandate and work of the HRC is the *International Bill of Human Rights*, which encompasses the UDHR; the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966); and the *International Covenant on Civil and Political Rights* (ICCPR) (1966) with its two Optional Protocols.³⁸ These documents are the pillars that guide the HRC in its recommendations by outlining the fundamental obligations and commitments of Member States in international human rights law.³⁹ Additionally, the *2030 Agenda for Sustainable Development* (2015) and the 17 Sustainable Development Goals (SDGs) guide the current work and agenda of the HRC.⁴⁰

In 2007, the HRC adopted resolution 5/1 on “institution-building,” which established the mechanisms and structures that guide its program of work, rules of procedure, and other operational functions.⁴¹ The resolution also established the format for the Special Procedures, the UPR, and the Complaint Procedure, which comprise the main powers of the HRC.⁴² Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic situations for the HRC.⁴³ Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an independent expert, or a working group, to carry out the investigation.⁴⁴ Special Procedures are empowered to undertake country or field visits, with the support of OHCHR, and to bring specific cases and concerns to the attention of Member States.⁴⁵ They can send communications detailing accusations of violations or abuses of human rights, engage in advocacy efforts, and offer technical assistance when possible.⁴⁶

The UPR is one of the most important functions of the HRC.⁴⁷ Through the HRC, each Member State of the UN submits to a periodic review to assess the fulfillment of its human rights obligations.⁴⁸ The full cycle of the UPR process takes around four years and includes several steps.⁴⁹ The first and currently only process of its kind, the UPR is unique in both its approach and its universality.⁵⁰ At the preparation stage, information is gathered that will form the basis of the review, including national reports from the state under review, stakeholder submissions, and information prepared by OHCHR.⁵¹ At the review stage, documents are presented at the regular sessions of the Working Group on the UPR, which is composed of all 47 Member States of the HRC.⁵² At the adoption and considerations stage, each Member State provides comments and the state under review can offer reservations on specific issues.⁵³ Finally, during the follow-up stage, each state under review demonstrates how effectively it has

³⁵ UN OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*, 2007; UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

³⁶ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

³⁷ UN OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*, 2007.

³⁸ UN OHCHR, *Fact Sheet No.2 (Rev.1): The International Bill of Human Rights*, 1996.

³⁹ UN OHCHR, *Human Rights: A Basic Handbook for UN Staff*, 2000.

⁴⁰ UN General Assembly, *Transforming our world: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁴¹ UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 75.

⁴² *Ibid.*

⁴³ UN OHCHR, *Special Procedures of the Human Rights Council*, 2017.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ UN OHCHR, *Universal Periodic Review*, 2017.

⁴⁸ UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 80.

⁴⁹ *Ibid.*

⁵⁰ UN OHCHR, *Universal Periodic Review*, 2017.

⁵¹ UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 80.

⁵² *Ibid.*

⁵³ *Ibid.*

acted upon the recommendations received.⁵⁴ The UPR has entered its third cycle (2017-2021) and will proceed with reviewing national reports for 42 Member States this year.⁵⁵

Recent Sessions and Current Priorities

The 36th regular session of the HRC was held 11-29 September 2017.⁵⁶ Members adopted 32 resolutions, 15 decisions, and 1 presidential statement.⁵⁷ The HRC discussed topics ranging from the right to development in resolution 36/9 (2017), to the question of the death penalty in resolution 36/19 (2017), and multiple resolutions focused on an increased need for technical assistance for human rights implementation.⁵⁸ The HRC has a wide range of current priorities, including the rights of indigenous peoples established in HRC resolution 36/15 (2015) where they reaffirmed support of General Assembly resolution 61/295 (2007).⁵⁹ This document also decided that the theme of the annual half-day panel discussion on the rights of indigenous people that would be held during the thirty-ninth session of the council will be on the means of participation for and the inclusion of indigenous peoples in the development strategies in the context of the 2030 Agenda.⁶⁰ The 36th session also continued the discussion on the right to development and recalled the *Charter of the UN* and the *Declaration on the Right to Development*, where they applauded the work of many agencies and nations and continued support of the work toward the SDGs.⁶¹

The 37th regular session of the Human Rights Council took place between 26 February 2018 to 23 March 2018.⁶² The 37th session saw the adoption of 42 resolutions, 14 decisions, and no Presidential Statements.⁶³ HRC resolution 37/2 (2018), on the right to privacy in the digital age, saw the extension of the mandate of the Special Rapporteur on the right to privacy for a period of three years under the same terms as adopted in HRC 28/16 (2015).⁶⁴ A report by the UN High Commissioner for Human Rights on the right to work was also adopted by the HRC, and paid special attention that right to work be equal opportunity for both men and women, and the need to mitigate discrimination towards working women.⁶⁵

The 38th regular session of the Human Rights Council began June 18th, 2018 and went to July 6th of 2018.⁶⁶ The opening statement given by UN High Commissioner for Human Rights examined some of the criticisms of ongoing Human Rights violations, including areas in which the UN and the HRC could improve their approaches.⁶⁷ The statement made several critiques regarding States who prioritize nationalism over human rights.⁶⁸ The agenda for the 38th session included topics such as human rights situation in Palestine and other occupied Arab territories, follow-up to and implementation of the Vienna Declaration and Programme of Action, and technical assistance and capacity-building for human rights.⁶⁹ In addition, the sessions included conversations about the empowerment of women utilizing information and communication technologies (ICTs), and how violence inhibits the rights of women.⁷⁰

⁵⁴ UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 80.

⁵⁵ UN OHCHR, *Universal Periodic Review*, 2017.

⁵⁶ UN HRC, *Sessions*, 2017.

⁵⁷ UN HRC, *Report of the Human Rights Council (A/72/53/Add.1)*, 2018.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² UN OHCHR, 37th session of the Human Rights Council, 2018.

⁶³ Ibid.

⁶⁴ UN General Assembly, *Human Rights Council, Thirty-seventh session: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (A/HRC/37/L.10)*, 2018.

⁶⁵ Ibid.

⁶⁶ UN HRC, *38th session of the Human Rights Council (18 June-6 July 2018)*, 2018.

⁶⁷ UN OHCHR, *Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council*, 2018.

⁶⁸ Ibid.

⁶⁹ UN General Assembly, *Human Rights Council, Thirty-seventh session: Agenda and annotations (A/HRC/38/1)*, 2018.

⁷⁰ UN HRC, *38th session of the Human Rights Council (18 June-6 July 2018)*, 2018.

Conclusion

The HRC addresses human rights on global, regional, and national levels by endeavoring to ensure that all Member States safeguard the fundamental freedoms and rights articulated by international law.⁷¹ In 2018, the HRC held an intersessional seminar on the protection of the family and human rights of older persons held in June 2018 showing continued commitment to all in recognizing and broadening human rights.⁷² In addition, the HRC continues its works to ensure the rights and empowering of vulnerable groups remain intact at their 38th session.⁷³ Due to the continued challenges to various human rights globally, the HRC still remains a key body of the UN which continues to protect the rights of all persons in the global community.⁷⁴

⁷¹ UN HRC, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016; OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 75.

⁷² UN OHCHR, *Sessions*, 2017.

⁷³ UN HRC, 38th session of the Human Rights Council (18 June-6 July 2018), 2018.

⁷⁴ UN DPI, *Five Years after Creation, General Assembly Maintains Human Rights Council as Subsidiary Body, Concluding Review of Work, Functioning (GA/11101)*, 2011.

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<http://www.ohchr.org/Documents/Publications/HRhandbooken.pdf>

This handbook provides delegates with a comprehensive view of the human rights system within the context of the UN. The handbook provides a very detailed account of the UN's human rights instruments and key guidance on how human rights issues are addressed at multiple levels of the UN. The handbook also describes the international mechanisms that evolved to monitor the implementation of rights and process complaints, as well as the strategies engaged to promote and protect human rights within the UN.

United Nations Office of the United Nations High Commissioner for Human Rights. (2008). *Working with the United Nations Human Rights Programme: A Handbook for Civil Society* [Report]. Retrieved 17 April 2018 from:

http://www.ohchr.org/en/AboutUs/CivilSociety/Documents/Handbook_en.pdf

This handbook, which is designed to explain how civil society can engage with various UN human rights bodies and mechanisms, provides delegates with a comprehensive view of all human rights instruments within the UN system. It addresses how the UN human rights bodies and mechanisms can be used, provides information on funds and grants, lists key contacts at OHCHR, and includes links to other valuable resources. This is an extremely useful tool for delegates to understand the mechanisms as a whole and how civil society engages with human rights at the UN.

United Nations Office of the United Nations High Commissioner for Human Rights. (2018). *37th session of the Human Rights Council (26th February to 23 March 2019)* [Website]. Retrieved 10 April 2017 from:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Pages/ResDecStat.aspx>

This website provides delegates with access to all reports resulting from the 37th session of the HRC, including all country-specific reports. It also includes progress reports on a wide variety of topics, such as the Periodic Reviews of various Member States, an assessment of business and human rights, and the human rights of internally displaced persons. This page will provide an excellent starting point for delegates researching new topics in the area of human rights, a comprehensive list of all topics covered during the 37th session, and the most updated information on the work of the HRC.

United Nations, Human Rights Council, Fifth session. (2007). *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)* [Resolution]. Retrieved 17 April 2018 from:

<http://www.refworld.org/docid/4ae9acbbd.html>

One of the most important resolutions of the HRC, resolution 5/1 (2007) details an agreed package that established the procedures, mechanisms, and structures to form the basis for the HRC's future work. This includes the HRC's agenda, program of work, and rules of procedure. The resolution also modified the system of expert advice and the Complaint Procedure inherited from the Commission. As a foundational document of the Committee, this resolution is fundamental for delegates to understand how the HRC operates.

United Nations, Human Rights Council, Thirty-eighth session. (2018). *38th session of the Human Rights Council (18 June-6 July 2018), 2018* [Website]. Retrieved 10 July 2018 from:

<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session38/Pages/38RegularSession.aspx>

This website provides delegates with access to all reports resulting from the 38th session of the HRC, including all country-specific reports. It also includes progress reports on a wide variety of topics, such as the Periodic Review of various Member States, an assessment of business and human rights, and the human rights of internally displaced persons. This page provides an excellent starting point for delegates researching new topics in the area of human rights, a comprehensive list of all topics covered during the 38th session, and the most updated information on the work of the HRC.

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I. Protecting the Rights of Persons with Disabilities in Humanitarian Emergencies

“Governments throughout the world can no longer overlook the hundreds of millions of people with disabilities who are denied access to health, rehabilitation, support, education and employment, and never get the chance to shine.”⁷⁵

Introduction

The United Nations (UN) *Convention on the Rights of Persons with Disabilities (CRPD)* (2006) defines persons with disabilities as “individuals who have one or more physical, psychological, intellectual, or sensory disadvantages.”⁷⁶ There are over one billion persons with disabilities in the world, representing nearly 15% of the world’s population, of which 80% live in developing countries.⁷⁷ These impairments may be long-term, acquired, or inherited, and they may limit the person’s ability to effectively participate in society and fully exercise and defend their rights.⁷⁸ Furthermore, disabilities may vary in severity and form, meaning that disabled persons have a wide range of support needs, and represent a widely heterogeneous population.⁷⁹

The United Nations Human Rights Council (HRC) and the international community have expressed the on-going need to ensure the well-being and full inclusion of persons with disabilities into their societies, and these concerns only increase during the challenges of humanitarian emergencies.⁸⁰ A humanitarian emergency is defined as an “event or series of events that represent a critical threat to the health, safety, security, or wellbeing of a community,” and these events often worsen the already-challenging position of individuals with disabilities, and require additional support.⁸¹ Individuals with pre-existing impairments may face difficulties in accessing clean water, sanitation, food, shelter, humanitarian assistance, and in independently escaping the dangers of armed conflict.⁸² They may also acquire new or additional disabilities resulting from humanitarian emergencies, armed conflict, natural disasters, and refugee crises.⁸³ UN Member States and the international community have made great progress in mainstreaming the rights of persons with disabilities but have also identified that there is room for improvement, particularly in situations of crisis.⁸⁴

International and Regional Framework

The *Universal Declaration of Human Rights (UDHR)* (2011) established that the rights outlined within the declaration are undeniable to “all people at all times” regardless of race, sex, religion, age, sexual orientation, and physical disability.⁸⁵ Therefore, the CRPD’s mission is to change the approach toward persons with disabilities from viewing them as “‘objects’ of charity, medical treatment, and social protection” to viewing them as “‘subjects’ with rights, who are capable of claiming those rights.”⁸⁶ The CRPD was the first comprehensive human rights treaty of the 21st century dedicated to protecting and ensuring the rights and dignity of all persons with disabilities at all times and to committing each of its Member States to this goal.⁸⁷ Article 11 of the CRPD establishes the commitment of signatories to properly protect persons with disabilities through situations of risk.⁸⁸ The CRPD further requires

⁷⁵ WHO, *World Report on Disability*, 2011, p. 29; UN General Assembly & UN DESA, *Global Status Report on Disability and Development Prototype*, 2015, p. ix.

⁷⁶ UN General Assembly, *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, 2006.

⁷⁷ WHO, *World Report on Disability*, 2011, p. 29; UN General Assembly & UN DESA, *Global Status Report on Disability and Development Prototype*, 2015, p. 139.

⁷⁸ WHO and the World Bank, *Disability in humanitarian contexts: Views from affected people and field organisations*, 2015, p. 4

⁷⁹ UNHCR, *Working with Persons with Disabilities in Forced Displacement*, 2011, p. 3*

⁸⁰ WHO and the World Bank, *Disability in humanitarian contexts: Views from affected people and field organisations*, 2015, p. 4

⁸¹ Humanitarian Coalition, *What is a Humanitarian Emergency?* 2013; International Committee of the Red Cross, *How Law Protects Persons with Disabilities in Armed Conflict*, 2017, pp. 1, 3.

⁸² UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, p. 7; International Committee of the Red Cross, *How Law Protects Persons with Disabilities in Armed Conflict*, 2017, pp. 1, 6.

⁸³ International Committee of the Red Cross, *How Law Protects Persons with Disabilities in Armed Conflict*, 2017, p. 1.

⁸⁴ WHO and the World Bank, *Disability in humanitarian contexts: Views from affected people and field organisations*, 2015, p. 2.

⁸⁵ UN General Assembly, *Universal Declaration of Human Rights (A/RES/21A(III))*, 1948, p. v.

⁸⁶ UN General Assembly, *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, 2006.

⁸⁷ International Committee of the Red Cross, *How Law Protects Persons with Disabilities in Armed Conflict*, 2017, p. 1; UN General Assembly, *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, 2006.

⁸⁸ UN General Assembly, *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, 2006, p. 9.

Member States to include measures to assist persons with disabilities in their humanitarian aid strategies as it helps to ensure equal access to resources.⁸⁹

The *2030 Agenda for Sustainable Development* (2015) and the associated Sustainable Development Goals (SDGs) also highlight the importance of protecting the rights of “those most vulnerable” at all times, including persons with disabilities.⁹⁰ SDG 4 of the SDGs commits Member States to ensuring equal access to education and vocational training to “disabled persons, indigenous communities, and children in vulnerable situations.”⁹¹ SDG 8 establishes a commitment to full employment for all disabled men and women, as well as “equal pay for work of equal value.”⁹² SDG 10 is focused on reducing social inequality by promoting the inclusion of all persons regardless of race, sex, disability, origin, or economic status, while SDG 11 commits Member States to provide access to safe transportation systems for all, including persons with disabilities.²²

The UN Department of Economic and Social Affairs (DESA), aimed to further identify the gaps in accessibility to health, education, and basic services in their *Global Status Report on Disability and Development* (2015).⁹³ UN DESA noted that the mortality rate of persons with disabilities is an average of “four times higher in a disaster situation than that of the persons without disabilities.”⁹⁴ The report explains the results of their survey, where “39% of the respondents report a degree of difficulty in hearing, 53% in seeing, 68% in walking or climbing steps, 45% in communicating, 52% in remembering and concentrating, and 52% in self-care such as washing or dressing” as key obstacles to full expression of rights and ability to respond to a humanitarian crisis.⁹⁵ Similar to UN DESA’s findings, the World Health Organization’s (WHO) *World Report on Disability* (2011) also recommends inclusive measures to serve the needs of disabled persons in disaster risk reduction plans, evacuation plans, humanitarian response, and emergency legislation, promoting the inclusion of persons with disabilities in all planning phases of humanitarian relief strategies, in order to ensure their access to basic needs and resources.⁹⁶

The United Nations Children’s Fund (UNICEF) has long worked to protect the rights of children with disabilities, especially since the adoption of the *Convention of the Rights of the Child* (CRC) in 1990.⁹⁷ The CRC was the first international treaty to recognize the rights of children with disabilities.⁹⁸ Subsequently, the UN Economic and Social Council (ECOSOC) adopted resolution 5/2015/5 in 2011, where the position of the *Special Rapporteur on Disability* was established.⁹⁹ The Special Rapporteur is responsible for signalling the need to address “the barriers that persons with disabilities continue to face in all parts of the world in their participation as equal members of society.”¹⁰⁰

Role of the International System

The HRC has been a consistent champion of disability rights since the 2006 adoption of the CRPD and the *10th Anniversary Note of the CRPD* in 2016.¹⁰¹ Since the signing of these documents, the HRC has established mechanisms to address the rights of persons with disabilities, including the Committee on the Rights of Persons with Disabilities, a group of experts who are responsible for interpreting and promoting the CRPD.¹⁰² The Committee on the Rights of Persons with Disabilities also receives Member States’ yearly reports about domestic progress in

⁸⁹ UN General Assembly, *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, *The Convention in Brief*, 2006, p. 19.

⁹⁰ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁹¹ Ibid.

⁹² Ibid.

²² Ibid.

⁹³ UN General Assembly & UN DESA, *Global Status Report on Disability and Development Prototype*, 2015, p. 59.

⁹⁴ Ibid, pp. 181-182.

⁹⁵ Ibid, p. 182.

⁹⁶ Ibid, pp. 183-184; WHO, *World Report on Disability*, 2011.

⁹⁷ UNICEF, *Disabilities Introduction*, 2017.

⁹⁸ Ibid.

⁹⁹ UN OHCHR, *Special Rapporteur on the rights of persons with disabilities*, 2015.

¹⁰⁰ UN ECOSOC, *Monitoring of the implementation of the Standard Rules on the Equalization of Opportunities for Persons (E/CN.5/2015/5)*, 2011; UN OHCHR, *Special Rapporteur on the rights of persons with disabilities*, 2015.

¹⁰¹ UN OHCHR, *Human rights of persons with disabilities*, 2011; UN General Assembly, *Note of the Secretariat for the 10th Anniversary Convention on the Rights of Persons with Disabilities*, 2016, pp. 1-3.

¹⁰² UN OHCHR, *Human rights of persons with disabilities*, 2011.

ensuring the rights of persons with disabilities.¹⁰³ The HRC also established the Conference of States Parties (COSPP) to the CRPD in collaboration with DESA in 2006, which meets annually at UN headquarters to address challenges in implementation of the CRPD.¹⁰⁴

The UN has also worked on other key protocols that pertain to persons with disabilities, such as the *Hyogo Framework for Action 2005-2015* (2005).¹⁰⁵ Produced from the UN's World Conference on Disaster Reduction in 2005, the convention promotes a strategic and systematic approach to reducing risks during natural disasters.¹⁰⁶ This approach is built on strengthening governance through legal frameworks, reducing underlying risk factors, and increasing preparedness for effective response.¹⁰⁷ The UN Secretariat also promoted the role of the Special Envoy on Disability and Accessibility in 2013, who is responsible for promoting the implementation of the CRPD, is the chair Chairperson of the Committee on the Rights of Persons with Disabilities, and acts as a rapporteur for all individual disability cases.¹⁰⁸ General Assembly resolutions 31/30 and 28/76 of 2015 also highlight the participation and inclusion of disabled persons in the reconstruction of post-crisis infrastructure, and the mainstreaming of their human rights.¹⁰⁹

According to UNICEF, the inclusion of assistance for persons with disabilities has increased in humanitarian aid plans and strategies.¹¹⁰ UNICEF reports, however, that the lives of numerous children with disabilities in crises “is [still] often one of marginalization and disempowerment, as many live isolated lives and struggle against stigma.”¹¹¹ UNICEF has also consistently promoted the inclusion of children in humanitarian aid during crises through programs such as *Including Children with Disabilities in Humanitarian Action* (2017), which is available to children with disabilities in refugee camps.¹¹² This program consists of six educational booklets, each with information about specific needs that children with disabilities may have during crises, such as general guidance, nutrition, and health.¹¹³

The North Atlantic Treaty Organization (NATO) has also been a strong advocate for persons with disabilities affected by humanitarian disasters.¹¹⁴ In 2017, NATO established the Task Team on Disability and Inclusion in Humanitarian Action in partnership with the UN Inter-Agency Standing Committee.¹¹⁵ They intend to better account for the needs of people with disabilities in the planning and execution of NATO operations and support the adoption of the *NATO Policy for the Protection of Civilians* at a NATO Summit in Warsaw in 2016.¹¹⁶ The policy establishes that NATO must give consideration to groups vulnerable to violence when planning, in conjunction with the recommendations of the CRPD.¹¹⁷

Civil society has also continued to note that the lack of substantive data has been a significant challenge in translating frameworks into action.¹¹⁸ The international non-governmental organization Human Rights Watch has

¹⁰³ Ibid.

¹⁰⁴ UN DESA, *Conference of States Parties to the Convention on the Rights of Persons with Disabilities*, 2008.

¹⁰⁵ UN ODRR, *Hyogo Framework for Action 2005-2015*, 2007.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid, p. 2.

¹⁰⁸ UN General Assembly, *Note of the Secretariat for the 10th Anniversary Convention on the Rights of Persons with Disabilities*, 2016, pp. 1-2; UN DPI, *UN Chief appoints new envoys on youth; accessibility*, 2017.

¹⁰⁹ UN General Assembly, *Final 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/28/76)*, 2015; UN General Assembly, *Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies (A/HRC/31/30)*, 2015.

¹¹⁰ UNICEF, *Humanitarian Action*, 2017.

¹¹¹ Ibid.

¹¹² UNICEF, *Including Children with Disabilities in Humanitarian Action*, 2017.

¹¹³ UNICEF, *Including Children with Disabilities in Humanitarian Action*, 2017.

¹¹⁴ North Atlantic Treaty Organization, *Protecting Civilians with Disabilities in Conflict*, 2017.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid; North Atlantic Treaty Organization, *Policy for Protection of Civilians*, 2016.

¹¹⁸ WHO and the World Bank, *Disability in humanitarian contexts: Views from affected people and field organisations*, 2015, p. 6.

recently requested that the UN do more “to gather data on their [persons with disabilities] numbers and their needs.”¹¹⁹ This request was voiced at an International Committee of the Red Cross event in 2015, where the attendees, including the HRC Special Rapporteur on Disability, called for “greater awareness and inclusion of people with disabilities during humanitarian crises.”¹²⁰ Some groups, including Humanity and Inclusion’s (formerly Handicap International), the World Health Organization, and the World Bank, have conducted statistical research to identify the specific major risks for persons with disabilities in humanitarian crises.¹²¹ These studies eventually led to the *Charter on Inclusion of Persons with Disabilities in Humanitarian Action* (2016), which commits 139 stakeholders, including several Member States, to protecting and encouraging disabled person’s participation in the recovery planning and execution.¹²²

The Age, Gender, and Diversity Approach

As persons with disabilities have diverse needs and identities, UNHCR promotes an “Age, Gender, and Diversity” approach (AGD) in order to achieve the UN’s mission toward the rights of persons with disabilities in humanitarian emergencies.¹²³ According to the UNHCR *AGD Policy* (2011), “age” refers to an individual’s specific stage in life, where capacities and abilities are developed to different levels according to maturity and biological evolution.¹²⁴ This aspect of AGD signifies the different needs and impairments that a child would have as opposed to the needs of a teenager, an adult, or an elder.¹²⁵ The basic needs in humanitarian aid may also be different for men than they are for women, as their different roles and responsibilities in their communities, may be further-affected in times of crisis.¹²⁶ The “Diversity” part of AGD refers “to different values, attitudes, cultural perspectives, beliefs, ethnic background, nationality, sexual orientation, gender identity, ability, and health.”¹²⁷ Diversity also refers to the spectrum of a person’s disability and how those affect their ability to enjoy their rights and exercise their responsibilities.¹²⁸ The UNHCR has actively set a foundation for an AGD approach for their operations in humanitarian assistance worldwide, and it has recommended its use for all work with persons with disabilities in humanitarian crises.¹²⁹

The ramifications of the diversity in persons with disabilities and their impact are also shown in the life stories of displaced young Syrian refugees, reported by UNICEF. Among these stories, are Hikmat (12 years-old) and Abdullah (11 years-old), two Syrian boys that live in refugee camp Zaatari in Jordan.¹³⁰ Hikmat is in a wheelchair and faces significant challenges with transportation at the refugee camp “because of the gravel and the mud.”¹³¹ During one of the instances where mud prevented Hikmat from getting home, his now best friend approached him and offered to help by pushing his chair.¹³² Hikmat also expressed that other boys call him “crippled or stupid”, showing both the logistical challenges and the social stigma encountered by disabled persons in humanitarian emergencies.¹³³

Disability and Displacement

As of 2016, 66 million persons have been forcibly displaced, of which 13 million live with disabilities.¹³⁴ In the displacement process, numerous women, children, and youth with disabilities not only face the stresses of conflict,

¹¹⁹ International Committee of the Red Cross, *People with disabilities in emergencies*, 2015.

¹²⁰ *Ibid.*

¹²¹ WHO and the World Bank, *Disability in humanitarian contexts: Views from affected people and field organisations*, 2015, p. 7.

¹²² Humanity and Inclusion, *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*, 2016.

¹²³ UNHCR, *Working with Persons with Disabilities in Forced Displacement*, 2011, p. 3.

¹²⁴ UNHCR, *Age, Gender and Diversity Policy*, 2011, p. 1.

¹²⁵ *Ibid.*, p. 1

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*, p. 2.

¹²⁸ *Ibid.*

¹²⁹ UNHCR, *Working with Persons with Disabilities in Forced Displacement*, 2011, p. 3.

¹³⁰ UNICEF, *Boys on wheels get their friendship moving in refugee camp*, 2017.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ Women’s Refugee Commission, *Disability*, 2018.

but also endure the stress of adapting to new communities, languages, and environments.¹³⁵ They therefore face additional obstacles in joining programs that would protect and assist them in developing relevant skills and may be isolated from potential platforms of support.¹³⁶ Additionally, they are often excluded from health care and educational services that would help develop their resilience in recovering from violence and abuse.¹³⁷

One non-profit organization, the Women’s Refugee Commission (WRC), partnered with the United Nations Refugee Agency (UNHCR) to create and implement the *Global Guidance on Working with Persons with Disabilities in Forced Displacement* (2011).¹³⁸ The document outlines best practices for UNHCR humanitarian aids in their assistance toward international displaced persons (IDPs), while looking to increase awareness about assistance programs, uphold the inclusiveness of education, ensure physical security, and enforce identification and registration of persons with disabilities.¹³⁹ However, the guide’s most significant purpose is to outline action steps for UNHCR ambassadors in the distribution of food and supplies, providing access to shelter, housing, and transportation.¹⁴⁰ WRC also leads regional workshops that provide training on humanitarian issues and encourage the participation of disabled women in global events.¹⁴¹ WRC has also partnered with The United Nations Entity for Gender Equality and the Empowerment of Women (UN-WOMEN) to develop a *Facilitator’s Guide on Strengthening the Role of Women with Disabilities in Humanitarian Action*, which emphasizes increasing accountability and inclusion.¹⁴² WRC recently expanded operations to provide disability assistance to victims of gender-based violence (GBV) in Lebanon and Iraq, where they stress the value in integrating the beneficiaries as active agents of humanitarian aid.¹⁴³

Conclusion

In order to address the specific and diverse needs of persons with disabilities, the HRC must build on partnerships with other UN bodies and civil society organizations.¹⁴⁴ According to Forged Migration and WRC, the objectives for future discussions may be rooted in considering the rights of persons with disabilities in all humanitarian aid plans, encouraging the registration of persons with disabilities in crises to increase data availability, and in serving the diverse needs of all disability spectrums.¹⁴⁵ The most pressing issue is to “move beyond broad, principle-based guidance” and toward the execution of strategies that answer the question: “What works, where, and why?”¹⁴⁶ It is also important to recognize the diversity among persons with disabilities and how they can assume leading roles in their communities, in any future HRC approaches¹⁴⁷

Further Research

In analysing the risks faced by persons with disabilities in humanitarian emergencies and its possible implications, it is important to remember that different disabilities may differently hinder one’s ability to participate in society, exercise human rights, and respond to crises. In researching this topic, delegates should consider: how can the international community increase the availability of pertinent data on the topic? What steps should the international community take to better translate words and policy into action, and in what ways may civil society contribute to this? How may the HRC measure the success of already-existing programs such as UNICEF’s *Including Children with Disabilities in Humanitarian Action*? What next steps should the HRC take in order to continue mainstreaming the rights of persons with disabilities with a focus on humanitarian emergencies and translating policy into action?

¹³⁵ Women’s Refugee Commission, *Fact Sheet: Disability Program*, p. 1.

¹³⁶ Ibid.

¹³⁷ Ivid.

¹³⁸ Ibid; UNHCR, *Working with Persons with Disabilities in Forced Displacement*, 2011, p. 1.

¹³⁹ UNHCR, *Working with Persons with Disabilities in Forced Displacement*, 2011, pp. 6-18.

¹⁴⁰ Ibid.

¹⁴¹ Women’s Refugee Commission, *Fact Sheet: Disability Program*, p. 2.

¹⁴² Ibid.

¹⁴³ Ibid, p. 3.

¹⁴⁴ UNHCR, *Working with Persons with Disabilities in Forced Displacement*, 2011, p. 1.

¹⁴⁵ Pearce, *Refugees and displaced persons with disabilities – from ‘forgotten’ to ‘vulnerable’ to ‘valuable’*, 2013, p. 2.

¹⁴⁶ Ibid, p. 1.

¹⁴⁷ Ibid.

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Humanity and Inclusion. (2016). *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*. Retrieved 2 May 2018 from: <http://humanitariandisabilitycharter.org>

The Charter on Inclusion of Persons with Disabilities in Humanitarian Action was adopted and endorsed by over 100 stakeholders at the 2015 World Humanitarian Summit. The Charter is a result of the Humanity and Inclusion study on the conditions of persons with disabilities during humanitarian crises, presented at the summit. The Charter commits its endorsers to provide humanitarian action inclusive of disabled persons, in order to remove the obstacles faced by persons with disabilities in reaching protection, recovery assistance, and relief. The Charter has been endorsed by 24 States, the European Union, the African Union, OCHA, UN HRC, UN Women, UNDP, UNICEF, and WFP, and will be a foundational piece of delegates' research.

United Nations, General Assembly, Sixty-first session. (2006). *Convention on the Rights of Persons with Disabilities (A/RES/61/106)* [Resolution]. Retrieved 2 March 2018 from: <http://www.undocs.org/A/RES/61/106>

The report outlines the agreement by which the members of the Human Rights Council and the Committee on the Rights of Persons with Disabilities pass the first comprehensive human rights treaty of the 21st Century to protect the rights of persons with disabilities. The signatories of the agreement have committed to ensuring the protection of persons with disabilities in crises, including armed conflict and natural disasters. This source will be useful to delegates as the Treaty explains the importance of social protection in development, and the challenges that some communities face in situations of conflict and disasters.

United Nations, General Assembly, Department of Economic and Social Affairs. (2015). *Global Status Report on Disability and Development Prototype*. Retrieved 2 May 2018 from:

<http://www.un.org/esa/socdev/documents/disability/2016/GlobalStatusReportonDisabilityandDevelopment.pdf>

The Department of Economic and Social Affairs provides a history of the UN's work toward disability and development. The report offers a comprehensive analysis on the impact of persons with disabilities and the achievement of sustainable development in developing countries. It highlights specific efforts conducted by members and their impact on the communities with higher indexes of persons with disabilities living through humanitarian challenges. The report concludes by including the mandate of the 2030 Agenda for Sustainable Development and how its success is affected by the inclusion of persons with disabilities. This source will be useful for delegates as it connects the UN's work to protect persons with within the goals of the 2030 Agenda for Sustainable Development.

Women's Refugee Commission. (2018). *Disability* [Website]. Retrieved 2 May 2018 from:

<https://www.womensrefugeecommission.org/disabilities>

The Women's Refugee Commission (WRC) gives specific data about forcibly displaced persons with disabilities and their lack of participation in humanitarian relief initiatives. The WRC highlights the barriers and challenges faced by persons with disabilities living in refugee camps in the most conflict-affected areas in the world. The site also explains the mission of the WRC in such environments and their priorities of leading organizations by women with disabilities in crises, influencing resilience, and improving accountability for the inclusion of the disabled in strategies to serve them. The WRC refers to specific partnerships with UN entities, such as the UNHCR and UN Women, to serve women, children, and youth with disabilities in refugee camps.

World Health Organization. (2011). *World Report on Disability*. Retrieved 2 May 2018 from:

http://www.who.int/disabilities/world_report/2011/report.pdf

The World Health Organization partnered with the World Bank to provide a comprehensive report on the status of persons with disabilities. The report includes specific data and analyses on the topics of general health care, the cost of disabilities, rehabilitation, assistance and support, and challenges. In addition, the source highlights recommendations to move forward as it recognizes the challenges in translating international frameworks into effective action that will lead to quantitative results. This source will be useful for delegates as it outlines the progress made in the area since 2011, and also includes further health-based recommendations.

World Health Organization and the World Bank. (2015). *Disability in humanitarian contexts: Views from affected people and field organisations*. Handicap International. Retrieved 3 March 2018 from: <http://www.un.org/disabilities/documents/WHS/Disability-in-humanitarian-contexts-HI.pdf>

The report highlights the status of persons with disabilities and the implications of their hindered access to basic needs and necessary health services in humanitarian emergencies. This document presents the idea that persons with disabilities are often neglected in contingency planning, assessment, design and delivery of humanitarian relief. Such emergencies also generate a number of people who experience disabilities due to new injuries and a lack of essential services. Delegates will find this source useful as it evaluates the different types of impact that humanitarian crises may inflict on persons with disabilities, as well as their most significant barriers, risks, and challenges in humanitarian emergencies.

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II. Expanding Protection for Victims of Gender-Based Violence

“The main reason we left is not fear of shelling or bullets. The main reason we left is because of fear for our honor. This is the main reason—fear of us being abused, all of us, our daughters and our men.”¹⁴⁸

Introduction

Gender-based violence (GBV) can be a factor that infringes upon the inalienable human rights of all persons, as well as considered a public health crisis.¹⁴⁹ The World Health Organization (WHO) defines GBV as “any act of violence directed against a person on the basis of gender.”¹⁵⁰ The Human Rights Council (HRC), recognizes that the “right to live a life free of violence” is continually violated through GBV; it occurs in both public and private and during times of both peace and war in all societies.¹⁵¹ Sexual violence is more prevalent in rural areas, especially those that have lower levels of education or are currently in conflict.¹⁵² Sexual violence is also not only subject to women and girls, but also men and boys, and other vulnerable groups such as the LGBTQ+ community.¹⁵³ These groups are especially vulnerable in instances in which they have been detained, in countries where conflict is highly prevalent, such as Syria, and countries in which the Islamic State of Iraq and the Levant is prevalent.¹⁵⁴

While there exists significant understanding on the effects that GBV has on families, victims, and individuals, GBV is often rarely reported due to a severe lack of means to do so and/or the social stigma that is attached to being sexually abused in many societies.¹⁵⁵ This issue disproportionately affects women: the World Health Organization (WHO) reports that one in three women will be sexually abused within their lifetime, with USAID reporting that 98% of GBV targets women.¹⁵⁶ Often, GBV and ‘violence against women’ are used interchangeably, but it is important to remember that GBV affects men and boys as well.¹⁵⁷ That said, women and men are affected by GBV differently and the instances of GBV and resulting consequences vary depending on the case, suggesting that a homogenous solution to GBV will potentially not be effective.¹⁵⁸

International and Regional Framework

Achieving gender equality has been a goal of the international community since the establishment of the United Nations (UN).¹⁵⁹ Article 8 of the *Charter of the United Nations* (1945) established that the UN and its organs must allow full participation of and equality between men and women and parity between men and women was specifically mentioned in the Preamble of the Charter.¹⁶⁰ The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) set out to protect the equal and inalienable rights of men and women while also recognizing the basic principles and rights of all persons.¹⁶¹ In 1993, the Declaration on the Elimination of Violence Against Women (DEVAW) was established, which complemented the existing Convention on the Elimination of Discrimination against Women (CEDAW) (1979).¹⁶² Together, DECAW and CEDAW constitute the most comprehensive set of standards in international law for the protection of women against sexual exploitation and GBV.¹⁶³

¹⁴⁸ UNHCR, *Sexual Violence Against Men and Boys in the Syria Crisis, Women’s Focus Group Discussion, Jordan*, 2017.

¹⁴⁹ WHO, *Violence against women*, 2017; UNFPA, *Overview on Gender Based Violence*, 2017.

¹⁵⁰ *Ibid.*

¹⁵¹ HRC, *Report of the United Nations Entity for Gender Equality and the Empowerment of Women on the Activities of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women (A/HRC/26/17)*, 2013.

¹⁵² WHO, *Violence against women*, 2017.

¹⁵³ UNHCR, *Sexual Violence Against Men and Boys in the Syria Crisis*, 2017; UNFPA, *Overview on Gender Based Violence*, 2017.

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*; UNHCR, *Sexual and gender-based violence (SGBV) prevention and response*, 2017.

¹⁵⁶ USAID, *GBV Definition, Prevalence, and Global Statistics, 2012*; WHO, *Violence against women*, 2017.

¹⁵⁷ *Ibid.*

¹⁵⁸ UNFPA, *Overview on Gender Based Violence*.

¹⁵⁹ *Charter of the United Nations*, 1945.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² UN General Assembly, *Declaration on the Elimination of Violence Against Women (A/RES/48/104)*, 1993.

¹⁶³ *Ibid.*

The *Dakar Platform for Action* in 1994, also known as the “African Platform for Action” alongside the 1995 *Beijing Platform for Action* (BpFA) were the outcomes of a series of conferences that helped to establish the women’s rights internationally.¹⁶⁴ The BpFA supports the *Declaration on the Protection of Women and Children in Emergency and Armed Conflict*, with reference to and recognizing that GBV is a prevalent issue in conflict zones and as an issue that needed to be addressed by the international community.¹⁶⁵ On the 17th of July 1998, the *Rome Statute* established the International Criminal Court and identified rape, sexual slavery, enforced prostitution, forced pregnancy or any other form of sexual violence as a “crime against humanity” when are committed in a widespread or systematic way against any civilian population.¹⁶⁶

The Sustainable Development Goals (SDGs) of the *2030 Agenda on Sustainable Development* include SDG 5, which aims to “achieve gender equality and the empower all women and girls.”¹⁶⁷ The 2030 Agenda also embraces the methods in which to achieve gender equality worldwide through the “no one left behind” principle, which encompasses all of the SDGs.¹⁶⁸ The 2030 Agenda provides a footprint to promote interagency cooperation as well as regional cooperation to achieve the Agenda’s goals via the nationalization and localization of the SDGs.¹⁶⁹ It is through the efforts of achieving the SDGs as well as improving the discussion on the empowerment of women, that addressing of GBV becomes a more prevalent issue.¹⁷⁰

Adopted on 10 November 2017, the *Yogyakarta Principles plus 10 (YP+10)* was a supplement to the original *Yogyakarta Principles*.¹⁷¹ Principle 10 specifically focused on sexual violence based off one’s sexual orientation, gender identity, sex characteristics and recognized that any forced or coercive behavior with regards to one’s sex characteristics could amount to torture or other human rights violations.¹⁷²

Role of the International System

HRC resolution 32/2 (2016), *Protection against violence and discrimination based on sexual orientation and gender* was adopted to recognize that GBV was not just focused on women and girls, but that is also affects men, boys, and gender minorities as well.¹⁷³ Through this resolution, the HRC reaffirmed the universal protection of all human rights and fundamental freedoms for all, particularly freedom from violence.¹⁷⁴ The 35th session of the Human Rights Council, which was held from the 6-23 June 2017 in Geneva, Switzerland discussed gender-based violence and actions that can potentially be taken to help combat it.¹⁷⁵ Throughout the 35th session of the HRC, there was a focus on the implementation of programs to help support victims of GBV and violence against women (VAW).¹⁷⁶

The United Nations Entity for Gender Equality and the Empowerment of Women (UN-WOMEN) is one of the foremost United Nations agencies to focus specifically on GBV alongside the HRC and the United Nations Refugee Agency (UNHCR).¹⁷⁷ UN bodies and programs often partner with non-government organizations (NGOs) to combat GBV and related issues.¹⁷⁸ For example, since 2012 UN-WOMEN has partnered with Justice Rapid Response, an

¹⁶⁴ UN Women, *World Conferences on Women*, 2015.

¹⁶⁵ UN Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, 1995.

¹⁶⁶ UN Diplomatic Conference of Plenipotentiaries on the Establishment of an ICC, *Rome Statute of the International Criminal Court*, 1998.

¹⁶⁷ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ Bott, *Preventing and responding to gender-based violence in middle and low-income countries: a global review and analysis*, 2005.

¹⁷¹ International Commission of Jurists (ICJ), *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, 2007.

¹⁷² *Ibid.*

¹⁷³ HRC, *Protection against violence and discrimination based on sexual orientation and gender identity (A/HRC/32/L.2/Rev.1)*, 2016.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

¹⁷⁷ UN General Assembly, *Declaration on the Elimination of Violence Against Women (A/RES/48/104)*, 1993.

¹⁷⁸ UN Women, *Investigating conflict-related sexual and gender-based crimes—lessons from Iraq and Syria*, 2017.

international NGO focused on combatting crimes against humanity, to deploy experts on sexual and gender based violence (SGBV) and support the work of the HRC and OHCHR, ensuring that sexual and gender-based crimes are documented properly and prosecuted in Syria and Iraq.¹⁷⁹

In 2005, the United Nations Population Fund (UNFPA) published “Combating Gender Based Violence: A Key to Achieving the MDGs” which was one of the steps taken during the era of the Millennium Development Goals for addressing GBV.¹⁸⁰ It was a framework on gender-equality based off of three interrelated areas: basic human capacity and well-being as measured by education on how to address GBV, health and nutrition of victims of GBV; access to resources and opportunities; and security for those vulnerable.¹⁸¹ Specifically, the report touched on certain Millennium Development Goals and their relation to GBV.¹⁸² Noting that GBV can stem from unequal ‘power’ within a relationship, the report notes how GBV has become more prevalent in conflict and post-conflict based societies as well.¹⁸³ The kit is divided into four parts of specific issue areas in regards to GBV; GBV and poverty; GBV and reproductive health; GBV and HIV/AIDS; and finally GBV and conflict situations.¹⁸⁴

The “Essential Services Package for Women and Girls Subject to Violence” (2015), a guidance tool supported and created by the UNDP, UNFPA, UNODC, UN-Women, and the WHO, identifies the essential services that should be provided to women and girls whom have experienced gender-based violence.¹⁸⁵ Initially, there were five modules, overviews as well as standards and specific guidelines for health, policing, justice and social services for victims of gender-based violence.¹⁸⁶ In 2016, there was a sixth module that was added to help expand upon the lessons and overviews provided in the original five modules, expressing the needed to continue coordination and governance sectors to help address GBV.¹⁸⁷

NGOs, such as Women’s International League for Peace and Freedom, have documented and highlighted the high levels of GBV in countries in conflict, often leading the way for the most accurate documentation with regards to cases of GBV.¹⁸⁸ Civil society plays an important role in combating GBV, often acting as an influencer for legislation in countries in which GBV is prevalent.¹⁸⁹ Regional programs such as ‘Implementing Norms, Changing Minds’, a program that exists in the western Balkan countries and Turkey, created by UN-WOMEN and the European Union (EU) demand accountability from governments in regards to gender-based issues.¹⁹⁰ Organizations that are supported for their efforts are better advocates for the improvement of services to survivors of GBV, allowing civil society to better aid victims of sexual-based violence.¹⁹¹

Refugees and Gender-Based Violence

There remains a lack of accurate reporting on an individual basis with regards to GBV due to victims often not reporting when they have been sexually abused, making it difficult to grasp the full of scope of the prevailing problem of GBV.¹⁹² This makes it more difficult to address GBV in a consistent manner as well as in an accessible manner.¹⁹³ The lack of reporting of cases of GBV arises because there is a fear that whomever reports a GBV case will be harassed or physically harmed as a form of retaliation; that and there is not always an understanding as what

¹⁷⁹ Ibid.

¹⁸⁰ UNFPA, *Combating Gender Based Violence: A Key to Achieving the MDGs*, 2005.

¹⁸¹ Ibid.

¹⁸² UNFPA, *Combating Gender Based Violence: A Key to Achieving the MDGs*, 2005, pp. 9-17, 2005.

¹⁸³ UNFPA, *Combating Gender Based Violence: A Key to Achieving the MDGs*, 2005, pp. 6-7, 2005.

¹⁸⁴ Ibid.

¹⁸⁵ UNFPA, *Essential Services Package for Women and Girls Subject to Violence*, 2015.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Women’s International League for Peace and Freedom, *Violations against Women in Syria and the Disproportionate Impact of the Conflict on Them*, 2016.

¹⁸⁹ Nini-Pavli, *Expert’s take: Civil society has the potential to play a major role in ending violence against women*, 2017.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Bott, *Preventing and responding to gender-based violence in middle and low-income countries: a global review and analysis*, 2005.

¹⁹³ Ibid.

is encompassed when it comes to gender-based violence.¹⁹⁴ Refugees and persons whom are internally displaced are one of the groups most vulnerable to GBV and, in the wake of crises, refugees are left even more vulnerable.¹⁹⁵ Often times, refugees are vulnerable to a lack of a stable reporting system, considering that refugees do not have a consistent judicial system where they can report cases of GBV.¹⁹⁶

The UNHCR first outlined protections and measures to help refugees and persons whom are internally displaced in *Sexual Violence against Refugees: Guidelines on Prevention and Response* (1995), which established a need for further action in addressing GBV and refugees, focusing on giving women and girls more of a voice and providing an advocate when they cannot advocate for themselves.¹⁹⁷ It also provided guidelines and prevention measures to help better protect displaced persons and refugees from gender-based violence, such as what are specific national responsibilities in regards to reacting and addressing cases of GBV and VAW, as well as implementing the *Guidelines*.¹⁹⁸ After 1995, the UNHCR, alongside other UN agencies, NGOs and international governmental organizations (IGOs), have evaluated the existing programs and activities that were suggested within the *Guidelines* in the context of complex emergency situations regarding refugees and internally displaced persons.¹⁹⁹ All of these different efforts came together with the culmination of the evaluation process that was the *Inter-Agency Lessons Learned Conference on Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations*, which was held in Geneva in March 2001, identifying areas in which were in need of improvement.²⁰⁰ In areas where there has been humanitarian emergencies, the WHO recommends that there be focus on reassuring and helping protect victims of gender-based violence and violence against women and girls.²⁰¹ According to the WHO, it is pertinent that health workers and humanitarian aides are trained in recognizing sexual violence and victims of violence to better protect the victims of GBV from further trauma.²⁰² This includes, but is not limited to, providing confidential care and support via referring a victim to counseling services and ensuring a victim's dignity.²⁰³

Protections and Problems for Victims of Gender-Based Violence in the Syrian Arab Republic

Over the past six and half years, many victims of the Syrian conflict have also been subjected to sexual and gender-based violence, these violent acts being carried out by government officials and their associated militias starting in 2011.²⁰⁴ These heinous acts are often utilized to instill fear and humiliate victims.²⁰⁵ GBV has been a persistent issue in the Syrian Arab Republic since 2011, with the UN Commission of Inquiry on Syria calling “sexual and gender-based violence against women, girls, men, and boys a devastating and pervasive feature of the conflict...that ‘must end now.’”²⁰⁶ Government forces from the Syrian Arab Republic have “perpetrated rape and sexual abuse of women and girls and occasionally men during ground operations, house raids...,” sexual violence against women and men in areas of conflict, such as the Syrian Arab Republic, is a pervasive issue within the already existing conflict.²⁰⁷ The UNDP Gender Inequality Index highlighted that the Syrian Arab Republic was ranked 118 out of 148 countries in regards to inequalities between men and women, with no progress towards the advancement of women's rights since the year 2000.²⁰⁸

¹⁹⁴ Ibid.

¹⁹⁵ OXFAM, *Preventing gender-based violence in disasters' wake*, 2016; UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*, 2003; WHO, *Violence and Disasters*, 2005.

¹⁹⁶ UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*, 2003.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ WHO, *Violence and Disasters*, 2005.

²⁰² Ibid.

²⁰³ Ibid; OXFAM, *Preventing gender-based violence in disasters' wake*, 2016.

²⁰⁴ HRC, *UN Commission of Inquiry on Syria: Sexual and gender-based violence against women, girls, men, and boys a devastating and pervasive feature of the conflict and must end now*, 2018.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ HRC, Thirty-seventh session, “I lost my dignity”: *Sexual and gender-based violence in the Syrian Arab Republic: Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2018.

²⁰⁸ Ibid.

One report focused on 454 interviews with survivors of gender-based violence, defectors, those whom cared for the victims, healthcare practitioners and community members who were affected as well.²⁰⁹ These accounts help contextualize the brutality of these acts of sexual-violence on vulnerable parties, bringing into consideration that it is not only women and girls whom are vulnerable and subject to these cruel acts, but also men and boys.²¹⁰ Less is known about men and boys who are victims of GBV.²¹¹ It was revealed that 10.8% of the men and boys that fled Syria were still subject to GBV in the country that they fled to.²¹² Often times, when women and girls are detained by militia forces, male officers subject them to body searches, with records of this being reported in at least 20 detention facilities nationwide.²¹³ Many men and boys are often raped with objects, have their genitals electrocuted and are subject to mutilations.⁵⁹

Victims of GBV fall within the mandate of the HRC, as a vulnerable group whom would benefit greatly from the protection as well as time and attention from a larger inter-governmental body or international organization.²¹⁴ More must be done to address these acts of violence against vulnerable parties as well as actions to proactively protect and reintegrate survivors of sexual and gender-based violence back into their home communities.⁶³ NGOs such as the Badael Foundation, the Center of Civil Society and Democracy, Syrian Female Journalists Network work to bring the stories of the victims to international fora, so that more light can be shed on the needs of the victims and better solutions to the problem.²¹⁵

Conclusion

With the current understanding of the effects that gender-based violence has on its victims, addressing the issues in regards to the lack of reporting and consistent acts of GBV in conflict-prone areas are key to formulating coherent and effective solutions to continually protect vulnerable parties from crimes of GBV.²¹⁶ Gender-based violence is not static, it still remains a largely under-addressed issue within the international community, with communities in conflict being highly susceptible to acts of GBV according to UNFPA.²¹⁷ It is through the continued work of bodies such as the Human Rights Council and interagency cooperation that the international community is better able to address the issue of gender-based violence and violence against women, with the goal in mind to better protect vulnerable parties.

Further Research

When researching, delegates should keep in mind to not disregard GBV to focus solely on VAW. Questions to consider while researching should follow as: How can cases of GBV be better and more accurately reported? In what ways can the international community support and empower victims of GBV, and how can those learnings be incorporated into improving already existing standards? What is the HRC doing that has been effective in regards to GBV and how can that be improved upon? What are some of the key lessons learnt from high-conflict areas where GBV is prevalent, and how do these lessons lend themselves to the improvement of current policies in place?

²⁰⁹ Ibid.

²¹⁰ UNHCR, *We Keep It In Our Heart: Sexual Violence Against Men and Boys in the Syria Crisis*, 2017.

²¹¹ Ibid.

²¹² Ibid.

²¹³ UN HRC, *UN Commission of Inquiry on Syria: Sexual and gender-based violence against women, girls, men, and boys a devastating and pervasive feature of the conflict and must end now*, 2018.

⁵⁹ Ibid.

²¹⁴ HRC, *Protection against violence and discrimination based on sexual orientation and gender identity (A/HRC/32/L.2/Rev.1)*, 2016.

⁶³ HRC, *"I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic: Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2018; Bott, *Preventing and responding to gender-based violence in middle and low-income countries: a global review and analysis*, 2005.

²¹⁵ Ibid.

²¹⁶ UNFPA, *Gender-based violence in humanitarian settings*, 2014.

²¹⁷ WHO, *Violence against women*, 2018; UNFPA, *Overview on Gender Based Violence*, 2017.

Annotated Bibliography

Issue-Based Coalition on Gender. (2017). *SDGs and Gender Equality: UN Interagency Guidance Note for the Europe and Central Asia Region United Nations Europe and Central Asia* [Report]. Retrieved 29 June from: <https://undg.org/wp-content/uploads/2017/11/UNFPA-EECARO-SDGs-GENDER-WEB.pdf>

The Issue-Based Coalition on Gender, which encompasses 12 UN agencies such as FAO, ILO, OHCHR, UNDP, UNECE, UNEP, UNESCO, UNFPA, UNICEF, UN Women, WFP, WHO who all operate within the Europe and Central Asia Region contextualizes the SDGs and their role in regards to GBV. It aims to better contextualize the SDGs specific to regional or country trends so that the SDG framework can better be employed to effectively help address negative trends within countries or regions in regards to GBV and other gender-based issues. Through the MAPS Strategy (Mainstreaming, Acceleration and Policy Support, the post-2015 Agenda can be better integrated into existing policies and programs to address gender equality issues. The document is highly useful in framing the SDGs in a way in which delegates can understand their importance in regional and country policies.

United Nations Entity for Gender Equality and the Empowerment of Women et al. (2010). *Essential Services Package for Women and Girls Subject to Violence. Core Elements and Quality Guidelines* [Report]. Retrieved 7 March 2018 from: <http://www.unodc.org/documents/justice-and-prison-reform/EN-Modules-AllInOne.pdf>

With information provided UN Women and related United Nations stakeholders such UNFPA, UNODC, UNDP, UNODC and the WHO, this document provides the tools and necessary requirements for victims of gender-based violence for governments to help protect vulnerable parties as well as addressing violence at a local level. The document provides guidelines which help to ensure that the “how to” services and guidelines that exist for aiding victims of gender-based violence, ensuring that actions to aid victims are human-rights based, culturally sensitive, and have a women’s empowerment approach. These guidelines complement the standards that exist internationally, via the SDGs, and are recognized as the best practices in responding to gender-based violence at a local level, giving delegates avenues to discuss solutions in regards to GBV.

United Nations, General Assembly, Third session. (1948). *Universal Declaration of Human Rights (A/RES/217 A (III))*. Retrieved 8 March 2018 from: <http://www.un.org/en/universal-declaration-human-rights/>

Ratified in 1948, the Universal Declaration of Human Rights is the foremost declaration in regards to human rights in the international system. Throughout its thirty articles, the UDHR outlines what rights are inalienable to all persons, acknowledging their freedoms. The UDHR is the foundation document in human rights, and establishes through its articles what rights men and women are guaranteed under international law. The UDHR paved the way for more gender and human rights inclusive policies and remains the foundational document on human rights, serving excellent starting point on human rights for delegates beginning to research the issue of gender-based violence.

United Nations, General Assembly. Forty-eight session (1993). *Declaration on the Elimination of Violence Against Women (A/RES/48/104)*. Adopted on the report of the Third Committee (A/48/629). Retrieved 7 March 2018 from: <http://undocs.org/A/RES/48/104>

The Declaration on the Elimination of Violence Against Women (DEVAW) was one of the foremost documents that recognized the “urgent need for the universal application to women of the rights and principals with regard to their equality, security, liberty, integrity and dignity of all human beings.” It affirms that gender-based violence is a violation of the human rights, and establishes the fundamental freedoms of women. DEVAW was one of the leading documents produced by the United Nations outlining the rights of women and the need for progressive action to protect victims of gender-based violence. It is beneficial for delegates to read this document, as it serves as a base and a reference point for many UN actions against gender-based violence and violence against women today.

United Nations Human Rights Council. (2010). *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (A/HRC/14/22)* [Report.] Retrieved 7 March 2018 from: <http://undocs.org/A/HRC/14/22>

One of the first thematic reports to the Human Rights Council from the Special Rapporteur on violence against women, the document provides an overview of the main goals and activities of the Special Rapporteur in regards to violence against women and gender-based violence. It also provides insight to the goals of the Special Rapporteur on violence against women, such as reparations to women who are victims of gender-based violence, and the actions that they are then able to take. By explaining the obligation of providing reparations to victims, such as offering counseling and rehabilitation services to survivors of gender-based violence, the first report of the Special Rapporteur provides insight to how much more work needs to be done in the field, outlining the necessary and extensive work to delegates to help formulate better potential solutions.

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