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HUMAN RIGHTS COUNCIL
BACKGROUND GUIDE 2014

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NATIONAL MODEL UNITED NATIONS





Message from the Director-General Regarding Position Papers for the 2014 NMUN•Northwest Conference

At the 2014 NMUN•Northwest Conference, each delegation or individual delegate submits one position paper for each committee assignment. The position paper reflects the state's overall policy and position within a particular committee. Therefore, the role that a state plays in a given committee should inform the writing of the paper.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your state should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference.

Please be forewarned, delegates must turn in material that is entirely original. NMUN/NCCA will not tolerate the occurrence of plagiarism. In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. While quotes from UN or state documents are allowed and encouraged if clearly labeled as such, delegates may not use existing material to formulate their own policy within the committee. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incidents of plagiarism to the Secretariat.

Position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, delegates must have met the formal requirements listed below. Please refer to the sample position paper below this message for a visual example of what your work should look like at its completion. All papers must be typed and formatted in the same manner as this example. The following format specifications are required for all papers:

- Length must not exceed two single-sided pages (use standard size for your home region: A4 or 8.5 x 11 inches - US letter size).
- Margins must be set at 1 inch or 2.54 centimeters, for the whole paper.
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Body of the paper must be single-spaced.
- Country 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.

To be considered for awards, position papers need to be submitted by email in .pdf or .doc formats by 1 February 2014. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, and delegation/school name in both the email subject line and in the filename (example: CSustD_Canada_Jupiter University).

1. Send one complete set of all position papers for each of your country assignments to the Director-General at dirgen.nw@nmun.org.

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents.
- General consistency with bloc/geopolitical constraints.
- Consistency with the constraints of the United Nations.
- Analysis of issues, rather than reiteration of the Committee Background Guide.
- Outline of official policy aims within the committee's mandate.

Should you have any questions please feel free to contact the Conference staff or myself. We are happy to answer any questions you may have, and are looking forward to working with you.

Sincerely,

Lucas Carreras
Director-General
NMUN•Northwest

Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. Papers may be no longer than two single-sided pages. Only the first two pages of any submissions will be considered for awards.

Delegation from
Canada

Represented by
University of Jupiter

Position Paper for the General Assembly Plenary

The topics before the General Assembly Plenary are: Breaking the Link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

I. Breaking the Link between Diamonds and Armed Conflict

Canada endorses the Kimberley Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. Canada believes the Kimberley Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourages all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. Canada further calls upon participating states to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. The delegation of Canada draws attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urges Member States to consider these programs in developing the type of domestic regulatory frameworks called for in General Assembly resolution 55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberley Process and encourages states to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in General Assembly resolution 58/290. Canada urges Member States to act in accordance with General Assembly resolution 60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberley Process of Artisanal Alluvial Producers. Canada calls upon states and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing states.

II. The Promotion of Alternative Sources of Energy

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as

exemplified through the Canadian Turning Corners Report and Project Green climate strategies. Canada views the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Change (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations under Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. Canada emphasizes the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views dissemination of technology information called for in the 2007 Group of Eight Declaration on Growth and Responsibility in the World Economy as a vital step in energy diversification from conventional energy generation. Canada calls upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to the Canadian \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages states to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies and calls upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges states to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into state-specific strategies called for in the General Assembly Second Committee's report to the General Assembly Plenary on Sustainable development: promotion of new and renewable sources of energy (A/62/419/Add.9) will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African states to achieve Target 8 of Goal 6 of the MDGs by 2015. Canada recommends Member States to cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration and Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement General Assembly resolution 61/228, Canada believes developed states must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. Canada urges Member States to support compulsory licensing for essential generic medication by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the

Malaria Vaccine Initiative. Canada emphasizes the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.



Dear Delegates,

Welcome to the National Model United Nations•Northwest (NMUN•NW) Conference. As part of the volunteer staff for the Human Rights Council, we are aiming to facilitate, to the best of our abilities, your educational experience at the conference in Portland. Amanda Wong, Director, and Jennifer Villagomez, Assistant Director, will serve as your dais members. Amanda Wong holds a Bachelor of Arts (B.A.) in Political Science with a minor in Geography from Simon Fraser University and is currently working on a Master's Degree in Environmental Management from the University of London. Jennifer Villagomez holds a B.A. in Political Science with an emphasis in International Relations from the University of California at Santa Barbara.

The topics for the Human Rights Council are:

- I. The Right to Adequate Housing and Protection From Forcible Evictions
- II. Ensuring the Right to Clean Water and Sanitation for All
- III. Human Rights in the Syrian Arab Republic

The Human Rights Council serves as the core international forum for discussions on human rights issues. The international community has faced a number of human rights related issues; we hope to see the resolutions in this committee will take into consideration how these impacts have shaped views on human rights.

The background guide will serve as an introduction to the topics listed. Accordingly, it is not meant to be used as an all-inclusive analysis for research, but rather the groundwork for your own analysis and research. The references listed for each topic will provide you with the resources you need to start your own research. Each delegation is requested to submit a position paper, which reflects your research on the topics. 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 regarding your preparation for the committee and the Conference itself, please feel free to contact any of the substantive staff of the Human Rights Council. We wish you all the best in your preparation for the Conference and look forward to seeing you in February!

Amanda Wong
Director

Jennifer Villagomez
Assistant Director



Committee History

“All victims of human rights abuses should be able to look at the Human Rights Council as a forum and a springboard for action.”¹

Introduction

The United Nations Human Rights Council (HRC) was established in 2006 by General Assembly resolution 60/251, as the primary body within the United Nations (UN) with the mandate to promote and protect human rights and fundamental freedoms, to handle cases of human rights violations and make recommendations to the international community on ways in which to remove barriers to the full realization of human rights.² A range of human rights instruments guide the work of the United Nations system generally, and the HRC specifically, on human rights, including, notably, the Universal Declaration of Human Rights (1948), and the Vienna Declaration and Programme of Action (1993) alongside the core human rights treaties.³

Evolution

The mandate of the HRC is reflected in the *Charter of the United Nations* (1945) which recognizes that human rights need to be protected by the rule of law.⁴ One of the first committees established within the United Nations, the United Nations Commission on Human Rights (CHR), the predecessor to the HRC, was created in 1946 to consider a wide range of human rights challenges and set standards to govern the conduct of Member States.⁵ This was also the platform for Member States, non-governmental organizations (NGOs) and human rights defenders to express their concerns.⁶ With the adoption of the *Universal Declaration of Human Rights* (1948), fundamental freedoms and human rights were elevated as global norms and ideals which all people should enjoy, and further guiding the work of the CHR, and eventually the HRC to this day.⁷

With the adoption of General Assembly resolution 60/251 of 3 April 2006, the HRC replaced the Commission with a broadened mandate to “promote universal respect for the protection of human rights and fundamental freedoms for all” and to “address situations of violations of human rights... and make recommendations.”⁸

Among other responsibilities, the HRC and its subsidiary committees receive periodic reports on the situation of human rights from members states who are party to the core human rights treaties. This function, alongside other key periodic monitoring system of the human rights situations in all UN Member States, an Advisory Council which provides advice and guidance on human rights thematic issues and a complaint process for individuals and organizations to report human rights violations.⁹

¹ Human Rights Council, *Speech by Secretary-General Ban Ki-Moon at the opening of the fourth session of the Human Rights Council, in Geneva, 12 March 2013.*

² Office of the High Commission for Human Rights, *About the Council*, 2013.

³ United Nations General Assembly, *Human Rights Council (A/Res/60/251)*, 3 April 2006.

⁴ *Charter of the United Nations*, 1945, Preamble.

⁵ Office of the High Commission for Human Rights, *Commission on Human Rights*, 2007.

⁶ Office of the High Commission for Human Rights, *Commission on Human Rights*, 2007.

⁷ United Nations General Assembly, *International Bill of Rights (A/RES/3/217)*, 10 December 1948.

⁸ United Nations General Assembly, *Human Rights Council (A/Res/60/251)*, 3 April 2006.

⁹ Office of the High Commission for Human Rights, *About the Council*, 2013.

The HRC also has Special Procedures composed of independent human rights experts; they submit reports and provide recommendations to its members on a range of country-specific or thematic topics.¹⁰ The Special Procedures are a central element of the UN's pursuit of human rights and freedoms for all addressing civil, cultural, economic, political and social issues.¹¹ The Special Procedures has a wide array of duties including conducting country visits, sending communications to countries, conduct studies, raise awareness and conduct advocacy.¹² As of April 2013, there are 36 thematic issues and 13 country mandates.¹³

HRC Authority and Power

The *Convention on the Rights of the Child* was adopted in 20 November 1989 as resolution 44/25.¹⁴ The Committee on the Rights of the Child is one of the bodies of independent experts that work with the Human Rights Council.¹⁵ The Committee monitors the implementation of the *Convention on the Rights of the Child* and, through the third Optional Protocol, children are allowed to submit individual complaints of specific violations of their rights.¹⁶ The committee also publishes reports to the HRC for discussion as part of the thematic issues being discussed by the HRC. The Institution-Building Package adopted through HRC resolution 5/1 guides the work and procedures of the HRC.¹⁷

Based at the UN office in Geneva, Switzerland, the council is composed of 47 elected UN Member States.¹⁸ The General Assembly elects members and candidacy is based on contribution to the promotion of human rights and voluntary pledges and commitments.¹⁹ Members serve a three-year term and cannot serve to consecutive terms in a row.²⁰ The regional breakdown for the Council is as follows: African states (13 seats), Asian states (13 seats), Latin America and Caribbean states (8 seats), Western Europe and other states (7 seats) and Eastern European states (6 seats).²¹ The Bureau of the council has one representative from each of the regions and consists of one President and four Vice-Presidents.²²

HRC Committee Sessions

The HRC convenes three times a year for three weeks each time to discuss ongoing thematic topics and also global issues related to human rights.²³ The Council also looks at reports and country situations, which includes submissions by non-governmental organizations such as Human Rights Watch, International Disability Alliance and the Association for the Prevention of Torture.²⁴

At the 23rd regular session, held in May 2013, the Council discussed annual report topics related to discrimination against women, violence against women, the negative impact of corruption on human

¹⁰ Office of the High Commission for Human Rights, *Special Procedures of the Human Rights Council*, 2013.

¹¹ Office of the High Commission for Human Rights, *Special Procedures of the Human Rights Council*, 2013.

¹² Office of the High Commission for Human Rights, *Special Procedures of the Human Rights Council*, 2013.

¹³ Office of the High Commission for Human Rights, *Special Procedures of the Human Rights Council*, 2013.

¹⁴ United Nations General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 20 December 1989.

¹⁵ Office of the High Commission for Human Rights, *Committee on the Rights of the Child*, 2012.

¹⁶ Office of the High Commission for Human Rights, *Committee on the Rights of the Child*, 2012.

¹⁷ Human Rights Council, *Institution-building of the United Nations Human Rights Council (5/1)*, 18 June 2007.

¹⁸ Office of the High Commission for Human Rights, *About the Council*, 2013.

¹⁹ Office of the High Commission for Human Rights, *Membership of the Human Rights Council*, 2013.

²⁰ Office of the High Commission for Human Rights, *Membership of the Human Rights Council*, 2013.

²¹ Office of the High Commission for Human Rights, *Membership of the Human Rights Council*, 2013.

²² Office of the High Commission for Human Rights, *Membership of the Human Rights Council*, 2013.

²³ Office of the High Commission for Human Rights, *Human Rights Council - Sessions*, 2013.

²⁴ Office of the High Commission for Human Rights, *Human Rights Council - Sessions*, 2013.



rights, and the situation of housing in Mali.²⁵ The Council also reviewed themes related to the promotion of rights such as the right to education, and the freedom of opinion and expression.²⁶ The human rights situation in Palestine and other occupied Arab territories was also discussed.²⁷

The HRC also looks at external factors that may impact human rights such as climate change.²⁸ In 2008, under resolution 7/23, the Council recognized that climate change poses an immediate and far-reaching threat to people and communities around the world.²⁹ In February 2012, the HRC held a seminar on human rights and climate change to bring further awareness and enhanced understanding of the issue. Furthermore, the UN High Commissioner for Human Rights encouraged Member States meeting at the Rio+20 Conference to balance green economies with human rights.³⁰

In 2010, under resolution 15/23, the HRC created the Working Group on the issue of discrimination against women in law and in practice.³¹ The intent of the working group is to eliminate laws that are discriminatory towards women.³² The working group works closely with other UN bodies such as UN Women and the Committee on the Elimination of Discrimination against Women to avoid unnecessary duplication.³³

Conclusion

Since its inception in 2006, the HRC has taken significant steps to address human rights. Countries are now held accountable through annual reporting to the Council, complaints can be submitted to the Council for review and special groups have been set-up to investigate and review potential human rights violations. By working with stakeholders such as NGOs and experts in the human rights field, the Council is able to gather from a wide variety of resources in order to proceed with its work. The Council has also made contributions and partnerships with other international frameworks such as UN Women and Rio+20 in order to strengthen their work in the protection and strengthening of human rights.

²⁵ Human Rights Council, Annotations to the agenda for the twenty-third session of the Human Rights Council, 24 April 2013.

²⁶ Human Rights Council, Annotations to the agenda for the twenty-third session of the Human Rights Council, 24 April 2013.

²⁷ Human Rights Council, Annotations to the agenda for the twenty-third session of the Human Rights Council, 24 April 2013.

²⁸ Office of the High Commission for Human Rights, *Human Rights and Climate Change*, 2013.

²⁹ Office of the High Commission for Human Rights, *Human Rights and Climate Change*, 2013.

³⁰ Office of the High Commission for Human Rights, *Human Rights and Climate Change*, 2013.

³¹ Office of the High Commission for Human Rights, *Working group on the issue of discrimination against women in law and in practice*, 2013.

³² Office of the High Commission for Human Rights, *Working group on the issue of discrimination against women in law and in practice*, 2013.

³³ Office of the High Commission for Human Rights, *Working group on the issue of discrimination against women in law and in practice*, 2013.



Annotated Bibliography

Office of the High Commissioner for Human Rights. (2013). *About the Council*. Retrieved 2 July 2013 from: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

This link to the Human Rights Council's background page provides the history and background documents related to the establishment of the Council. Further information on the resolution creating the Council and review of the Council's functions can be found through this source. This source is also linked to the UN Commission on Human Rights, the former international body on human rights related issues.

Office of the High Commissioner for Human Rights. (2013). *Human Rights and Climate Change*. Retrieved 2 July 2013 from:

<http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>

Climate change is often looked at as a scientific issue and addressed through action items of how to resolve the problem. However, the HRC has made a clear link between the issue of climate change and human rights by addressing the effects of climate change on people and also how the policy changes that can reduce the impacts of climate change, such as green economies, can impact human rights. Delegates may find it useful to see how a topic such as climate change, which is not in the usual realm of the human rights discussion, can be linked human rights.

Office of the High Commissioner for Human Rights. (2013). *Working Group on issue of discrimination against women in law and in practice*. Retrieved 2 July 2013, from:

<http://www.ohchr.org/en/issues/women/wgwomen/pages/wgwomenindex.aspx>

The theme of women and human rights is an ongoing issue that permeates in all aspects of the human rights discussion. Review of the work of the working group will provide delegates with an insight of what action has and can be taken to address discrimination towards women. Delegates may also find it useful to see how the HRC has worked with other UN bodies to address human rights related issues.

United Nations, Human Rights Council, Twenty-third Session. (2013, April 24). *Annotations to the agenda for the twenty-third session of the Human Rights Council (A/HRC/23/1)* [Official Record]. Retrieved 20 July 2013 from:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-1_en.pdf

This link to the Human Rights Council's 23rd session provides delegates with an opportunity to review the topics that have been recently discussed by the council in its most recent session. Through the agenda, delegates can gather a sense of how the Council's mandate is applied to global issues faced by Member States and the international community. Delegates may also find it useful to review the opening statement to further explore the direction of the Council.

United Nations, General Assembly, Third Session. (1948, December 10). *International Bill of Rights (A/RES/3/217)* [Resolution] 10 December 1948. Retrieved 27 June 2013, from:

<https://www.un.org/en/documents/udhr/>

The Universal Declaration of Human Rights is a guiding piece of document for the Human Rights Council. Delegates should become familiar with what the international community considers to be a fundamental human right and should also examine and reflect on some of the broader topics related to rights in their brainstorming and discussions. This document is also closely linked to other pieces of international humanitarian law.

I. The Right to Adequate Housing and Protection from Forcible Evictions

Introduction

Throughout the world, there are at least 100 million people without any form of shelter and at least 30-70 million children that are living on the streets.³⁴ Estimates show that more than 930 million slum dwellers are found in developing countries and consist of 42% of the urban population, with projections suggesting that the number will increase to around 2 billion people by 2030.³⁵ “Distressed” or “inadequate housing” include squatter settlements, streets and roadside embankments, cardboard boxes, and railway platforms.³⁶ The right to adequate housing is meant to ensure the right for all people to live somewhere in security, peace, and dignity and is broken down into three main parts that consist of freedoms, entitlements, and conditions that must be met in order for a structure to be considered adequate housing.³⁷ The minimum requirements that must be met for a structure to be considered adequate to house individuals include security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, and location and cultural adequacy.³⁸ Availability of services, materials, facilities, and infrastructure refers to a structure requiring access to natural and common resources, such as safe drinking water, sanitation, safe drainage, and emergency services, that make it possible for inhabitants to possess security, comfort, nutrition and health.³⁹ Habitability refers to occupants having physical security and protection from threats such as health hazards and weather while accessibility refers to ensuring that housing remains accessible, even for those disadvantaged groups that need extra considerations.⁴⁰ Cultural adequacy refers to housing reflecting cultural expression and housing diversity through how it is built, the materials used, and policies supporting both practices.⁴¹

The freedoms contained in the right to adequate housing consist of protection against forced evictions and the arbitrary destruction and demolition of one's home, the right be free from arbitrary interference with one's home, privacy, and family, and the right to choose one's residence, to determine where to live and to freedom of movement.⁴² The entitlements defined under adequate housing include security of tenure, housing, land and property restitution, equal and non-discriminatory access to adequate housing, and participation in housing-related decision-making at the national and community levels.⁴³ Through the entitlement to security of tenure, protection from forcible evictions is tied in and defined as the "permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."⁴⁴ Through the right to adequate housing, states have three main duties that are defined as an obligation to respect, protect and fulfill.⁴⁵ However, it is also important to note that states are not required to build housing for the entire population, provide free housing to all who request it,

³⁴ Frontline Defenders, *Right to Adequate Housing*, 2013; UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, pp.20-21.

³⁵ Amnesty International, *The Human Right to Housing*, 2013.

³⁶ Frontline Defenders, *Right to Adequate Housing*, 2013.

³⁷ UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, p. 3.

³⁸ UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, p. 4.

³⁹ Human Rights Education Associates, *The Right to Housing*, n.d.

⁴⁰ Human Rights Education Associates, *The Right to Housing*, n.d.

⁴¹ Human Rights Education Associates, *The Right to Housing*, n.d.

⁴² UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, p. 3.

⁴³ UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, p. 3.

⁴⁴ UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, p. 4.

⁴⁵ UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, p. 33.

expect the right to housing to manifest itself in the same manner in all places and situations, or depend solely on itself and/or an unregulated market to protect this right for all.⁴⁶ While these requirements for adequate housing are inclusive and work to address the basic human rights necessary, it is also essential to note the international agreements and framework that led to their current protections.

International Framework

Securing the right to adequate housing and protecting individuals from forcible evictions as a human right requires international agreements and conventions to provide a framework for states to follow. The first international document that addressed the right to housing was the *Universal Declaration of Human Rights* (UDHR) (1946) under Article 25 (1) which ensures everyone a right to achieve a standard of living adequate for the health and well-being of themselves and their family and the right to security despite a lack of livelihood in circumstances that are beyond their control.⁴⁷ While the UDHR was the first major international document to note the importance in protecting the right to housing as a part of the standard of adequate living, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1976) is often viewed as the influential document that addressed the need to protect the right to adequate housing.⁴⁸ Under Article 11 of ICESCR, "States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."⁴⁹ Another instrumental international guideline is the Committee on Economic, Social and Cultural Rights' *General Comment No. 4: The Right to Adequate Housing* (1991) as a more detailed elaboration of its predecessor, ICESCR.⁵⁰ *General Comment No. 4* is one of the most essential pieces in backing the right to adequate housing because it provides the framework for what are the minimum requirements necessary for a housing establishment to be considered adequate.⁵¹ *General Comment No. 4* also touched on forcible evictions by referring to exceptional circumstances to differentiate between those circumstances where certain types of forced evictions were legally acceptable.⁵² These exceptional circumstances include:

"a) racist or discriminatory statements, attacks or treatment by one tenant against a neighboring tenant; b) unjustifiable destruction of rented property; c) persistent non-payment of rent despite a proven ability to pay, and in the absence of the landlord to ensure dwelling habitability; d) persistent antisocial behavior which threatens, harasses or intimidates neighbors, or persistent behavior which threatens public health or safety; e) manifestly criminal behavior, as defined by law, which threatens the rights of others; f) the illegal occupation of property which is inhabited at the time of the occupation; g) the occupation of land or homes of occupied populations by nationals of an occupying power."⁵³

While these international instruments were used to highlight the importance of housing as a basic human right, the *International Covenant on Civil and Political Rights* (ICCPR) (1976) took another step in protecting this right by focusing on establishing protection from forcible evictions.⁵⁴ Article 17 of ICCPR

⁴⁶ UN Human Rights Council, *The Right to Adequate Housing: Fact Sheet No. 21*, 2009, pp. 6-8.

⁴⁷ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 10 December 1948, Art. 25.

⁴⁸ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966, Art. 11.

⁴⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966, Art. 11.

⁵⁰ UN Committee on Economic, Social and Cultural Rights, *General Comment No. 4: The Right to Adequate Housing*, 1991.

⁵¹ UN Committee on Economic, Social and Cultural Rights, *General Comment No. 4: The Right to Adequate Housing*, 1991.

⁵² UN Committee on Economic, Social and Cultural Rights, *General Comment No. 4: The Right to Adequate Housing*, 1991.

⁵³ UN Human Rights Council, *Fact Sheet No.25 Forced Evictions and Human Rights*, p. 4.

⁵⁴ UN General Assembly, *Optional Protocol to the International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966, Art. 17.

calls for protection from discretionary and unlawful interference in terms of a person's privacy, family, and home in addition to providing protection of the law from such interference and attacks should they occur.⁵⁵

In 1988, the General Assembly adopted Resolution 43/181 on 20 December 1988, which created the *Global Strategy for Shelter to the Year 2000*.⁵⁶ The Global Strategy for Shelter to the Year 2000 was created to address the problems discovered during the 1987 International Year of Shelter for the Homeless and provided guidelines in the Annex for state governments to implement national shelter strategies.⁵⁷ The United Nations Centre for Human Settlements (UN-HABITAT) was established as the coordinating agency, to provide experts at the regional level that would work with state governments in achieving their goals.⁵⁸

During the United Nations Conference on Human Settlements (Habitat II) (1996), the theme of ensuring adequate shelter for all was discussed and addressed in the *Istanbul Declaration on Human Settlements* (1996).⁵⁹ One of the main points made in the *Istanbul Declaration on Human Settlements* was that public, private and non-governmental partners all work actively together to protect the legal security of tenure, protect from discrimination and achieve equal access to affordable, adequate housing for all.⁶⁰ The *Istanbul Declaration on Human Settlements* also calls upon states to maintain transparency, accountability and responsiveness to the needs of their people while strengthening financial and institutional capacities according to their means.⁶¹ This addresses the responsibility of states while providing an international backing to hold them responsible. In an attempt to address the role of the private sector in housing, the International Labour Organization (ILO) has also set forth guidelines regarding worker housing for situations in which employers provide housing for their workers.⁶² While there are specifics set forth to provide adequate housing for workers, it is important to note that while most workers' housing is meant to be located close to work facilities, the location of housing should not be affected by "air pollution, surface run-off, sewage or other wastes."⁶³

Human Rights Council and Housing

The United Nations Human Rights Council (HRC) has taken strides to ensure there are clear guidelines for the ways in which the right to adequate housing can be upheld at a regional, national and local level. In 2000, utilizing its Special Procedures, the Commission on Human Rights established the position of "Special Rapporteur on adequate housing as a component of the right to an adequate standard of living," pursuant to resolution 2000/9.⁶⁴ The Special Rapporteur is responsible for reporting on the status of rights relevant to the mandate; promote cooperation and assistance with governments; emphasize the importance of gender perspective in securing these rights; develop a dialogue amongst all relevant organizations and bodies to make recommendations on the realization of right; and submit an annual report covering the activities regarding the mandate.⁶⁵ Individuals that are victims of violations on their right to housing are

⁵⁵ UN General Assembly, *Optional Protocol to the International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966, Art. 17.

⁵⁶ UN General Assembly, *Global Strategy for Shelter to the Year 2000 (A/RES/43/181)*, 20 December 1988.

⁵⁷ UN General Assembly, *Global Strategy for Shelter to the Year 2000 (A/RES/43/181)*, 20 December 1988.

⁵⁸ UN General Assembly, *Global Strategy for Shelter to the Year 2000 (A/RES/43/181)*, 20 December 1988.

⁵⁹ UN-HABITAT, *Istanbul Declaration on Human Settlements*, 1996.

⁶⁰ UN-HABITAT, *Istanbul Declaration on Human Settlements*, 1996, p. 2.

⁶¹ UN-HABITAT, *Istanbul Declaration on Human Settlements*, 1996, p. 3.

⁶² International Labour Organization, *Workers' Housing*, n.d.

⁶³ International Labour Organization, *Workers' Housing*, n.d.

⁶⁴ UN Human Rights Council, *Overview of the Mandate*, 2013.

⁶⁵ UN Human Rights Council, *Overview of the Mandate*, 2013.

able to submit complaints through the form of appeals and letters to the Special Rapporteur who will follow up confidentially with the government in question.⁶⁶

After the Commission on Human Rights was replaced by the HRC, the Special Rapporteur's mandate was expanded to emphasize the importance of social inclusion of those groups affected by housing conditions, to work together with the Special Rapporteur, organizations, governments, and non-governmental actors in protecting their housing rights under HRC resolution 6/27 on *Adequate housing as a component of the right to an adequate standard of living*.⁶⁷ In 2010, HRC adopted a resolution on protecting housing rights during "mega events" such as the Olympics and the World Cup, with examples such as the 2008 Beijing Olympics where 1.25 million people were displaced due to Olympics related development.⁶⁸ HRC resolution 13/L.6 provides states with guidelines such as addressing housing concerns at the beginning of the event planning process as well as considering issues like insecurity of tenure, trying to keep in mind the importance of having housing that is affordable for those at a social disadvantage, and bearing in mind the post-event period throughout the event planning process.⁶⁹ In order to elaborate on the right to adequate housing, HRC has released publications that give broader insight into the issues impeding on adequate housing and protection from forcible evictions, such as *Women and the Right to Adequate Housing*, and *Basic Principle and Guidelines on Development-Based Evictions and Displacement*.⁷⁰

The *Basic Principle and Guidelines on Development-Based Evictions and Displacement* (2013), reiterates that international law requires states to protect individuals against forced evictions by guaranteeing there is no discrimination based on "race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age disability, property, birth or other status."⁷¹ The guidelines further state that evictions that are carried out must be (1) authorized by law; (2) carried out in accordance with international human rights law; (3) undertaken solely for the purpose of promoting the general welfare; (4) reasonable and proportional, regulated so as to ensure full and fair compensation and rehabilitation; and (5) carried out in accordance with existing guidelines.⁷²

Issues Related to Adequate Housing and Protection from Forcible Evictions

Rapid urbanization

Rapid urbanization is an increasing problem for developing countries, however the trend exists at a global level as well, with more than 67 million people willingly or forcefully migrating to urban areas and cities every year.⁷³ People often move to cities because of economic opportunities and access to services, such as health and education.⁷⁴ In many developing countries, government efforts to divert populations to smaller cities and towns that are not as connected to the global market are an expensive and unsuccessful use of government funds to fix the problem of rapid urbanization.⁷⁵ Discrimination and corruption are two main causes that impede on the right to adequate housing for all and can often lead to unlawful forcible

⁶⁶ UN Human Rights Council, *Submission of Information and Individual Complaints*, 2013.

⁶⁷ UN Human Rights Council, *Adequate housing as a component of the right to an adequate standard of living*, 2013.

⁶⁸ COHRE, *UN Human Rights Council Adopts Resolution on Housing Rights and Mega Events*, 2010.

⁶⁹ UN Rights Council, *Adequate housing as a component of the right to an adequate standard of living, in the context of the hosting of mega-events*, 18 March 2010.

⁷⁰ UN Rights Council, *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*, 2013.

⁷¹ UN Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacements*, 2007, p. 15.

⁷² UN Human Rights Council, *Basic Principles and Guidelines on Development-Based Evictions and Displacements*, 2007, p. 6.

⁷³ UN Human Rights Council, *Urbanization without human rights, a recipe for failure*, 2012.

⁷⁴ The Economist, *Lump together and like it: The problems-and benefits-of urbanization on a vast scale*, 2008.

⁷⁵ The Economist, *Lump together and like it: The problems-and benefits-of urbanization on a vast scale*, 2008.

evictions.⁷⁶ In India, where one-third of the population lives in cities and two-thirds of the country's GDP generates from these areas, there are great disparities that result in slums accounting for one-fourth of all urban housing.⁷⁷ Since affordable housing is often scarce for poor migrants searching for work, they will often turn to building makeshift homes on unsuitable public lands, such as landslide areas, flood-plains, and highly contaminated areas such as landfills.⁷⁸ While many developing countries are having a difficult time meeting the demands of rapid urbanization and protecting housing rights, some countries, such as Indonesia, are drawing on good practice to some degree of success. Examples of efforts include upgrading informal settlements and low-income apartments, and harnessing community organization to make certain the tenants living in these housing developments have their concerns voiced and are accommodated.⁷⁹ This is essential for Indonesia because big cities like Jakarta require sustainable urban social programs where the population often increases during the daytime because of work commuters.⁸⁰ Urbanization has strong linkages with other housing issues, such as gender equality and nondiscrimination, and poverty issues.⁸¹

Gender Inequality

Gender equality is also a main area of concern in addressing adequate housing as a basic human right. Women are often subject to discrimination: only 20% of landowners worldwide consisting of women although they produce 60 to 80% of food in cultivating lands in developing countries.⁸² Examples of countries where women face extreme challenges in accessing housing, include Ghana, where it is difficult for women to afford adequate housing due to low-income, some women living in slums must resort to group renting rooms in which 10 to 30 women rent out a single room in a dilapidated shack.⁸³

When women are forcibly evicted from their homes, often they are targeted for sexual and gender-based violence (SGBV) - the evictors will subject them to verbal and physical abuse, rape and even killing.⁸⁴ Women can also suffer serious consequences in the aftermath of an eviction by continuing to be at risk for SGBV due to a lack of shelter and intimate partner violence.⁸⁵ Women also face greater discrimination by being subject to forcible evictions that occur when their spouse, or other family members kick them out of their homes and are protected by national laws favoring such biased practices, despite international norms prohibiting such actions.⁸⁶

Natural Disasters and Conflict

Forcible evictions continue to be a problem in a wide array of situations, including devastating natural disasters and areas of conflict. For example, in Haiti, three years after the devastating earthquake, camps for internally displaced persons remain the primary housing for thousands of families despite being considered "highly inadequate," in terms of quality of housing.⁸⁷ Further, residents of the camps are increasingly subject to forced evictions and denied access to adequate health, education and sanitation

⁷⁶ UN Human Rights Council, *Urbanization without human rights, a recipe for failure*, 2012.

⁷⁷ World Bank, *Urbanization in India: Integral part of economic growth*, 2013.

⁷⁸ COHRE, *Women, Slums, and Urbanisation: Examining the Causes and Consequences*, 2008, p. 22.

⁷⁹ UN Human Rights Council, *Indonesia: Inclusive approach needed to realize right to adequate housing for all*, 2013.

⁸⁰ Faizal, *Booming population spawns urbanization problems: UN*, 2011.

⁸¹ UNFPA, *Technical Briefing: Urbanization, Gender and Poverty*, 2012, pp.1-4.

⁸² UN Human Rights Council, *Women and the Right to Adequate Housing*, 2012.

⁸³ COHRE, *Women, Slums, and Urbanisation: Examining the Causes and Consequences*, 2008, p. 14.

⁸⁴ UN Human Rights Council, *Women and the Right to Adequate Housing*, 2012, p. 65.

⁸⁵ UN Human Rights Council, *Women and the Right to Adequate Housing*, 2012, p. 65.

⁸⁶ UN Human Rights Council, *Women and the Right to Adequate Housing*, 2012, p. 69.

⁸⁷ Amnesty International, 'Nowhere to Go' Forced Evictions in Haiti's Displacement Camps, 2013.

services, in addition to lacking access to drinking water, and generally facing insecurity.⁸⁸ In March 2013, the International Organization on Migration (IOM) reported 16,104 families have been forcibly evicted from camps without being offered alternative accommodations or any access to legal representation.⁸⁹ In June 2013, a camp located on private land destroyed tents and shelters of 120-150 families with the use of a tractor over a two-day span.⁹⁰ While these evictions are being carried out, completely destroying shelters and using various intimidation techniques, it has resulted in call for the development of a national housing policy for Haiti.⁹¹ The international community has provided assistance in the form of a rental subsidy program for over 37,000 families that face relocation.⁹²

Case Study: Combating Romanophobia in Europe

The Roma community has been subject to persecution for centuries in many parts of Europe, and still face discrimination to this day. The Roma are a disadvantaged group, regardless of high-level recognition of their situation recognized in 1990 at the Conference on the Human Dimension of the Organisation for Security and Co-Operation in Europe (OSCE).⁹³ With an estimated population of 10-12 million in Europe, Roma account for the largest ethnic minority in Europe.⁹⁴ Over 45% of European Roma homes lack amenities such as an indoor toilet, kitchen, bath and shower facilities, or electricity.⁹⁵ The Roma also face infringement on other basic human rights through the adequate standard of living with 90% of households living below the poverty line and one-third of adults between the ages of 35-54 suffering from major health problems.⁹⁶ A major conflict for this group is their hard to determine legal status as they can often be considered migrants, asylum seekers, and as marginalized ethnic minorities simultaneously, making it difficult to provide comprehensive and inclusive EU legislation.⁹⁷ In an attempt to combat these unfair practices and use the scope of existing EU legislation to their advantage the European Roma Rights Centre files complaints on human rights violations such as the right to adequate housing under the protocol of the European Social Charter.⁹⁸ The EU provides €26 billion to Member States for Roma programs, in an effort to build capacity and strengthen efforts to support the Roma community.⁹⁹ The European Union Agency for Fundamental Rights (FRA) is also involved in trying to improve the situation for Roma people by working with the European Commission (EC) to ensure that it Member States are achieving their national strategies.¹⁰⁰ Through the creation of an ad-hoc group to help Member States set up effective monitoring mechanisms for the implementation of national strategies, it is apparent that FRA and EC are working to combat ongoing discriminatory practices and create better living conditions for Roma people throughout Europe.¹⁰¹

Conclusion

Despite international laws which ensure the right for all to adequate housing, this right is not fully realized in either developed or developing countries. While international laws provide guidelines for

⁸⁸ Amnesty International, *'Nowhere to Go' Forced Evictions in Haiti's Displacement Camps*, 2013.

⁸⁹ Amnesty International, *'Nowhere to Go' Forced Evictions in Haiti's Displacement Camps*, 2013.

⁹⁰ UN News Centre, *Haiti: Senior UN official 'gravely concerned' by forced evictions of displaced families*, 2013.

⁹¹ Amnesty International, *Haiti: Forced evictions worsen the already dire lot of earthquake homelessness*, 2013.

⁹² United Nations News Centre, *Haiti: Senior UN official 'gravely concerned' by forced evictions of displaced families*, 2013.

⁹³ Pivovarchuk, *Roma: Europe's Dispossessed*, 2013.

⁹⁴ EU Agency for Fundamental Rights, *Roma*, 2013.

⁹⁵ Pivovarchuk, *Roma: Europe's Dispossessed*, 2013.

⁹⁶ Pivovarchuk, *Roma: Europe's Dispossessed*, 2013.

⁹⁷ Pivovarchuk, *Roma: Europe's Dispossessed*, 2013.

⁹⁸ European Roma Rights Centre, *Social Charter*, 2012.

⁹⁹ Pivovarchuk, *Roma: Europe's Dispossessed*, 2013.

¹⁰⁰ EU Agency for Fundamental Rights, *FRA supports European Commission's call to step up Roma integration*, 2013.

¹⁰¹ EU Agency for Fundamental Rights, *FRA supports European Commission's call to step up Roma integration*, 2013.



countries to follow, there are gaps in the extent to which the laws respond to ongoing violations, particularly in terms of institutionalized discrimination, gender disparities, accommodations for those with special needs, and lack of infrastructure. While experts, governments, non-governmental organizations, and international organizations play an important role in developing strategies that will provide adequate housing for all, it is imperative to include those groups most affected by housing policies in the discussion. While improving housing conditions is essential, it is also important for States to bear in mind the importance of protecting people from forcible evictions. Forcible evictions can greatly impede on human rights for those subject to them, and also create an environment in which further human rights violations can occur. While states are held accountable for forcible evictions under international law, there are many instances that go unreported and continue without consequence daily throughout the world.

Keeping in mind the unique problems associated with providing adequate housing and protecting people from forcible evictions, delegates should consider: What are the long-term and short-term goals Member States should focus on to protect the right to adequate housing? While marginalized groups face additional obstacles in finding adequate housing, what can be done to overcome these issues for these groups? What are preventive and post-eviction measures that states can take to be accountable for protecting their civilians from forcible evictions? How can gender disparities be overcome to protect women from forcible evictions and provide them with adequate housing without infringing entirely on cultural beliefs?



Annotated Bibliography

Centre on Housing Rights and Evictions. (2008 May). *Women, Slums and Urbanization: Examining the Causes and Consequences*. Retrieved July 21, 2013 from: http://globalinitiative-escr.org/wp-content/uploads/2013/05/women_slums_and_urbanisation_may_2008.pdf

This publication from the Centre on Housing Rights and Evictions is very helpful for introducing delegates to the wide array of problems faced by women forced to live in inadequate living conditions. This publication takes the time to explain in detail the many problems that exist for women due to gender disparities and works to combat them by looks at urbanization problems in both developed and developing countries. Delegates will find the testimonials mixed in with explanations engaging and helpful.

Human Rights Education Associates. (2003). *Right to Housing*. Retrieved June 25, 2013 from: http://www.hrea.org/index.php?doc_id=411

This website provides a comprehensive overall background for delegates regarding the right to housing. In addition to summarizing housing rights, it also provides helpful background with brief descriptions of relevant international documents protecting the right to housing. Delegates will find this quick overview helpful in their initial attempts to comprehend what is protected in housing rights and protection from forcible evictions.

United Nations, General Assembly, Twenty-first session. (1966). *International Covenant on Economic, Social and Cultural Rights (A/RES/2200A (XXI))* [Resolution]. Retrieved July 1, 2013 from: [http://www.un.org/Docs/asp/ws.asp?m=A/RES/2200%20\(XXI\)](http://www.un.org/Docs/asp/ws.asp?m=A/RES/2200%20(XXI))

This landmark covenant is essential when looking at human rights, and also played a major role in protecting the right to adequate housing. Article 11 touches on this right and also the whole document serves as a basis for securing basic human rights. From a historical context, this document will be very helpful to delegates.

United Nations, Committee on Economic, Social and Cultural Rights. (1991, December 13). *General Comment 4 The right to adequate housing*. Retrieved July 15, 2013 from: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

General Comment No. 4 is one of the most comprehensive documents describing the topic of housing and forcible evictions. This document elaborates on what are the minimum requirements for a structure to be considered adequate housing. There is also a greater explanation of exceptional circumstances in which forcible evictions are allowed. Delegates should familiarize themselves with these details when beginning their own research.

United Nations, Human Rights Council. (2007). *Adequate housing as a component of the right to an adequate standard of living (A/HRC/RES/6/27)* [Resolution]. Retrieved July 1, 2013 from: http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_27.pdf

Resolution 6/27 is important because it expanded the scope of the mandate already in place for the Human Rights Council. It also gave more of a voice to the groups affected in influencing strategies set forth to improve adequate housing conditions. Delegates will find this resolution helpful in seeing the achievements that the HRC has already made in ensuring adequate housing for all.

United Nations, General Assembly. (1948, December 10). *Universal Declaration of Human Rights (A/RES/217 A (III))*. Retrieved July 1, 2013 from: <http://www.un.org/en/documents/udhr/index.shtml>



The Universal Declaration of Human Rights is one of the most important documents regarding any human rights issues. As the basis for all human rights law, this is an essential part of understanding the legal framework for protecting the right to housing under the right to achieving a standard of adequate living. Delegates will find this text historically relevant as well as a good starting point in understanding the progression in international law protecting the right to adequate housing.

United Nations, Office of the High Commissioner for Human Rights. (2011). Forced Evictions. *Housing* . Retrieved June 25, 2013 from: <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx>

This web page offers some valuable insights into the work of the Human Rights Council and what is meant by forcible evictions. There are great links to the basic principles and guidelines on development-based evictions, which is a major consequence faced by victims of forcible evictions. There are also other helpful links provided which give an overview of the mandate and the international standards set forth to protect people from forcible evictions.

United Nations, Office of the High Commissioner for Human Rights. (2013). *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. Housing* . Retrieved June 28, 2012 from:

<http://www.ohchr.org/en/issues/housing/pages/housingindex.aspx>

This web page elaborates on the human rights aspect of providing adequate housing. Delegates will find this page very helpful because it also briefly outlines the obligations of states in protecting the right to adequate housing. Also included on this page are quick links to resolutions, current articles, and annual reports by the special rapporteur regarding the right to adequate housing.

United Nations, Office of the High Commissioner for Human Rights. (2009). *The Right to Adequate Housing: Fact Sheet No. 21*. Retrieved June 25, 2013 from:

http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

This Fact Sheet is a great reference for what the right to adequate housing entails, and how it should be implemented by states. The paper argues that the impact has not been as severe as one would expect. The authors also argue that there may be other factors that have protected Latin America that are not present around the world. Delegates should consult this fact sheet as an overall reference to the right to adequate housing and using different.

United Nations, Office of the High Commissioner for Human Rights. (2012). *Women and the Right to Adequate Housing*. Retrieved June 26, 2013 from:

http://www.ohchr.org/Documents/Publications/WomenHousing_HR.PUB.11.2.pdf

This publication is helpful because it goes into further detail discussing the policy and legal framework involved in protecting women and their right to adequate housing, as a group that is particularly vulnerable to this problem. There is also a section on selected issues which talks about how forcible evictions affect women. By presenting the legal framework alongside the issues, this will help delegates see more clearly what has already been put forth as solutions to protecting women's rights to adequate housing and protection from forcible evictions.

II. Ensuring the Right to Clean Water and Sanitation for All

Introduction

Throughout the world, 884 million people do not have access to clean sources of drinking water, while 2.5 billion people lack access to adequate sanitation facilities.¹⁰² Four of ten people lack access to even a simple pit latrine while two of ten people lack any source to a safe form of drinking water.¹⁰³ Unclean drinking water and poor sanitation are, when combined, the second largest killer of children.¹⁰⁴ Drinking contaminated water accounts for most outbreaks of fecal-oral diseases, such as cholera, typhoid, diarrhea, viral hepatitis A, and dracunculiasis.¹⁰⁵ Some of these diseases spread through water via microorganisms that spend part of their lifecycle in water, spread quickly through water-related vectors, and are caused by chemicals running off into drinking water sources.¹⁰⁶ Ninety percent of sewage and seventy percent of industrial waste run off into water sources without treatment and ultimately pollute useable water supplies in developing countries.¹⁰⁷

The human right to water, when realized, will ensure sufficient, safe, acceptable and accessible water for both personal and domestic use be provided for all.¹⁰⁸ The criteria for measuring the provision of clean water and sanitation for all consists of factors such as accessibility, quality, acceptability, accessibility, and affordability.¹⁰⁹ The right to water also contains freedoms and entitlements. These freedoms include ensuring that personal security is not threatened when accessing supplies, banning unlawful pollution of water sources, protection from illegal disconnections, non-discrimination in access to safe drinking water and sanitation regardless of land or housing status, and non-interference with access to existing water supplies.¹¹⁰ The entitlements associated with the right to water include access to the minimum amount of safe water to sustain life and health, access to safe drinking water and sanitation in detention, and participation in water and sanitation related decision-making at national and community levels.¹¹¹ The Special Rapporteur on the human right to safe drinking water and sanitation states that 20 liters per capita per day is the minimum quantity required to be considered meeting the requirement for access to safe water but in order to achieve full realization of the right, states should aim to provide 50 to 100 liters per day per person.¹¹²

International Framework Overseeing the Right to Water and Sanitation as a Human Right

The *Universal Declaration on Human Rights* (UDHR) (1948) is one of the main documents guiding international human rights law protects the right under Article 25 which ensures the right to an adequate standard of living to protect the health and overall well being.¹¹³ The right to water and sanitation is an essential part of protecting one's overall health and well-being because many deaths can be linked to

¹⁰² United Nations Human Rights Council, *The Right to Water Fact Sheet No.35*, n.d., p. 1.

¹⁰³ United Nations, *About the Decade*, 2013.

¹⁰⁴ United Nations, *International Decade for Action 'Water for Life' 2005-2015*, 2013.

¹⁰⁵ United Nations Children's Fund, *Childinfo: Monitoring the Situation of Children and Women*, 2013.

¹⁰⁶ World Health Organization, *Water-related diseases*, 2013.

¹⁰⁷ United Nations Human Rights Council, *The Right to Water Fact Sheet No.35*, n.d., p. 9.

¹⁰⁸ United Nations Economic and Social Council, *General Comment No. 15*, 2002., p. 2.

¹⁰⁹ United Nations Human Rights Council, *Frequently Asked Questions: Special Rapporteur on the human right to safe drinking water and sanitation*, 2010, p. 1.

¹¹⁰ United Nations Human Rights Council, *The Right to Water Fact Sheet No.35*, n.d., p. 7.

¹¹¹ United Nations Human Rights Council, *The Right to Water Fact Sheet No.35*, n.d., pp. 7-8.

¹¹² United Nations Human Rights Council, *Frequently Asked Questions: Special Rapporteur on the human right to safe drinking water and sanitation*, 2010, p. 2.

¹¹³ United Nations General Assembly, *Declaration of the Rights of the Child*, December 10, 1959, Art. 25.

illnesses caused by poor hygiene and lack of proper drinking water.¹¹⁴ Another important agreement is the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR) (1966), which in Articles 11 and 12 calls for states to protect an adequate standard of living for all and also provide all with the opportunity to achieve the highest attainable standard of mental and physical health.¹¹⁵ Through *General Comment No. 15* (2002), the role in protecting water and sanitation rights was expanded in greater detail by ECOSOC by providing a legal basis for its protection as a human right and defining how the right to water is a part of basic human rights.¹¹⁶ *General Comment No. 15* also lists state obligations which are: to respect the right to water by not infringing on its full enjoyment through direct or indirect means, to protect by not letting any third party groups impede on the right to water, and also to fulfill the right by taking necessary measures to help both individuals and communities enjoy the right to its full realization.¹¹⁷ The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) (1979), Article 14, specifically calls on states to protect the rights of rural women by protecting their right to enjoy adequate living conditions and take into account their important roles as economic providers for their families.¹¹⁸

One of the most well known plans of action protecting the right to water and sanitation is the Millennium Development Goals (MDGs), with particular attention paid to Target 7c, which calls for the international community to “halve, by 2015, the proportion of the population without sustainable access to safe drinking water and sanitation.”¹¹⁹ In 2010, Target 7c, regarding access to safe drinking water, became the first MDG to be met by exceeding its goal by one percent and declaring that now 89% of the world's population now had increased access to improved water sources.¹²⁰ From 1990-2011, access to improved sanitation facilities was increased for 240,000 people daily which has improved the situation for many, but shows that more work in protecting sanitation rights needs to be done.¹²¹ The sanitation goal of 75% in Target 7c is still below expectations at 67%, almost 10% less than the goal for worldwide sanitation access.¹²² In July 2013, the United Nations General Assembly (GA) adopted resolution 67/291, titled *Sanitation for All*, which calls on states to take the necessary steps to end open defecation and also draw attention to the issue by declaring November 19th World Toilet Day, in which further public awareness on sanitation will be spread throughout Member States through education and activities.¹²³

The World Health Organization (WHO) has also been involved in improving this right through their Water, Sanitation, and Health (WSH) program that is broken down into six core activities: drinking water quality management, water supply and sanitation monitoring, cholera surveillance and prevention, water and sanitation in different settings, water resources management, and activities such as climate change, economic factors, and MDGs.¹²⁴ WHO also works closely with the United Nations Children's Fund (UNICEF) through their Joint Monitoring Programme for Water Supply and Sanitation (JMP) in which

¹¹⁴ United Nations Water, *Statistics Graphs & Maps: Drinking Water, Sanitation, and Hygiene*, 2012.

¹¹⁵ United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966, Art. 11 and 12.

¹¹⁶ United Nations Economic and Social Council, *General Comment No. 15*, 2002, p. 2.

¹¹⁷ United Nations Economic and Social Council, *General Comment No. 15*, 2002, pp. 8-10.

¹¹⁸ United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*, 18 December 1979, Art. 14.

¹¹⁹ United Nations, *Goal 7: Ensure Environmental Sustainability*, 2013.

¹²⁰ United Nations Children's Fund & World Health Organization, *Millennium Development Goal drinking water target met*, 6 March 2012.

¹²¹ United Nations, *Goal 7: Ensure Environmental Sustainability*, 2013.

¹²² United Nations Children's Fund & World Health Organization, *Millennium Development Goal drinking water target met*, 6 March 2012.

¹²³ United Nations General Assembly, *Sanitation for All*, 17 July 2013.

¹²⁴ World Health Organization, *Water Sanitation Health*, 2013.

reports are conducted every two years to see the progress being made in achieving MDG Target 7c.¹²⁵ Through their joint working relationship, WHO and UNICEF use oral rehydration therapy to help counteract the deadly dehydration effects of diarrhea on children throughout the world.¹²⁶ In addition to publishing these reports through the JMP, WHO has also published other reports such as *Securing Sanitation* in conjunction with the Swedish International Water Institute which investigates the economic benefits of investing in sanitation, which could reach as high as 65 billion USD annually, and considered ways in which progress could be increased.¹²⁷

In June 2013, the Water Integrity Forum, a joint effort of the Water Integrity Network, the Water Governance Centre and the United Nations Educational, Scientific and Cultural Organization, was held to show the importance of good governance in ensuring water rights. This became the first international forum on water integrity.¹²⁸ The Water Integrity Forum brought together NGOs, government officials, members of the private sector, and water professionals and aimed to address the importance of tackling corruption issues in achieving water rights while identifying the main challenges and approaches that were needed to overcome the major problems with corruption and a lack of integrity.¹²⁹ Increased transparency, accountability and participation can be achieved through avenues such as improved consumer awareness and public expenditure tracking.¹³⁰ At the end of the conference, it was decided that participants would work to use and expand already existing networks, and awareness would continue to build for the issue by working to integrate water integrity as part of the post-2015 development agenda.¹³¹

Role of the Human Rights Council

The United Nations Human Rights Council (HRC) is committed to protecting the right to water and sanitation for all and in 2008 established the mandate of the Special Rapporteur on the human right to safe drinking water and sanitation.¹³² Under HRC resolution 7/22 (2008), the role of the Special Rapporteur is to conduct research and reports on various themes to present to the HRC and the GA, conduct country missions to investigate progress made, receive allegation about violations and enter a working dialogue with governments to fix these violations, advise all parties in realizing the right to water and sanitation for all, and issue public statements and events regarding the issues.¹³³ One of the great contributions the Special Rapporteur has made in the fight for water and sanitation as a human right is her publication highlighting good practices titled. *On the Right Track: Good practices in realizing the rights to water and sanitation*.¹³⁴ Since the violation of the right to water can impede on nearly all other human rights, HRC resolution 12/24 on the *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development* protects water and sanitation rights under the state's obligation to ensure the highest attainable standards for physical and mental health.¹³⁵ In HRC resolution 18/1, explicit guidelines are set forth for states to follow, including the need to create and

¹²⁵ World Health Organization, *Progress on Drinking Water and Sanitation*, 2012.

¹²⁶ United Nations Children's Fund, *Child Survival Fact Sheet: Water and Sanitation*, 4 June 2004.

¹²⁷ World Health Organization, *Securing Sanitation: The Compelling Case to Address the Crisis*, 2005.

¹²⁸ Water Integrity Forum, *Water Integrity Forum: Extending the Pace*, 20 February 2013.

¹²⁹ Water Integrity Forum, *Water Integrity Forum: Extending the Pace*, 20 February 2013.

¹³⁰ Water Integrity Forum, *Water Integrity Forum: Extending the Pace*, 20 February 2013.

¹³¹ Smith-Asante, *Forum asks governments to promote water integrity*, 11 June 2013.

¹³² United Nations Human Rights Council, *Overview of the mandate*, 2013.

¹³³ United Nations Human Rights Council, *Human rights and access to safe drinking water and sanitation*, 28 March 2008.

¹³⁴ de Albuquerque, *On the Right Track: Good practices in realizing the right to water and sanitation*, 2012.

¹³⁵ United Nations Human Rights Council, *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*, 25 September 2009.

implement short term targets for helping those who have not yet realized the basic target goals to achieve them before focusing on improving those that have already met said goals.¹³⁶

Water and Sanitation, the HRC, and the Post-2015 Development Agenda

The Human Rights Council is also involved in developing the post-2015 development agenda by emphasizing the human rights portion of working towards achieving an agenda that focuses on freedom from want and fear, and overcoming discrimination through stronger accountability mechanisms.¹³⁷ The Special Rapporteur has also taken up the responsibility of utilizing working papers to help guide the role of water and sanitation in the post-2015 development framework, through feasible means and addressing the root causes of inequalities that cause a lack of access outside of the obvious economic inequalities.¹³⁸ In *The Future is Now*, the Special Rapporteur highlights the importance of paying attention to these inequalities and the need to address them separately by using the example of a statistic on a South-East Asian country with an open defecation rate for the majority group of 37%, while the minority group in the same country had an open defecation rate of 70%.¹³⁹ While focusing on the human rights aspect of the post-2015 development agenda, the HRC is emphasizing the importance in all states developing a national social protection scheme with all people in all states having access to these social protections by 2030, with water and sanitation falling under the social protection category of access to basic services.¹⁴⁰

Marginalized Groups Affected by the Right to Water and Sanitation

One of the main issues in protecting water and sanitation rights is addressing the needs of the marginalized groups, such as women, children and those with disabilities, which are often neglected in achieving full realization of these rights. According to UNICEF, 300 million children suffer from illnesses that are caused by inadequate healthcare services, poor nutrition and a lack of clean water.¹⁴¹ In some developing countries, women are often burdened with the task of finding and fetching the water necessary for domestic and personal use for their household, which often results in them walking numerous miles carrying heavy loads of water that is not always safe for use.¹⁴² In India, estimates show that the economic cost of women fetching water results in a loss of 150 million work days a year, which is equivalent to a national income loss of 10 billion rupees a day.¹⁴³ This task can often affect young girls' attendance in schools, such as in Tanzania, where data shows that girls' attendance in school were 12% higher for those who lived 15 minutes or less from their water source compared to those who lived one hour or more away from their water source.¹⁴⁴ Lack of sanitation also has negative effects on girls' education, with parents pulling daughters out of school after puberty when schools do not offer them access to separate and adequate sanitation facilities.¹⁴⁵ Cultural norms and a sense of shame and physical discomfort are perhaps the key factors in explaining why lack of proper and private sanitation facilities

¹³⁶ United Nations Human Rights Council, *The Human Right to Safe Drinking Water and Sanitation*, 12 October 2011.

¹³⁷ United Nations Human Rights Council, *Human Rights and Post-2015 Development Agenda*, 2013.

¹³⁸ United Nations Human Rights Council, *Post-2015: Eliminating inequalities in sanitation, water and hygiene*, 2013.

¹³⁹ de Albuquerque, *The Future is Now: Eliminating inequalities in sanitation, water and hygiene*, 2012 October, p. 11.

¹⁴⁰ United Nations Human Rights Council, *Statement by 17 Special Procedures mandate-holders of the Human Rights Council in the Post-2015 development agenda*, 21 May 2013.

¹⁴¹ United Nations Children's Fund, *Child Survival Fact Sheet: Water and Sanitation*, 4 June 2004.

¹⁴² Water.org, *Women and Water: An Impossible Choice*, 2013.

¹⁴³ United Nations Women, *UNIFEM at a Glance: Women and Water*, 2004, p. 1.

¹⁴⁴ United Nations Development Programme, *Human Development Report 2006 Beyond Scarcity: Power, poverty, and the global water crisis*, 2006, p. 47.

¹⁴⁵ United Nations Development Programme, *Human Development Report 2006 Beyond Scarcity: Power, poverty, and the global water crisis*, 2006, p. 47.

affect women and girls have a higher impact than they do for men and boys who have more freedom to relieve themselves more publicly.¹⁴⁶

An estimated one billion people, or about 15% of the world's population, are persons with disabilities, according to the UN.¹⁴⁷ Ninety percent of children with disabilities in developing countries are unable to attend school because they lack decent access to toilets.¹⁴⁸ Persons with disabilities are exceptionally vulnerable to these problems because in addition to being part of the most impoverished individuals, they also lack social programs tailored to their needs.¹⁴⁹ There is also a lack of in-depth data available on how water and sanitation affects those with disabilities specifically, instead of their role as part of the most impoverished populations in developing countries.¹⁵⁰ Access to safe drinking water and well-equipped sanitation facilities is essential for persons with disabilities to live independent lives.¹⁵¹ Under the *Convention on the Rights of Persons with Disabilities* (2008), Article 28 ensures the right to an adequate standard of living without discrimination on the basis of disability and should be provided with equal and affordable access to clean water.¹⁵² When individuals with disabilities take an active participatory role in the decision-making processes affecting them, there is increased access; in the case of Tanzania, people with disabilities were able to influence and pick the location of water points that best suited their needs while also participating in awareness campaigns through Water, Sanitation and Hygiene (WASH) programs.¹⁵³ Mozambique has also seen an increase in water and sanitary conditions with the help of Concern Universal's "Nothing About US Without Us," which aims to improve awareness, advocate for more inclusive programs, and highlight the challenges faced by the country's people with disabilities.¹⁵⁴

Case Study: Kenya

Prior to reforms, Kenya was having a difficult time protecting the right to water, especially for the poor, due in part to a lack of infrastructure and unprofessional and highly centralized water management practices.¹⁵⁵ Many of Kenya's impoverished people had to pay five to ten times more for water and sanitation services that were not always considered adequate, because these services were coming from informal sources that did not have government support.¹⁵⁶ When pipes burst, it can take anywhere from weeks to months to fix, rendering them an unreliable source of water.¹⁵⁷ The country's main fresh water source, referred to as the "natural water towers," had receded from 11.4 to 4.3 cubic meters due to large-scale deforestation.¹⁵⁸ In Kenya's second-largest city, Mombasa, citizens were forced to comply with rationing policies and supplement their water needs by purchasing water from vendors.¹⁵⁹ With all these

¹⁴⁶ United Nations Development Programme, *Human Development Report 2006 Beyond Scarcity: Power, poverty, and the global water crisis*, 2006, p. 48.

¹⁴⁷ Groce, Bailey, Lang, Trani and Kett, *Water and sanitation issues for persons with disabilities in low- and middle-income countries; a literature review and discussion of implications for global health and international development*, 2011.

¹⁴⁸ United Nations Development Programme, *Human Development Report 2006 Beyond Scarcity: Power, poverty, and the global water crisis*, 2006, p. 114.

¹⁴⁹ United Nations Development Programme, *Human Development Report 2006 Beyond Scarcity: Power, poverty, and the global water crisis*, 2006, p. 114.

¹⁵⁰ Groce, Bailey, Lang, Trani and Kett, *Water and sanitation issues for persons with disabilities in low- and middle-income countries; a literature review and discussion of implications for global health and international development*, 2011.

¹⁵¹ United Nations Human Rights Council, *The Right to Water Fact Sheet No.35*, n.d., pp. 22.

¹⁵² United Nations, *Convention on the Rights of Persons with Disabilities* 1979, Art. 28.

¹⁵³ Australia AID, *Water, sanitation and hygiene*, 2013.

¹⁵⁴ Australia AID, *Water, sanitation and hygiene*, 2013.

¹⁵⁵ GIZ, *Kenya, Water Sector Development*, n.d.

¹⁵⁶ GIZ, *Kenya, Water Sector Development*, n.d.

¹⁵⁷ World Bank, *In Kenya, Citizens Track Water Problems*, 2 August 2011.

¹⁵⁸ GIZ, *Kenya, Water Sector Development*, n.d.

¹⁵⁹ World Bank, *In Kenya, Citizens Track Water Problems*, 2 August 2011.

major problems in water management, Kenya had to develop new strategies at both the national and community levels.

With the help of the German Federal Ministry for Economic Cooperation and Development, Kenya was able to adopt water sector reforms that were overseen by the Ministry of Water and Irrigation.¹⁶⁰ The water sector reform programs have five components: water sector reform, regulatory authority, poverty fund, water resources management, and scaling up of plot sanitation.¹⁶¹ Through the Water Services Trust Fund, 700,000 people are enjoying new access to water with 60,000 people gaining access to sanitation facilities, and by the end of 2013 the number should increase to 11 million new people.¹⁶² The Ministry of Water and Irrigation is also promoting the use of water action groups (WAGs) to empower those in low-income urban areas.¹⁶³ Through the use of WAGs, pressure and accountability are applied to make sure utility demands continue to be met and without such long delays.¹⁶⁴ Through its trial run in 2010, WAGs were able to resolve an outstanding 97% of over 400 complaints.¹⁶⁵ Community Led Total Sanitation (CLTS) initiatives also helped address the problem of open defecation in Kenya, by increasing the amount of defecation-free communities to 1,000 as of April 2011.¹⁶⁶ Before the program, people in low-income urban areas were resorting to defecating in plastic bags or tins that were disposed of in improper landfills that would pollute rivers, contaminate waters, and expose slum dwellers to a wide array of health problems.¹⁶⁷ Through CLTS, dialogue is created between those affected and those implementing policies to try to find lasting solutions to urban sanitation problems as well as teaching community members that lack knowledge on the subject the advantages of using proper sanitation facilities over practicing open defecation.¹⁶⁸

Conclusion

Protecting the human right to water and sanitation for all is important because of how closely related it is to realizing the full enjoyment of other essential human rights. The financial benefits of increasing the availability of water and sanitation rights to all outweigh the costs associated with making both rights available for everyone from the affluent to the poor. Child mortality rates are highest when this right is not protected, especially in developing countries. There are many approaches that increase the chances of achieving this right for all, but there is a considerable amount of success shown in countries that develop dialogue with those directly affected by national policies that will be implemented. While MDG 7c has been achieved, there is still a long way to go till the right to sanitation and water for all is realized by all people.

Questions for delegates to consider: What short-term and long-term approaches should be taken to addressing this issue for the world's most impoverished people? What role should the post-2015 development agenda play in ensuring the right to water and sanitation is increased for people around the world? What policies or programs can be implemented to address the unique needs of the marginalized groups and make sure they are not left far behind in achieving these goals?

¹⁶⁰ GIZ, *Kenya, Water Sector Development*, n.d.

¹⁶¹ GIZ, *Kenya, Water Sector Development*, n.d.

¹⁶² GIZ, *Kenya, Water Sector Development*, n.d.

¹⁶³ GIZ, *Kenya, Water Sector Development*, n.d.

¹⁶⁴ World Bank, *In Kenya, Citizens Track Water Problems*, 2 August 2011.

¹⁶⁵ World Bank, *In Kenya, Citizens Track Water Problems*, 2 August 2011.

¹⁶⁶ Institute for Development Studies, *Kenya- Community Led Total Sanitation*, 2011.

¹⁶⁷ Institute for Development Studies, *Kenya- Community Led Total Sanitation*, 2011.

¹⁶⁸ Institute for Development Studies, *Kenya- Community Led Total Sanitation*, 2011.



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[http://www.unhchr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/\\$FILE/G0340229.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/$FILE/G0340229.pdf)

General Comment No. 15 is a useful document because it expands on the right to water in the context of ICESCR. By establishing guidelines to follow, it set the precedent for international law to implement it as a human right. Delegates should familiarize themselves with this document, as it sets the framework for many policies involving water.

United Nations, General Assembly. (1979, December 18). *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*. Retrieved July 27, 2013 from:

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article14>

The Convention on the Elimination of All Forms of Discrimination Against Women is a landmark convention in overcoming gender disparities and helping women achieve the rights they have not fully recognized. The Convention provides a framework for the rights that women should be entitled to and how to overcome the obstacles in their way. When looking at what could be done for marginalized groups, delegates should reference this convention in regards to women.

Grace, N., Bailey, N., Lang, R., Trani, J.F., and Kett, M. (2011, June). *Water and Sanitation Issues for persons with disabilities in low- and middle-income countries: a literature review and discussion of implications for global health and international development*. Journal of Water and Health. Retrieved 1 July 2013 from:

http://www.ohchr.org/Documents/Issues/Water/ContributionsStigma/others/WHOjournalWaterHealth2011_Groce_9_4_617_627.pdf

This journal article gives a comprehensive overview on the main issues facing persons with disabilities in regards to water. It also points out the obvious shortcomings in data on persons with disabilities that creates obstacles in their full realization of this right. Delegates will find this article helpful in understanding the unique problems of persons as a marginalized group on this issue.

Institute for Development Studies. (2011). *Kenya- Community-Led Total Sanitation*. Retrieved July 27, 2013 from: <http://www.communityledtotalsanitation.org/country/kenya>

This web site will be helpful for students interested in the Kenya case study as it also provides other links for further research. There are also other case studies for other countries in which Community Led Total Sanitation was used. Delegates will find this helpful when thinking about community efforts in ensuring water and sanitation rights for all.

United Nations Development Programme. (2006). *Human Development Report 2006 Beyond Scarcity: Power, poverty, and the global water crisis*. Retrieved July 25, 2013 from:

<http://hdr.undp.org/en/media/HDR06-complete.pdf>

The Human Development Report is a great publication for pointing out the main problems associated with the global water crisis. It is a comprehensive background guide to the problem and also has a useful section on the plight of persons with disabilities. Delegates will be able to find this a useful source of information.



United Nations. (2013). *International Decade for Action 'Water for Life' 2005-2015*. Retrieved June 26, 2013 from: http://www.un.org/waterforlifedecade/human_right_to_water.shtml

This Web site will be very useful to delegates in researching the accomplishments and what still needs to be achieved during the Decade for Action. The web site is very thorough, offering easy to navigate links and publications. This web site will be a great starting point for delegates to familiarize themselves on the right to water and sanitation.

United Nations Human Rights Council. (2013). *Special Rapporteur on the human right to safe drinking water and sanitation*. Retrieved June 25, 2013 from:

<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>

The United Nations Human Rights Council web site has a page dedicated to the special rapporteur on safe drinking water and sanitation. This page focuses on the main concerns of the UNHRC as well as key publications addressing the issue. There is also access to current articles that relate to the concerns brought up by the Special Rapporteur on the issue. Delegates should be familiar with this website and should use it as a vital source to focus on the human rights element of the right to water and sanitation.

United Nations Human Rights Council. (n.d.). *The Right to Water, Fact Sheet No. 35*. Retrieved June 25, 2013 from: <http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>

This publication provides a comprehensive overview on the right to water as a human right. Delegates should familiarize themselves with this document because it covers all the aspects of the right to water, including international law and common misconceptions associated with water as a right. This publication provides a realistic picture on what can be done to protect water as a right and will be helpful to delegates as they consider which aspect of this issue they want to focus their research on.

United Nations, Human Rights Council, Seventh session. (2008 March 28). *Human rights and access to safe drinking water and sanitation*. Retrieved July 25, 2013 from:

http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_22.pdf

This resolution is an important one for delegates to know in order to understand the HRC's role in the right to water and sanitation. This resolution established the Special Rapporteur and defined her role. Delegates will find this source useful in understanding the responsibilities of the Special Rapporteur in protecting the human rights aspect of access to safe drinking water and sanitation.

United Nations Millennium Development Goals. (2013). *Goal 7: Ensure Environmental Sustainability*. Retrieved July 20, 2013 from: <http://www.un.org/millenniumgoals/environ.shtml>

Delegates should familiarize themselves with Goal 7c as it is an important part of this issue. Also by understanding the right to water and sanitation as an MDG, delegates will have a better understanding on what needs to be done now to address it in the post-2015 development agenda. The website is easy to navigate and also has access to other quick links.

III. Human Rights in the Syrian Arab Republic

“The future of Syria will be built by its people and none other. The support of the international community is indispensable and urgent. It will only be effective if all pull in the same direction.”¹⁶⁹

Introduction

The ongoing conflict in Syria started in March 2011, and in July 2012 the Red Cross formally declared the situation in Syria to be a civil war.¹⁷⁰ Since then, there have been 93,000 casualties as a result of the conflict and over 1.5 million people have been registered as refugees.¹⁷¹ Though the current Syrian regime has had a long history of violating the human rights of citizens, since the start of the Syrian conflict, both government and rebel groups have been accused of such acts as killing of protestors and bystanders, arbitrary arrest, forced disappearance, torture, and suppression of the media.¹⁷²

Since 1963, Syria has been under a national state of emergency, which has allowed authorities to widely arrest and detain individuals.¹⁷³ The current Syrian regime has used the state of emergency in order to arrest individuals critical of the government, including political activists, human rights defenders, bloggers and Kurdish minority rights activists.¹⁷⁴ In December 2010, the Arab Spring movement, a series of national movements protesting political, economic and social issues in the Arab world, arose in Syria.¹⁷⁵ On March 15, 2011, ongoing peaceful demonstrations became violent when protestors clashed with police forces, which led to civilian casualties.¹⁷⁶

There are several key players in Syria’s civil war.¹⁷⁷ President Bashar al-Assad, whose father seized control of Syria in 1970, has been in power since 2000, and Assad’s actions in suppressing protestors is internationally considered the main reason for the start of the civil war.¹⁷⁸ Assad has the support of the Alawite minority and Christian minority and he controls the Syrian government forces.¹⁷⁹ Syria and Iran have also been strong supporters of Hezbollah, who has been fighting against the rebel groups as well.¹⁸⁰ Russia has been largely supportive of the Syrian government, but in December 2012 Russia started to distance itself from the government and has also called for a ceasefire in the region.¹⁸¹ However, Russia and China also have warned the international community against military intervention in Syria, as recently as August 2013.¹⁸²

In November 2012, a coalition of the opposition was formed and in April 2013 George Sabra was named interim head.¹⁸³ The Free Syrian Army, composed of defectors of Assad’s army, is the main armed group

¹⁶⁹ Brahimi, Lakhdar, *Remarks to the General Assembly on the situation in Syria*, 2012.

¹⁷⁰ CBC News, *Syria rebellion declared a civil war*, 15 July 2012.

¹⁷¹ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁷² Human Rights Watch, *World Report 2012: Syria*, 2012.

¹⁷³ Amnesty International, *Annual Report 2011: Syria*, 2011.

¹⁷⁴ Amnesty International, *Annual Report 2011: Syria*, 2011.

¹⁷⁵ BBC, *Syria Profile*, 2013.

¹⁷⁶ BBC, *Syria Profile*, 2013.

¹⁷⁷ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁷⁸ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁷⁹ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁸⁰ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁸¹ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁸² BBC, *Syria Crisis: Russia and China step up warning over strike*, 2013.

¹⁸³ CBC News, *Syria’s civil war: key facts, important players*, 2013.

against Assad; the group grew largely due to other defections and volunteers joining.¹⁸⁴ The Jadhat al-Nusra, a group with ties to al-Qaeda, has also taken responsibility for bombings on Syrian government targets.¹⁸⁵ There has also been a strong international presence, including from Egypt, Israel and the United States, calling for Syria to respond to the civil conflict and human rights violations.¹⁸⁶ Turkey, a neighbouring country to Syria, has accepted a large number of refugees since the conflict started.¹⁸⁷ Though their relationship was positive in 2003, things have rapidly deteriorated since the start of the conflict and, in October 2012, the Turkish government supported the use of force against Syria if necessary.¹⁸⁸

International Framework

One of the purposes of the United Nations is, as noted under article 1(3) of the *Charter of the United Nations* (1946), is “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”¹⁸⁹ Furthermore, the United Nations is founded on the grounds of sovereignty; the Charter’s Article 2 (7) states that nothing “authorize(s) the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State.”¹⁹⁰

However, in more recent years there has been a fundamental shift towards the “Responsibility to Protect” (R2P) doctrine, which supports the concept of sovereignty not only as a right but also a responsibility.¹⁹¹ R2P notes that there are times when it would be appropriate for the international community to intervene in domestic conflicts, especially if the welfare of persons is threatened and the state is unable to protect its citizens.¹⁹² Legal action can only be taken through the Security Council with the support of all five permanent members; some action has been approved in similar recent situations, however, as was the case in Libya.¹⁹³

With the declaration of the situation being a civil war, several international humanitarian laws including the Geneva Convention have been invoked.¹⁹⁴ *The Universal Declaration of Human Rights* (1948) and the *Declaration of the Rights of the Child* (1959) are declarations that address the inalienable fundamental human rights of persons to freedom of speech, access to basic needs and protection from cruel acts.¹⁹⁵ The Universal Declaration of Human Rights, among other fundamental human rights, recognizes that no one shall be subjected to torture and degrading treatment or punishment.¹⁹⁶ In addition, the *Convention related to the Status of Refugees* (1951) has also been widely cited due to the number of internally displaced persons and refugees in neighboring Member States.¹⁹⁷ Amnesty International has also

¹⁸⁴ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁸⁵ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁸⁶ CBC News, *Syria’s civil war: key facts, important players*, 2013.

¹⁸⁷ The Guardian, *Turkey tells Bashar Al-Assad to cease repression*, 2011.

¹⁸⁸ Al Jazeera, *Turkey authorizes future Syria raids*, 2012.

¹⁸⁹ *Charter of the United Nations*, 1945, Article 2.

¹⁹⁰ *Charter of the United Nations*, 1945, Article 2.

¹⁹¹ Office of the Special Advisor on the Prevention of Genocide, *The Responsibility to Protect*, n.d.

¹⁹² Office of the Special Advisor on the Prevention of Genocide, *The Responsibility to Protect*, n.d.

¹⁹³ United Nations Security Council, *Security Council approves ‘no-fly zone’ over Libya, authorizing ‘all necessary measures’ to protect citizens, by vote of 10 in favour with 5 abstentions*, 17 March 2011.

¹⁹⁴ NPR, *Red Cross Declares Civil War in Syria*, 2012.

¹⁹⁵ United Nations General Assembly, *Declaration of the Rights of the Child*, December 10, 1959.

¹⁹⁶ United Nations General Assembly, *International Bill of Rights (A/RES/3/217)*, 10 December 1948.

¹⁹⁷ United Nations General Assembly, *Protocol Relating to the Status of Refugees (A/RES/21/2198)*, 16 December 1966.

suggested that the situation should be referred to the International Criminal Court as a result of human rights violations that have been committed in the conflict.¹⁹⁸

Role of the UN System

The United Nations General Assembly (GA) has passed several resolutions on the situation in the Syrian Arab Republic since February 2012.¹⁹⁹ The GA adopted resolution 66/253A condemning the human rights violations happening in Syria especially in the areas of human rights violations, attacks on the public and the use of heavy weapons.²⁰⁰ The resolution called on Syria to work with the League of Arab States to transition to a democratic political system and requested access for the Commission of Inquiry in reviewing humanitarian issues in Syria.²⁰¹ Under resolution 66/176, the GA called upon Syria to work cooperatively with the United Nations Human Rights Council (UNHRC) while also addressing human rights violations in Syria including the arbitrary arrest and execution of people and the excessive use of force.²⁰²

The UN Supervision Mission in Syria (UNSMIS), established in April 2012 through Security Council resolution 2043 (2012), started as a 90 day monitoring plan of the conflict and the associated parties.²⁰³ The UNSMIS was also to assist with the implementation of the Joint Special Envoy's six-point plan to resolve the conflict in Syria.²⁰⁴ In August 2012, after months of deteriorating conditions in Syria, the UNSMIS's mandate came to an end.²⁰⁵

In response to the allegations of human rights violations, the UN Human Rights Council (UNHRC) held the 16th special session in April 2011 to discuss the issues in Syria.²⁰⁶ Under resolution S-16/1, the committee condemned lethal violence against peaceful protestors, called for the Syrian government to release arbitrarily detained prisoners, stressed that the Syrian government must provide credible and impartial investigation during the prosecution process, and called for the UN High Commission for Human Rights (OHCHR) to investigate alleged violations of human rights.²⁰⁷ At the 17th special session in August 2011, the *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* was submitted.²⁰⁸ Among other issues, the report reaffirmed the excessive use of force, negative treatment of prisoners, sexual violence, violation of children's rights, and violation of social and social rights.²⁰⁹ At the 18th special session in December 2011, the committee continued to condemn the acts of violence and violation of human rights in Syria, encouraged mechanisms to endorse human rights and provide support for humanitarian assistance and called for Syria's support.²¹⁰

¹⁹⁸ Amnesty International, *Annual Report 2013: Syria*, 2013.

¹⁹⁹ United Nations General Assembly, *The situation in the Syrian Arab Republic (A/RES/66/253 A)*, 21 February 2012.

²⁰⁰ United Nations General Assembly, *The situation in the Syrian Arab Republic (A/RES/66/253 A)*, 21 February 2012.

²⁰¹ United Nations General Assembly, *The situation in the Syrian Arab Republic (A/RES/66/253 A)*, 21 February 2012.

²⁰² United Nations General Assembly, *Situation of Human Rights in the Syrian Arab Republic (A/RES/66/176)*, 23 February 2012.

²⁰³ United Nations Security Council, *Resolution 2043 (2012)*, 21 April 2012.

²⁰⁴ United Nations Security Council, *Resolution 2043 (2012)*, 21 April 2012.

²⁰⁵ United Nations Supervision Mission in Syria. *UNSMIS Background*, n.d.

²⁰⁶ United Nations Human Rights Council, *16th Special Session on the "Situation of human rights in the Syrian Arab Republic"*, 2011.

²⁰⁷ United Nations Human Rights Council, *The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)*, 4 May 2011.

²⁰⁸ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

²⁰⁹ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

²¹⁰ United Nations Human Rights Council, *The human rights situation in the Syrian Arab Republic (A/HRC/RES/S-18/1)*, 5 December 2011.

The OHCHR has also supported the Commission of Inquiry and Fact-Finding Mission on Syria.²¹¹ In June 2013, the commission noted that there were reasonable grounds to believe that chemical agents have been used but that the precise agent, delivery system or perpetrators could not be identified.²¹² Furthermore, the commission noted that war crimes and crimes against humanity have become a daily occurrence in Syria. In addition, the transfer of arms and availability of weapons have increased the risk of violations, and thus led to more deaths and injuries.²¹³ Lastly, much of the accounts of human rights violations have been sourced from non-governmental organizations (NGO) such as the International Committee of the Red Cross, who first declared the situation as a civil war.²¹⁴ In response to the suppression of media, the Press Emblem Campaign reported to the UNHRC that cases of disappearance and killings of journalists continue to be an issue.²¹⁵ Amnesty International, which holds a special consultative status with the HRC, has been documenting crimes against humanity and other human rights violations in Syria.²¹⁶

Key Issues

The *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* has highlighted the many human rights violations within Syria.²¹⁷ Through first-hand accounts of over 223 victims and witnesses, including defectors from the formal Syrian Army, the report confirmed that the Syrian military shot indiscriminately at unarmed protestors, sometimes without warning.²¹⁸ Checkpoints and curfews have been set up to limit the movement of people.²¹⁹ People have also been arbitrarily arrested and physical and sexual tortured including children.²²⁰ Sexual violence has been prevalent on male detainees at detention centers.²²¹ During raids, women have been forced to take of their headdress, which has made them feel dishonored from a cultural perspective.²²² In addition, defected soldiers have recalled accounts of women being sexually assaulted while in detention, though there has been limited evidence of this.²²³

²¹¹ Office of the High Commissioner for Human Rights, *Syrian Arab Republic*, 2013.

²¹² United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/23/58)*, 4 June 2013.

²¹³ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/23/58)*, 4 June 2013.

²¹⁴ News, *Syria rebellion declared a civil war*, 15 July 2012.

²¹⁵ United Nations Human Rights Council, Written Statement submitted by Press Emblem Campaign (PEC), a non-governmental organization in special consultative status, 1 December 2011.

²¹⁶ United Nations Human Rights Council, Written Statement submitted by Amnesty International, a non-governmental organization in special consultative status, 2 December 2011

²¹⁷ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 23 November 2011.

²¹⁸ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 23 November 2011.

²¹⁹ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

²²⁰ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

²²¹ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

²²² United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

²²³ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/S-17/2/Add.1)*, 23 November 2011.

Though civilians have been targets by both government and rebel groups, children are one of the most impacted groups as a result of the conflict.²²⁴ The Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, noted in July 2013 that children have been used as combatants, denied education as schools are attacked, and have been arbitrarily arrested and “that in detention, children are mistreated and tortured, or detained in degrading conditions.”²²⁵ Both the Syrian authorities and opposition groups have been detaining children.²²⁶ The Special Representative also noted that all parties should guarantee the safe and impartial delivery of humanitarian assistance to civilians.²²⁷

As of September 2012, between 1.5 and 2.5 million people have fled their homes for safer areas.²²⁸ Refugees have not been immune to violent incidents such as killings, kidnappings, domestic violence, threats and harassment.²²⁹ Most refugees are dependent on services from the UN High Commission on Refugees (UNHCR) and other organizations for assistance.²³⁰ Despite the large demand, security issues have limited the availability of assistance to refugees.²³¹ The UNHCR has been working with the Syrian Ministry of Foreign Affairs and Expatriates and the Syrian Arab Red Crescent to facilitate policy and operational coordination.²³²

In July 2012, Syria confirmed that they had chemical weapons, but that the weapons were stored securely and that the armed forces would not be using them in the conflict.²³³ Several attacks in March 2013 were reported where chemical weapons were alleged to have been used.²³⁴ In June 2013, the Commission of Inquiry and Fact-Finding Mission in Syria reported the use of chemical agents in Syria, but were not able to report on who the perpetrators were.²³⁵ They were further indicated that up to 4 attacks have used chemical agents and the Secretary General has insisted on a broader investigation.²³⁶ In July 2013, the UN accepted offers by the Syrian government for a visit to Damascus on talks of carrying out an inspection in the country in regards to chemical weapons.²³⁷

In August 2013, 3,600 patients with neurotoxic symptoms were treated in three hospitals in the Damascus area and 355 had died.²³⁸ Though the UN was still inspecting the suspected use of chemical weapons, the United States claimed that there was undeniable proof of a chemical weapons attack.²³⁹ Both the Syrian government and rebel groups have blamed each other for the attack; however, no further evidence has

²²⁴ United Nations News Centre, *Children will continue to suffer unless Syria conflict resolved, UN official says after visit*, 18 July 2013.

²²⁵ United Nations News Centre, *Children will continue to suffer unless Syria conflict resolved, UN official says after visit*, 18 July 2013.

²²⁶ United Nations News Centre, *Children will continue to suffer unless Syria conflict resolved, UN official says after visit*, 18 July 2013.

²²⁷ United Nations News Centre, *Children will continue to suffer unless Syria conflict resolved, UN official says after visit*, 18 July 2013.

²²⁸ United Nations High Commission on Refugees, *Syrian Arab Republic*, 2013.

²²⁹ United Nations High Commission on Refugees, *Syrian Arab Republic*, 2013.

²³⁰ United Nations High Commission on Refugees, *Syrian Arab Republic*, 2013.

²³¹ United Nations High Commission on Refugees, *Syrian Arab Republic*, 2013.

²³² United Nations High Commission on Refugees, *Syrian Arab Republic*, 2013.

²³³ BBC News, *Syria chemical weapons allegations*, 17 May 2013.

²³⁴ BBC News, *Syria chemical weapons allegations*, 17 May 2013.

²³⁵ United Nations Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic (A/HRC/23/58)*, 4 June 2013.

²³⁶ The Guardian, *Syria: chemical weapons may have been used, say UN investigators*, 4 June 2013.

²³⁷ UN News Centre, *UN official accept Syria's invitation for talks on chemical weapons probe*, 11 July 2013.

²³⁸ BBC, *Syria Crisis: Russia and China step up warning over strike*, 2013.

²³⁹ BBC, *Syria Crisis: Russia and China step up warning over strike*, 2013.

been cited.²⁴⁰ In response, the Security Council has been divided, with Russia and China opposing the authorization of military intervention and the US, UK and France warning that would bypass the UN to intervene militarily if necessary.²⁴¹

Though it is evident that the Syrian Army and its supporters have been committing acts of violence and violating human rights, the opposition groups have also played a key role.²⁴² The UN International Commission of Inquiry stated in November 2011 that it could not confirm the level of organization of the Free Syrian Army.²⁴³ However, the opposition groups have also been accused of human rights violations including the use of children in the conflict.²⁴⁴

R2P is a doctrine that was used as recently as 2011 during the conflict in Libya by taking measures to protect the citizens of Libya.²⁴⁵ However, the aftermath of the intervention in Libya left many Member States and regional blocs such as the African Union critical of the application and concept of R2P.²⁴⁶ Furthermore, the intervention in Libya has not fully resolved issues, and the situation in Syria is complicated by the multiple parties in the conflict having both committed human rights-related offenses.²⁴⁷ The complex problem of implementing R2P and exactly how to intervene has been particularly difficult in light of the accounts of chemical weapon use.²⁴⁸

Conclusion

The civil conflict in Syria and the violations of human rights in Syria have been widely reported by the UN and NGOs through first hand experiences. As noted in the introduction, human rights are supported through the preambles of the Charter of the United Nations and through other international frameworks. However, the international community has yet to take action to intervene in the domestic matter, due in part to concerns over sovereignty.

As such, delegates should consider the role that the human rights council has towards the conflict in the Syrian Arab Republic. What action can and should the Council take in addressing the human rights violations? Are there steps that the council can take in working with the Syrian government, other international bodies and NGOs in addressing the issue of human rights?

²⁴⁰ BBC, *Syria Crisis: Russia and China step up warning over strike*, 2013.

²⁴¹ BBC, *Syria Crisis: Russia and China step up warning over strike*, 2013.

²⁴² Geneva Academy of International Humanitarian Law and Human Rights, *Syria – Non-State Armed Groups*, 2013.

²⁴³ Geneva Academy of International Humanitarian Law and Human Rights, *Syria – Non-State Armed Groups*, 2013.

²⁴⁴ Human Rights Watch, *Syria: Opposition Using Children in Conflict*, 29 November 2012.

²⁴⁵ United Nations Security Council, *Security Council approves ‘no-fly zone’ over Libya, authorizing ‘all necessary measures’ to protect citizens, by vote of 10 in favour with 5 abstentions*, 17 March 2011.

²⁴⁶ Patrick, *The Atlantic, Does Syria Mean the End of the Responsibility to Protect*, June 2013.

²⁴⁷ Patrick, *The Atlantic, Does Syria Mean the End of the Responsibility to Protect*, June 2013.

²⁴⁸ Beaumont, *The Guardian, Yes, the UN has a duty to intervene. But when, where and how?*, 4 May 2013.



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Amnesty International has been monitoring the situation in Syria since the conflict began. The site provides a complete listing of the accused violations from both the Syrian government and rebel groups and the crimes committed under international law. Delegates using this resource will be able to review a summary of each of the violations including enforced disappearances, torture, and the excessive use of force.

Beaumont, P. The Guardian. (2013, May 4). *Yes, the UN has a duty to intervene. But when, where and how?*. Retrieved on 27 June 2013, from: <http://www.guardian.co.uk/world/2013/may/04/un-syria-duty-to-intervene>

This article in the Guardian touches on the role of the UN in domestic conflicts such as Syria. Recognizing the need to protect citizens while respecting State sovereignty, the article discusses why the international community has to protect civilians even under strictly domestic cases. The site provides delegates with an alternate view on how the international community should handle conflicts.

CBC News. (2013). *Syria's civil war: key facts, important players*. Retrieved 27 June 2013 from: <http://www.cbc.ca/news/interactives/syria-dashboard/>

This site provides a summary of the parties involved in the Syrian conflict and a brief history of the conflict. The source also provides some information on statistics and has links to news articles related to the conflict. For delegates that may not be familiar with the conflict, this site is a good first step to gain understanding of the conflict and how it became this way.

Human Rights Watch. (2012). *World Report 2012: Syria*. Retrieved 20 July 2013 from: <http://www.hrw.org/world-report-2012/world-report-2012-syria>

Human Rights Watch has been profiling Syria for a number of years. In its 2012 report, it recaps the alleged human rights violations conducted by the Syrian government and the rebel groups and notes its concerns. This source provides a detailed description of specific human rights violations, Delegates can also review the human rights concerns from previous years as most of those issues remain unresolved.

United Nations, General Assembly, Third Session. (1948, December 10). *International Bill of Rights (A/RES/3/217)* [Resolution] 10 December 1948. Retrieved 27 June 2013, from: <https://www.un.org/en/documents/udhr/>

The Universal Declaration of Human Rights is the foundation document for the Human Rights Council. Delegates should become familiar with what the international community considers to be a fundamental human right and should also examine and reflect on some of the broader topics related to rights in their brainstorming and discussions. Specific to Syria, delegates should determine which fundamental human rights have been violated and, as a result, what can be done to resolve the issue.

United Nations General Assembly, Twenty-first Session. (1966, December 16). *Protocol Relating to the Status of Refugees (A/RES/21/2198)* [Resolution]. Retrieved on 19 July 2013 from: <http://www.unhcr.org/3b66c2aa10.html>

The situation in Syria has resulted in a large number of people being displaced either internally within Syria or in neighbouring Member States. This protocol addresses the rights of refugees including individuals displaced as a result of conflict. Delegates are encouraged to review the protocol to ensure that they have a thorough understanding of human rights as it pertains to refugees.

United Nations, General Assembly. (2012, February 21) *The situation in the Syrian Arab Republic (A/RES/66/253 A)* [Resolution]. Retrieved on 27 June 2013, from:

http://www.un.org/ga/search/view_doc.asp?symbol=%20A/RES/66/253

This resolution is important to the discussion of human rights violations in Syria as it reflects the concerns raised by the international community through the General Assembly. This resolution recognizes the human rights violations and indicates some actions that have been encouraged by the committee. This resolution demonstrates the balance between preventing human rights violations while respecting state sovereignty.

United Nations High Commission on Refugees. (2013) *Syrian Arab Republic*. Retrieved on 19 July 2013 from: <http://www.unhcr.org/pages/49e486a76.html>

The displacement of individuals and the increasing number of refugees as a result of the Syrian conflict is a major component of the human rights discussion as it relates to this conflict. The UNHCR has a detailed profile and background information regarding the Syrian refugees. In addition to information regarding the number of refugees and issues they face, information is also listed regarding services that have been provided to refugees in order to alleviate some of the issues.

United Nations Human Rights Council, Sixteenth Special Session. (2011, May 4). *The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)* [Report]. Retrieved on 19 July 2013 from: [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/130/54/PDF/G1113054.pdf?OpenElement)

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This report is a comprehensive guide to the situation in Syria as reported by the United Nations. The information provided is a firsthand account by individuals directly impacted by the conflict in Syria. Though many other NGO's have cited their concerns through victim impact statements and field experience, this report is written in a neutral manner and provides concrete facts and statements.

United Nations Supervision Mission in Syria. (n.d.). *UNSMIS Background*. Retrieved on 19 July 2013 from: <http://www.un.org/en/peacekeeping/missions/unsmis/background.shtml>

The UNSMIS was formed in order to monitor and end the conflict in Syria and was created under UN Security Council Resolution 2043. Though the UNSMIS was ultimately disbanded, the information listed on the website may be useful when considering ways of responding to the situation in Syria and steps that can be taken to resolve the conflict. There is also related information listed such as the six-point plan and facts and figures which delegates may find useful.



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III. Human Rights in the Syrian Arab Republic

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