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## Human Rights Council Committee Background Guide 2022

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Dear Delegates,

Welcome to the 2022 National Model United Nations Conference in Washington, DC (NMUN•DC)! We are pleased to introduce you to our committee, the Human Rights Council (HRC). This year's staff is Director Emma Bott and Assistant Director Catherine Tomczyk. The topics under discussion for HRC are:

1. Addressing the Human Rights of Indigenous Peoples
2. The Rights of Those Displaced Due to Climate Change

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to conduct additional research, explore your Member State's policies in-depth, and examine the policies of other Member States to improve your ability to negotiate and reach consensus. In preparation for the conference, each delegation will use their research to draft and submit a [position paper](#). Guidelines are available in the [NMUN Position Paper Guide](#).

The [NMUN website](#) has many additional resources, including two that are essential both in preparation for the conference and as a resource during the conference. They are:

1. The [NMUN Delegate Preparation Guide](#), which explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not discuss the topics or agenda with other members of their committee until the first committee session.
2. The [NMUN Rules of Procedure](#), which includes the long and short form of the rules as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for the committee or the conference itself, please contact the Under-Secretary-General Chris Duggan at [usgchris.dc@nmun.org](mailto:usgchris.dc@nmun.org) or Secretary-General Adam Wolf at [secgen.dc@nmun.org](mailto:secgen.dc@nmun.org).

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

Sincerely,  
Emma Bott, Director  
Catherine Tomczyk, Assistant Director



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## Committee Overview

### Introduction

As the main body in the United Nations (UN) system responsible for human rights issues, the Human Rights Council (HRC) makes recommendations on strengthening the promotion and protection of human rights around the globe and addressing situations of human rights violations.<sup>1</sup> Established in 1946, the Human Rights Commission preceded HRC with a mandate similar to, if less comprehensive than, HRC's existing mandate.<sup>2</sup> After receiving criticism for "excessive politicization," recommendations were made to the General Assembly to replace the existing Human Rights Commission with a new Human Rights Council.<sup>3</sup> General Assembly resolution 60/251 (2006) confirmed this recommendation and the Commission was replaced by the HRC in 2006.<sup>4</sup> Five years after its foundation, HRC's work was reviewed by an open-ended intergovernmental working group and the General Assembly decided it would remain as subsidiary body without substantial changes to its governance.<sup>5</sup>

Both HRC and its predecessor, the Human Rights Commission, based their work largely on the *Universal Declaration of Human Rights* (UDHR), adopted in 1948, which established basic civil, political, economic, social and cultural rights that everyone should enjoy without distinction, and emphasized equality and non-discrimination.<sup>6</sup> The UDHR was followed by the adoption of the *Vienna Declaration and Programme of Action* at the World Conference on Human Rights in 1993, which reinforced the principles in the UDHR and established the High Commissioner for Human Rights by the General Assembly in December 1993.<sup>7</sup> The UN Office of the High Commissioner for Human Rights (OHCHR) provides logistical, administrative, and substantive support to the work of all UN human rights mechanisms, including core treaty-based bodies and thematic working groups.<sup>8</sup> Michelle Bachelet of Chile is the current High Commissioner for Human Rights.<sup>9</sup> Ms. Bachelet is the seventh High Commissioner and has prioritized the advancement of gender equality within OHCHR.<sup>10</sup>

By working closely with the OHCHR, HRC responds to the human rights issues such as women and gender equality, response to crisis during war, and accessibility of resources during the time of conflict that are urgent through a series of special sessions.<sup>11</sup> The Council also works to ensure accountability regarding grave violations of human rights by dispatching fact-finding missions and commissions.<sup>12</sup> HRC extends its purview to several regions of Africa, Asia, Latin America, Eastern Europe, and the Middle East.<sup>13</sup>

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<sup>1</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

<sup>2</sup> Ibid.

<sup>3</sup> UN DGC, *General Assembly Establishes New Human Rights Council by Vote of 170 in Favour to 4 Against, with 3 Abstentions (GA/10449)*, 2006; UN General Assembly, *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General (A/59/2005)*, 2005, p. 45.

<sup>4</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

<sup>5</sup> Ibid.; UN HRC, *Report of the Open-ended Intergovernmental Working Group on the Review of the Work and Functioning of the Human Rights Council (A/HRC/WG.8/2/1)*, 2011.

<sup>6</sup> UN OHCHR, *Brief History of UN Human Rights*, 2021.

<sup>7</sup> Ibid.

<sup>8</sup> UN OHCHR, *The Human Rights Council and the Role of the Office of the High Commissioner for Human Rights*.

<sup>9</sup> UN DGC, *Secretary-General Appoints Michelle Bachelet of Chile United Nations High Commissioner for Human Rights (SG/A/1824)*, 2018.

<sup>10</sup> UN OHCHR, *About us: High Commissioner – Michelle Bachelet Jeria*, 2021.

<sup>11</sup> UN OHCHR, *The 20<sup>th</sup> Anniversary of OHCHR – 20 Human Rights Achievements*, 2018.

<sup>12</sup> Ibid.

<sup>13</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006; UN HRC, *Agenda and Annotations (A/HRC/41/1)*, 2019; UN OHCHR, *41st Session of the Human Rights Council (24 June 2019 - 12 July 2019)*, 2019.

## **Governance, Structure, and Membership**

HRC consists of 47 Member States who are elected by a majority of the General Assembly through direct and secret ballot.<sup>14</sup> While electing HRC members, the General Assembly also takes into consideration the candidate Member States' contributions to the promotion and protection of human rights.<sup>15</sup> Membership is based on equitable geographical distribution and a specific number of seats are designated to each geographic region.<sup>16</sup> African states represent 13 seats, Asia-Pacific states represent 13 seats, Latin American and Caribbean states represent eight seats, Western European and other states represent seven seats, and Eastern European states represent six seats on the Council.<sup>17</sup> Each Member serves for a period of three years and upon serving two consecutive terms the Member State is not eligible for immediate re-election.<sup>18</sup> The most recent election took place on 14 October 2021 during the General Assembly's 76<sup>th</sup> session.<sup>19</sup> The following members elected were Argentina, Benin, Eritrea, Finland, The Gambia, Honduras, India, Kazakhstan, Lithuania, Luxembourg, Malaysia, Montenegro, Paraguay, Qatar, Somalia, United Arab Emirates, and the United States of America.<sup>20</sup>

In March, June, and September, HRC holds regular sessions to discuss issues under its purview which last a minimum of 10 weeks combined.<sup>21</sup> HRC's latest regular session was the 49<sup>th</sup> session which started on the 28 February and ended on the 1 April 2022.<sup>22</sup> Today, the HRC is hosting in-person sessions while conducting safety measures for all Member States.<sup>23</sup> There must be a total of three regular sessions per annum and, if necessary, one-third of HRC's members can request a special session to address any pressing human rights issues.<sup>24</sup> There have been a total of 30 special sessions of HRC.<sup>25</sup> The latest HRC special session was held in August of 2021 and discussed the human rights situation in Afghanistan.<sup>26</sup> During the first regular session of each year, HRC elects a President and four Vice Presidents to serve on its Bureau, who are responsible for the organization and procedural function of HRC.<sup>27</sup> The President's role is to summon and preside over organizational meetings and regular sessions and propose candidates to serve as special procedures mandate holders.<sup>28</sup> The current President for the 16th cycle of HRC is Frederico Villegas, who has served as the Permanent Representative of Argentina to the UN office at Geneva since 2020.<sup>29</sup>

In addition to the Bureau, HRC established the Advisory Committee as a subsidiary body.<sup>30</sup> The main function of the Advisory Committee is to provide policy advice and expertise to HRC.<sup>31</sup> It meets biannually and is composed of 18 human rights experts that are elected by HRC in proportion to the regional composition of the Council.<sup>32</sup> The Advisory Committee regularly publishes reports at the request of HRC and discusses research proposals and studies in the field of human rights.<sup>33</sup> The General Assembly Third Committee, as the committee allotted to address agenda items of social, humanitarian affairs and human

<sup>14</sup> UN OHCHR, *Membership of the Human Rights Council*, 2021.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> UN General Assembly, *Election of the Human Rights Council (14 October 2021)*, 2021.

<sup>20</sup> Ibid.

<sup>21</sup> UN OHCHR, *Sessions*, 2021.

<sup>22</sup> UN OHCHR, *47th regular session of the Human Rights Council (21 June to 13 July 2021)*, 2021.

<sup>23</sup> UN OHCHR, *Sessions*, 2022.

<sup>24</sup> UN OHCHR, *Sessions*, 2021.

<sup>25</sup> Ibid.

<sup>26</sup> UN OHCHR, *30th special session of the Human Rights Council on the grave human rights situation in the Occupied Palestinian Territory, including East Jerusalem – 27 May 2021*, 2021.

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

<sup>28</sup> Ibid.

<sup>29</sup> UN OHCHR, *Human Rights Council President of the 16th Cycle (2022)*, 2022.

<sup>30</sup> UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

<sup>31</sup> UN OHCHR, *Background Information on the Advisory Committee*, 2020.

<sup>32</sup> UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

<sup>33</sup> UN HRC, *Report of the Advisory Committee on its Twentieth Session (A/HRC/AC/20/2)*, 2018.

rights issues, is responsible for evaluating human rights questions and hears the annual reports made by HRC.<sup>34</sup>

HRC strengthens its efforts in upholding human rights by forming partnerships with non-governmental organizations (NGOs), national human rights institutions (NHRIs), and civil society actors.<sup>35</sup> Partnerships facilitate many of HRC's initiatives, including specific programs or frameworks targeting groups deprived of their access to fundamental human rights and freedoms.<sup>36</sup> NHRIs and NGOs that have received Economic and Social Council (ECOSOC) consultative status can directly address HRC during sessions and inform the Council of situations occurring in their home states.<sup>37</sup>

### ***Mandate, Functions, and Powers***

General Assembly resolution 60/251 (2006) forms the basis of HRC's mandate.<sup>38</sup> HRC serves to promote universal respect for all human rights and fundamental freedoms, effective governance within the UN system in regards to human rights issues, and, if necessary, provide recommendations on human rights violations.<sup>39</sup> HRC is "guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue, and cooperation."<sup>40</sup> The General Assembly has also designated HRC as a forum for discussing all human rights issues including violations, emergency response, education, and matters of prevention of human rights abuses.<sup>41</sup> HRC also has the authority conduct mandated investigations of human rights violations through the International Commissions of Inquiry, Commission on Human Rights, Fact-Finding missions and other investigations.<sup>42</sup> Also crucial to enforcing the mandate and work of HRC is the *International Bill of Human Rights*, a framework which encompasses the UDHR, the *International Covenant on Economic, Social and Cultural Rights* (1966), and the *International Covenant on Civil and Political Rights* (1966), and their respective optional protocols.<sup>43</sup> These documents are the pillars that guide HRC in its recommendations by outlining the fundamental obligations and commitments of Member States in international human rights law.<sup>44</sup>

HRC's mandate remains unchanged since its establishment in 2006.<sup>45</sup> However, HRC resolution 5/1 on "institution building" was adopted in 2007 to establish mechanisms and structures to guide HRC's program of work, as well as its rules of procedure and other operational functions.<sup>46</sup> The resolution also established the format for Special Procedures, the Universal Periodic Review (UPR), and the Complaint Procedure.<sup>47</sup> Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic issues being considered by HRC.<sup>48</sup> Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an independent expert, and a working group to carry out the investigation.<sup>49</sup> Special Procedures can take the form of country or field visits endorsed by OHCHR, and then bring specific cases and concerns to the attention of Member

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<sup>34</sup> UN General Assembly, *Social, Humanitarian & Cultural Issues (Third Committee)*.

<sup>35</sup> UN OHCHR, *NGO and NHRI Information*, 2021.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> UN OHCHR, *The Human Rights Council and the Role of the Office of the High Commissioner for Human Rights*, 2020.

<sup>42</sup> UN OHCHR, *Internal Commission of Inquiry, Commission on Human Rights, Fact-Finding mission and other Investigations*, 2022.

<sup>43</sup> UN OHCHR, *Fact Sheet No. 2 (Rev. 1), The International Bill of Human Rights*, 1996.

<sup>44</sup> UN OHCHR, *Human Rights: A Basic Handbook for UN Staff*, 2000.

<sup>45</sup> UN General Assembly, *Transforming our world: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015; UN OHCHR, *Sustainable Development Goals - Related Human Rights*, 2020.

<sup>46</sup> UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

<sup>47</sup> Ibid.

<sup>48</sup> UN OHCHR, *Special Procedures of the Human Rights Council*, 2021.

<sup>49</sup> Ibid.

States.<sup>50</sup> They can send communications detailing accusations of violations or abuses of human rights, engage in advocacy efforts, and offer technical assistance.<sup>51</sup>

The UPR is one of the most important functions of HRC.<sup>52</sup> Each Member State of the UN submits to a periodic review to assess the fulfillment of its human rights obligations.<sup>53</sup> The full cycle of the UPR process takes around four years and includes several steps.<sup>54</sup> The UPR is unique in both its approach and its universality.<sup>55</sup> At the preparation stage, information is gathered that will form the basis of the review, including national reports from the state under review, stakeholder submissions, and information prepared by OHCHR.<sup>56</sup> At the review stage, documents are presented at the regular sessions of the working group on the UPR, which is also composed of all 47 Member States.<sup>57</sup> At the stage of adoption and consideration, each Member State provides comments and the Member State under review can offer reservations on specific issues.<sup>58</sup> Finally, during the follow-up stage, each Member State under review shows how effectively it has acted upon the recommendations received.<sup>59</sup> Groups and NGOs without ECOSOC consultative status can still provide written documents on a Member State as part of the UPR process.<sup>60</sup> The UPR is currently in its third cycle, which started in 2017 and will conclude in 2022.<sup>61</sup> The 4<sup>th</sup> session of the UPR ran from 24 January 2022 to 4 February 2022.<sup>62</sup> The Member States who were a part of the 3<sup>rd</sup> UPR cycle include Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Hungary, Papua New Guinea, Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Eswatini, Trinidad and Tobago, Thailand, and Ireland.<sup>63</sup>

### **Recent Sessions and Current Priorities**

HRC conducted its business virtually throughout the global pandemic and has recently met for its 49<sup>th</sup> session on 28 February 2022 and adjourned on 1 April 2022.<sup>64</sup> HRC considered issues on an array of topics such as the protection of human rights defenders, freedom of religion or belief, the right to food and adequate housing, and the rights of the Palestinian people to self-determination.<sup>65</sup> During the session, panel discussions took place with the goal to provide both NGOs and Member States an opportunity to present questions and receive answers from subject matter expertise.<sup>66</sup> HRC had seven panel discussions and one thematic meeting prior to the adjournment of the session.<sup>67</sup> Panel discussions included an array of topics, including the rights of the child and family unification, debate on the commemoration of the International Day for the Elimination of Racial Discrimination, and discussion on equitable, affordable, timely and universal access for all countries to vaccines in response to COVID-19.<sup>68</sup>

HRC heard opening statements from the President of Switzerland, the President of the General Assembly, the Secretary General, and the High Commissioner for Human Rights.<sup>69</sup> Though COVID-19

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<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> UN OHCHR, *Universal Periodic Review*, 2021.

<sup>53</sup> UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 80.

<sup>54</sup> Ibid., p. 80.

<sup>55</sup> UN OHCHR, *Universal Periodic Review*, 2021.

<sup>56</sup> UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 81.

<sup>57</sup> Ibid., p. 81.

<sup>58</sup> Ibid., p. 81.

<sup>59</sup> Ibid., p. 81.

<sup>60</sup> UN OHCHR, *NGO and NHRI Information*, 2021.

<sup>61</sup> UN OHCHR, *Cycles of the Universal Periodic Review*, 2021.

<sup>62</sup> UN HRC, *Universal Periodic Review*, 2021.

<sup>63</sup> UN OHCHR, *Cycles of the Universal Periodic Review*, 2022.

<sup>64</sup> UN HRC, *49<sup>th</sup> regular session of the Human Rights Council: resolutions, decisions and President statements*, 2022.

<sup>65</sup> Ibid.

<sup>66</sup> ISHR, *HRC49: Key issues on agenda of March 2022 Human Rights Council session*, 2022.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> ISHR, *HRC49: Key issues on agenda of March 2022 Human Rights Council session*, 2022.

continues to exacerbate inequalities for individuals globally through displacement, war, and hunger, HRC also requested for urgent debate with regard to the crisis in Ukraine.<sup>70</sup> The results of the voting to enter debate were as follows: 29 in favor, 5 votes against, and 13 abstentions, and as a result, the topic of the crisis in Ukraine was not added to the body's work.<sup>71</sup> The attacks on Kyiv, Ukraine, and other surrounding cities forced the displacement of many residents of the surrounding area, many of whom took shelter in subway tunnels.<sup>72</sup> The Russian Federation's invasion of Ukraine has been unequivocally recognized by HRC as a serious violation of human rights and international human rights law.<sup>73</sup> As of the 12<sup>th</sup> of May, 2022, HRC adopted resolution A/HRC/S-34/L.1 citing the continued deteriorating human rights situation in Ukraine stemming from Russian aggression.<sup>74</sup> Within the document, the Council requested the Commission of Inquiry to conduct an inquiry to research and address the turn of events in Kyiv, Ukraine, and its surrounding areas ranging from the dates of late February to March, 2022 and provide oral updates therein of the Commission's findings.<sup>75</sup> Concluding the session, a multitude of resolutions were adopted by the body including the Situation of human rights in Ukraine from the Russian Aggression (A/HRC/49/L.1), Advancing human rights in South Sudan (A/HRC/49/L.15/Rev.1), Freedom of religion and belief (A/HRC/49/L.2), Prevention of genocide (A/HRC/49/L.11), and Right to work (A/HRC/49/L.16).<sup>76</sup> On March 7 2022, HRC was able to hear and consider updates, reports on a range of countries like Sri Lanka, Occupied Palestine, and Nicaragua which would later on be considered for draft resolutions.<sup>77</sup>

HRC has also scheduled the adoption of Universal Periodic Review (UPR) reports on Myanmar, Greece, Suriname, Samoa, Hungary, Saint Vincent and the Grenadines, Papua New Guinea, Tajikistan, United Republic of Tanzania, Eswatini, and others.<sup>78</sup> HRC has made reprisals a priority during the session which aims to protect countries who are facing intimidation and retaliation for abiding by the rules set fourth for by the UN.<sup>79</sup> As COVID-19 remains prevalent in many parts of the world, HRC has implemented special measures to combat the virus.<sup>80</sup>

### **Conclusion**

HRC addresses human rights on global, regional, and national levels to ensure all Member States safeguard the fundamental freedoms and rights articulated by international law.<sup>83</sup> As it continues to invest in knowledge sharing and be informed by its various mechanisms, HRC aims to always be abreast of the implications of its recommendations and decisions.<sup>81</sup> As human rights issues are multidimensional and complex, HRC will always encourage desegregated dialogue in its forums.<sup>82</sup> As the right to health, adequate living, and security are fundamental human rights, HRC has ensured its guidance is still accessible to Member States, allowing them to take advantage of appropriate resources and the means to adapt during times of crisis.<sup>83</sup> HRC will continue to remain steadfast in its mandate and work with NGOs, civil society, working groups, inter-agency mechanisms, and coalitions as international human rights and their complexity evolve.<sup>84</sup>

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<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> UN HRC, *Human Rights Council Adopts Resolution on the Deteriorating Human Rights Situation in Ukraine and Closes Special Session*, 2022.

<sup>75</sup> Ibid.

<sup>76</sup> UN HRC, *49<sup>th</sup> regular session of the Human Rights Council: resolutions, decisions and President statements*, 2022.

<sup>77</sup> ISHR, *HRC49: Key issues on agenda of March 2022 Human Rights Council session*, 2022.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> UN HRC, *Agenda and annotations (A/HRC/42/1)*, 2019.

<sup>82</sup> UN HRC, *Summary of the Intersessional Meeting for Dialogue and Cooperation on Human Rights and the 2030 Agenda for Sustainable Development (A/HRC/40/34)*, 2019.

<sup>83</sup> UN OHCHR, *Human Rights Council discusses human rights implications of the COVID-19 crisis with its special procedures mandate holders*, 2020.

<sup>84</sup> UN OHCHR, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

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International Service for Human Rights. (2022). *HRC49: key issues on agenda of March 2022 Human Rights Council Session*. Retrieved 21 March 2022 from: <https://ishr.ch/latest-updates/hrc49-key-issues-on-agenda-of-march-2022-session/>

*This website provides in depth information and summaries on the thematic areas of interests, what is to be discussed among grave nations and the human rights violations that have taken place in their countries, and the resolutions that are looking to be presented at the 49<sup>th</sup> session. These drafts include: Human rights of persons belonging to minorities, the rights of the child, cooperation with Georgia, and rights of persons with disabilities. Panel discussions are also outlined and provide an insight into what the full day of discussion is set to look like during the days of session. Delegates will be able to gain a better understanding on what drafts were before the committee and the outcome of the work of the body regarding human rights violations.*

Office of the United Nations High Commissioner for Human Rights. (n.d.). *COVID-19 and its human rights dimensions*. Retrieved 21 March 2022 from: <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>

*This website provides all updates from the UN High Commissioner for Human Rights on COVID-19, including guidance, press releases, press briefings, stories, videos, events, infographics, and other COVID-19 human rights material. Review of this page is essential for delegates to understand the correlation between COVID-19 and human rights, and the impact of the pandemic upon human for already marginalized groups. This page is regularly updated, providing concise and comprehensive information about the effects of COVID-19 on diverse populations. It is therefore advisable that delegates can use this page as a starting point to understand the impact of COVID-19 on the work of the Human Rights Council.*

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Sustainable Development Goals – Related Human Rights*. Retrieved 21 March 2022 from: [https://www.ohchr.org/Documents/Publications/Session5\\_OHCHR\\_SDG\\_HR\\_Table.pdf](https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf)

*The work of HRC is supported by the UN OHCHR, and this info sheet was published by OHCHR as a guide to connect the SDGs to human rights. This guide gives an overview of all SDGs and a list of human rights, which correspond with each SDG. It also describes which human right can be found in which document, also explaining what the different human rights frameworks are. This source provides a comprehensive overview of how HRC is connected to all the SDGs and will be a useful starting point for delegate research into the committee's mandate.*

Office of the United Nations High Commissioner for Human Rights. (2021). *Universal Periodic Review*. Retrieved 21 March 2022 from: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>

*This resource is the main page for all UPR related information. Delegates can easily access any news, meeting agendas, and session information through this link. The UPR can provide delegates information on the progress of each state on their Human Rights goals and how they can orient their discussion during the conference to be mindful of each State's current status.*

United Nations, Geneva, Universal Rights Group. (2022). *The Inside Track*. Retrieved 21 March 2022 from: <https://www.universal-rights.org/inside-track/>

*This website provides concise yet informative points on the key issues that are set to be discussed at the session. This source provides measures on how HRC is looking to combat COVID-19 as it is still prevalent in many regions of the world. This documents breaks down the procedures and the programming that will take place to ensure a cooperative, safe, and efficient session is able to be conducted. Delegates will be able to learn more about what is taking place and how the HRC aims to move forward regarding the session and its current priorities.*



United Nations, Human Rights Council, Fifth session. (2007). *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*. Retrieved 10 August 2021 from: [https://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_5\\_1.doc](https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc)

*HRC resolution 5/1 (2007) represents a package that established the procedures, mechanisms, and governance that HRC operates under today. The resolution details HRC's mandate and its rules of procedure. The resolution also modified the system of expertise for human rights issues and the adopted the Complaint Procedure from the old human rights council, the Commission. This resource is a key starting point for delegate research as they begin to gain foundational knowledge of HRC.*

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## 1. Addressing the Human Rights of Indigenous Peoples

### **Introduction**

Currently, the United Nations (UN) system has not adopted a universal definition for indigenous peoples, despite several definitions sourced from entities within the UN and non-governmental organizations outside the UN system.<sup>85</sup> The Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities defined indigenous people as those that have historical continuity on those lands and are distinctly from those territories but now represent a minority in those territories with their own culture, laws, and social institutions.<sup>86</sup> Other international actors such as the World Bank and the Amnesty International carry various definitions recognizing the distinct social and cultural collective ancestral ties that indigenous people have to the land which results in a special connection and knowledge of how to substantially use the land.<sup>87</sup> According to the UN and Amnesty International, the worldwide population of indigenous peoples is 370 million, which is roughly 5% of the world population.<sup>88</sup> In contrast, human rights are defined by the UN as “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status” and entitlement to these rights are equal.<sup>89</sup> The UN recognizes two broad categories of human rights, socio-economic rights and civil and political rights: Socio-economic rights that focus on employment conditions, social protection, education, and culture and civil and political rights that focus on equality in the law and law-making.<sup>90</sup>

Despite differences in culture, traditions, language and location, indigenous people face similar issues such as loss of territory, forced assimilation, discrimination, violence, and loss of culture.<sup>91</sup> Indigenous people’s knowledge and traditions are essential to sustainable use and conservation of the land.<sup>92</sup> According to the World Bank, indigenous people have a life expectancy that is 20 years lower than non-indigenous people.<sup>93</sup> Nevertheless, indigenous people’s right to their traditional land and territory are either not formally recognized or violated.<sup>94</sup> The provision of social services to indigenous people are also often a low priority.<sup>95</sup> The UN recognizes these issues and has taken numerous steps to address the human rights of indigenous people.<sup>96</sup> The International Decade of Indigenous Language began in 2022 after being adopted by the General Assembly resolution 74/396 on the recommendation of the Permanent Forum on Indigenous Issues.<sup>97</sup> The overarching intention of the decade is to preserve, revitalize and promote indigenous language.<sup>98</sup> There have previous been two other decades focusing on indigenous people starting in 1994 and 2005.<sup>99</sup>

### **International and Regional Framework**

The *International Covenant on Economic, Social and Cultural Rights* (1966) is foundational to the rights of indigenous peoples, as the rights included in the document are reiterated in subsequent human rights conventions; these rights include self-determination (article 1), right to work in favorable conditions (article 6 and 7), adequate standard of living (article 11), standard of physical and mental health (article 12),

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<sup>85</sup> UN DESA, *Indigenous Peoples at the United Nations*; World Bank, *Indigenous Peoples*, 2021; Amnesty International, *Indigenous Peoples*, 2022.

<sup>86</sup> Ibid.

<sup>87</sup> Amnesty International, *Indigenous Peoples*, 2022.

<sup>88</sup> Ibid.

<sup>89</sup> UN DESA, *Human Rights*.

<sup>90</sup> Ibid.

<sup>91</sup> Amnesty International, *Indigenous Peoples*, 2022.

<sup>92</sup> Ibid.

<sup>93</sup> World Bank, *Indigenous Peoples*, 2021.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> UN DESA, *Indigenous Peoples at the United Nations*.

<sup>97</sup> Ibid; UN General Assembly, *Rights of indigenous peoples (A/74/396)*, 2019, p.1.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

education (article 13), and take part in cultural life (article 15).<sup>100</sup> Article 12 of the *UN Declaration on Economic, Social and Cultural Rights* acknowledges the rights to actions that prevent, treat and control epidemic and endemic diseases.<sup>101</sup> The 1989 *International Labour Organization (ILO) Convention 169* on indigenous and tribal peoples works towards the empowerment of the indigenous people and combatting discrimination to find them decent work.<sup>102</sup> Additionally, the ILO Convention 169 is the only international treaty focusing on indigenous people that is available for ratification.<sup>103</sup>

The 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) was adopted by the General Assembly in 2007 on the recommendation of Human Rights Council (HRC) resolution 1/2 (2006) that provided text for the drafting of UNDRIP.<sup>104</sup> The General Assembly saw the implementation of UNDRIP as a priority and requested, at the 2014 World Conference on Indigenous Peoples, for a more coherent implementation approach that resulted in the System-Wide Action Plan (SWAP).<sup>105</sup> Article 8 and 10 of UNDRIP, protects the rights of indigenous people to not be removed from their traditional land and territories with any relocation needing free, prior, and informed consent.<sup>106</sup> Under article 21 and 24 of UNDRIP, indigenous peoples have the right to improved health services and health services should be provided without discrimination with the additional right to traditional health practices.<sup>107</sup> Article 26 of UNDRIP acknowledges that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise acquired” to realize their right to self-determination.<sup>108</sup> Article 29 of UNDRIP acknowledges the right to conservation and protection of the environment of indigenous peoples to which indigenous people hold a wealth of knowledge in sustainable land management able to counteract climate change.<sup>109</sup> It is a right of indigenous people to determine how their territories, lands, and resources should be developed and determining the priorities as recognized in article 32 of UNDRIP.<sup>110</sup>

The UN System-Wide Action Plan (SWAP) on the Rights of Indigenous Peoples (2007) is a report focusing on implementation of UNDRIP into the UN system through awareness, support for implementation, recognition of indigenous peoples’ rights, policy review, capacity-building, and the advancement of indigenous participation in UN processes.<sup>111</sup> The System-Wide Plan also recommends implementation of the 2030 Agenda for Sustainable Development in a culturally-sensitive method.<sup>112</sup> SWAP works to create links between the UN’s normative work and the UN’s operative work, with the goal being engagement from senior level UN officials and encouraging Member States to implement UNDRIP.<sup>113</sup> Indigenous peoples are directly referenced in Sustainable Development Goal (SDG) 2, on zero hunger, and SDG 4 on education.<sup>114</sup> SDG 2, target 3 focuses on increasing the agricultural productivity of small-scale food producers, including indigenous populations.<sup>115</sup> SDG 4, target 7 focuses

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<sup>100</sup> UN General Assembly, *Report of the Special Rapporteur on the rights of indigenous peoples, Jose Francisco Cali Tzay (A/RES/75/185)*, 2020, p. 5; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>101</sup> Ibid.

<sup>102</sup> UN DESA, *Indigenous Peoples at the United Nations*.

<sup>103</sup> Ibid.

<sup>104</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, p. 1.

<sup>105</sup> UN DESA, *System-wide action plan (SWAP)*.

<sup>106</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, p. 4-5.

<sup>107</sup> Ibid., p. 7.

<sup>108</sup> Ibid; HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples, (A/HRC/45/34)*, 2020, p. 5.

<sup>109</sup> Ibid., p. 8; UN DESA, *System-Wide Action Plan on the Rights of Indigenous Peoples*, 2017, p. 15.

<sup>110</sup> Ibid., p. 9.

<sup>111</sup> UN DESA, *System-Wide Action Plan on the Rights of Indigenous Peoples*, 2017, p. 5.

<sup>112</sup> Ibid., 22.

<sup>113</sup> UN DESA, *System-wide action plan (SWAP) on the rights of indigenous people*, 2017.

<sup>114</sup> UN DESA, *Indigenous Peoples and the 2030 Agenda*; UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

<sup>115</sup> UN DESA, *Sustainable Development Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture*.

on education on culture and cultural diversity and how cultural knowledge can contribute to sustainable development.<sup>116</sup> The UN System-Wide Action Plan on the Rights of Indigenous Peoples acknowledges indigenous knowledge contains important methods of conservation that can aid in sustainable development.<sup>117</sup>

The International Decade of the World's Indigenous People was adopted by General Assembly resolution 48/163 (1994) with the objective of promoting and protecting the rights of indigenous people.<sup>118</sup> The Second International Decade of the World's Indigenous Peoples was adopted by General Assembly resolution 59/174 (2005) focused on the promotion of non-discrimination, inclusion, and participation; redefined development policies; targeted policies, programs, projects, and budgets; and mechanism for monitoring and enhancing accountability.<sup>119</sup>

### **Role of the International System**

HRC focuses on the promotion and protection of human rights.<sup>120</sup> It makes recommendations on recourse for human rights violations.<sup>121</sup> The General Assembly created the HRC to replace the United Nations Commission on Human Rights (UNCHR).<sup>122</sup> HRC is working to empower indigenous people to protect and promote their rights with an emphasis on rights related to equality, culture, and territory.<sup>123</sup> It is also providing an Indigenous Fellowship Programme and the UN Voluntary Funds for Indigenous Peoples.<sup>124</sup> HRC is assisted by the expertise and advice of the Expert Mechanism which is assisting Member States in achieving and outlining the objectives of UNDRIP.<sup>125</sup> The Expert Mechanism's role is addressed in HRC resolution 33/25 (2016) and it has seven independent experts with annual sessions that achieve this expertise by conducting studies on the protection and promotion of the rights of indigenous people.<sup>126</sup> The 2021 Expert Mechanism session reviewed the two most recent reports, the first report entitled "Rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples" which resulted in HRC resolution 48/74, and the second report entitled "Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples" resulted in HRC resolution 48/75.<sup>127</sup> The 2022 Expert Mechanism session is scheduled for July 2022.<sup>128</sup> The Special Rapporteur on Rights of Indigenous Peoples, Francisco Cali Tzay, currently promotes positive practices, provide recommendations, propose policy, report on indigenous right situations, and draw attention to and propose resolution recommendations on violations of human rights.<sup>129</sup> In 2020, the current Special Rapporteur prepared a report on the impact of COVID-19 on the rights of indigenous people, highlighting the heightened health risks and that indigenous people were impacted at a disproportionate rate.<sup>130</sup> The previous Special Rapporteur, Victoria Tauli-Corpuz, prepared a report on regional consultation on the rights of indigenous

<sup>116</sup> UN DESA, *Sustainable Development Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*.

<sup>117</sup> UN DESA, *System-Wide Action Plan on the Rights of Indigenous Peoples*, 2017, p. 15.

<sup>118</sup> UN DESA, *Indigenous Peoples at the United Nations*; UN General Assembly, *International Decade of the World's Indigenous People (A/RES/48/163)*, 1994, p.1.

<sup>119</sup> Ibid; UN General Assembly, *Second International Decade of the World's Indigenous People (A/RES/59/174)*, 2005, p.1.

<sup>120</sup> UN HRC, *Welcome to the Human Rights Council*, 2020.

<sup>121</sup> Ibid

<sup>122</sup> Ibid.

<sup>123</sup> UN HRC, *Indigenous Peoples*, 2022.

<sup>124</sup> Ibid.

<sup>125</sup> UN HRC, *Expert Mechanism on the Rights of Indigenous Peoples (A/33/25)*, 2016, p. 1.

<sup>126</sup> Ibid., p. 2-3.

<sup>127</sup> UN OHCHR, *Expert Mechanism of the Rights of Indigenous Peoples*, 2021; UN OHCHR, *Annual Reports: Expert Mechanism on the Rights of Indigenous Peoples*, 2022; UN HRC, *Rights of the indigenous child under the United Nations Declaration on the Rights of indigenous Peoples (A/HRC/48/74)*, 2021, p.1; UN HRC, *Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination*, 2021, p. 1.

<sup>128</sup> UN OHCHR, *Expert Mechanism on the Rights of Indigenous Peoples*, 2021.

<sup>129</sup> UN OHCHR, *Special Rapporteur on the rights of indigenous peoples*, 2021.

<sup>130</sup> UN General Assembly, *Report of the Special Rapporteur on the rights of indigenous peoples, Jose Francisco Cali Tzay (A/RES/75/185)*, 2020, p. 2.

peoples in Asia with a consultation in Bangkok on self-determination, governance, justice systems, land, territory, resources, conservation, climate change, business, human rights, and SDGs.<sup>131</sup>

Initially, the Working Group on Indigenous People was the original UN body focusing on indigenous peoples that started in 1982 and ended in 2007.<sup>132</sup> The United Nations Permanent Forum on Indigenous Issues (UNPFII) is an advisory body to the Economic and Social Council (ECOSOC) acknowledged in UNDRIP article 42 and focuses on the development, culture, environment, education, health, and human rights of indigenous peoples.<sup>133</sup> The UNPFII works to provide advice and recommendations, raise awareness, prepare and distribute information, and promote indigenous rights.<sup>134</sup> In 2021, UNPFII hosted its twentieth session focusing on “Peace, justice and strong institutions: the role of indigenous peoples in implementing SDG 16.”<sup>135</sup> The twenty-first session occurred between April 25 to May 6, 2022, with the theme of “Indigenous peoples, business, autonomy and the human rights principles of due diligence including free, prior and informed consent.”<sup>136</sup> UNPFII is supported by the Inter-Agency Support Group (IASG) by providing inter-agency co-operation and information exchange.<sup>137</sup> The IASG has 44 members including the ILO, Office of the Commissioner for Human Rights (OHCHR), World Bank, United Nations Educational Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), and World Intellectual Property Organization (WIPO).<sup>138</sup>

The World Conference on Indigenous Peoples (WCIP) was held at the UN headquarters in New York from September 22-23, 2014.<sup>139</sup> WCIP hosted three different roundtable discussions focusing on: (1) UN system action for the implementation of the Rights of Indigenous Peoples, (2) Implementing the Rights of Indigenous Peoples at the national and local level, and (3) Indigenous peoples’ lands, territories, and resources.<sup>140</sup>

Amnesty International is a non-governmental organization with regional offices that focus on investigations, campaigns, and communications related to human rights work.<sup>141</sup> They work to advocate on the international, regional, and national levels for policy reform.<sup>142</sup> Amnesty International provided a submission to the Expert Mechanism on Canada’s militarization of Wet’suwet’en lands and the ongoing violation of indigenous rights in February 2022.<sup>143</sup> Land Right Now, an international alliance campaign, aims to partner citizens, communities, and organizations together to share policy recommendations.<sup>144</sup> Land Right Now works to promote and secure territory and land rights for indigenous people and focuses on influencing the work of national governments and other international actors.<sup>145</sup>

### ***Disproportionate Effects of COVID-19 on Indigenous Peoples***

The inability to afford testing and treatment, crowded living, and inability to afford personal protective equipment are poverty associated risks to COVID-19 that are felt by indigenous populations as noted by

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<sup>131</sup> UN HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples, (A/HRC/45/34)*, 2020, p. 1-3.

<sup>132</sup> UN DESA, *Indigenous Peoples at the United Nations*.

<sup>133</sup> Ibid; Amnesty International, *Indigenous Peoples, 2022*; UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, p. 11.

<sup>134</sup> UN DESA, *Permanent Forum*.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid; UN DESA, *UNPFII Twenty-First Session: 25 April-6 May 2022*.

<sup>137</sup> UN DESA, *Inter-Agency Support Group (IASG)*.

<sup>138</sup> Ibid.

<sup>139</sup> UN DESA, *Indigenous Peoples at the United Nations*; UN DESA, *World Conference*.

<sup>140</sup> UN DESA, *World Conference*.

<sup>141</sup> Amnesty International, *Who We Are, 2022*.

<sup>142</sup> Ibid.

<sup>143</sup> Amnesty International, *Submission to the Expert Mechanism on the Rights of Indigenous Peoples on the Militarization of Indigenous Lands, 2022*.

<sup>144</sup> Land Right Now, *About, 2022*.

<sup>145</sup> Ibid.

the Special Rapporteur on the Indigenous Peoples' report to the General Assembly.<sup>146</sup> Public health care providers can often be substantial distances from indigenous communities creating a barrier to accessing care thus leading to a higher possibility of pre-existing conditions.<sup>147</sup> Indigenous people are already wary of accessing health because of the discrimination and stigmatization.<sup>148</sup> There is a limited ability of indigenous people to access information and communication on COVID-19 protocols, prevention guidelines, and advisories due to the inability to access sources of this information and a lack of trust in government institutions.<sup>149</sup> Overrepresentation of indigenous people in prison and other detention centers places them at an increased risk of exposure as detention centers are super-spreaders of COVID 19.<sup>150</sup> While confinement measures have negatives impacts on all communities, it is found that the negative impact on indigenous people is disproportionate.<sup>151</sup> International crises, such as pandemics, have a disproportionate effect on indigenous peoples.<sup>152</sup> Examples of previous pandemics that negatively impacted indigenous populations at higher rates include smallpox, measles, and influenza.<sup>153</sup> The Special Rapporteur on Indigenous Peoples provided a report to the General Assembly on the disproportionate effect of COVID-19 on the indigenous population reporting that indigenous people face an increased risk of death from COVID-19.<sup>154</sup>

Various UN organizations, bodies, and agencies are working to take action or provide recommendations to assist indigenous people in combatting the effects of COVID-19, including the Office of the United Nations Commissioner for Human Rights (OHCHR), Food and Agriculture Organization (FAO), ILO, and the IASG.<sup>155</sup> The actions undertaken by the aforementioned entities are policy briefs and guiding principles on recommendations for Member States on policy development to assist indigenous peoples with COVID-19.<sup>156</sup> The World Food Programme is taking action through food baskets and agricultural support to assist indigenous communities with food shortages increased due to COVID-19.<sup>157</sup> In some Member States, for example, Colombia, indigenous communities faced death from either COVID-19 or starvation.<sup>158</sup> The General Assembly has recognized the Special Rapporteur's findings that indigenous people have not been consulted during the COVID-19 pandemic and for programming such as health care programming to have a human rights-based approach there needs to be the human rights principles such as participation involved as stated in UN *System-Wide Action Plan on the Rights of Indigenous Peoples*.<sup>159</sup> The Special Rapporteur on the Rights of Indigenous Peoples has called for more research on health disparities between indigenous and non-indigenous people focusing on the COVID-19 pandemic.<sup>160</sup> In addition, the Special Rapporteur calls for States to allow indigenous people their autonomy and self-determination in addressing the COVID-19 pandemic.<sup>161</sup> It is recommended by the Special Rapporteur that Member States respect traditional medicine as a right of indigenous people which

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<sup>146</sup> UN General Assembly, *Report of the Special Rapporteur on the rights of indigenous peoples, Jose Francisco Cali Tzay (A/RES/75/185)*, 2020, p. 9; UN DESA, *COVID-19 and Indigenous peoples*; Amnesty International, *Indigenous Peoples' Rights must be Respected During COVID-19*, 2020.

<sup>147</sup> *Ibid.*, p. 5 & 9.

<sup>148</sup> *Ibid.*, p. 9.

<sup>149</sup> *Ibid.*, p. 10; UN DESA, *COVID-19 and Indigenous peoples*.

<sup>150</sup> *Ibid.*, p. 11; *Ibid.*

<sup>151</sup> *Ibid.*, p. 5; Amnesty International, *Indigenous Peoples' Rights must be Respected During COVID-19*. 2020.

<sup>152</sup> *Ibid.*, p. 8; UN DESA, *COVID-19 and Indigenous peoples*.

<sup>153</sup> *Ibid.*, p. 8.

<sup>154</sup> *Ibid.*, p. 2 & 5.

<sup>155</sup> *Ibid.*, p. 7.

<sup>156</sup> *Ibid.*, p. 7.

<sup>157</sup> WFP, *WFP assists indigenous communities hit hard by drought and COVID-19 pandemic*, 2021.

<sup>158</sup> Amnesty International, *Columbia: Indigenous Peoples will die from COVID-19 or from hunger if the state does not act immediately*, 2020.

<sup>159</sup> UN General Assembly, *Report of the Special Rapporteur on the rights of indigenous peoples, Jose Francisco Cali Tzay (A/RES/75/185)*, 2020, p. 13; UN DESA, *System-Wide Action Plan on the Rights of Indigenous Peoples*, 2017, p. 13.

<sup>160</sup> *Ibid.*, p. 11.

<sup>161</sup> *Ibid.*, p. 12; UN DESA, *COVID-19 and Indigenous peoples*.

indigenous people have been using to treat COVID-19.<sup>162</sup> The Special Rapporteur has also stated the importance of free, prior, and informed consent to state-imposed measures in indigenous communities.<sup>163</sup>

### ***Industrialization and Militarization of Indigenous Land***

The issue of the militarization of indigenous lands has been a growing issue since 2002.<sup>164</sup> State policies in regard to lands, territories, or resources of indigenous peoples contradict and threaten the indigenous right to their traditional lands.<sup>165</sup> Dispossession and displacement are still threats to indigenous peoples, and indigenous people are often not consulted on the use of their traditional territory and when there is consultation.<sup>166</sup> The participation is often insufficient with sections of the community such as women, not being represented.<sup>167</sup> The relationship between indigenous people with an industrial corporation is one of mistrust as the relationship often features exploitation and violations.<sup>168</sup> One example lies with the Kiryandongo district in northern Uganda, which has been removed from its traditional territories to provide more land for ranchers.<sup>169</sup> Another example is the militarization of indigenous land is the Sinjajevina region of the Balkans, which is the traditional territory of the eight different groups of indigenous people, where the government of Montenegro with support from the North Atlantic Treaty Organization has set up military training operations in the region.<sup>170</sup>

HRC recognizes that lands governed by indigenous conservation principles and approaches have better conservation than lands governed by non-indigenous principles and approaches.<sup>171</sup> The UN recommends that consultation mechanisms and dialogue platforms with indigenous peoples need to be created, promoted, and strengthened.<sup>172</sup> Any military actions on the lands or territories of indigenous peoples need to be justified.<sup>173</sup> The justification must be a relevant public interest and there must be effective consultation with consent by indigenous people.<sup>174</sup> The Special Rapporteur recommended consultation with free, prior, and informed consent being required before action on indigenous land and territories be undergone.<sup>175</sup> In addition, the Special Rapporteur recommends that States recognize the collective rights of indigenous people to land, territories, and resources through the codification of laws stating such.<sup>176</sup> The Special Rapporteur recommends Member States work to understand the indigenous conservation practices, policies, and approaches, and that states prevent violence, intimidation, harassment, and criminalization of indigenous people exercising their right to traditional territory.<sup>177</sup> The Expert Mechanism has recently been accepting submissions regarding the militarization and industrialization of indigenous lands.<sup>178</sup> The UN also recommends private business practice corporate social responsibility towards

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<sup>162</sup> Ibid., p. 26; Ibid.

<sup>163</sup> Ibid, p. 13.

<sup>164</sup> UN DESA, *Militarization of Indigenous Areas a Growing Threat Permanent Forum Told*, 2002.

<sup>165</sup> UN HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples, (A/HRC/45/34)*, 2020, p. 5.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid., p. 4-5.

<sup>168</sup> UN DESA, *Indigenous Peoples and Industrial Corporations*, p.1.

<sup>169</sup> Land Rights Now, *Bring Kiryandongo communities back home*, 2022.

<sup>170</sup> Land Rights Now, *Save Sinjajevina's nature and local communities*, 2022.

<sup>171</sup> UN HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples, (A/HRC/45/34)*, 2020, p. 7.

<sup>172</sup> UN DESA, *System-Wide Action Plan on the Rights of Indigenous Peoples*, 2017, p. 22.

<sup>173</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, p. 9.

<sup>174</sup> Ibid.

<sup>175</sup> UN HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples, (A/HRC/45/34)*, 2020, p. 16; UN DESA, *Indigenous Peoples and Industrial Corporations*, p.2.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid., p. 16-17; Ibid.

<sup>178</sup> Amnesty International, *Submission to the Expert Mechanism on the Rights of Indigenous Peoples on the Militarization of Indigenous Lands*, 2022.

indigenous people whose traditional territory they conduct business on in their report Corporations and Indigenous People along with the “Guiding Principles on Business and Human Rights.”<sup>179</sup>

### **Conclusion**

Indigenous people experience disproportionate effects of poverty and disease.<sup>180</sup> The rights of indigenous people are frequently violated.<sup>181</sup> While UNPFII is the main body addressing indigenous people, the Human Rights Council works on the rights of indigenous people supported by the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism.<sup>182</sup> Historically, pandemics that had a disproportionate effect on indigenous people and the COVID-19 pandemic has not been the exception.<sup>183</sup> Access to services has been difficult and the health care system has been discriminatory.<sup>184</sup> The Special Rapporteur on the Rights of Indigenous Peoples has called for increased research, consultation, and respect for the rights of indigenous people in providing health care.<sup>185</sup> Member States often decide to take action that violates or restricts the rights of indigenous people to use their traditional territories for cultural practices so that land can be utilized for military or industrial purposes.<sup>186</sup> Indigenous people often face dispossession and displacement of their traditional territories.<sup>187</sup> HRC is currently looking to further address the issue of industrialization and militarization as the Expert Mechanism recently accepted submissions on the topic.<sup>188</sup>

### **Further Research**

What were the outcomes of the 2022 Expert Mechanism session in July 2022? How can access to health care in remote indigenous communities be improved? What can be done to increase support of traditional medical practices? What are effective methods of obtaining free, prior, and informed consent? How can indigenous knowledge on the sustainable use of the land be used to protect their right to the land in addition to being environmentally conscious? How can international actors and national governments protect indigenous lands from industrialization? How can previous industrialization and militarization of land be made amends for? What role does the private sector play in protecting and realizing the rights of indigenous people?

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*The system-wide action plan provides implementation recommendations and recommendations. In 2017 the UN Executive released a system-wide action plan so that all UN agencies, organizations, and bodies coherently work to achieve the objective of*

<sup>179</sup> UN DESA, *Indigenous Peoples and Industrial Corporations*, p.1; UN HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples*, (A/HRC/45/34), 2020, p. 16.

<sup>180</sup> UN DESA, *System-Wide Action Plan on the Rights of Indigenous Peoples*, 2017, p. 18; World Bank, *Indigenous Peoples*, 2021.

<sup>181</sup> Ibid.

<sup>182</sup> UN Department of Economic and Social Affairs, *Permanent Forum*; UN HRC, *Indigenous Peoples*, 2022; UN HRC, *Welcome to the Human Rights Council*, 2020.

<sup>183</sup> Amnesty International, *Submission to the Expert Mechanism on the Rights of Indigenous Peoples on the Militarization of Indigenous Lands*, 2022.

<sup>184</sup> UN General Assembly, *Report of the Special Rapporteur on the rights of indigenous peoples, Jose Francisco Cali Tzay (A/RES/75/185)*, 2020.

<sup>185</sup> Ibid.

<sup>186</sup> UN HRC, *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples*, (A/HRC/45/34), 2020, p. 5.

<sup>187</sup> Ibid.

<sup>188</sup> Amnesty International, *Submission to the Expert Mechanism on the Rights of Indigenous Peoples on the Militarization of Indigenous Lands*, 2022.

*the Declaration on the Rights of Indigenous Peoples. This document allows delegates to understand the UN implementation approach to UNDRIP and therefore address the rights of indigenous people. It allows for an increased understanding of UNDRIP on an implementation level. The action plan contains recommendations for UN bodies, agencies, and organizations as well as Member States.*

United Nations, General Assembly, Sixty-first session. (2007). *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*. Retrieved 2 February 2022 from: <https://www.undocs.org/en/A/RES/61/295>

*This document was adopted by the General Assembly on a recommendation from the Human Rights Council. This document is the basis of the current UN approach to indigenous people. UNDRIP shows a shift in the approach to indigenous peoples' rights and issues. This document forms the basis of the current UN work on the topic. The document also highlights how the work of the Human Rights Council is implemented into the broader UN system. Delegates can use this document as a foundational tool to understand the current UN regime in regard to the rights of indigenous people.*

United Nations, General Assembly, Seventy-fifth session. (2020). *Report of the Special Rapporteur on the rights of indigenous peoples, (A/75/185)*. Retrieved 2 February 2022 from: <https://www.undocs.org/en/A/75/185>

*This is a report by the Special Rapporteur focusing on how the COVID-19 pandemic has impacted Indigenous peoples and their rights. The COVID-19 pandemic is the one of the most recent events impacting the right of indigenous people. Delegates can use this report to assist them in understanding the many issues and barriers that indigenous people face and how COVID-19 has increased the size of those barriers. The report also offers recommendations that delegates can use to develop policy. This report will provide delegates with background information and policy recommendations moving forward.*

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*This resolution lays out the relationship between the Human Rights Council and the Expert Mechanism. The Expert Mechanism provides the Human Rights Council with information and recommendations on the rights of indigenous issues. The Expert Mechanism along with the Special Rapporteur and UNPFII are the three main UN bodies focusing on indigenous people and their rights. An understanding of the relationship between the Human Rights Council and the Expert Mechanism can provide information in how the Human Rights Council gathers information and how they formulate policy and action. Delegates should understand the scope of this relationship to understand the information that the Expert Mechanism provides to the Human Rights Council and how the Human Rights Council moves forward.*

United Nations, Human Rights Council, forty-fifth session. (2020). *Regional consultation on the rights of indigenous peoples in Asia - Report of the Special Rapporteur on the rights of indigenous peoples, (A/75/185)*. Retrieved 13 February 2022 from: <https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CallforinputIPAsia.aspx>

*This report is a follow-up to previous Special Rapporteur reports in 2007 and 2013. The focus of the report is consultations between the State and indigenous communities. Consultation is key to repairing the harmful history between the States and the indigenous community. The report highlights the inadequacies of many of the consultations occurring. This report provides background information on the current situation in indigenous communities in many Asian states. This report provides recommendations for future policy actions.*

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## 2. The Rights of Those Displaced Due to Climate Change

### *Introduction*

The Human Rights Council (HRC) is committed to protecting the rights of people, especially those who are displaced for any reason.<sup>189</sup> The International Organization for Migration (IOM) defines a migrant as any person who moves from their place of residence whether it be across international borders or within a nation, temporarily or permanently, for numerous reasons.<sup>190</sup> Refugees, according to the United Nations High Commissioner for Refugees (UNHCR), are defined as people who flee their countries due to fear of war, violence, conflict, or persecution, and find safety in another country.<sup>191</sup> The 1992 *United Nations Framework on the Convention on Climate Change* (UNFCCC) defines climate change as any change in the climate which can be attributed to human activity that alters the composition of the global atmosphere and the natural climate over time.<sup>192</sup> The effects of climate change stretch beyond just large-scale environmental degradation, as they also lead to political, racial, and religious discrimination, impacting the lives of people throughout the international community.<sup>193</sup> HRC works to help protect the fundamental rights and freedoms of those affected by climate change.<sup>194</sup> The World Health Organization (WHO) reported that 13.7 million deaths a year have been linked to environmental risks such as air pollution, proving that the effects of climate change stretch beyond the environment.<sup>195</sup> Prolonged droughts, abnormally heavy rainfall, sea-level rise, deforestation, and wildfires are all effects of climate change that have forced an average of 20 million people per year to leave their homes or in some cases their countries.<sup>196</sup> According to the World Bank, by 2050, 143 million people will be forced to leave their homes due to the effects of climate change if international efforts to combat climate change are not strengthened.<sup>197</sup>

While protecting the environment is of the utmost importance, upholding and protecting human rights is just as important, especially as the effects of climate change infringe on fundamental human rights.<sup>198</sup> According to UNHCR, those displaced due to the devastating effects of climate change are not typically treated the same as citizens or refugees in their new places of residence.<sup>199</sup> People displaced due to climate change are put into marginalized situations and often move to the outskirts of the poorest areas of urban areas, which hinders their access to adequate help and increases unsystematic urbanization in developing countries.<sup>200</sup> There is widespread debate within the international community on whether these people have valid claims for refugee status, which plays a major role in how they are treated in other countries.<sup>201</sup> Refugees and migrants often face discrimination, which can sometimes be violent, when they are fleeing to these places for numerous that the international community is actively working to resolve.<sup>202</sup> Racial, gender, and religious discrimination along with the lack of many basic human rights, such as the right to a clean, safe, and healthy environment, are all problems that refugees and migrants face regardless of their motivations for fleeing and can prevent them from getting the humanitarian assistance they need.<sup>203</sup> The internationally recognized definition adds to the debate on whether or not

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<sup>189</sup> UN HRC, *Human rights of migrants (A/HRC/RES/9/5)*, 2008, p. 1.

<sup>190</sup> IOM, *IOM Definition of "Migrant"*, 2022.

<sup>191</sup> UNHCR, *What is a refugee?*, 2022.

<sup>192</sup> UN General Assembly, *Completion of a Framework Convention on Climate Change (A/AC.237/L.14/Add.1)*, 1992, p. 1.

<sup>193</sup> IOM, *IOM Definition of "Migrant"*, 2022.

<sup>194</sup> UNHCR, *Climate Change and Disaster Displacement*, 2022.

<sup>195</sup> UNEP, *Landmark UN resolution confirms healthy environment is a human right*, 2021.

<sup>196</sup> UNHCR, *Climate Change and Disaster Displacement*, 2022.

<sup>197</sup> International Catholic Migration Commission, *Climate-Displaced People Face Two-Fold Discrimination*, 2019.

<sup>198</sup> UN General Assembly, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/RES/74/161)*, 2019, p. 15.

<sup>199</sup> UNHCR, *UN Human Rights Committee decision on climate change is a wake-up call, according to UNHCR*, 2020.

<sup>200</sup> International Catholic Migration Commission, *Climate-Displaced People Face Two-Fold Discrimination*, 2019.

<sup>201</sup> UNHCR, *UN Human Rights Committee decision on climate change is a wake-up call, according to UNHCR*, 2020.

<sup>202</sup> UNHCR, *Global compact on refugees*, 2018.

<sup>203</sup> UN General Assembly, *Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/73/583)*, 2018.

people who are displaced due to climate change can be classified as “climate refugees.”<sup>204</sup> The international community does not recognize the formal title of “climate refugees” for those displaced due to climate change, preventing these people from receiving the humanitarian resources they need.<sup>205</sup>

### ***International and Regional Framework***

In 1948, the General Assembly adopted the *Universal Declaration of Human Rights* (UDHR), which outlines the basic human rights that are given to each and every person regardless of their race, religion, gender, political affiliation, or any other reason.<sup>206</sup> One of these fundamental rights is the right to equal enjoyment of a safe, clean, and healthy environment; this right is being infringed upon due to the adverse effects of climate change.<sup>207</sup> The UDHR is considered to be the foundation for the proceedings of HRC and many other United Nations (UN) agencies.<sup>208</sup> In 1993, the *Vienna Declaration and Programme of Action* was adopted at the World Conference on Human Rights, which reaffirmed the call for all Member States to uphold the fundamental human rights and enhance international cooperation in regard to human rights.<sup>209</sup> Both declarations set the precedent for understanding the importance of protecting human rights for the international community and is consistently referred back to in recent resolutions and frameworks, namely that of HRC resolution 9/5, “Human Rights of migrants” (2008) and HRC resolution 38/4 “Human rights and climate change” (2018), which emphasizes the importance of protecting the most vulnerable groups of migrants.<sup>210</sup>

Upon the adoption of General Assembly resolution 70/1, the *2030 Agenda for Sustainable Development* (2015), HRC began to take a firmer stance on how to efficiently combat the effects of climate change in accordance with the sustainable development goals (SDGs).<sup>211</sup> Regarding the 2030 Agenda, HRC is committed to the completion of SDG 5 (gender equality) to achieve gender equality and empower all women and girls, especially as women and girls make up more than 50% of all refugees and displaced people.<sup>212</sup> The call to achieve SDG 5 is echoed in HRC resolution 38/4 on Human rights and climate change (2018), which recommends Member States work to increase the participation of women in climate change policies at the local, regional, and international levels as well as reaffirm the importance of not infringing upon the fundamental human rights of any person when implementing climate change policies.<sup>213</sup> Human rights are not to be protected by just one country but their protection should be coordinated among multiple Member States, which can be seen in the 1984 *Cartagena Declaration on Refugees*.<sup>214</sup> This declaration worked to protect the rights of refugees in the Central American region through the use of effective multilateralism and humanitarian aid.<sup>215</sup>

UNHCR created the Operational Strategy for Climate Resilience and Environmental Sustainability 2022-2025 which focuses on creating an effective preparation and response plan for any climate-related hazards and their effects on refugees and other vulnerable populations.<sup>216</sup> This strategy includes specific ways Member States can respond to climate hazards, such as improving the sustainability of a supply chain, developing sustainable energy and reforestation programs, and help those in vulnerable populations and how they can effectively prepare for these hazards in order to minimize the effects.<sup>217</sup> The goal of this strategy is to help protect the lives and rights of those most affected by climate change.<sup>218</sup>

<sup>204</sup> UNHCR, *Climate Change and Disaster Displacement*, 2022.

<sup>205</sup> UNHCR, *Climate Change and Disaster Displacement*, 2022.

<sup>206</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217/A)*, 1948, p. 2.

<sup>207</sup> *Ibid.*, p. 4.

<sup>208</sup> *Ibid.*, p. 1.

<sup>209</sup> UN World Conference on Human Rights, *Vienna Declaration and Programme of Action*, 1993, p. 2.

<sup>210</sup> UN HRC, *Human rights of migrants (A/HRC/RES/9/5)*, 2008, p. 5.

<sup>211</sup> UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015, p. 1.

<sup>212</sup> UNCHR, *Women*, 2022.

<sup>213</sup> UN HRC, *Human rights and climate change (A/HRC/RES/38/4)*, 2018, p. 5.

<sup>214</sup> UNHCR, *Cartagena Declaration*, 1984, p.38.

<sup>215</sup> UNHCR, *Cartagena Declaration*, 1984, p.38.

<sup>216</sup> UNHCR, *Operational Strategy for Climate Resilience and Environmental Sustainability 2022-2025*, 2022, p. 2.

<sup>217</sup> *Ibid.*, p. 13.

<sup>218</sup> *Ibid.*, p. 17.

## ***Role of the International System***

As the main human rights body of the UN, the mandate of HRC highlights its job in the promotion and protection of all human rights and preventing acts that violate human rights, such as war.<sup>219</sup> While the international community as a whole does not recognize those displaced due to climate change as “climate refugees,” in 2020, UNHCR highlighted the ruling made by HRC in the case of *Teitiota v. New Zealand*.<sup>220</sup> UNHCR stressed that those who flee their homes due to the effects of climate change, whether these are sudden or slow-onset changes, may have valid claims for refugee status under the 1951 definition of a refugee.<sup>221</sup> *Teitiota v. New Zealand* was the first time a UN entity made a ruling on a situation pertaining to climate change and displacement and recognized that international refugee law is applicable in the context of climate change.<sup>222</sup> The UNHCR found it to be unlawful for governments to send people back to places where the effects of climate change have become life-threatening under the 1966 *International Covenant on Civil and Political Rights* (ICCPR).<sup>223</sup>

Recent resolutions, namely that of General Assembly resolution 76/179 “Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,” (2021) addressed the need for sustainable food systems to mitigate the effects of climate change to protect human rights.<sup>224</sup> According to this resolution, 80% of Member States have the right to a clean, safe, healthy, and sustainable environment protected by some form of legislation, but national human rights institutions are crucial to uphold these legislations.<sup>225</sup> The 2007 *Male’ Declaration on the Human Dimension of Global Climate Change* emphasizes the effects of climate change on people in small island developing states (SIDS), but also helped increase the attention of HRC on the relationship between climate change and human rights.<sup>226</sup>

In 2017, HRC adopted resolution 34/20 “Human rights and the environment,” which calls upon Member States to implement laws and policies that act against climate change to protect the basic right to a safe, healthy, and clean environment.<sup>227</sup> This resolution furthers HRC’s call to protect the rights of all people displaced due to the damaging effects of climate change.<sup>228</sup> The UN Climate Change Conference in Glasgow (COP26) of 2021 led to the creation of the *Glasgow Climate Pact*, however, this pact failed to mention how Member States should protect the rights of those displaced due to climate change in order to reduce the inequalities of those displaced due to climate change.<sup>229</sup>

UNHCR has operations in over 130 Member States aimed at protecting those displaced, and are now working to put their expertise to help countries respond appropriately to displacement due to natural disasters or the effects of climate change.<sup>230</sup> Because climate change impacts every Member State regardless of developmental status, UNHCR works alongside numerous non-governmental organizations (NGOs) such as Global Citizen to address humanitarian crises.<sup>231</sup> Global Citizen partners with private-sector actors to target the humanitarian crisis caused by climate change echoing the work of the HRC, UNHCR, and the United Nations Environmental Programme (UNEP).<sup>232</sup> Through these partnerships,

<sup>219</sup> OHCHR, *Human Rights Council*, 2021, p. 1; UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006, p. 2.

<sup>220</sup> UNHCR, *UN Human Rights Committee decision on climate change is a wake-up call, according to UNHCR*, 2020.

<sup>221</sup> *Ibid.*

<sup>222</sup> *Ibid.*

<sup>223</sup> *International Covenant on Civil and Political Rights, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016 (CCPR/C/127/D/2728/2016)*, 2020, p. 3.

<sup>224</sup> UN General Assembly, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/RES/76/179)*, 2021, p. 9.

<sup>225</sup> *Ibid.*, p. 13.

<sup>226</sup> UN HRC, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/31/52)*, 2016, p.3.

<sup>227</sup> UN HRC, *Human rights and the environment (A/HRC/RES/34/20)*, 2017, p.3.

<sup>228</sup> *Ibid.*, p. 1.

<sup>229</sup> UN, *COP26: Together for our planet*, 2022.

<sup>230</sup> Grandi, *Climate change is an emergency for everyone, everywhere*, 2021.

<sup>231</sup> *Ibid.*

<sup>232</sup> McCarthy and Sanchez, *Climate Change Is Threatening the Fight to End Extreme Poverty: UN*, 2019.

Global Citizen is able to disburse money into different social and political movements, demonstrate to world leaders that people want change, and allow people all around the world to track the progress of these movements.<sup>233</sup>

### ***Reducing Inequalities of Those Displaced Due to Climate Change***

Climate change affects everyone and every country regardless of their wealth or developmental status, but it is usually the poorest and least-developed countries and SIDS that suffer the most due to the effects of climate change.<sup>234</sup> In 2020, the UN Office of the High Representative for Least Developed Countries, Landlocked Developing Member States, and Small Island Developing States (OHRLLS) stated that there is not enough properly managed funding to exacerbate those living in poverty in these states with the added stressor of displacement due to climate change.<sup>235</sup> The COVID-19 pandemic put an added economic strain on every Member State and has taken money away from programs that would help mitigate the effects of climate change and help those that are displaced due to climate change.<sup>236</sup> This lack of funding has made it more difficult for those displaced due to climate change to get the aid and support they need when relocating and furthers the inequalities.<sup>237</sup> The OHRLLS and the UN Department of Political and Peacebuilding Affairs (DPPA) recommend that there be increased financing for projects and programs such as the Pacific Climate Change Migration and Human Security program and the West African Coastal Areas Resilience Investment Project.<sup>238</sup>

In 2018, the General Assembly adopted resolution 73/195 “Global Compact for Safe, Orderly and Regular Migration,” which includes 23 objectives focusing on mitigating discriminatory factors that hinder people from maintaining sustainable livelihoods, and addressing concerns from states and communities regarding refugees and migrants.<sup>239</sup> The compact calls for such objectives to be met through the establishment of mechanisms to prevent racial and religious profiling of refugees and migrants by public officials, training systems designed to detect and respond to hate crimes against refugees and migrants, and the development of stronger mechanisms to mitigate the effects of climate change so fewer people become displaced due to its effects.<sup>240</sup>

In 2015, HRC recommended Member States apply the gender perspective to their climate change mitigation policies in order to identify gender-specific discrimination and vulnerabilities to overcome through the use of gender-inclusive language and being mindful of the gender-specific vulnerabilities.<sup>241</sup> While this is just one area of inequalities it can be applied to any perspective to help identify possible discrimination and vulnerabilities that may arise and infringe upon human rights.<sup>242</sup> HRC resolution 28/11 “Human rights and the environment” (2015) suggests an increase in collaboration between the UN organizations are key to overcoming inequalities for those displaced due to climate change is highlighted in this resolution.<sup>243</sup>

### ***Children Displaced Due to Climate Change***

While the UDHR outlines the fundamental rights given to each and every human at birth, the 1989 *Convention on the Rights of the Child* outlines the specific human rights entitled to each and every child regardless of race, sex, language, religion, political affiliation, or any other status.<sup>244</sup> The rights of this

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<sup>233</sup> McCarthy and Sanchez, *Climate Change Is Threatening the Fight to End Extreme Poverty: UN*, 2019.

<sup>234</sup> Oxfam International, *Climate Change and Inequality*, 2022.

<sup>235</sup> UN OHRLLS, *Climate Change and Security- The Challenge of Internal Displacement in Small Island Developing States*, 2020.

<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> UN General Assembly, *Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195)*, 2018, p. 6.

<sup>240</sup> Ibid., p. 9.

<sup>241</sup> HRC, *Human rights and the environment (A/HRC/RES/28/11)*, 2015, p. 3.

<sup>242</sup> Ibid., p. 3.

<sup>243</sup> Ibid., p. 3.

<sup>244</sup> UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989, p. 1.

convention are frequently forgotten when it comes to children displaced due to climate change.<sup>245</sup> Examples are the right to not be separated from his or her parents against their will and the right to have access to education and proper health and nutrition.<sup>246</sup> The effects of climate change can eliminate or hinder these rights for children because of how much their environments have changed.<sup>247</sup> Children are the least prepared to cope with the effects of climate change and HRC resolution 41/21 “Human rights and climate change” (2019) reiterates that it is of the utmost importance that the rights of this convention are upheld and not neglected because children are the future of our world that need to be protected.<sup>248</sup>

Education is a tool that can be used to benefit the entire world, especially children displaced due to climate change as recommended in HRC resolution 41/21 (2019), but also can be used as a weapon if it is withheld from children.<sup>249</sup> According to the United Nations International Children’s Emergency Fund (UNICEF) there is an increased risk for girls to drop out of school, be forced into marriages, trafficking, and sexual exploitation if not properly educated on the climate crisis.<sup>250</sup> HRC Resolution 41/21 calls on Member States to continue international cooperation that will facilitate access to food, safe drinking water, health-care services, and proper education for those displaced due to climate change, but especially children.<sup>251</sup> This cooperation will also help developing states mitigate the effects of climate change and further educate children on the ongoing climate crisis.<sup>252</sup>

In 2020, the United Nations Children’s Emergency Fund (UNICEF) hosted a virtual symposium focusing on the inclusion of children in climate-related migration and displacement talks.<sup>253</sup> This symposium provided a platform for Member States to discuss the challenges of incorporating the concerns of children into existing frameworks on climate change, migration, and refugees while laying the foundation for the Guiding Principles for Children on the Move to be released in June of 2022.<sup>254</sup> These principles are currently a draft open for public consultation, but they cover topics such as the best interests of the child, family unity, and continued access to services for children.<sup>255</sup>

## Conclusion

There are numerous international bodies working on the protection of the environment and the protection of human rights as well as the protection of the rights of those displaced due to climate change.<sup>256</sup> Protecting the rights of those displaced by climate change should be of the utmost importance for these international bodies and Member States as the effects of climate change continue to worsen and affect more people around the world.<sup>257</sup> Protecting the environment is also at the forefront of many recent resolutions and policies but different perspectives should be applied to these resolutions and policies to ensure that they minimize the inequalities for those displaced due to climate change that arises.<sup>258</sup> Children are the future of the planet and the environment and the UN advocates that the rights of the child should also be upheld when considering the protection of the rights of those displaced due to climate change.<sup>259</sup> The rights of those displaced due to climate change will continue to be a pressing issue as the effects of climate change become more prominent throughout the world.<sup>260</sup>

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<sup>245</sup> Ibid., p. 2.

<sup>246</sup> Ibid., p. 7.

<sup>247</sup> HRC, *Human rights and the environment (A/RES/28/11)*, 2015, p. 3.

<sup>248</sup> HRC, *Human rights and climate change (A/HRC/RES/41/21)*, 2019, p. 1.

<sup>249</sup> UN General Assembly, *Convention on the Rights of the Child (A/HRC/RES/44/25)*, 1989, p. 7.

<sup>250</sup> Diallo and Mekki, *Fact Sheet: ‘The climate crisis is a child rights crisis’*, 2019.

<sup>251</sup> HRC, *Human rights and climate change (A/HRC/RES/41/21)*, 2019, p. 5.

<sup>252</sup> Ibid., p. 4.

<sup>253</sup> UNICEF, *Climate mobility and children*, 2022.

<sup>254</sup> IOM, *Climate Mobility and Children: A Virtual Symposium*, 2020.

<sup>255</sup> UNICEF, *Guiding Principles for Children on the Move in the Context of Climate Change*, 2022.

<sup>256</sup> UNHCR, *Climate Change and Disaster Displacement*, 2022.

<sup>257</sup> UNHCR, *UN Human Rights Committee decision on climate change is a wake-up call, according to UNHCR*, 2020.

<sup>258</sup> HRC, *Human rights and the environment (A/HRC/RES/28/11)*, 2015, p. 3.

<sup>259</sup> UN General Assembly, *Convention on the Rights of the Child (A/HRC/RES/44/25)*, 1989, p. 1.

<sup>260</sup> UNHCR, *Climate Change and Disaster Displacement*, 2022.

## Further Research

Delegates should consider the following in their research: What is the international community currently doing to address those displaced due to climate change and how does this impact the rights of those displaced? What will Member States agree or expand upon in the upcoming publication of the Guiding Principles for Children on the Move in M of 2022? With whom can HRC potentially collaborate with when protecting the rights of those displaced due to climate change or when mitigating the effects of climate change?

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*This article compares the work of UN bodies, NGOs, and civil society organizations regarding climate change and human rights. The authors highlight the need to mitigate the effects of climate change as they are becoming a humanitarian crisis. Delegates may find this article useful when gaining a better understanding of how the effects of climate change impact human life. This article provides helpful examples of how these effects are changing agricultural systems, disproportionately impacting minorities, and causing extensive health problems.*

United Nations, Human Rights Council, Thirty-fourth session. (2017). *Human rights and the environment (A/HRC/RES/34/20)*. Retrieved 7 February 2022 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/085/99/PDF/G1708599.pdf?OpenElement>

*This resolution gives the standpoint of the HRC when it comes to the environment and how to protect the environment and human rights. Key frameworks and resolutions are recalled within this resolution, which delegates can use to further their own research as well. This resolution also recognizes the importance of reducing inequalities while protecting the environment. This resolution may be useful to delegates when discussing how the environment and climate change have an effect on human rights.*

United Nations, Human Rights Council, Forty-first session. (2019). *Human rights and climate change (A/HRC/RES/41/21)*. Retrieved 7 February 2022 from: <https://www.undocs.org/en/A/HRC/RES/41/21>

*This resolution highlights what the HRC has done to mitigate the effects of climate change to protect human rights. This resolution emphasizes the need to take action against climate change now because of its adverse effects on human rights now and in the future. Recommendations on how Member States should include human rights obligations as they work to mitigate the effects of climate change. Delegates can use this resolution to better their understanding of how climate change affects human rights.*

United Nations, General Assembly, Seventieth session. (2015). *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*. Retrieved 7 February 2022 from: <https://www.undocs.org/en/A/RES/70/1>

*This is a major framework of the main focuses of the international community in order to better our world and future. The SDGs 4, 5, and 10 of this framework are of the utmost importance when addressing this topic. Achieving these SDGs is at the forefront of everything the international community is working on and is used as a marker for other frameworks.*

United Nations, General Assembly, Seventy-third session. (2019). *Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195)*. Retrieved 15 April 2022 from: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_73\\_195.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_73_195.pdf)

*This resolution showcases the importance of assisting migrants throughout the migration process. Member States were urged to implement 23 objectives that work on reducing*



*discrimination against migrants and refugees within the public and private sectors. Delegates can use the objectives of this compact when creating their own solutions by seeing what is already in place.*

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