



NEW YORK, NY
30 March - 3 April – Conference A
13 - 17 April – Conference B
nmun.org/nmun_ny.html

HUMAN RIGHTS COUNCIL BACKGROUND GUIDE 2014

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NATIONAL MODEL UNITED NATIONS



Table of Contents

Welcome Letter	2
NMUN•NY Position Paper Guidelines	3
Abbreviations	4
Committee History	5
Introduction	5
Mandate	6
Governance, Structure and Membership.....	6
Functions and Powers	6
Recent Sessions	7
Conclusion	7
Annotated Bibliography.....	8
Bibliography	9
I. Human Rights in the Post-2015 Development Framework	11
Introduction	11
International Framework	11
Role of the UN System	13
Inequality Challenges in a Post-2015 Framework	14
Conclusion	15
Annotated Bibliography.....	15
Bibliography	17
II. Extrajudicial, Summary, and Arbitrary Executions	20
Introduction	20
International Framework	20
Role of the United Nations System.....	21
Journalists	23
Targeted Killings	23
Case Study – India	24
Conclusion	25
Annotated Bibliography.....	26
Bibliography	28
III. The Right to Adequate Housing and Forced Evictions	32
Introduction	32
International Framework	32
Role of the United Nations System.....	33
Key Issues.....	34
Forced Evictions	35
Case Studies: Palestine, Indonesia, and Haiti	36
Conclusion	38
Annotated Bibliography.....	38
Bibliography	40
Rules of Procedure of the Human Rights Council (HRC)	44



THE 2014 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2014 National Model United Nations Conference and welcome to our committee, the United Nations Human Rights Council (HRC). As a part of the volunteer staff, we are looking forward to making this conference both rewarding and educational experience for each of you. Hope Berndt is your Director for Conference A. She graduated with a MA in Political Science from Long Island University-Brooklyn Campus and currently works as a Union Organizer with the Communication Workers of America. This is Hope's third year on staff. Jennifer Villagomez is your Director for Conference B. She graduated from the University of California at Santa Barbara in 2011 with a BA in Political Science with an emphasis in International Relations. This is Jennifer's fourth year on staff at NMUN. Leah Schmidt is your Assistant Director for Conference A. She is currently working on combined undergraduate degrees in International Relations and Women's Studies at the University of Calgary. This is Leah's first year on staff. Jenna Biegel is your Assistant Director for Conference B. She is studying Global Politics at Washington and Lee University. This is Jenna's first year on staff, and third year with the conference.

This year's topics under discussion for HRC are:

- I. Human Rights in the Post-2015 Development Framework
- II. Extrajudicial, Summary and Arbitrary Executions
- III. The Right to Adequate Housing and Protection from Forcible Evictions

The United Nations Human Rights Council is a subsidiary body of the General Assembly, which serves to protect and promote the human rights defined within the United Nations Charter as well as subsequent international treaties and laws. Additionally, the HRC is charged with taking proactive measures and fostering international cooperation in order to prevent violations against human rights. This Committee is an exciting opportunity for you to develop innovative approaches to current human right issues.

We hope you will find this Background Guide useful as it serves to introduce you to the topics for this committee. It is not meant to replace further research and we highly encourage you explore in-depth your countries' policies as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation of the conference, each delegation will be submitting a [position paper](#). Please refer to the following pages for details regarding the position paper submission process. Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the substantive staff listed below or the Under-Secretaries-General for the Human Rights and Humanitarian Affairs Department, Meg Martin (Conference A) and Juliane Bade (Conference B). You can reach either USG by e-mailing usg.hr_ha@nmun.org.

We wish you all the best for your preparation and look forward to seeing you at the Conference!

Sincerely,

Conference A

Hope Berndt, *Director*
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NMUN•NY Position Paper Guidelines

Due 1 March 2014

Each committee topic should be addressed in a succinct policy statement representing the relevant views of your assigned country, Non-Governmental Organization (NGO), or expert role. You should identify and address international and regional conventions, treaties, declarations, resolutions, and programs of action that are relevant to the policy of your country or NGO. You should also include recommendations for action to be taken by your committee. A delegate's role as a Member State, Observer State, or NGO should affect the way a position paper is written. To understand these differences, please refer to the [Delegate Preparation Guide](#). It may also be helpful to view a [Sample Position Paper](#).

A position paper should be submitted for each assigned committee.

- The two page position paper should cover all the topics in the background guide, not a separate paper for each topic.
- Do not submit papers for committees not assigned to your country/NGO (see matrix for [Conf. A](#) or [Conf. B](#)).
- No more than two delegates can represent a single country/NGO in a committee. If you assign two delegates to represent a country/NGO on a committee, they submit one position paper jointly, not separate position papers from each individual.

Please pay careful attention to the following guidelines when drafting and submitting your position papers. Only those delegations that follow the guidelines and meet the submission deadline will be eligible for [position paper awards](#).

All papers must be typed and formatted according to the standards below:

- Length must not exceed two pages
- Margins must be set at 1 inch or 2.54 cm. for the whole paper
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Country/NGO name, school name, and committee name must be clearly labeled on the first page
- Agenda topics must be clearly labeled in separate sections
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers

Please note that position papers must be comprised of entirely original writing. **The NMUN Conference will not tolerate plagiarism**, including copying from Committee Background Guides. Violation of this policy may result in dismissal from the conference. Although United Nations documentation is considered within the public domain, the conference does not allow the verbatim re-creation of these documents.

How to Submit Your Position Papers

Position papers need to be submitted by email in .pdf or .doc formats. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the email subject line and in the filename (example: GA1_Cuba_Conf A_State College).

1. Send one complete set of all position papers for each of your country/NGO assignments to the Deputy Secretary-General for the conference you are attending:

Conference A: positionpapers.nya@nmun.org

Conference B: positionpapers.nyb@nmun.org

2. Send a copy of your position paper for each assigned committee to the corresponding committee email address listed on the [Committee Background Guides page](#).

Your delegation may wish to submit a copy of their position papers to the permanent mission of the country/NGO headquarters along with an explanation of the conference. This is encouraged if requesting a [briefing](#).

Many, many papers will be read by the Secretariat. Your patience and cooperation in adhering to the above guidelines is greatly appreciated.

Abbreviations

CESR	Center for Economic and Social Rights
CHR	Commission on Human Rights
DESA	Department of Economic and Social Affairs
ECOSOC	Economic and Social Council
GA	General Assembly
GDP	Gross Domestic Product
HRC	Human Rights Council
ICAHD	Israeli Committee Against House Demolition
MDG	Millennium Development Goals
NGO	Non-Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPT	Occupied Palestinian Territory
SDG	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCSD	United Nations Conference on Sustainable Development
UNDP	United Nations Development Programme

Committee History

Introduction

Human rights are inalienable entitlements established not by law, but by human birthright, and the history of human rights has been shaped by all major world events and by the struggle for dignity, freedom and equality everywhere.¹ However, it was only with the signing of the *Charter of the United Nations* (1945), the subsequent establishment of the United Nations (UN) in the shadow of World War II, and the call to “reaffirm faith in fundamental human rights,” where human rights finally achieved formal, universal recognition.²

The UN has remained committed to “promoting and encouraging respect for human rights and for fundamental freedoms for all” through charter-based and treaty-based mechanisms.³ Charter-based mechanisms derive from the provisions of the Charter, most commonly as subsidiary bodies like the Human Rights Council.⁴ Treaty-based mechanisms are the human rights covenants and conventions, along with their respective treaty bodies, which take the force of law and monitor the implementation of the provisions of the treaties.⁵ The *Universal Declaration of Human Rights* (UDHR, 1948), a treaty-based mechanism, was adopted by the General Assembly as a “common standard of achievement” for all peoples and countries to pursue the protection and promotion of human rights.⁶ After decades of standing alone, this cornerstone document was joined by the *International Covenant on Economic, Social and Cultural Rights* (1976), and the *International Covenant on Civil and Political Rights* (1966) and its two Optional Protocols to comprise the International Bill of Rights.⁷ It was not just these documents which guided human rights in the UN system, but also the Commission on Human Rights, which manifested as “the main subsidiary organ of the United Nations dealing with human rights.”⁸

The Commission on Human Rights

The Commission on Human Rights (CHR) was established by the Economic and Social Council (ECOSOC) in early 1946 for the promotion of human rights, as envisioned in Article 68 of the Charter and was given the duty of revising and modifying the UDHR.⁹ The Commission spent its first two decades following a decidedly more absentee policy, operating primarily as a treaty-writing body, and it was not until the late 1960s that it began publicly monitoring human rights violations and taking interventionist action, developing a tradition of adopting resolutions on issues in specific countries.¹⁰ A body of 53 members, the CHR met once a year for six weeks in Geneva to evaluate instances of human rights violations, spur investigations, appoint experts to assist governments in restoring full enjoyment of human rights, and submit recommendations, proposals and reports to ECOSOC.¹¹ The value of protecting and promoting human rights continued to grow but the integrity of the Commission itself received “severe criticism” for its politicization, selective monitoring, and membership.¹² For example, in the early 2000s, the unprecedented focus on the human rights violations by Israel conjoined with the dismissive response to other clear human rights crises, as well as the membership of countries known for severe human rights violations contributed to the Secretary-General’s recommendation in 2005 to dissolve the CHR in favor of the Human Rights Council (HRC).¹³ The construction of this new council was a progressive step towards a more impartial and effective human rights body in the United Nations.

¹ United Nations, *Human Rights for All*, 2013.

² United Nations, *Charter of the United Nations*, 1945; United Nations, *Human Rights for All*, 2013.

³ United Nations, *Charter of the United Nations*, 1945.

⁴ Ibid.

⁵ Human Rights Education Associates, *The United Nations Human Rights System*, 2009.

⁶ United Nations, *The Universal Declaration of Human Rights, (A/RES/217 A (III))*, 1948.

⁷ United Nations, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

⁸ United Nations, *HUMAN RIGHTS: A Basic Handbook for UN Staff*, 2000, p. 27.

⁹ UN Office of the United Nations High Commissioner for Human Rights, *Commission on Human Rights*, 2007.

¹⁰ The Humanist, *The Universal Declaration of Human rights: Still Ahead of Its Time?*, 2008; Abraham, *Building the New Human Rights Council*, 2007, p. 6.

¹¹ UN Office of the United Nations High Commissioner for Human Rights, *Commission on Human Rights*, 2007.

¹² Abraham, *Building the New Human Rights Council*, 2007, p. 4.

¹³ UN General Assembly, *In larger freedom: towards development, security and human rights for all: Report of the Secretary-General (A/59/2005)*, 2005.

Mandate

Recognizing the need to preserve and build on the Commission's achievements and to redress its shortcomings, the HRC was created to ensure stronger system-wide coherence and preserve the value of human life "in larger freedom."¹⁴ The Council was charged with, inter alia, assuming the roles and responsibilities of the Commission, promoting the full implementation of human rights obligations, responding to human rights emergencies, undertaking a universal periodic review, and making recommendations to States and the General Assembly (GA).¹⁵

Governance, Structure and Membership

The HRC is a charter-based subsidiary body of the General Assembly established by resolution 60/251 of 3 April 2006.¹⁶ It consists of forty-seven members elected directly and individually by secret ballot of the GA for a membership based on equitable geographical distribution.¹⁷ It convenes a minimum of three times a year, with a total annual duration of no fewer than ten weeks.¹⁸ Aside from the mandate and general structure of the Council, the majority of the institution's features were left up to the Council to formulate in their first year's Institution-Building Process.¹⁹ The improvement upon the Commission's Special and Complaint Procedures, and the development of the Universal Periodic Review procedure were all developed and adopted by HRC resolution 5/1, the Institution-Building Package, on 18 June 2007.²⁰

Functions and Powers

The functions and powers of the HRC were developed to allow it to make an efficient and impartial impact on the status of human rights.²¹ The aforementioned Special Procedures of the Council direct the individual human rights experts and working groups to report and advise on human rights' situations from a thematic or country specific perspective while remaining impartial, objective, and independent of the UN.²² Actions of this body include: undertaking country visits; gathering information and analysis in order to contribute to the development of international human rights standards; sending letters of allegation to States for human rights violations; raising public awareness of abuses; and introducing annual reports to the Council and the General Assembly.²³ The Universal Periodic Review process, established in HRC resolution 5/1, is a mechanism aimed at improving civil, political, economic, social, and cultural human rights' situations in all Member States.²⁴ Each state must submit a national report for review every four years, and forty-two States are reviewed each year by its national leadership, the Office of the High Commissioner on Human Rights, and working groups composed of the members of the HRC, and headed by the Council's President.²⁵ The outcome report is adopted by the Council and lists the recommendations the state under review will have to implement before the next review.²⁶ The Complaint Procedure allows for an examination of confidential complaints, which form a consistent pattern of gross and reliably attested violations of human rights and freedoms.²⁷ Once the Council receives a consistent pattern of proven human rights violations it can then decide to examine the conditions of human rights in the country concerned.²⁸

¹⁴ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006; UN General Assembly, *In larger freedom: towards development, security and human rights for all: Report of the Secretary-General (A/59/2005)*, 2005.

¹⁵ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

¹⁹ Abraham, *Building the New Human Rights Council*, 2007, p. 4.

²⁰ UN Human Rights Council, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)* [Resolution], 2007.

²¹ Abraham, *Building the New Human Rights Council*, 2007, p. 4.

²² UN Human Rights Council, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)* [Resolution], 2007.

²³ UN Office of the High Commissioner for Human Rights, *Special Procedures of the Human Rights Council*, 2013.

²⁴ Ibid.

²⁵ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

²⁶ UPR Info, *Universal Periodic Review*, 2008.

²⁷ Claiming Human Rights, *The Complaint Procedure*, 2010.

²⁸ Ibid.

Recent Sessions

The latest sessions of the Human Rights Council continued to build on the tradition of responding to emergencies and expanding the scope of human rights.²⁹ Most recently there has been specific focus on the human rights situation in Syria.³⁰ The last four of the HRC's nineteen special sessions have provided weeks of consideration to the crises that has been developing since early spring 2011.³¹ Further discussion on its deteriorating situation of human rights bled into the most recent session with the adoption of Resolution 23/1 in May 2013 which called for urgent inquiry and UN humanitarian relief.³²

Prevailing Themes in the Work of the Council

Although the first human rights document was adopted nearly seventy years ago, the Human Rights Council has been expanding the depth and breadth of human rights' understanding, and has also been furthering the protection of human rights by focusing on country and thematic-specific issues.³³

Recently, resolutions have expanded the UN recognized reach of anti-discrimination protections. The *Convention on the Rights of Persons with Disabilities*, as well as the more recent resolutions on ending discrimination based on gender identity and sexual orientation (Resolution 17/19, May 2011), and protecting the rights of migrants and minorities (Resolution 23/20, May 2013), reveal the prevailing theme of ending discrimination not only as to race, color, sex, language, or religion, but also to personal choice and circumstance.³⁴ The scope of human rights protections has increasingly been redefined: the Council continues to develop longstanding human rights issues, but has also moved proactively to establish guidelines in previously uncharted territory such as internet and journalism protections (Resolution 21/12, September 2012) and the post-2015 Development Agenda, a topic of the 24th session in September 2013.³⁵ The Council has made substantial progress in responding to human rights emergencies around the world, taking direct action to the extent of its abilities, with markedly improved response from the late Commission.³⁶ Despite these improvements, it is necessary to note that although calls for enhanced human rights norms have increased, consensus over implementation and compliance has not kept pace.³⁷ For example, some States take exception to documents such as the *Convention on the Elimination of All Forms of Racial Discrimination* (1965) and the *Convention on the Elimination of All Forms of Discrimination against Women* (1979) when they conflict with freedom of speech or sharia law.³⁸

Conclusion

As the Human Rights Council enters its eighth year, many of the opportunities and challenges for the global community in terms of protecting and promoting human rights, remain.³⁹ The opportunity for the Council to prove itself able to rise above regional differences and move beyond its occasional heightened focus and selective bias continues into current sessions.⁴⁰ There are clearly a number of significant advancements for human rights measures, but other actions—or lack thereof—may indicate that the Council is losing some credibility or is even backtracking in its efforts.⁴¹ However, strengthening the world “in larger freedom” was named the central purpose of the Council even before its birth, and despite any and all criticisms, it is evident that this vision has remained a key focal point over its last seven years of work.⁴²

²⁹ Council on Foreign Relations, *The Global Human Rights Regime*, 2013.

³⁰ UN Office of the High Commissioner for Human Rights, *Documents and Resolutions*, 2013.

³¹ Ibid.

³² Ibid.

³³ Human Rights Watch, *UN Human Rights Council: Build on Recent Successes*, 2011.

³⁴ *Charter of the United Nations*, 1945.

³⁵ Human Rights Watch, *UN Human Rights Council: Build on Recent Successes*, 2011.

³⁶ Ibid.

³⁷ Council on Foreign Relations, *The Global Human Rights Regime*, 2013.

³⁸ Ibid.; UN General Assembly, *United Nations Declaration on the Elimination of All Forms of Racial Discrimination (A/RES/1904 (XVIII))*, 1963. UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*, 1979.

³⁹ Council on Foreign Relations, *The Global Human Rights Regime*, 2013.

⁴⁰ UN Office of the United Nations High Commissioner for Human Rights, *Commission on Human Rights*, 2007.

⁴¹ Human Rights Watch, *UN Human Rights Council: Build on Recent Successes*, 2011.

⁴² UN General Assembly, *In larger freedom: towards development, security and human rights for all: Report of the Secretary-General (A/59/2005)*, 2005.

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This paper provides a third party analysis of the work and achievements of the Human Rights Council in its first year of existence, especially the Institution-Building Package which provides the specific structure and developed purpose of the Council. It gives a thorough report of the content of the Institution-Building Package, as well as the structure for committee procedures it dictates. More than this, however, it explains the implications of these procedures, and weighs the costs and benefits of particular elements of the Package.

Council of Foreign Relations. (2013). *The Global Human Rights Regime* [Website]. Retrieved 2 August 2013 from: <http://www.cfr.org/human-rights/global-human-rights-regime/p27450>

This web page discusses the basis, theories, and significant areas of action of human rights as a topic within the overarching framework of global governance. This article deals in-depth with the UN and its various bodies' and relevant actions regarding human rights but also provides a significant set of links to human rights organizations worldwide, grouping them by geographic region and providing basic interpretations of their individual aims and recent actions. It includes recent analysis of current events. This article also asks and answers larger questions regarding proposals to further the goals of the human rights as an international movement.

Human Rights Education Associates. (2009). *The United Nations Human Rights System*. Retrieved 2 August 2013 from: http://www.hrea.org/index.php?doc_id=437#charter

This web page discusses the United Nations system for protecting human rights. It includes sections on history, bodies of the UN, Charter-based and treaty-based mechanisms for Human Rights protection and promotion, and also advocacy, education and training materials for the same. The material is detailed and includes illustrations and diagrams along with links to either the UN website or other relevant material regarding the UN and its operations. This page gives direct information for gathering knowledge and is well-organized for reference purposes.

New Zealand, Ministry of Foreign Affairs and Trade. (2013, September). *United Nations Handbook 2013-14*. Retrieved 24 October 2013 from: <http://www.mfat.govt.nz/downloads/media-and-publications/UN-Handbook-2013-web%20PDF.pdf>

The United Nations Handbook, published by the Ministry of Foreign Affairs & Trade of New Zealand, is one example of an initiative undertaken by a UN Member State to contribute to strengthening the information available to the international community on the UN system. The handbook is one of the most comprehensive, if not the, most comprehensive, source of information on the aim, structure and membership of the organs of the United Nations. Delegates are recommended to utilize the handbook as a regular reference for all related entities within the UN system which comprise the architecture addressing your topic.

United Nations, General Assembly, Sixtieth session. (2006, April 3). *Resolution adopted by the General Assembly (A/RES/60/251)*. Established the subsidiary body of the Human Rights Council. Retrieved 28 June 2013 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/251>

This resolution establishes the subsidiary body of the Human Rights Council, and lays out its goals, responsibilities, and structure. It calls attention to cornerstone documents of the United Nations, which advocate and guide the pursuit of strengthened human rights, and calls for the shortcomings of the Commission on Human Rights to be redressed. The resolution institutes key guiding ideals for the centerpiece of all future Council activities.

United Nations, Human Rights Council. (2013, May 27). *Opening Statement by UN High Commissioner for Human Rights, Navi Pillay, of the 23rd Session of the Human Rights Council, in Geneva*. Retrieved 28 June 2013 from: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13358&LangID=E>

Navi Pillay, the High Commissioner for Human Rights, provides a comprehensive overview of current pressing human rights issues. From her experience as the current UN High Commissioner for Human Rights, she addresses both widespread and localized issues by emphasizing the Council's responsibility to civilians not under the protection of fully human rights-respecting governments. Her observations analyze the emerging trends of States, and the potential ills or improvements that could potentially result.

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The Humanist (2008). *The Universal Declaration of Human rights: Still Ahead of Its Time?*. Retrieved 2 August 2013 from: <http://thehumanist.org/november-december-2008/the-universal-declaration-of-human-rights-still-ahead-of-its-time>

New Zealand, Ministry of Foreign Affairs and Trade. (2013, September). *United Nations Handbook 2013-14*. Retrieved 24 October 2013 from: <http://www.mfat.govt.nz/downloads/media-and-publications/UN-Handbook-2013-web%20PDF.pdf>

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United Nations, Human Rights Council, Twentieth session. (2012, June 29). *The promotion, protection and enjoyment of human rights on the Internet (A/HRC/20/L.13)* [Resolution]. Affirmed that the freedom of speech extends to the internet. Retrieved 30 June 2013 from: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/20/8

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I. Human Rights in the Post-2015 Development Framework

*" We will not enjoy security without development. We will not enjoy development without security. And we will not enjoy either without respect for human rights."*⁴³

Introduction

With the world's population expected to reach 9 billion by the year 2050, and a projected global Gross Domestic Product (GDP) of over \$200 trillion, innovative approaches must be taken into account in order to address the challenge of poverty, social exclusion, and the urgent need to ensure sustainable development while simultaneously addressing climate change and protecting the environment.⁴⁴ Despite the milestones achieved in improving the lives of people throughout the world, there are still 1.4 billion people that live in what is considered "extreme poverty" (population leaving off less than \$1.25 per day) with over 900 million people, including millions of women and children, suffering from "chronic hunger," (which is defined as a state of food insecurity, i.e. the inability to acquire more than enough food defined as sufficient to meet dietary needs, which lasts for more than one year).⁴⁵

The post-2015 development agenda aims at developing a framework for improving the lives of people all over the world through harnessing the momentum of the effort to meet the Millennium Development Goals (MDGs) by 2015 and drawing on consultations from a wide range of stakeholders involved in or affected by these issues.⁴⁶ The post-2015 development agenda also focuses on the unique problems faced by the world today, such as the global economic crisis and climate change.⁴⁷ In 2010, the need to build a development agenda post-2015 was decided at the High-level Plenary Meeting of the United Nations General Assembly which revisited progress towards achieving the MDGs.⁴⁸ In an effort to establish an inclusive process by which the entire world could take part in shaping the approach to development after 2015, global consultations between states, civil society, United Nations agencies, academia, and people throughout the world began in early 2011.⁴⁹ Major themes discussed include topics such as conflict and fragility, education, energy, environmental sustainability, food security, governance, growth and employment, health, inequalities, population dynamics, and water.⁵⁰

International Framework

There are a range of international instruments which guide the post-2015 development framework which provide guidance and opportunity for integration of human rights. As a high priority of creating a comprehensive framework that is all-inclusive, there is a strong international framework backing the post-2015 agenda. The MDGs are the driving force behind developing a post-2015 agenda, especially since they provided a global structure for addressing the needs of the world's poorest people.⁵¹ At its 55th session in 2000, the United Nations General Assembly (GA) adopted the *United Nations Millennium Declaration (A/RES55/2)*, which addressed the importance of the world's leaders and all relevant actors in protecting the principles of human dignity, equality and equity.⁵² The Declaration focused on eight main components: "values and principles; peace, security and disarmament; development and poverty eradication; protecting our environment; human rights, democracy, and good governance; protecting the vulnerable; meeting the special needs of Africa; and strengthening the United Nations."⁵³ The MDGs consist of eight goals, which are further broken down into targets, to be reached by a 2015 deadline and they range in addressing issues such as poverty eradication, promoting gender equality, and reducing the child mortality rate.⁵⁴

⁴³ UN Secretary-General, *Secretary-General's Address to the Commission on Human Rights, 2005*. Hendra, *The Right to Equality in Post-2015*, 2013.

⁴⁴ Sustainable Development Solutions Network, *Home*.

⁴⁵ World We Want 2015, *About*, 2013; World Bank, *Extreme Poverty Rates Continue to Fall*, 2010; FAO, *The State of Food Insecurity in the World 2013*, 2013, p. 50.

⁴⁶ UN System Task Team, *Frequently Asked Questions*, 2012.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ World We Want 2015, *Topics*, 2013.

⁵⁰ Ibid.

⁵¹ UN, *United Nations Millennium Development Goals*, 2013.

⁵² UN General Assembly, *United Nations Millennium Declaration*, 2000.

⁵³ Ibid.

⁵⁴ UN Statistics Division, *Official List of MDG Indicators*, 2013.

The purpose of these goals is for both developed and developing countries to create a partnership in which "to create an environment- at the national and global levels alike- which is conducive to development and the elimination of poverty."⁵⁵

In 2010, the High-level Plenary Meeting of the General Assembly came together to reassess the progress of the MDGs and how closely they were to being achieved by the 2015 deadline.⁵⁶ The GA adopted resolution 65/1 entitled "Keeping the promise: united to achieve the Millennium Development Goals," which reevaluated the success of the goals and how to best achieve success by the deadline, through implementing an action plan, and trying to overcome the new obstacles to the MDGs caused by the economic financial crisis.⁵⁷ As a result of requests made by Member States at the High-level Plenary Meeting of the General Assembly on the MDGs, the Secretary-General presented an annual report on the progress of MDGs while also giving recommendations on how to integrate the MDGs into the United Nations post-2015 development agenda.⁵⁸ While some of the targets have been met, there are still many others that remain unaccomplished and disparities among disadvantaged groups in certain regions or countries are still evident and show the uneven progress made in this field.⁵⁹

Rio +20 and the Post-2015 Development Agenda

An important international conference that fuels the momentum of developing focused goals in a post-2015 agenda was the United Nations Conference on Sustainable Development (UNCSD), commonly referred to as Rio+20. It highlighted the need to institute a set of Sustainable Development Goals (SDGs) which will be addressed as part of the new development framework alongside the MDGs.⁶⁰ In June 2012, the UNCSD, held in Rio de Janeiro, Brazil, focused on the themes of developing "a green economy in the context of sustainable development poverty eradication, and establishing the institutional framework for sustainable development."⁶¹ The three pillars of sustainable development addressed by the Rio +20 conference were economic development, social development and environmental protection with an emphasis on creating long-term goals.⁶² In order to strengthen the three pillars of sustainable development, the outcome document of the Rio +20 conference, entitled *The Future We Want* (A/RES/code), underlined ways to best protect these pillars through suggestions such as taking "action- and result-oriented approaches to relevant cross-cutting issues," providing policy guidance for political leaders, promoting science-policy interface and inclusion, and promoting transparency, public participation and partnerships through the help of civil society.⁶³ Rio +20 had participants from throughout the UN system to ensure that *The Future We Want* reflected a political consensus for a global plan of action, such as the United Nations Human Rights office which emphasized the need for a rights-based approach to sustainable development by identifying the principle that should be included to protect human rights through participation, accountability, equality and non-discrimination, empowerment, and rule of law with attention going towards human rights issues such as the right to water, food, sanitation, health, housing, and education in developing sustained economic growth models.⁶⁴ While the need for SDGs was discussed at *Rio +20*, participating governments could not fully agree on the themes of these goals, which resulted in the creation of an open working group to produce a proposal that will be presented at the start of the 68th session of the General Assembly in September 2013.⁶⁵ While the Open Working Group is working hard to develop these goals now, emphasis is being placed on coordinating the SDGs with the revised MDGs as a major component of the post-2015 framework.⁶⁶

⁵⁵ Ibid.

⁵⁶ UN General Assembly, *Keeping the promise: united to achieve the Millennium Development Goals*, 2010.

⁵⁷ Ibid.

⁵⁸ UN General Assembly, *Accelerating progress towards the Millennium Development Goals: options for sustained and inclusive growth and issues for advancing the United Nations development agenda beyond 2015*, 2012.

⁵⁹ UN News Centre, *Millennium Development Goals are within reach, but stronger efforts needed- UN report*, 2013.

⁶⁰ UN Department for Economic and Social Affairs, *United Nations Conference on Sustainable Development*, 2013.

⁶¹ UN Conference on Sustainable Development, *About the Rio + 20 Conference*, 2011.

⁶² Ibid.

⁶³ UN Conference on Sustainable Development, *The Future We Want*, 2012.

⁶⁴ UN, *Human Rights, Rio + 20*, 2013.

⁶⁵ AWID, *Rio + 20 Outcomes: What Was Agreed And What This Means For Women's Rights Going Forward*, 2012.

⁶⁶ Ibid.

Role of the UN System

To prepare participants in the UN system and others around the world, the UN Secretary-General set up three groups to report on post-2015 activities: the UN system Task Team, the High-level Panel of Eminent Persons, and a Special Advisor on Post-2015 Development Planning.⁶⁷ The UN System Task Team on the Post-2015 Development Agenda was established by the UN Secretary-General in September 2011 following the 2010 High-level Plenary Meeting of the General Assembly on the MDGs to prepare and bring together over 60 UN entities, agencies, and international organizations to make sure that all parts of the UN are ready to accommodate a post-2015 agenda.⁶⁸ The Task Team is co-chaired by the UN Department of Economic and Social Affairs (DESA) and the UN Development Programme (UNDP) and generates its reports through consultations with Member States, civil society, research institutions, and participants from the private sector.⁶⁹ A recently released report entitled *Realizing the Future We Want for All*, calls for the new agenda to take on a more holistic approach by following four dimensions: inclusive social development, inclusive economic development, environmental sustainability, and peace and security.⁷⁰ With recommendations and support from 60 UN agencies and civil society, the report explains why a new agenda cannot be fully set because previous goals have not yet fully run their course and up to date data will be needed to keep recommendations relevant.⁷¹ The UN systems Task Team discussion note on *New partnerships to implement a post-2015 development agenda* attempts to identify the main challenges acknowledged at the beginning of the millennium and what trends can be projected in order to strengthen global partnerships.⁷²

In July 2012, the High-level Panel of Eminent Persons was appointed by the UN Secretary-General to assist in providing recommendations for possible components to be included in the new agenda.⁷³ The High-level Panel was established as part of the post-2015 initiatives to provide a better understanding, through its 26 members, of what challenges and experiences were gained while implementing the MDGs through the work of those who have this experience first-hand in their own countries.⁷⁴ In their report, *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, the Panel sets up a roadmap that would aspire to eradicate extreme poverty based on five main guidelines: “leave no one behind; put sustainable development at the core; transform economies for jobs and inclusive growth; build peace and effective, open and accountable institutions for all; and forge a new global partnership.”⁷⁵ Emphasizing a need for poverty alleviation plans to be universal in their relevance and reach across the world, a new development agenda should tackle the problems of those who have not achieved MDG targets while also focusing on the need for qualitative goals that can increase the quality of life for those in countries that have only focused on meeting MDG targets.⁷⁶

The 26-member Panel is charged with providing a better understanding of the challenges those with first-hand experience faced in implementing the MDG's.⁷⁷ A new development agenda should address the disadvantaged groups that have not seen an increase in the quality of life for countries that merely focused on barely meeting MDGs, which resulted in unequal distributions.⁷⁸

UN entities, such as the Human Rights Council (HRC) are getting involved and working to influence the work of the framework of the new development agenda from a rights-based perspective.⁷⁹ The Office of the High Commissioner for Human Rights (OHCHR) is an active member of the Task Team on post-2015 that helped focus the human rights theme, along with equality and sustainability throughout the first report in 2012.⁸⁰ In her open letter on *Human*

⁶⁷ UN department For Economic And Social Affairs, *Preparing for the Development Agenda beyond 2015*, 2013.

⁶⁸ UN department For Economic And Social Affairs, *Preparing for the Development Agenda beyond 2015*, 2013.

⁶⁹ UN System Task Team, *Frequently Asked Questions*, 2012, pp. 1-2.

⁷⁰ Vives, *UN Task Team on Post-2015 publishes its first report*, 2012.

⁷¹ UN System Task Team on the Post-2015 UN Development Agenda, *Realizing the Future We Want for All: Report to the Secretary General*, 2012, p. 42.

⁷² UN, System Task Team on the Post-2015 UN Development Agenda, *New partnerships to implement a post-2015 development agenda: Discussion Note*, 2012, p. 3.

⁷³ *Beyond 2015, UN High Level Panel*, 2013.

⁷⁴ UN, Press Release, *UN Secretary-General Appoints High-Level Panel on Post-2015 Development Agenda*, 2012.

⁷⁵ High-level Panel on the Post-2015 Development Agenda, *The Report*, 2013.

⁷⁶ Jones, *Piebalgs: Global anti-poverty framework won't be 'diluted'*, 2013.

⁷⁷ UN, Press Release, *UN Secretary-General Appoints High-Level Panel on Post-2015 Development Agenda*, 2012.

⁷⁸ Jones, *Piebalgs: Global anti-poverty framework won't be 'diluted'*, 2013.

⁷⁹ UN, *Human Rights, Human Rights and Post-2015 Development Agenda*, 2013.

⁸⁰ UN, *Human Rights, Human Rights and Post-2015 Development Agenda*, 2013.

rights in the Post-2015 Agenda, the High Commissioner for Human Rights, Navanethem Pillay explicitly highlights the key elements that must be considered when taking a rights-based approach to development, which include: attention to root causes, broad public participation, accountability, non-discrimination, reducing inequalities, good governance, access to justice, social protection floors, and effective international cooperation.⁸¹ The OHCHR partnered with the Center for Economic and Social Rights (CESR) and published a paper entitled *Who Will Be Accountable? Human Rights in the Post-2015 Development Agenda*.⁸² It points out the shortcomings of the MDG's, namely that there was a lack of accountability mechanisms in place to encourage states to meet goals while bearing in mind their pre-existing human rights' commitments.⁸³ The proposed national accountability method mentioned in the report includes a four-part approach of creating national plans of action, tracking budget allocations and expenditures, monitoring progress and priorities using indicators, and achieving accountability through access to judicial, administrative, and political remedies.⁸⁴

Inequality Challenges in a Post-2015 Framework

Economic Inequalities

In his address to the General Assembly's thematic debate on inequality, Secretary-General Ban Ki-moon discussed how economic and social inequalities can play a significant role in preventing nations from thriving as well as "breed crime, disease, environmental degradation, and hamper economic growth" and has ultimately caused uneven progress for MDGs.⁸⁵

A 2010 report done by the Credit Suisse Research Institute shows that the richest 0.5 % of adults around the world, hold more than one-third of the world's wealth.⁸⁶ Increased attention has been given to the relationship between economic inequalities and increases in conflict.⁸⁷ This has led to the theme of inequalities in the post-2015 consultations aimed at addressing and focusing on policies that will measure inequalities and set comprehensive goals.⁸⁸ Another means in which inequalities can be addressed in a post-2015 framework is revisiting the guidelines set in the HRC's *Guiding Principles on Business and Human Rights*, which calls on states to protect any and all human rights abuses by taking proper steps to "prevent, investigate, punish and redress such abuses through effective policies, legislation, regulations, and adjudication."⁸⁹ The Sustainable Development Solutions Network also calls on businesses to embrace good corporate governance policies and to focus on developing multilateral and bilateral cooperation through changing governance structures to focus towards empowering developing countries.⁹⁰

Gender Inequalities

Goal 3 of the MDG's focused on promoting gender equality and empowering women, with a target of overcoming gender disparity in primary and secondary education by 2005, and at all levels of education by 2015.⁹¹ Worldwide, equality for girls' access to primary education is achieved, but overcoming disparities in all levels of education by 2015 looks doubtful with only 2 out of 130 countries meeting this goal so far.⁹² Girls can increase their income earning potential by 15-25 percent just by increasing their secondary education by one year, which benefits their national economies as well as their livelihoods.⁹³ Since gender inequalities have such a large effect on girls, an organization known as The Girl Effect compiled the *Girl Declaration* which asked girls across the world what goals and targets they felt would address their own goals and targets with a set of guiding principles to ensure their voices are also considered in the construction of the post-2015 development agenda.⁹⁴ One important factor to consider in a

⁸¹ Pillay, *Human Rights in the Post-2015 Agenda*, 2013.

⁸² UN, Human Rights and the Center for Economic and Social Rights, *Who will be accountable? Human Rights in the Post-2015 Development Agenda*, 2013.

⁸³ *Ibid.*, p. 7.

⁸⁴ *Ibid.*, p. 35.

⁸⁵ UN News Centre, *Addressing social, economic inequalities crucial to achieve sustainability- UN officials*, 2013.

⁸⁶ IPS, *Inequality Data and Statistics*.

⁸⁷ Saferworld, *Addressing horizontal inequalities as drivers of conflict in the post-2015 development agenda*, 2013.

⁸⁸ *Ibid.*

⁸⁹ UN, Human Rights, *Guiding Principles on Business and Human Rights*, 2011, p. 3.

⁹⁰ Sustainable Development Solutions Network, *An Action Agenda for Sustainable Development*, 2013, p. 25.

⁹¹ UN, *An Action Agenda for Sustainable Development*, 2013, p. 25.

⁹² UN, *Goal 3: Promote Gender Equality and Empower Women*, 2013.

⁹³ The Girl Effect, *The Girl Declaration*, 2013.

⁹⁴ *Ibid.*, p. 8.

post-2015 agenda is the proper allocation of funding on both the national and global level in overcoming gender disparities; however, governments are less likely to provide funding to projects addressing gender inequalities and women's empowerment due to a lack of accessible data.⁹⁵ Another aspect that needs to be properly addressed in the new agenda is social inclusion where women are not as involved in the decision-making process in countries where they lack access to formal politics and are only active participants in grassroots or activist campaigns.⁹⁶

Conclusion

The post-2015 development agenda presents a wonderful opportunity to advance global development by learning from mistakes made in the past and also taking advantage of resources that are available. Although the post-2015 framework cannot be established yet, there is a wide array of themes and comprehensive reports being conducted by states, UN entities, civil society, academia, and individuals throughout the world all working together to make sure the framework is strong and represents a comprehensive guide to ensuring that when the time comes to set new goals, they will be thorough and address the universal needs that must be met to achieve success.⁹⁷ Remembering the importance of the human rights' focus will also contribute to giving accountability to states and thus help to overcome disparities that have led to the uneven results when meeting the targets.⁹⁸ The global thematic consultations are also providing viable solutions that have worked in addition to presenting the problems that should be addressed, which puts the post-2015 development agenda in a unique position.⁹⁹

Delegates should consider these questions while conducting their research: How can the SDGs work best with revised MDGs to ensure a comprehensive framework? What comprehensive approaches should be taken to protect the greater principle of human rights through all the themes and topics being presented to the Secretary-General? What long-term goals should be set forth in a post-2015 development agenda in regards to human rights issues, and what can be done in the meantime to continue progress with the MDGs? Through consideration of these questions, delegates can focus their research on the best approaches to incorporate human rights as an underlying theme in the post-2015 development framework.

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The High-level Panel's website keeps all actors in the post-2015 agenda updated on their actions. This website is easy to navigate and also includes statements and articles on the report released from the members of the Panel. Delegates should use this website to understand the work of the High-level Panel in the post-2015 development agenda and keep track of consultations that have occurred within their countries.

Sustainable Development Solutions Network. (2013, June 6). *An Action Agenda for Sustainable Development*. Retrieved July 31 2013 from: <http://unsdsn.org/files/2013/06/130613-SDSN-An-Action-Agenda-for-Sustainable-Development-FINAL.pdf>

This publication is the action agenda proposed for the creation of the SDGs. This builds upon the discussions from Rio +20 and gives SDGs careful consideration so that they may be implemented into the post-2015 framework. Delegates should look over this publication in order to understand the challenge of sustainable development and how these experts propose ways in which to overcome them.

⁹⁵ OECD, *Gender equality and women's rights in the post-2015 development agenda: A foundation for Sustainable Development*, 2013, p. 6.

⁹⁶ Sustainable Development Solutions Network, *Achieving Gender Equality, Social Inclusion, and Human Rights For All: Challenges and Priorities for the Sustainable Development Agenda*, 2013, pp. 23-24.

⁹⁷ World We Want 2015, *Topics*, 2013.

⁹⁸ Pillay, *Human Rights in the Post-2015 Agenda*, 2013.

⁹⁹ World We Want 2015, *Topics*, 2013.

United Nations, Conference on Sustainable Development. (2012, June 20). *The Future We Want for All*. Retrieved July 27 2013 from:

<http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf>

This landmark document highlights the main points discussed during the Rio +20 Conference. The outcome of this conference is being used to influence the post-2015 agenda and also draws attention to the importance of focusing on human rights issues. Delegates should be familiar with this document as it best describes the outcome of Rio + 20.

United Nations, Department of Economic and Social Affairs, Development Policy and Analysis Division. (2013). *Preparing for the Development Agenda Beyond-2015* [Website]. Retrieved August 3 2013 from:

http://www.un.org/en/development/desa/policy/untaskteam_undf/index.shtml

This webpage gives a comprehensive overview of the tasks forces and groups working in conjunction with the Secretary-General to develop a post-2015 framework. There are brief bios that provide insight into each group and what they are working on. Delegates will find this webpage useful in order to better understanding the roles these groups play in the post-2015 agenda.

United Nations, General Assembly, Fifty-fifth session. (2000, September 18). *United Nations Millennium Declaration*. Retrieved 31 July 2013 from: <http://www.un.org/millennium/declaration/ares552e.pdf>

The United Nations Millennium Declaration is one of the most historic documents in the history of the United Nations and is an integral part of the post-2015 framework. The Millennium Declaration resulted in the creation of the MDGs and their target deadline of 2015. Delegates should know this declaration as it paved the way for developing a new agenda.

United Nations, Office of the High Commissioner on Human Rights. (2011). *Guiding Principles on Business and Human Rights*. Retrieved 2 July 2013 from:

http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

This publication addresses the issue of protecting human rights in relation to business. These guiding principles will give delegates clarity on how to handle human rights in relation to corporate responsibility. It will be helpful in determining how the private sector plays a role in the post-2015 agenda.

United Nations, Office of the High Commissioner on Human Rights. (2013). *Human Rights and the Post-2015 Development Agenda* [Website]. Retrieved 2 July 2013 from:

<http://www.ohchr.org/EN/Issues/MDG/Pages/Intro.aspx>

This is the webpage for the Human Rights Council for the post-2015 agenda. There are helpful links to conferences such as the Rio +20 and national consultations that will help delegates understand what previous conferences and data reports have already been collected. Delegates will find this to be an excellent starting point for research and will also find the national consultations useful in determining their country's position.

United Nations, Office of the High Commissioner on Human Rights. (2013, June 6). *Letter regarding "Human rights in the Post-2015 Agenda."* Retrieved 2 July 2013 from:

<http://www.ohchr.org/Documents/Issues/MDGs/HCOpenLetterPost2015.pdf>

This letter written by the High Commissioner on Human Rights highlights why it is vital to include human rights in the post-2015 framework and how this can be achieved. Delegates will find the ten10 elements of human rights pointed out clearly in the text. This letter is an excellent way for delegates to gain insight into the focus of the Human Rights Council within the post-2015 agenda.

United Nations, System Task Team. (2012, September). *Frequently Asked Questions*. Retrieved 3 July 2013 from: http://www.un.org/en/development/desa/policy/untaskteam_undf/faq_untt_report_sep2012.pdf

This report is a very important source that breaks down the focus of the post-2015 agenda. Delegates will find this report easy to follow because it is broken down in sections based on frequently asked questions. Delegates will receive overall basic information on the approach that has been taken to address the new development agenda.

United Nations, The World We Want. (2013). *World We Want* [Website]. Retrieved July 2, 2013 from: <http://www.worldwewant2015.org/>.

This website provides an open forum for feedback regarding the post-2015 development agenda and its global thematic consultations. The website provides useful links to organizations working on the post-2015 agenda and the consultations and also has a participation component that makes it possible for people around the world to give their input on topics, reports, and consultations. Delegates will find this website useful in learning more about the consultations, and will get the chance to see feedback from people that are concerned about the new agenda.

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II. Extrajudicial, Summary, and Arbitrary Executions

*“It is clear, nevertheless, that if the [Human Rights] Council has the political will it can do vastly more to prevent unlawful killings around the world and to put in place much more effective mechanisms for accountability when atrocities do occur.”*¹⁰⁰

Introduction

The Human Rights Council (HRC) was created as an intergovernmental body by the United Nations (UN) in March 2006 with the goal of “strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.”¹⁰¹ Within this broader scope of human rights issues, there has been long-term discussion involving the issue of extrajudicial, summary, and arbitrary executions.¹⁰² The UN, in creating human rights legislation and policies, has considered the fact that many Member States do possess the right to impose capital punishment within their states.¹⁰³ In response to this acknowledgment, the *UN Resolution 2993 (XXIII)* of 26 November 1968, deemed that all instances of capital punishment must be subjected to the most rigorous and fair judicial process and safeguards.¹⁰⁴

However, the General Assembly (GA) has had an increase number of executions being reported within the last few decades that were not subject to a consistent judicial process or safeguards.¹⁰⁵ These executions are what the UN has deemed “extrajudicial, summary, and arbitrary,” in response to their lack of legal process.¹⁰⁶ As a reaction to the increasing number of reported cases, the *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders* was held in 1980. There, the Congress condemned “the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups; acting with the support, tacit or otherwise, of official forces or agencies.”¹⁰⁷ This international condemnation prompted the adoption of *GA Resolution 35/172* on 15 December 1980, which urges Member States to observe a minimum amount of judicial safeguards for all executions.¹⁰⁸

International Framework

At the core of the guarantee to “inherent dignity and of the equal and inalienable rights of all members of the human family,” is the concept of the “right to life,” a theoretical concept which details, on its most basic level, that all humans inherently, regardless of circumstance, have a right to live.¹⁰⁹ This concept originally came into being as a philosophical or religious concept, and has become increasingly supported officially through legislation.¹¹⁰ Historically, one of the first known instances of this right being recognized by policy is in the 1776 *United States Declaration of Independence*, wherein all citizens were promised the inalienable rights of “life, liberty, and the pursuit of happiness.”¹¹¹ This concept was again reflected in the 1948 *Universal Declaration of Human Rights*, which states that: “everyone has a right to life, liberty, and security of the person.”¹¹² In 1950, the Council of Europe adopted the *European Convention on Human Rights*, wherein Article 2 declared that all humans have a protected right to life.¹¹³ This document is especially noteworthy in that it defines situations in which the right to life may be

¹⁰⁰ Philip, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions* [Report], 2010.

¹⁰¹ UN General Assembly, *Resolution Code and title* [Website], 2006; United Nations Human Rights Council, *Background Information on the Human Rights Council* [Website], 2013

¹⁰² OHCHR, *Fact Sheet No.11 (Rev.1), Extrajudicial, Summary or Arbitrary Executions*, 2013.

¹⁰³ Ibid.

¹⁰⁴ United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1980, 1980*.

¹⁰⁵ OHCHR, *Fact Sheet No.11 (Rev.1), Extrajudicial, Summary or Arbitrary Executions*, 2013.

¹⁰⁶ Ibid.

¹⁰⁷ UN Congress on the Prevention of Crime and the Treatment of Offenders, *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1980, 1980*.

¹⁰⁸ UN General Assembly, *Arbitrary or Summary Executions (A/RES/35/172)*, 1980.

¹⁰⁹ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

¹¹⁰ United Nations, *UNEnable* [Website], 2013.

¹¹¹ The Charters of Freedom, *Declaration of Independence* [Website], 2013.

¹¹² United Nations General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

¹¹³ European Court of Human Rights, *European Court of Human Rights* [Web Site], 2013; Council of Europe, *European Convention on Human Rights* [Web Site], 1950.

forfeit, and possesses several articles that have evolved over time to reflect changes in international views on issues such as torture and capital punishment.¹¹⁴ In December of 1966, the UN adopted the *International Covenant on Civil and Political Rights*, wherein Article 6.1 asserts an inherent right to life, protected by law, with guarantees against arbitrary deprivations of life.¹¹⁵ This document, much like the *European Convention on Human Rights*, had sub-clauses to address in which situations this right may be under dispute, expressly in the face of genocide or legislation that allows capital punishment.¹¹⁶ This document was also the first to purposely address within its clauses the issue of sovereignty, wherein international recommendations may clash with national legislation.¹¹⁷ Finally, in 1989, the UN adopted the *Convention on the Rights of the Child*, which specified life as inherent to the rights of children.¹¹⁸

Role of the United Nations System

As the “right to life” has been established intrinsic in guiding international human rights legislation, human rights abuses that threaten this same “right to life” fall under the mandate of the HRC.¹¹⁹ Included within this mandate, as well as dozens of other substantive thematic issues threatening the human right to life globally, is the issue of “executions,” and, specifically, the occurrence of this act when it is judged to be “extrajudicial, summary, and arbitrary,” as defined by the UN in 1989.¹²⁰ These executions are currently defined as those wherein a person is killed without the benefit of a full and fair trial.¹²¹ Primarily, summary, arbitrary, and extrajudicial executions are those which occur outside of the law through a variety of methods, especially in cases of killing by law enforcement officials, known in some developing states as “death squads,” and killings during armed conflict.¹²² Specific types of summary, arbitrary, and extrajudicial executions are recognized as being regularly sanctioned by the governments of countries, including death in custody and the death penalty.¹²³ Furthermore, situations of killings during counter-terrorism operations are ratified in terms of national defense, known as “shoot to kill,” suffer little objection from citizens who may not even be aware that they are occurring.¹²⁴ Also, killings by non-state actors are prevalent, and include all killings by groups who identify as guerilla, rebel, terrorist, vigilantes, gangs, mobs, and militias.¹²⁵

This issue has been discussed widely within the UN, starting at first with the *Sub-Commission on Prevention of Discrimination and Protection of Minorities*, which has consistently reported on the subject under the title of “Disappearances and Summary Executions.”¹²⁶ With the Sub-Commission’s increasing number of reports on summary executions throughout the 1970’s, the UN reacted in two ways.¹²⁷ Firstly, in 1989 they created a manual, entitled *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, which called on governments to ban all executions that were not recognized as being permissible under national criminal law.¹²⁸ The second reaction of the UN to the increasing reports on missing persons and summary executions was to create an investigative working group called the Sub-Commission on Prevention of Discrimination and Protection of Minorities.¹²⁹ The Working Group on Enforced or Involuntary Disappearances was sanctioned by the

¹¹⁴ Council of Europe, *European Convention on Human Rights* [Web Site], 1950.

¹¹⁵ United Nations General Assembly, *International Covenant on Civil and Political Rights: Second Optional Protocol Aiming at the Abolition of the Death Penalty (A/RES/44/128)*, 1989.

¹¹⁶ UN General Assembly, *International Convent on Civil and Political Rights*, 1966.

¹¹⁷ Ibid.

¹¹⁸ UN Human Rights Council, *International Covenant on Civil and Political Rights*, 1976; United Nations International Children’s Emergency Fund, *Convention on the Rights of the Child*, 1989.

¹¹⁹ United Nations Human Rights Council, *What are Human Rights?* [Website], 2013.

¹²⁰ United Nations Human Rights Council, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2013; Human Rights Library, *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* [Website], 1989.

¹²¹ UN Human Rights Council, *International Covenant on Civil and Political Rights*, 1976.

¹²² OHCHR, *Information Needed for the Special Rapporteur to take action*, 2010.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ American Journal of International Law, *The United Nations Sub commission on Prevention of Discrimination and Protection of Minorities*, 1968.

¹²⁷ Human Rights Library, *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, 1989.

¹²⁸ Ibid.

¹²⁹ Commission on Human Rights, *Question of Missing and Disappeared Persons* [Web Site], 1978.

Commission of Human Rights in 1980 as a means to research these disappearances and how to prevent them.¹³⁰ The creation of this group resulted in “the establishment of a mandate on summary and arbitrary executions”.¹³¹ This mandate was expanded in its 1992 resolution, wherein the definition of “summary and arbitrary” was expanded to include “extrajudicial” as well, reflecting the Commissions newly broader approach to addressing human rights abuses.¹³²

As a final measure, it was in *Resolution 1982/29* of 11 March 1982 that the Commission on Human Rights recommended to the Economic and Social Council (ECOSOC) to appoint an international expert to the role of “Special Rapporteur” for the purpose of researching and reporting instances of summary, arbitrary, and extrajudicial executions. The Special Rapporteur would report back to the Commission at its thirty-ninth session.¹³³ The ECOSOC adopted this resolution in its March 1982 session as 1982/35, and the role of Special Rapporteur came into being.¹³⁴

The mandate of the Special Rapporteur is international in scope and covers all states, regardless of whether the Member State has “ratified relevant international Conventions.”¹³⁵ Primarily, their role is to examine all potential summary, arbitrary, and extrajudicial executions and report annually to the General Assembly, as well as to make the High Commissioner of Human Rights aware of existing issues.¹³⁶ Additionally, the Special Rapporteur must review all reports and make recommendations based upon them to Member States.¹³⁷ Furthermore, they must monitor existing policies, ensure gender mainstreaming in all recommendations, and to react quickly when the threat of a summary, arbitrary, and extrajudicial execution exists.¹³⁸ Through this, the Special Rapporteur must be guided by international law.¹³⁹

The Special Rapporteur supports this mandate through a number of ways, including country visits.¹⁴⁰ The goal of these visits is to receive first-hand information; they are not intended to condemn countries and do not replace official judicial visits.¹⁴¹ The reports that are generated are pivotal to the creation of relevant policy, and through the process of creating and publishing these reports, the Special Rapporteur has observed and described existing global patterns of situations where summary, arbitrary, and extrajudicial executions are more likely to occur. Primarily, these have been identified as areas of social or political upheaval; where land rights are at risk; where minorities are being discriminated against; and where specific cultures and religions are being threatened.¹⁴² As well, rapid urbanization and cases of civil war have been linked to a collapse of the judiciary, and a lack of political will to prevent these executions.¹⁴³

As the role of the Special Rapporteur mandates that they must act with the aim of preventing loss of life, they will be called into immediate action when the lives of a person or persons are at risk.¹⁴⁴ The Special Rapporteur bases this action and these allegations on the information that they receive through individual complaints, which are then verified with existing information from key witnesses and the Member State’s government; which include a recounting of the event, the perpetrators, the victim, the sources of the allegation, the authorities involved, and any other additional relevant information.¹⁴⁵ If the Special Rapporteur sees that a complaint does not have significant

¹³⁰ Ibid.

¹³¹ UN Human Rights Council, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2013.

¹³² UN Human Rights Council, *Resolution 8/3*, 2008; UN Human Rights Council, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2013.

¹³³ UN Human Rights Council, *Special Rapporteur on extrajudicial, summary or arbitrary executions* [Web Site], 2013; OHCHR, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2010.

¹³⁴ OHCHR, *Summary or Arbitrary Executions* [Web Site], 1982.

¹³⁵ OHCHR, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2010.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ OHCHR, *Extrajudicial, summary or arbitrary executions*, 2011.

¹⁴⁰ OHCHR, *Summary or Arbitrary Executions*, [Website], 1982.

¹⁴¹ OHCHR, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2010.

¹⁴² UN Human Rights Council, *Fact Sheet #11*, 2013.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ OHCHR, *Information Needed for the Special Rapporteur to take action* [Website], 2010.

evidence against it, and is considered credible, they will react by writing an urgent letter of appeal to the relevant Member State called a “Letter of Allegation,” and will urge relevant authorities to take immediate action.¹⁴⁶

Journalists

The execution of journalists is a specific and important topic included within the broader umbrella subject of extrajudicial, arbitrary, and summary executions. Due to the fact that a journalist’s job involves keeping the public informed and educated, there is an inherent danger in their work, and they are recognized by the HRC as either being “killed at an alarming rate by state and non-state actors”, or being intimidated into censorship by the execution of their peers.¹⁴⁷ The killers of these journalists seek to intimidate others within the media from speaking out, as well as to silence any opposing voices through murder.¹⁴⁸

Case examples continue to occur, which some of the most publicized cases being within the last few decades.¹⁴⁹ The 2007 death of Fernando “Batman” Lintuan, a radio journalist in the Philippines, drew international attention to the cases of extrajudicial killing, and to the Phillipino “Davao Death Squad” (DDS).¹⁵⁰ Lintuan was shot dead by an assassin riding tandem on a motorcycle past an intersection where the journalist was standing, and police investigations have led to the possibility that his death was orchestrated by the DDS, a “vigilante” group with well-known governmental connections.¹⁵¹

In a similar manner, the more recent death of the regional chief of Egypt’s daily *Al Ahrām* journal has been internationally condemned.¹⁵² While official police investigations have stated that Tamer Raouf was shot by soldiers at a checkpoint shortly after curfew began, the International Federation of Journalists has urged Egyptian authorities to carry out an independent investigation. His death brings the total number of deaths in Egypt during the week of 13 August 2013 to five.¹⁵³

While existing infrastructure does address these specific cases of extrajudicial execution, including international acts on the collective right to free speech, the Special Rapporteur has recognized that the real issue is unaccountability of Member States on the issue, as well as underutilized points of protection in the system that are specifically for journalists. The Special Rapporteur has also concluded that journalists are deserving of special protection under international law due to the inherent danger and vulnerability in their positions, despite the fact that this specific legislation does not currently exist. The Special Rapporteur has concluded that encouraging the HRC to reduce domestic impunity and react immediately to death-threats within a nation; as well as to offer special protection to photo-journalists and environmental journalists, who prove to be increasingly targeted victims.¹⁵⁴

Targeted Killings

Another area that is currently lacking international legislation, as recognized by the Special Rapporteur from 2004-2010, is that the term “targeted killing” is not specifically defined within international law.¹⁵⁵ What this means is that though this term has been used colloquially since 2000 in response to the killings in the Occupied Palestinian Territories by Israeli militants, there is no specific legislature or infrastructure addressing the issue.¹⁵⁶ The only common element is premeditated violence against an individual with the aim of murder, and even this has changed in scope and frequency with recent technological innovations in weaponry.¹⁵⁷ As well, in these cases, since the term

¹⁴⁶ OHCHR, *Special Rapporteur on extrajudicial, summary or arbitrary executions*, 2010.

¹⁴⁷ UN General Assembly, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/67/275)*, 2012.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ Center for Human Rights and Global Justice, *Philippines: Editorial on the Davao Death Squad and Killing of Journalists* [Website], 2007.

¹⁵¹ Inquirer, *The Death of Batman* [Website], 2013.

¹⁵² International Federation of Journalists, *IFJ Condemns Killing of Egyptian Journalist in Damanhur* [Website], 2013.

¹⁵³ Huffington Post, *Tamer Abdel Raouf, Reporter, Killed at Checkpoint in Egypt* [Website], 2013.

¹⁵⁴ UN General Assembly, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/67/275)*, 2012.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

“targeted killings” is not defined, each death must be investigated and tried individually, which slows the legal process and distorts the motives of the murders.¹⁵⁸

While the extrajudicial execution of journalists does fall under this category, there are many other topics which the term “targeted killing” might also apply to, including that of the legislatively unaddressed area of drone strikes.¹⁵⁹ The Special Rapporteur has noted that there exist pending international concerns at the rate of technological development and the inability to analyze the human rights repercussions of these technologically implemented targeted killings.¹⁶⁰ Instances from the United States drone strikes on Yemen with the aim to kill Al Qaeda leader Qaed Senyan al-Harithi to Russia’s targeted killings in Chechnya in order to “combat terrorism,” shows that this unlegislated area is proving a growing threat to combating summary, arbitrary, and extrajudicial executions.¹⁶¹

Case Study – India

In the case of India, the Special Rapporteur during their last visit in April 2013 has deemed it as a nation having a “level of executions... [that] still raises serious concern.”¹⁶² Human rights in India have had a long, complicated history due to the large size of the nation, colonialism, and a diverse mix of religious and cultural groups.¹⁶³ As a result, India has struggled to ensure basic human rights to its citizens while facing challenges such as rapid urbanization and capitalism, and recovering from the legacy of colonialism.¹⁶⁴ In 2010, the international non-governmental organization *Human Rights Watch* declared that India has “significant human rights problems,” especially regarding abuse of power by security forces, terrorist attacks resulting in unlawful torture and detention, women’s and children’s rights, and extrajudicial executions.¹⁶⁵ India’s efforts at preventing these human rights abuses have been hindered by constant insurgency in some regions, specifically Kashmir and Jamma, Maoist-uprisings in the Northeast, and border crossover from neighboring Pakistan.¹⁶⁶ The Indian government has also struggled to increase police accountability and training, and with cultural issues specific to India, such as honor-killings and the dalits (untouchables).¹⁶⁷

India has several regions where extrajudicial killings are a pressing concern. One of these regions is Kashmir, located in the Northwest of India and possessing a rich history of culture and religion, that is currently under territorial dispute between India, Pakistan, the People’s Republic of China, and the Kashmir insurgents.¹⁶⁸ This conflict has been raging in the region for over 65 years with both Pakistan and China fighting India over which nation Kashmir belongs to, and with the Kashmiri insurgents also simultaneously fighting against the Indian Government.¹⁶⁹ The Kashmiri people want to have political independence, whereas India wants Kashmir to remain part of their nation, as they consider Kashmir an integral part of their culture. Kashmir is also geographically important in terms of Indian fresh water supply, as the region is the starting point for many of the major Indian rivers and tributaries.¹⁷⁰ Though the *Instrument of Accession*, a document which was signed by Indian ruler Maharaja Hari Singh in 1947, is still legally binding, Kashmir still maintains that they deserve to be an independent nation and reacts to Indian military control as threatening their autonomy.¹⁷¹

¹⁵⁸ UN General Assembly, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/67/275)*, 2012.p

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Mission to India (A/HRC/23/47/Add.1)*, 2013.

¹⁶³ United States Library of Congress, *India, A Country Study*[Website], 2004.

¹⁶⁴ Ibid.

¹⁶⁵ Human Rights Watch, *India* [Website], 2011.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Conflict Encyclopedia, *India: Kashmir, Roots of Conflict and the emergence of Kashmir Insurgents* [Website], 2013.

¹⁶⁹ Ibid.; Kashmir Library, *1989 Insurgency* [Website], 1998.

¹⁷⁰ Pat Macmillan, *India After Gandhi: The History of the World's Largest Democracy* [Website], 2008; The Times of India, *BJP Questions PM's Kashmir Autonomy Remark* [Website], 2010.

¹⁷¹ Oxford University, *Kashmir 1947, Rival Versions of History* [Website], 1996; Conflict Encyclopedia, *India: Kashmir, Roots of Conflict and the emergence of Kashmir Insurgents* [Website], 2013

As a result of this conflict, there have been reports of thousands of deaths of Kashmiri civilians at the hands of the Indian Armed Forces.¹⁷² These deaths have been reported by the Special Rapporteur as being labeled as “encounter killings” by the Armed Forces, wherein soldiers excuse their extrajudicial killings by saying that they were caught up in an attack or were killing in self-defense.¹⁷³ These executions are carried out in such a way that it seems as though the victim has “disappeared,” and no trial or judicial process is invoked.¹⁷⁴ Soldiers have also been accused of using torture in these killings, and in 2006 the actions were condemned by the United States of America as being “ethnic cleansing.”¹⁷⁵ In 2008, the Office of the United Nations High Commissioner for Human Rights declared that India was only “partially free,” referencing their human rights struggles.¹⁷⁶

Outside of Kashmir, India has been struggling with a Maoist-insurgent (Naxalite) uprising in the North-East region, wherein the far-left radicals are seeking to increase the control of government through *The Communist Party of India (Maoist)*.¹⁷⁷ This group has been deemed a terrorist party by the Indian Government, as the *Maoist-Naxalite* movement uses force to achieve political recognition.¹⁷⁸ As a response to the *Maoist-Naxalites*, the civilian militia *Salwa Judum* was created as an anti-insurgency organization, which has since been declared illegal by the Indian Supreme Court.¹⁷⁹ Clashes between the two groups have resulted in thousands of deaths of members of both groups, as well as civilians.¹⁸⁰ Accusations have arisen from the HRC that the Indian government may have financially backed both groups, therefore participating in the extrajudicial execution of its citizens.¹⁸¹

These situations, among others, have prompted the HRC to launch investigations into India and call upon the Indian government to decrease impunity.¹⁸² The Special Rapporteur has intervened with mixed results, having sent 18 letters of allegation to the government of India over the course of the Special Rapporteur position, and received official replies to 2.¹⁸³ The most recent letter was released in 2012 and listed 43 victims and the circumstances of their deaths, stating that the Indian government must follow international human rights legislation and encourage police accountability.¹⁸⁴ As well, the letter recognized possible extrajudicial executions of international journalists, and encourages further investigation into these events.¹⁸⁵ These recommendations, aside from following international laws and respecting sovereignty, have resulted in the implementation of an advisory body on the issue, and a decrease in the overall number of reported extra judiciary killings.¹⁸⁶

Conclusion

Though much work has been done on the topic of extrajudicial, summary, and arbitrary executions, the Special Rapporteur recognized in the 2010 report to the GA that “[we]...can do vastly more to prevent unlawful killings around the world and to put in place much more effective mechanisms for accountability when atrocities do occur.”¹⁸⁷ While infrastructure exists to strongly discourage these situations, there are gaps within Member State accountability, as well as a lack of legislation on specific and relevant topics, including the international protection of journalists and the definition of targeted killings.

Therefore, delegates should discuss policies that may decrease the number of reported killings. Why are specific areas of extrajudicial, summary, and arbitrary executions not covered within international law, and what can be done

¹⁷² Human Rights Watch, *India: Impunity Fuels Conflict in Jammu and Kashmir* [Website], 2006.

¹⁷³ BBC, *Kashmir's Extra-Judicial Killings* [Website], 2007.

¹⁷⁴ Human Rights Watch, *India: Impunity Fuels Conflict in Jammu and Kashmir* [Website], 2006.

¹⁷⁵ BBC World Agenda, *Paradise Lost* [Website], 2013; The Library of Congress, *109 Congress (2005-2006)* [Website], 2006.

¹⁷⁶ Amnesty International, *Thousands Lost in Kashmir Mass Grave* [Website], 2008.

¹⁷⁷ Press Information Bureau, Government of India, *CPI (Maoist) Included in List of Terrorist Organizations to Avoid Any Ambiguity* [Website], 2009.

¹⁷⁸ The Telegraph, *The Revolution and it's Children* [Website], 2006.

¹⁷⁹ The Times of India, *Salwa Judam: Menace or Messiah?* [Website], 2010; The Hindu, *Salwa Judum is Illegal* [Website], 2011.

¹⁸⁰ The India Express, *Hearing Pleas against Salwa Judum* [Website], 2008.

¹⁸¹ *Ibid.*

¹⁸² UN News Center, *UN Expert Calls on India to Fight Impunity* [Website], 2012.

¹⁸³ UN Human Rights Council, *India: Concern Expressed about Extrajudicial Executions* [Website], 2012.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston* [Website], 2010.

to address this issue? How can international recommendations be applied equally across all Member States, especially those that condone capital punishment? How can the role of the Special Rapporteur be used to further the ending of this issue? And what nations have taken steps to reduce extrajudicial, summary, and arbitrary executions, and how effectual have these measures been?

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Philip Alston, the former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, discusses some of the organizational challenges faced by UN Special Procedures in their work. In particular, he draws attention to a context-specific analysis in reporting. He also touches upon the key sub-topics that have been extensively noted in his country visit reports, including impunity, corruption, witness protection, police accountability, targeted killings, and election-related violence and killings.

Center for Human Rights and Global Justice. (2013). Project on Extrajudicial Executions. *Project on Extrajudicial Executions* [Website]. Retrieved 11 September 2013 from: <http://www.extrajudicialexecutions.org/>

This site is an excellent resource for all news and legislation involving Extrajudicial Executions, as it is written and compiled by Mr. Philip Alston, the Special Rapporteur for Summary, Arbitrary, and Extrajudicial Executions from 2004-2010. In this site, he compiles articles detailing current issues regarding extrajudicial executions, as well as links to relevant UN legislation. It also includes reports from all the Member State visits completed by the Special Rapporteur, as well as his conclusion on areas that need to be improved and his legal observations on the reports.

Office of the United Nations High Commissioner for Human Rights. (2013). Extrajudicial, Summary or Arbitrary Executions. *Fact Sheet 11 (Rev.1)* [Website]. Retrieved on 5 July 2013 from:

<http://www.ohchr.org/Documents/Publications/FactSheet11rev.1en.pdf>

This Fact Sheet provides an introduction to the topic of extrajudicial, summary or arbitrary executions, by introducing the role of the Special Rapporteur, and going further in-depth on the issue. In addition to discussing the rights of victims, this publication illustrates how to bring information or appeals to the attention of the Special Rapporteur, and gives examples of situations upon which he takes action. The annex offers a list of questions to which Governments are requested to reply in regard to alleged cases of extrajudicial, arbitrary or summary executions.

Heyns, C., Srinivasan, S. (2013). Protecting the Right to Life of Journalists: The Need for a Higher Level of Engagement. *Human Rights Quarterly*, 35 (2): 304-332.

As this background guide emphasizes, journalists hold an important place in obtaining and promoting information based solely on factual events. As delegates should be well-versed in the issue of targeted government killings, this journal article provides a solid background to the issue, including the current and past cases of extrajudicial execution involving journalists. As well, it provides a solid discussion on elevating the issue in the international eye, and what areas still need to be addressed.

Office of the United Nations High Commissioner for Human Rights. *Extrajudicial, summary, or arbitrary Executions: International Standards*. Retrieved 14 August, 2013 from:

<http://www2.ohchr.org/english/issues/executions/standards.htm>

This page outlines the specific sections of international law that the Special Rapporteur is expected to follow when dealing with potential extrajudicial executions. It states how and why the 1990 General Assembly resolution, as well as the international declaration of human rights and the International Covenant on Civil and Political Rights are universal and binding. This page considers in detail some of the documents that affect the reach of the Special Rapporteur's mandate, including the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and finally a link is provided to an archive of all of the released reports of the Special Rapporteur.

Office of the United Nations High Commissioner for Human Rights. (2012). *Information Needed for the Special Rapporteur to take action*. Retrieved 11 September 2013 from:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-22_en.pdf

This report is crucial to understanding, firstly, what a journalist is, and why the problems facing them that involve extrajudicial executions are different than for civilians. It delves deeper into the topic through the Special Rapporteur's reports on the current death rate of journalists in cases of targeted killing, and his recommendations to lower this rate. The article concludes by stating what the international community has done thus far to combat this issue, and what areas their legislation has not yet touched upon.

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Individual Complaints*. [Website]. Retrieved on 14 August 2013 from:

<http://www2.ohchr.org/english/issues/executions/complaints.htm>

This page is important to understanding how the Special Rapporteur goes about the process of verifying and responding to potential cases of extrajudicial execution. It details how he confirms the absence of bias in the sources and affirms them as credible through contacting witnesses and officials involved in the incident; then details how he would submit an urgent appeal to the United Nations and the Member State; and how the purpose of an urgent appeal is to strongly encourage the Member State to refrain from committing a specific extrajudicial execution. Finally, this page details the specifics behind a letter of allegation, which will be issued should the Member State not follow the letter of urgent appeal, and the confidentiality issues involved with these types of urgent communications. This process is important to understanding the legal process behind verifying and reacting to potential cases of extrajudicial execution.

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Annual Reports*. [Website]. Retrieved 5 July 2013 from:

<http://www2.ohchr.org/english/issues/executions/annual.htm>

This page is a database of all annual reports submitted by the Special Rapporteur to the Commission on Human Rights, and each one contains a historically-relevant description of his/her in that specific instance, as well as the working methods, summaries of communications between the Special Rapporteur and Governments, and suggestions to improve the situation. Additionally, the Special Rapporteur offers an overall analysis of the phenomenon of extrajudicial, summary or arbitrary executions from both a human rights standpoint and from a legal standpoint; as well as his official conclusions and recommendations on this matter, which delegates should recognize as areas that will need to be discussed at the conference.

Office of the United Nations High Commissioner of Human Rights [Website]. Retrieved on 5 July 2013 from:

http://ap.ohchr.org/documents/dpage_e.aspx?m=96

This website is an excellent resource for beginning research on the topic of extrajudicial, summary or arbitrary executions as it provides a chronological list of all of the United Nations reports and resolutions related to it. Readers can find general reports, country reports, as well as special reports requested of non-governmental organizations. Essentially all reference documents that they would need to research a specific case in a specific member nation can be found on this page, as well as the Special Rapporteur's areas of recommendations for international prevention of extrajudicial, summary, or arbitrary executions.

University of Minnesota Human Rights Library. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Retrieved 14 August 2013 from:

<http://www1.umn.edu/humanrts/instree/i7pepi.htm>

This resolution was created by the United Nations in 1989, and lists the primary mandate of the HRC in addressing summary, arbitrary, and extrajudicial executions, and is one of the first UN document specifically dedicated to addressing this topic. It discusses the duties of the government in ensuring a human right to life and to ensuring police accountability and protection of the people, and also had several clauses about investigating potential breaches in this protection, and the duties of both the nation's government, and the international community. Finally, it goes into

the legal proceedings that nations are encouraged to follow should a breach occur, and specifically emphasizes the necessity of providing the families of victims with compensation.

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III. The Right to Adequate Housing and Forced Evictions

"The human right to adequate housing is the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity."¹⁸⁸

Introduction

The United Nations Human Rights Council (HRC) considers reports on violations of human rights and recommends the course of action needed to address, prevent, and protect those human rights.¹⁸⁹ The definition of human rights used by the HRC is the "rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status."¹⁹⁰ The right to adequate housing is considered a human right and is protected as such.¹⁹¹

Adequate housing is defined as "four walls and a roof" which can provide persons with necessities inside the building like access to running water and protection from the weather, and other necessary elements such as access to public infrastructure and security of tenure.¹⁹² Adequate housing also means that the occupants have "protection against forced evictions."¹⁹³ Forced evictions are "the permanent or temporary removal against their will of individuals, families, and/or communities from the homes and/or land which they occupy," and invalidates the legal protection afforded to the occupants under secure tenure.¹⁹⁴ The Office of the High Commissioner for Human Rights (OHCHR), the part of the UN Secretariat charged with providing substantive support for human rights related issues across the UN system, monitors and reports on violations of adequate housing, particularly forced evictions, to members of the HRC for consideration and action as a violation of fundamental human rights and freedoms.

International Framework

The HRC deliberates on the inalienable and inherent rights articulated in the *Universal Declaration of Human Rights* (1948) and the *International Covenant on Economic, Social and Cultural Rights* (1966), as well as eight other core international human rights treaties and a range of universal instruments.¹⁹⁵ The UDHR specifically states in Article 25(I) that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family" which does include adequate housing.¹⁹⁶ It is through this Article that the HRC has the ability to report violations of adequate housing as a human rights issue, and further that the existence of housing deemed unfit to the health and welfare of its occupants, and no alternatives provided, may be reported by the Special Rapporteur as a violation.¹⁹⁷ Additionally, the HRC is able to declare restriction of access to adequate housing due to gender or income as a violation of this human right.¹⁹⁸

However, the UDHR does not specifically address issues pertaining to forcible evictions.¹⁹⁹ Article 17 deals with the rights of property, which can include a domicile, and thereby forcible eviction could be a violation.²⁰⁰ This Article also allows the HRC to protect residents who can show proof of ownership or legal tenure of the residence.²⁰¹ However, this Article would not apply in cases of forcible eviction when the residence is owned by a third party

¹⁸⁸ Special Rapporteur Miloon Kothari, *Statement by Special Rapporteur on Adequate Housing on World Habitat Day*, 2007.

¹⁸⁹ OHCHR, *About the Council* [Website], 2013.

¹⁹⁰ OHCHR, *What are Human Rights* [Website], 2013.

¹⁹¹ OHCHR, *Human Right Issues* [Website], 2013.

¹⁹² UN-HABITAT, *The Right to Adequate Housing: Fact Sheet Number 21*, 2009, p. 3-4.

¹⁹³ *Ibid.*, p. 3

¹⁹⁴ OHCHR, *Reported cases of forced evictions in the reporting period*, [Website], 2013.

¹⁹⁵ OHCHR, *What are Human Rights* [Website], 2013; OHCHR, *Vienna Declaration and Programme of Action*, 1993; OHCHR, *The Core International Human Rights Instruments and their monitoring bodies*, [Website], 2013.

¹⁹⁶ UN General Assembly, *The Universal Declaration of Human Rights (A/RES/217 A (III))*, 10 December 1948.

¹⁹⁷ OHCHR, *Housing* [Website], 2013; OHCHR, *What are Human Rights* [Website], 2013.

¹⁹⁸ OHCHR, *Housing* [Website], 2013.

¹⁹⁹ UN General Assembly, *The Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

²⁰⁰ *Ibid.*

²⁰¹ OHCHR, *What are Human Rights* [Website], 2013.

such as the State or a displaced camp, or in cases of illegal squatting.²⁰² In these cases of forcible eviction, the HRC would have to rely on Article 25(1) to make a case for violations of human rights.²⁰³

Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* (1966) reiterates the human rights stated in the UDHR.²⁰⁴ This document includes housing as part of "the right of everyone to an adequate standard of living."²⁰⁵ In addition to the reiteration of the right to housing, this document obliges the State to "ensure the realization of this right."²⁰⁶ This essence of obliging States to act on safeguarding and promoting the right to adequate housing is utilized within the mandate of the Special Rapporteur on adequate housing.²⁰⁷

The first United Nations Conference on Human Settlements (Habitat I), held in Vancouver, Canada in 1976, resulted in the *Vancouver Declaration on Human Settlements*, which reiterated the right to housing, but importantly further established the relationship and responsibility of governments to ensure the development and legal protection of settlements through housing settlement policies.²⁰⁸ The "substantive outcomes" of the conference were organized in a series of 64 recommendations for national action in the *Vancouver Action Plan*, and it is within this document that there is guidance on how housing settlement policies should be formed and how these policies should incorporate with regard to housing rights.²⁰⁹ In the recommendations that outline development and expansion of settlements, it is emphasized that compensation should be a factor for indigenous inhabitants removed from the area and that new inhabitants be affording legal protection for habitation of the area.²¹⁰

The *Declaration on Cities and Other Human Settlements in the New Millennium* (2002) is a follow-up to the *Vancouver Declaration on Human Settlements* which introduced a new initiative called "Adequate Housing for All."²¹¹ The initiative particularly highlighted the lack of legal security of tenure, especially to those living in poverty as an obstacle to the attainment of fundamental rights.²¹² This declaration states that through linking adequate housing to other development programs both nationally and internationally, the obstacle of poverty and tenure insecurity can be overcome.²¹³ The agreed upon mechanics for implementing the "Adequate Housing for All" initiative, and integration with other development programs is found in *The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action* document.²¹⁴ According to this document, one of the key objectives of the "Adequate Housing for All" initiative, also known as "Adequate Shelter for All," is to promote legal secure tenure for women and those in poverty.²¹⁵

Role of the United Nations System

There are four crucial resolutions that pertain to the formation and focus of the Special Rapporteur on adequate housing.²¹⁶ Commission on Human Rights Resolution 2000/9, formed the first three year Special Rapporteur on adequate housing, and promotes housing specifically as a necessary component for an adequate standard of living prescribed within the UDHR and the *International Covenant on Economic, Social and Cultural Rights*.²¹⁷ The Commission on Human Rights Resolution 2001/21 widens the scope of the Special Rapporteur to include secure tenure as a main point of interest for reporting and incorporates another focus to report on the Special Rapporteur on adequate housing. Additionally, Commission on Human Rights Resolution 2001/28 encourages collaboration with

²⁰² OHCHR, *Forcible Evictions - Adequate Housing* [Website], 2013.

²⁰³ *Ibid.*

²⁰⁴ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)), 1966; UN General Assembly, *The Universal Declaration of Human Rights* (A/RES/217 A (III)), 10 December 1948.

²⁰⁵ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)), 1966.

²⁰⁶ *Ibid.*

²⁰⁷ OHCHR, *Housing* [Website], 2013.

²⁰⁸ UN General Assembly, *The Vancouver Declaration on Human Settlements* (A/RES/31/109), 1976.

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

²¹¹ UN General Assembly, *Declaration on Cities and Other Human Settlements in the New Millennium* (A/RES/S-25/2), 2001.

²¹² *Ibid.*

²¹³ *Ibid.*

²¹⁴ UN-HABITAT, *The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action*, 2003.

²¹⁵ *Ibid.*

²¹⁶ OHCHR, *Overview of the Mandate - Adequate Housing* [Website], 2013.

²¹⁷ UN Human Rights Council, *Commission on Human Rights Resolution 2000/9*, 2000.

UN-HABITAT with regards to programs centered on securing tenure of residents.²¹⁸ This focus pertains to the discrimination of the impoverished with regards to acquiring adequate housing.²¹⁹ The Commission on Human Rights resolution 2003/27, emphasizes the need to monitor and report discrimination against women and child regarding acquiring adequate housing.²²⁰ The final Commission on Human Rights resolution, Resolution 2004/21, addresses access to adequate housing for persons with disabilities, but this is no longer a main focus for the current Special Rapporteur on adequate housing.²²¹

Special Rapporteur on Adequate Housing

In order to focus on thematic and country specific rights, the HRC creates positions of independent experts who gather additional information and give recommendations for further actions on serious issues.²²² In 2000, the Commission on Human Rights, established the mandate for a special rapporteur to oversee the main issue of adequate housing as well as various sub-issues.²²³ The “Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context” (Special Rapporteur) was created with the sole purpose of reporting on violations with regard to housing issues.²²⁴ The Special Rapporteur on adequate housing and its mandate were established in HRC resolution 2000/9 in order to observe and report on violations pertaining to adequate housing.²²⁵ Within the first three years, the HRC issued three related resolutions to strengthen the mandate of the Special Rapporteur on adequate housing.²²⁶ The mandate for the Special Rapporteur was modified in 2007 in HRC resolution 6/27 to contain seven core components: “promoting the rights of adequate housing, identifying challenges to providing adequate housing, giving solutions to providing adequate housing, applying a gender perspective, facilitating technical assistance, working with relevant UN and non-UN human rights bodies, and submitting reports to the General Assembly (GA).”²²⁷ Through this updated mandate, the current Special Rapporteur on adequate housing, Ms. Raquel Rolnik, is able to apply pressure to Member States as a means to prevent or to stop violations against any and all human rights within their purview.²²⁸ Additionally, the Special Rapporteur on adequate housing is able to work with other UN bodies such as the United Nations Human Settlement Programme (UN-HABITAT), which oversees the creation of adequate residences.²²⁹ UN-HABITAT’s Advisory Group on Forced Eviction shares reported observations of violations of human rights with regard to housing to both the Special Rapporteur on adequate housing and HRC.²³⁰

Key Issues

The four main points of focus for the Special Rapporteur on adequate housing are secure tenure, women and housing, forced evictions, and housing financing for the poor.²³¹ The focuses concerning housing financing for the poor, and women and housing emphasize specific groups who have restricted access to adequate housing, and thereby are discriminated against.²³²

Women and Housing

In 2006, the Special Rapporteur focused specifically on adequate housing concerns for women, and further recommended renewed emphasis from Member States promoting and strengthening laws protecting women’s rights to owning property and land as well as relaxing strict laws that uphold cultural norms that would prevent women access to adequate housing on their own.²³³ The report (E/2006/118) recommends applying the Committee on the

²¹⁸ UN Human Rights Council, *Commission on Human Rights Resolution 2002/21*, 2001.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ UN Human Rights Council, *Commission on Human Rights Resolution 2004/21*, 2001.

²²² OHCHR, *Special Procedures of the Human Rights Council*, [Website], 2013.

²²³ OHCHR, *Housing* [Website], 2013.

²²⁴ Ibid.

²²⁵ UN Human Rights Council, *Commission on Human Rights Resolution 2000/9*, 2000.

²²⁶ OHCHR, *Overview of the Mandate - Adequate Housing* [Website], 2013.

²²⁷ Ibid.; UN Human Rights Council, *Human Rights Council Resolution 6/27*, 2007.

²²⁸ UN-HABITAT, *Forced Evictions: Global Crisis, Global Solutions*, 2011.

²²⁹ UN-HABITAT, *Our Mission* [Website], 2013.

²³⁰ UN-HABITAT, *Finding solutions to forced evictions worldwide: A priority to meet the MDGs and implement the Habitat Agenda* [Website], 2007

²³¹ OHCHR, *Housing* [Website], 2013.

²³² OHCHR, *Women and housing - adequate housing* [Website], 2013; OHCHR, *Housing financing for the poor* [Website], 2013.

²³³ UN Economic and Social Council, *Economic and Social Council Report 2006/118*, 2006.

Elimination of Discrimination against Women as an overarching legal clarification that promotes a woman's right to land, the reduction of cultural barriers and intolerance of violence against women.²³⁴ As for the focus point concerning housing financing for the poor, the Special Rapporteur emphasized in GA Report 10/7, the need to encourage Member States strengthening resilience around housing market policies. The Special Rapporteur also calls the private sector to action, to make adequate housing attainable for those in poverty.²³⁵ Since the housing market collapse and international economic downturn in 2009, the Special Rapporteur on adequate housing has recommended the promotion and support of housing projects and financing for the poor to receive adequate housing.²³⁶

Secure Tenure

The other two points of focus, secure tenure and forced evictions, are interconnected through the contestation of the rights to property and rights to housing. Secure tenure means that there is a degree of legal protection from forced evictions and other violations of adequate housing provided to inhabitants.²³⁷ Without a clear international definition of secure tenure, the threat of eviction by any person, company or government is always imminent.²³⁸ The 2012 report of the Special Rapporteur (A/HRC/22/46) outlines the recommended actions for the HRC to take with regard to accepting a definition of secure tenure, the incorporation of land and settlement into a secure tenure, and the placement of secure tenure under international human rights law.²³⁹ This report provides a road map for the HRC to take a hard and critical stance on secure tenure on informal or disputed settlements, which the HRC has yet to accomplish.²⁴⁰ According to the Special Rapporteur, securing tenure on the international level and obliging Member States to promote policies that eliminate tenure discrepancies should be the first and most sought after goal concerning adequate housing.²⁴¹

Forced Evictions

If insecure tenures mean that the threat of eviction is imminent, then forced evictions are the fulfillment of that threat.²⁴² Forced evictions violate a myriad of human rights, including access to adequate housing and in some cases, property.²⁴³ Most cases of forced eviction stem from a lack of "legally secure tenure" and are similar to arbitrary displacement, mass expulsion, ethnic cleansing, and other forms of coerced or involuntary displacement.²⁴⁴ Only under extreme circumstances, and with permission from the international community, can a government conduct a "mass forced eviction."²⁴⁵ The "mass forced eviction" must be conducted with full transparency and with legal or financial compensation.²⁴⁶ Forced evictions are usually conducted by governments, rogue groups, or the private sector, and typically are done en masse.²⁴⁷ Governments and private sector actors are able to forcibly evict residences due to unclear legal definitions and stances regarding secure tenure, or questionable ownership for the property and residence.²⁴⁸ In cases of forced evictions, the HRC and the Office of the United Nations High Commissioner on Human Rights monitor and report the level of the violations.²⁴⁹ When the violators and the victims of forced evictions have been identified, the HRC recommends that some form of remedy such as compensation, legal aid, and resettlement be given to the victims under "the Basic Principles and Guidelines on the

²³⁴ UN Economic and Social Council, *Economic and Social Council Report 2006/118*, 2006.

²³⁵ UN General Assembly, *General Assembly Report 10/7*, 2009.

²³⁶ OHCHR, *Housing financing for the poor* [Website], 2013.

²³⁷ UN Human Rights Council, *Study on Security of Tenure and Informal Settlements* [Website], 2013.

²³⁸ UN Human Rights Council, *Statement by Raquel Rolnik Special Rapporteur on adequate housing at the 22nd Session of the Human Rights Council*, 2013.

²³⁹ UN Human Rights Council, *Human Rights Council Report 22/46*, 2012.

²⁴⁰ Ibid.

²⁴¹ UN Human Rights Council, *Statement by Raquel Rolnik Special Rapporteur on adequate housing at the 22nd Session of the Human Rights Council*, 2013.

²⁴² Ibid.

²⁴³ OHCHR, *Forced Evictions - adequate housing* [Website], 2013.

²⁴⁴ Ibid.; OHCHR, *Fact Sheet no. 25, Forced Evictions and Human Rights*, 1993.

²⁴⁵ OHCHR, *United Nations Special Rapporteur on adequate housing Official Mission to the Republic of Indonesia* [Website], 2013.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ OHCHR, *Fact Sheet no. 25, Forced Evictions and Human Rights*, 1993.

²⁴⁹ UN Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 from Human Rights Council Resolution 4/18*, 2007.

Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law."²⁵⁰ However, cases of forced evictions are not declining.²⁵¹

Case Studies: Palestine, Indonesia, and Haiti

Palestine and Secure Tenure

Israeli policy with relation to East Jerusalem, which is part of the West Bank but asserted by Israel to be annexed formally into Israel and part of the Jerusalem municipality, has been in part based upon "the twofold goal of expanding the city's Jewish population and reducing its Palestinian population."²⁵² Israeli policy with relation to Gaza and the rest of the West Bank has been slightly different, with formal and separate settlements being created and Palestinian villages and towns, most of which predate the beginning of Israeli occupation in 1967 or even the creation of Israel in 1948, requiring formal legal recognition by the Israeli government in order to expand or even to continue to exist.²⁵³ From 1967 to 2005 in Gaza, and continuing until today in the West Bank, Israel has implemented a policy with relation to land rights involving building and expanding settlements, declaring areas as "closed military zones," forcibly evicting residents from their homes or demolishing them, and in some cases seizing homes and replacing Palestinian residents with Israeli settlers in the same home. These policies are indirectly aided by others, including house demolitions "as a punitive measure" against suspected Palestinian militants.²⁵⁴ Demolitions are not limited to residential structures; in each of the last three years on record, the Israeli military has demolished over 600 structures per year in the West Bank alone.²⁵⁵ In total, these policies have made the legal exercise of Palestinian land rights very difficult.

An example of forced eviction due to what Israel claims is "legally unclear tenure" is the reported 870 forcibly evicted Palestinians within Area C in the West Bank in 2012.²⁵⁶ Reports indicate that "604 structures were destroyed, a third being homes and 36 water cisterns."²⁵⁷ Many of the home demolitions occurred repeatedly within "officially" unrecognized (by Israel) villages."²⁵⁸ Additionally, recent reports for 2013 indicate that the Israel Defense Force is planning to forcibly evict nearly 1,000 Palestinians due to a "dispute" over residency in proximity to a military training zone, Firing Zone 918.²⁵⁹ The Palestinian residents have submitted petitions for renewal to permit their current tenure.²⁶⁰ However, reports have indicated that demolition of the homes has already begun.²⁶¹

These examples are a few of many reported demolished structures within Occupied Palestinian Territory (OPT) from non-governmental organizations (NGOs) like Amnesty International and the Israeli Committee Against House Demolition (ICAHD).²⁶² ICAHD has reported on 28,000 demolished buildings since 1997, many of them being residential.²⁶³ In a recent written statement to the HRC, ICAHD called upon the HRC to adopt several recommendations including strict application of the International Humanitarian Law and to take actions that would

²⁵⁰ UN Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacement; Annex 1 from Human Rights Council Resolution 4/18*, 2007.

²⁵¹ OHCHR, *Fact Sheet no. 25, Forced Evictions and Human Rights*, 1993.

²⁵² B'Tselem, *East Jerusalem* [Website].

²⁵³ B'Tselem, *East Jerusalem: Discrimination in Planning, Building and Land Expropriation*, 2011 [Website].

²⁵⁴ B'Tselem, *House Demolitions as Punishment* [Website].

²⁵⁵ Israeli Committee Against House Demolitions, *Displacement Trends* [Website].

²⁵⁶ Amnesty International, *Annual Report: Israel and the Occupied Palestinian Territories 2013* [Website], 2013; UN Human Rights Council, *Statement by Raquel Rolnik Special Rapporteur on adequate housing at the 22nd Session of the Human Rights Council*, 2013.

²⁵⁷ Amnesty International, *Annual Report: Israel and the Occupied Palestinian Territories 2013* [Website], 2013.

²⁵⁸ *Ibid.*

²⁵⁹ Amnesty International, *Urgent Action: Army Plans Forced Evictions of Palestinians* [Website], 2013.

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*

²⁶² Amnesty International, *Annual Report: Israel and the Occupied Palestinian Territories 2013* [Website], 2013; ICAHD, *History of ICAHD* [Website], 2013.

²⁶³ Israeli Committee Against House Demolitions, *History of ICAHD* [Website], 2013; UN General Assembly, *Written statement submitted by the Israeli Committee Against House Demolitions, a non-governmental organization in special consultative status*, 2013.

actively protect the human rights of the Palestinians within the OPT.²⁶⁴ Also, the ICAHD called upon the HRC and other UN bodies to declare forced evacuations through demolishing of homes and communities are illegal under international law, with special regard to the OPT.²⁶⁵

Indonesia and Illegal Squatting

Another group of persons who are experiencing forced evictions are known as "illegal squatters."²⁶⁶ The term "illegal squatters" is misleading because this group is often composed of displaced persons forcibly evicted from their residences, but are residing on public land.²⁶⁷ However, by establishing them as "illegal," governments are able to handle the situation as a crime.²⁶⁸ Additionally, granting ownership to the land the "illegal squatters" occupy could encourage movement into urban areas and cause larger numbers of "illegal squatters."²⁶⁹ UN-HABITAT suggests in some cases to grant short term leasehold to the "illegal squatters" while more permanent housing is found and Member States redefine landownership and secure tenure policies.²⁷⁰ However, policies and land laws differ among Member States. "Illegal Squatters" under the laws in the United Kingdom are protected by "adverse possession," which states that a squatter can achieve possession within 7 years of occupation if no others claim ownership of the land.²⁷¹

However, some Member States face the problem of "illegal squatters" in public lands.²⁷² According to the mission statement from Special Rapporteur on adequate housing's trip to Indonesia, several urban dwellers have been forcibly evicted by the government and by the private sector.²⁷³ These urban dwellers who were forcibly evicted had few options, and began establishing settlements within the public green areas and parks of the city.²⁷⁴ However, the Indonesian government has declared these people are "illegally squatting" and announced a plan to relocate 200,000 people over the next five years away from the river banks of Jakarta.²⁷⁵ Since these people were forcibly evicted once, and residing on public land, the "illegal squatter" have no legally secure tenure.

Eviction from Displacement Camps in Haiti

As a result of the 2010 earthquake, thousands of Haitians have sought refuge in displacement camps.²⁷⁶ These displacement camps are meant to be a place of temporary refuge while residences are rebuilt by a variety of actors, including non-governmental organizations, community-based groups, and the government.²⁷⁷ This process has been slow for Haiti due to the lack of financial and governmental stability.²⁷⁸

Despite a lack of adequate housing, reports estimate that between July 2010 and the end of 2012, about 60,978 people were forcibly evicted from the displacement camps by police and other local government officials.²⁷⁹ Several testimonies report forced evictions include "systematic intimidation, harassment and violence," while makeshift dwellings and belongings are destroyed.²⁸⁰ Currently, all reports indicate that the forced evictions are likely to

²⁶⁴ UN General Assembly, *Written statement submitted by the Israeli Committee Against House Demolitions, a non-governmental organization in special consultative status*, 2013.

²⁶⁵ Ibid.

²⁶⁶ OHCHR, *United Nations Special Rapporteur on adequate housing Official Mission to the Republic of Indonesia* [Website], 2013.

²⁶⁷ OHCHR, *United Nations Special Rapporteur on adequate housing Official Mission to the Republic of Indonesia* [Website], 2013.

²⁶⁸ Ibid.

²⁶⁹ UN-HABITAT, *Upgrading of Urban Slums and Squatter Areas (CH/OP/81/4E)*, 1981.

²⁷⁰ Ibid.

²⁷¹ Cornell University Law School, *Legal Information Institute: Adverse Possession* [Website], 2013.

²⁷² OHCHR, *United Nations Special Rapporteur on adequate housing Official Mission to the Republic of Indonesia* [Website], 2013.

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Amnesty International, *'Nowhere to Go': Forced Evictions in Haiti's Displacement Camps* [Website], 2013.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Amnesty International, *Forced Evictions in Haiti Worsen Dire Situation for Families Left Homeless by 2010 Earthquake, Says New Report* [Website], 2013.

²⁸⁰ Amnesty International, *Haiti: Forced evictions worsen the already dire lot of earthquake homeless* [Website], 2013.

continue throughout the foreseeable future.²⁸¹ It is uncertain as to why people are being forcibly evicted from the displacement camps, but reports suggest that all of the displacement camps lack the financial stability and longevity to sustain long-term settlement.²⁸²

Conclusion

The right to adequate housing means to be free from forced evictions, to have secure tenure, access to affordable housing, and to obtain housing without discrimination.²⁸³ However, there continue to be gross violations of these elements of the right to adequate housing.²⁸⁴ For the "Adequate Housing for All" initiative, it identifies poverty as a fundamental cause for discrimination, lack of legal secure tenure, and in some cases, forced evictions.²⁸⁵ Once poverty is addressed, these violations will be lessened or eliminated.²⁸⁶ Another fundamental cause for these violations, especially forced evictions, is a lack of an international definition of secure tenure.²⁸⁷ Defining secure tenure would also address issues resulting in discrimination against the poor and women.²⁸⁸ Additionally, there are other obstacles such as natural disasters and lack of infrastructure that also result in forced evictions and other violations.²⁸⁹ Through the mandate of Special Rapporteur on housing, the HRC must work with Member States, UN bodies such as UN-HABITAT, NGOs, and the private sector to find solutions to the causes of the violations. Meanwhile, the HRC must also continue monitoring and reporting on forced evictions in order to determine how courses of action to be taken against violators now and in the future.

What approaches can the HRC take in order to foster international cooperation in eliminating cases of forced evictions? Would universal definitions of secure tenure and illegal squatters help the HRC and other UN bodies be able to protect the rights to housing? How does the HRC promote the rights of housing while respecting the sovereignty of the Member States? What within the International Humanitarian Law framework should the HRC do to address forced evictions and the rights of housing?

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This resolution is the foundation for declaring forced evictions as a violation of human rights. However, this resolution is aimed at eliminating the forced evictions of persons with secured tenured within Member States, but does not assign any mechanisms in order to achieve the elimination of forced evictions. The resolution also calls on the Secretary-General for reports on evictions, which became the responsibility of Special Rapporteur.

Office of the United Nations High Commissioner for Human Rights. (2004). *Commission on Human Rights Resolution: 2004/28, Prohibition of Forced Evictions*. Retrieved 5 July 2013 from: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&toCID=4565c22535&toID=&publisher=&type=&coi=&docid=43f313669&skip=0>

This resolution expands upon resolution 1993/77 and expands upon the parameters of which forced eviction is defined. This resolution includes all persons being forcibly evicted as in direct violation of international human rights and humanitarian laws. Also, there are the beginnings of

²⁸¹ Amnesty International. *Forced Evictions in Haiti Worsen Dire Situation for Families Left Homeless by 2010 Earthquake, Says New Report* [Website], 2013.

²⁸² Amnesty International, 'Nowhere to Go': *Forced Evictions in Haiti's Displacement Camps* [Website], 2013.

²⁸³ UN-HABITAT, *The Right to Adequate Housing: Fact Sheet Number 21*, 2009, p. 3-4.

²⁸⁴ OHCHR, *Forced Evictions - adequate housing* [Website], 2013.

²⁸⁵ UN General Assembly, *Declaration on Cities and Other Human Settlements in the New Millennium (A/RES/S-25/2)*, 2001; UN-HABITAT, *The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action*, 2003.

²⁸⁶ Ibid.

²⁸⁷ UN Human Rights Council, *Statement by Raquel Rolnik Special Rapporteur on adequate housing at the 22nd Session of the Human Rights Council*, 2013.

²⁸⁸ UN Human Rights Council, *Statement by Raquel Rolnik Special Rapporteur on adequate housing at the 22nd Session of the Human Rights Council*, 2013; UN-HABITAT, *The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action*, 2003.

²⁸⁹ UN General Assembly, *Declaration on Cities and Other Human Settlements in the New Millennium (A/RES/S-25/2)*, 2001.

mechanisms Member States can enact within their governments to prevent, and protect persons from, forcible evictions. The resolution even encourages the private sector, trading parties, and international financial institutions to understand that forced eviction is in violation of human rights.

Office of the United Nations High Commissioner for Human Rights. (1993). *Fact Sheet no. 25, Forced Evictions and Human Rights*. Retrieved 3 July 2013 from: <http://www.ohchr.org/Documents/Publications/FactSheet25en.pdf>

This factsheet was adopted during with the World Conference on Human Rights, and contains the United Nations agreed upon definition of 'forced eviction'. In addition to the definition, the factsheet provides conditions under which forced eviction does and does not adhere to the standards of human rights. The factsheet provides the guidelines for policies that should be adopted by Member States in order to address forced evictions, and proposes challenges in promoting these policies on an individual basis.

Office of the United Nations High Commissioner for Human Rights. (2009). Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of the special problems which the developing countries face in their efforts to achieve these human rights. Retrieved 3 July 2013 from: <http://www.ohchr.org/EN/Issues/Housing/Pages/OverviewMandate.aspx>

This resolution is the foundation for the appointment of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. This resolution also established the mandate of this Special Rapporteur, which includes continued cooperation with the United Nations Human Settlement Programme (UN-HABITAT). Through cooperation with UN-HABITAT, the Special Rapporteur is to report upon violations of human rights with regards to adequate housing.

United Nations, General Assembly, 67th session. (2012). Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik (A/67/286). Retrieved 20 July 2013 from: http://www.un.org/ga/search/view_doc.asp?symbol=A/67/286

This report highlights and addresses the international problem with tenure insecurity. The Special Rapporteur on adequate housing has developed a means to handle the growing tenure insecurity crisis. The recommendations to the General Assembly include definitions for unusual situations of tenure, integrating secure tenure into international law, and ways to work with Member States on identifying unusual tenure cases. The report also addresses how questionable tenure tends to lead to discrimination in achieving adequate housing.

United Nations, Human Rights Council, 22nd session. (2005). Basic Principles and Guidelines on Development - Based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18). Retrieved 5 July 2013 from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.46.Add.3_English.pdf

These guidelines serve as the groundwork for the United Nations system, for operating at a national level, when handling forced evictions due to development and expansion. It also gives the procedures for the United Nations Human Rights Council when situations of forced eviction occur. Even though not exclusively discussed in the background guide, the procedures described can be utilized as a template or expanded to deal with issues such as illegal squatters or persons evicted from displaced camps.

United Nations, Commission on Human Rights, 56th session. (2000). *Commission on Human Rights Resolution 2000/9 (E/CN.4/2000/167)*. Retrieved 3 July 2013 from: <http://www.un.org/en/terrorism/pdfs/2/G0014048.pdf>

The Special Rapporteur on adequate housing was established within this resolution. In establishing a Special Rapporteur, the Commission on Human Rights fulfilled a recommendation by the General Assembly. The Commission on Human Rights singled out adequate housing and its related issues, as particularly grave. Through this resolution, the Commission on Human Rights made a statement that declared housing a crucial element for the standard of living for all.

United Nations, Human Rights Council, 33rd session. (2007). *Human Rights Council Resolution 6/27*. Retrieved 4 July 2013 from: http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_27.pdf

In 2006, the Commission on Human Rights was mandated to reorganize its administrative structure in order to meet the present and future challenges. This resolution reflects the administrative changes. This resolution widens the scope and abilities of the Special Rapporteur on adequate housing. The seven new mandates allows the Special Rapporteur on adequate housing the ability to pressure on Member States to address violations of human rights, especially those concerning gender.

United Nations Human Rights Council. (2013, March 4). Statement by Raquel Rolnik, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on 4 March 2013 in Geneva. Retrieved 20 July 2013 from:

http://www.ohchr.org/Documents/Issues/Housing/SecurityTenure/SRhousing_HRC22_STATEMENT.pdf

In this statement to the HRC, Special Rapporteur Raquel Rolnik, highlights her most recent report to the HRC concerning securing tenure. Rolnik emphasizes the importance of securing tenure to achieving adequate housing for all. Rolnik also links instances of forced evictions to issues with the legality of tenure. Within this statement, the point is made that insecure tenure is a fundamental cause of forced evictions, and also links it to poverty. This statement also includes recent international incidents that have been caused by legal questions of secure tenure, such as the forced evictions occurring in Palestine.

United Nations, Human Rights Council. (2013). United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik Official Mission to the Republic of Indonesia, Media Statement. [Website]. Retrieved 4 July 2013 from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13434&LangID=E>

The term "illegal squatter" is introduced in this official mission report. Although the concept of squatting on public land is not new, it is rather unique to call the squatters illegal. In by establishing this group as illegal, all question of tenure is removed, allowing the government to treat the people as criminals. Also introduced in this official mission report are synopses of testimonies heard by the Special Rapporteur on adequate housing pertaining to the history of these "illegal squatters."

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Rules of Procedure of the Human Rights Council (HRC)

Introduction

1. These rules shall be the only rules which apply to the Human Rights Council (hereinafter referred to as “the Council”) and shall be considered adopted by the Council prior to its first meeting.
2. For purposes of these rules, the Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Deputy Secretary-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Deputy Secretary-General or her/his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations (NMUN) and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Council, which can be any member of the Secretariat or their designate.
5. The practice of striving for consensus in decision-making shall be encouraged. NMUN also acknowledges it may sometimes be necessary for a Member State to abstain or vote against a resolution it cannot support for policy reasons.

I. SESSIONS

Rule 1 - *Dates of convening and adjournment*

The Council shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

Rule 2 - *Place of sessions*

The Council shall meet at a location designated by the Secretary-General.

II. AGENDA

Rule 3 - *Provisional agenda*

The provisional agenda shall be drawn up by the Deputy Secretary-General and communicated to the members of the Council at least sixty days before the opening of the session.

Rule 4 - *Adoption of the agenda*

The agenda provided by the Deputy Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting.

The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those Member States and observers, in attendance at the meeting during which this motion comes to a vote. Should the Council not reach a decision by conclusion of the first night’s meeting, the agenda will be automatically set in the order in which it was first communicated.

Rule 5 - Revision of the agenda

During a session, the Council may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Debate on the inclusion of an item in the agenda shall be limited to three speakers in favor of, and three against, the inclusion. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Council so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Council decides otherwise by a two-thirds majority of the members present and voting, be considered until a commission has reported on the question concerned.

For purposes of this rule, the determination of an item of an important and urgent character is subject to the discretion of the Deputy Secretary-General, or his or her designate, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Council to be placed on the agenda. The votes described in this rule are substantive votes, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members “present and voting” — means members (not including observers) in attendance at the session during which this motion comes to vote.

Rule 6 - Explanatory memorandum

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

III. SECRETARIAT

Rule 7 - Duties of the Secretary-General

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Council.
2. The Secretary-General, in cooperation with the Deputy Secretary-General, shall provide and direct the staff required by the Council and be responsible for all the arrangements that may be necessary for its meetings.

Rule 8 - Duties of the Secretariat

The Secretariat shall receive and distribute documents of the Commission to the Members, and generally perform all other work which the Council may require.

Rule 9 - Statements by the Secretariat

The Secretary-General or her/his designate, may make oral as well as written statements to the Council concerning any question under consideration.

Rule 10 - Selection of the President

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Council for the duration of the session, unless otherwise decided by the Secretary-General.

Rule 11 - Replacement of the President

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General or her/his designate.

IV. LANGUAGE

Rule 12 - Official and working language

English shall be the official and working language of the Council during scheduled sessions (both formal and informal) of the Council.

Rule 13 - Interpretation (oral) or translation (written)

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit. The language should be the official language of the country you are representing at NMUN.

V. CONDUCT OF BUSINESS

Rule 14 - Quorum

The President may declare a meeting open and permit debate to proceed when representatives of at least one-third of the members of the Council are present. The presence of representatives of a majority of the members of the Council shall be required for any decision to be taken.

For purposes of this rule, members of the Council means the total number of members (not including observers) in attendance at the first night's meeting (session).

Rule 15 - General powers of the President

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Council, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Council and over the maintenance of order at its meetings. He or she shall rule on points of order. The President may propose to the Council the closure of the list of speakers, a limitation on the speakers time and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

Included in these enumerated powers is the power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.

Rule 16 - Authority of the Council

The President, in the exercise of her or his functions, remains under the authority of the Council.

Rule 17 - Voting rights on procedural matters

Unless otherwise stated, all votes pertaining to the conduct of business shall require a favorable vote by the majority of the members "present and voting" in order to pass.

For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this rule is applied. Note that observers may vote on all procedural votes; they may, however, not vote on substantive matters (see Chapter VI). Every delegation must cast a vote in procedural votes. Further, there is no possibility to abstain or pass on procedural votes

Rule 18 - Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Such points of order should not under any circumstances interrupt the speech of a fellow representative. They should be used exclusively to correct an error in procedure. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte (on her/his own accord), during the speech. For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this motion comes to vote.

Rule 19 - Speeches

No representative may address the Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the Council through a vote if the President, at his or her discretion, decides to allow the Council to decide. In no case shall the speakers time be changed during the first scheduled session of the Council. Consequently, motions to alter the speaker's time will not be entertained by the President. The content of speeches should be pertinent to the agenda as set by the Council.

Rule 20 - List of Speakers

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate, the President may announce the list of speakers and, with the consent of the Council, declare the list closed. Once the list has been closed, it can be reopened upon by a vote of the Council. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Council.

The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Council. A motion to close the speakers list or reopen (if the list has already been closed) is within the purview of the Council and the President should not act on her/his own motion.

Rule 21 - Right of reply

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Council by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose. The right of reply will not be approved should it impugn the integrity of another State.

Rule 22 - Suspension of the meeting

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. Delegates should not state a purpose for the suspension.

This motion should be used to suspend the meeting for lunch or at the end of the scheduled committee session time. Delegates should properly phrase this motion as "suspension of the meeting," and provide a length of time when making the motion.

Rule 23 - Adjournment of the meeting

During the discussion of any matter, a representative may move to the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Council shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Council's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Council.

Rule 24 - Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Two representatives may speak in favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 25 - Closure of debate

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Council favors the closure of debate, the Council shall immediately move to vote on all proposals introduced under that agenda item.

Rule 26 - Order of motions

Subject to Rule 18, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

1. To suspend the meeting;
2. To adjourn the meeting;
3. To adjourn the debate on the item under discussion;
4. To close the debate on the item under discussion.

Rule 27 - Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Council [sponsors].

The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Council unless copies of it have been

circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated.

If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Council for all purposes, including subsequent amendments.

For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Council by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Council. These draft resolutions are the collective property of the Council and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form. Should delegates wish to withdraw a working paper or draft resolution from consideration, this requires the consent of all sponsors.

Rule 28 - Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

Rule 29 - Reconsideration of a topic

When a topic has been adjourned, it may not be reconsidered at the same session unless the Council, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately. The President may limit the time to be allowed to speakers under this rule.

Rule 30 - Invitation to silent prayer or meditation

Immediately after the opening of the meeting and immediately preceding the closing of the final meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation with the motion to do so by a representative.

VI. VOTING

Rule 31 - Voting rights

Each member of the Council shall have one vote.

This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.

Rule 32 - Request for a vote

A proposal or motion before the Council for decision shall be voted upon if any member so requests. Where no member requests a vote, the Council may adopt proposals or motions without a vote.

For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a

member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote. Adoption by “acclamation” or “without a vote” is consistent not only with the educational mission of the conference but also the way in which the United Nations adopts a majority of its proposals.

Rule 33 - Majority required

1. Unless specified otherwise in these rules, decisions of the Council shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

All members declaring their representative States as “present and voting” during the attendance roll-call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain on substantive votes.

Rule 34 - Method of voting

1. The Council shall normally vote by a show of placards, except that a representative may request a roll-call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each member shall be called in any roll-call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

Only those members who designate themselves as present or present and voting during the attendance roll-call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass must, when requested a second time, respond with either a yes or no vote. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.

2. When the Council votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Council shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll-call or a recorded vote shall be inserted in the record.

Rule 35 - Explanations of vote

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends. Only delegates who are sponsors of a draft resolution that has been adopted with an unfriendly amendment, whom subsequently voted against the draft resolution may explain their vote.

Rule 36 - Conduct during voting

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

For purposes of this rule, there shall be no communication among delegates, and if any delegate leaves the Council room during voting procedure, they will not be allowed back into the room until the Council has

convened voting procedure. Should a delegate who is also serving as Head Delegate leave the room, they may reenter but they may not retake their seat and participate in the vote.

Rule 37 - Division of proposals and amendments

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If an objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.

Rule 38 - Amendments

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal. Permission to speak on the amendment shall be given only to two speakers in favor and two speakers against.

An amendment can add, amend, or delete entire operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambular clauses or sub-clauses of operative clauses. The President may limit the time to be allowed to speakers under this rule. These speeches are substantive in nature.

Rule 39 - Voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.

Rule 40 - Order of voting on proposals

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Council decides otherwise, be voted on in the order in which they were submitted.

Rule 41 - The President shall not vote

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VII. CREDENTIALS

Rule 42 - Credentials

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

Rule 43 - Authority of the General Assembly

The Council shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

VII. PARTICIPATION OF NON-MEMBERS OF THE COUNCIL

Rule 44 - Participation of non-Member States

The Council shall invite any Member of the United Nations that is not a member of the Council and any other State, to participate in its deliberations on any matter of particular concern to that State.

A sub-committee or sessional body of the Council shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

If the Council considers that the presence of a Member invited, according to this rule, is no longer necessary, it may withdraw the invitation. Delegates invited to the Council according to this rule should also keep in mind their role and obligations in the Council that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Council is no longer required. Delegates may request the presence of a non-member of their committee simply by informing the President that this is the desire of the body, there is no formal procedural process.

Rule 45 - Participation of national liberation movements

The Council may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

National liberation movements are only represented at NMUN in two ways: (1) if their delegation has been assigned explicitly the national liberation movement itself; or (b) should the Security Commission wish to hear from a representative of the movement in their deliberations, the Secretariat shall provide the appropriate representative.

Rule 46 - Participation of and consultation with specialized agencies

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Council and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Council or of the subsidiary organ concerned.

NMUN does not assign delegations to Specialized Agencies.

Rule 47 - Participation of non-governmental organization and intergovernmental organizations

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the Economic and Social Council and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Council on the recommendation of the Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Council on questions within the scope of the activities of the organizations.

NMUN will assign delegations an NGO instead of a Member State upon request.