



# NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2019 National Model United Nations New York Conference (NMUN•NY)! We are pleased to welcome you to the Human Rights Council (HRC). This year's staff are: Directors Martin Schunk (Conference A) and Gabrielle Sferra (Conference B), and Assistant Directors Gabriell Caceres (Conference A) and Gamaliel Perez (Conference B). Martin holds a BA in English Linguistics from the University of Bamberg and is currently pursuing his MA in Media Culture and Media Economy in Germany. Gabrielle completed her BA in Television, Radio, Film, and International Relations in 2016 and is currently working at a documentary production company in New York City as a production coordinator for several films, highlighting activists and artists around the world. Gabriell completed her BA in International Criminal Justice in 2017 and is now studying law at the Maurice A. Deane School of Law at Hofstra University. Gamaliel is currently pursuing a BA in Political Theory and Philosophy at the University of California San Diego.

The topics under discussion for the Human Rights Council are:

1. Equitable Access to Safe Drinking Water as a Human Right
2. Human Rights of Unaccompanied Migrant Children and Adolescents
3. The Human Rights Situation in the Occupied Palestinian Territory

HRC is a subsidiary body of the United Nations (UN) General Assembly. Since its creation in 2006, HRC has played a unique role as the primary inter-governmental body within the UN system, responsible for the promotion and protection of human rights as they are defined within the *Charter of the United Nations*, and subsequent international treaties and laws. Designated as a forum for dialogue on all human rights issues, HRC possesses a comprehensive mandate which allows it to take proactive measures in order to address and provide recommendations on all human rights violations, and to foster international cooperation and coordination within the UN human rights system.

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 explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a [Position Paper](#) by 11:59 p.m. (Eastern) on 1 March 2019 in accordance with the guidelines in the [NMUN Position Paper Guide](#).

Two resources, available to download from the [NMUN website](#), that serve as essential instruments in preparing for the Conference and as a reference during committee sessions are the:

1. [NMUN Delegate Preparation Guide](#) - 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 start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include 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-Secretaries-General for the Human Rights and Humanitarian Affairs Department, Collin King (Conference A) and Martina Vetrovcova (Conference B), at [usg.hr\\_ha@nmun.org](mailto:usg.hr_ha@nmun.org).

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

## Conference A

Martin Schunk, Director  
Gabriell Caceres, Assistant Director

## Conference B

Gabrielle Sferra, Director  
Gamaliel Perez, Assistant Director

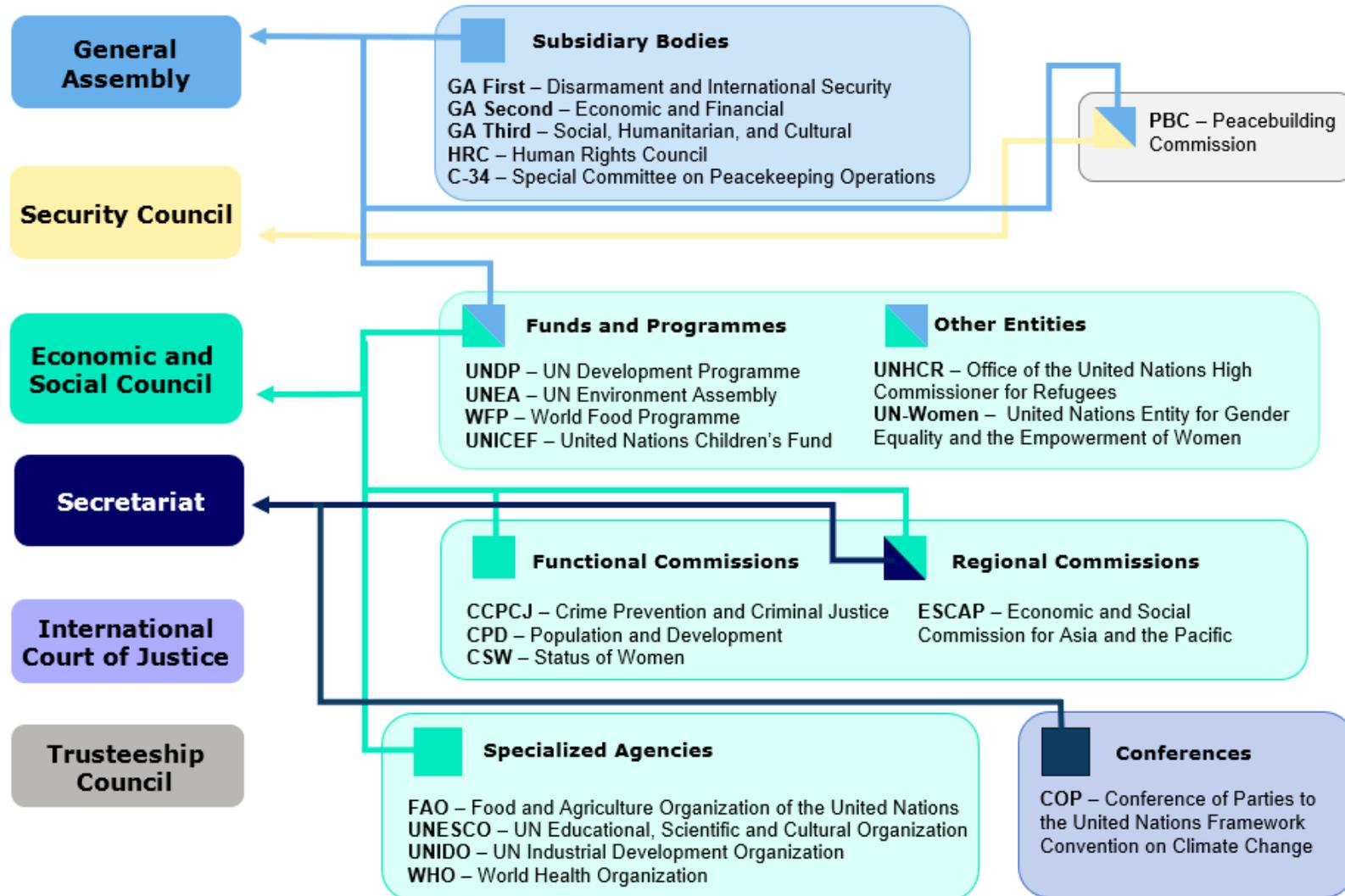


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## United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.



## Committee Overview

### Introduction

The Human Rights Council (HRC) is the main organ of the United Nations (UN) “responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.”<sup>1</sup> Its duty entails responding to urgent human rights situations by addressing issues regarding “accountability and liability for violations of international human rights and humanitarian law.”<sup>2</sup> HRC has a global scope, working to promote and protect all human rights; the Council currently focuses on several regions in Africa, Asia, Latin America, and the Middle East, with special attention placed on the ongoing conflict in Syria and the situation in the occupied Palestinian territories (oPt).<sup>3</sup>

The international human rights agenda has been shaped by two important documents: the *Universal Declaration of Human Rights* (UDHR) from 1948 and the *Vienna Declaration and Programme of Action* from 1993.<sup>4</sup> After the adoption of the UDHR, the UN Secretariat established a UN department responsible for overseeing its human rights program.<sup>5</sup> This department, known as the Centre for Human Rights, expanded its reach in the 1980s and moved from New York to Geneva.<sup>6</sup> In 1993, the World Conference on Human Rights in its *Vienna Declaration and Programme of Action* recommended to the General Assembly that the Office of the UN High Commissioner for Human Rights (OHCHR) be established.<sup>7</sup> Subsequently, the General Assembly created OHCHR in resolution 48/141 with the responsibility of coordinating the human rights agenda across all intergovernmental agencies and departments within the UN.<sup>8</sup> OHCHR is responsible for the substantive, logistical, and administrative needs of all UN human rights mechanisms, including core treaty-based bodies, thematic working groups, and HRC.<sup>9</sup> On 10 August 2018, Secretary-General António Guterres appointed Michelle Bachelet of Chile as High Commissioner for Human Rights upon approval of the General Assembly; Bachelet is succeeding Zeid Ra’ad Al Hussein of Jordan.<sup>10</sup>

As international human rights law has evolved, specialized agencies within the UN system have also emerged due to the urgent need to respond to human rights violations.<sup>11</sup> Among these was the Commission on Human Rights, abbreviated as the Commission, which was an intergovernmental organization of the UN established in 1946 to address human rights challenges and concerns.<sup>12</sup> Responding to criticisms of “excessive politicization” of the Commission, recommendations were later made to replace the Commission with a human rights council.<sup>13</sup> Subsequently, in its resolution 60/251, he General Assembly “decide[d] to establish the Human Rights Council, based in Geneva, in replacement of

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<sup>1</sup> UN OHCHR, *The 20<sup>th</sup> Anniversary of OHCHR – 20 human rights achievements*, 2018.

<sup>2</sup> *Ibid.*

<sup>3</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006; UN OHCHR, *37<sup>th</sup> session of the Human Rights Council (26 February to 23 March 2018): Resolutions, decisions and President’s statements*, 2018.

<sup>4</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; UN World Conference on Human Rights, *Vienna Declaration and Programme of Action*, 1993.

<sup>5</sup> UN OHCHR, *Who we are: Brief History*, 2018.

<sup>6</sup> *Ibid.*

<sup>7</sup> UN World Conference on Human Rights, *Vienna Declaration and Programme of Action*, 1993.

<sup>8</sup> UN General Assembly, *High Commissioner for the promotion and protection of all human rights (A/RES/48/141)*, 1994.

<sup>9</sup> UN OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*.

<sup>10</sup> UN DPI, *Secretary-General Appoints Michelle Bachelet of Chile United Nations High Commissioner for Human Rights (SG/A/1824)*, 2018.

<sup>11</sup> UN OHCHR, *Who we are: Brief History*, 2018.

<sup>12</sup> *Ibid.*

<sup>13</sup> UN DPI, *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.

the Commission.”<sup>14</sup> HRC had in essence the same responsibilities as the Commission, but possessed an enhanced scope of action under its new mandate.<sup>15</sup> As stipulated by the General Assembly, HRC submitted to a five-year review in 2011.<sup>16</sup> All areas of HRC were subject to scrutiny to ensure mechanisms and frameworks were streamlined and efficient.<sup>17</sup> The review identified only minor areas for improvement; due to its “strong and largely well-functioning” nature, HRC was kept as a subsidiary body of the General Assembly without major changes to its structure or operations.<sup>18</sup>

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

Through a majority vote, the General Assembly elects 47 Member States to HRC; with each seat serving a three year term, elections are staggered so that one-third of the seats are elected each year.<sup>19</sup> The 47 Member State seats are distributed in regional groups: 13 from Africa, 13 from Asia, 6 from Eastern Europe, 8 from Latin America and the Caribbean, and 7 from the Western European and Others Group.<sup>20</sup> New members will be elected in October 2018 during the General Assembly’s 73<sup>rd</sup> session.<sup>21</sup> Additionally, Iceland was elected by the General Assembly in July 2018 to serve on HRC until 31 December 2019, filling the vacant seat left by the United States of America.<sup>22</sup> The General Assembly Third Committee, which is responsible for evaluating questions related to human rights, considers the annual reports of HRC and works closely with HRC’s Special Procedures mandate holders.<sup>23</sup>

Each year in March, June, and September, HRC holds regular sessions to discuss issues under its purview.<sup>24</sup> Combined, these sessions last a minimum of 10 weeks, and at any time, one-third of HRC’s Member States can request a special session “to address human rights violations and emergencies [related to human rights].”<sup>25</sup> There have been 28 special sessions, the last of which was held in May 2018 to address “the deteriorating human rights situation in the occupied Palestinian territory, including East Jerusalem.”<sup>26</sup> At the first regular session of each year, Member States elect a President and four Vice Presidents that make up the Bureau, which is responsible for all issues relating to the organization and procedures of HRC.<sup>27</sup> The President is responsible for convening and chairing organizational meetings and regular sessions, as well as proposing candidates to serve as Special Procedures mandate holders.<sup>28</sup> The current President is Vojislav Šuć, a Permanent Representative to the UN from Slovenia.<sup>29</sup>

In addition, HRC established the Advisory Committee as its subsidiary body.<sup>30</sup> The main functions of the Advisory Committee are to provide policy advice and serve as a “think tank” to HRC.<sup>31</sup> It meets biannually and is comprised of 18 human rights experts, which are elected by HRC in proportion to the regional

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

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

<sup>16</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

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

<sup>18</sup> Ibid.

<sup>19</sup> UN OHCHR, *Membership of the Human Rights Council*, 2018.

<sup>20</sup> Ibid.

<sup>21</sup> UN General Assembly, *Provisional agenda of the seventy-third regular session of the General Assembly (A/73/150)*, 2018, p. 11.

<sup>22</sup> UN DPI, *General Assembly Elects Iceland to Human Rights Council, Adopts Fourth Committee Text Endorsing 2018 Proposals of Special Committee on Peacekeeping Operations (GA/12040)*, 2018.

<sup>23</sup> UN General Assembly, *General Assembly of the United Nations: Social, Humanitarian & Cultural - Third Committee*.

<sup>24</sup> UN OHCHR, *Sessions*, 2018.

<sup>25</sup> Ibid.

<sup>26</sup> UN OHCHR, *28th special session of the Human Rights Council on the deteriorating human rights situation in the occupied Palestinian territory, including East Jerusalem*, 2018.

<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, *President of the 12th Cycle*, 2018.

<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*, 2018.

composition of the Council.<sup>32</sup> The Advisory Committee regularly produces reports at the request of HRC and discusses research proposals and studies in the field of human rights.<sup>33</sup>

### *Partnerships*

HRC strengthens its efforts in upholding human rights by forming partnerships with non-governmental organizations (NGOs), National Human Rights Institutions (NHRIs), and other civil society actors.<sup>34</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>35</sup> NGOs that have received Economic and Social Council (ECOSOC) consultative status and NHRIs can directly address HRC during discussions and debates and inform it of situations occurring in their home states.<sup>36</sup> Groups and NGOs that have not achieved ECOSOC consultative status can also provide written documents on a Member State as part of the Universal Periodic Review (UPR) Process.<sup>37</sup>

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

In its resolution 60/251 of 2006 on the Human Rights Council, the General Assembly mandates HRC to promote universal respect for human rights and fundamental freedoms; to address and provide recommendations on all, and particularly grave and systematic violations of human rights; and to promote an effective system of coordination within the UN system with respect to human rights issues.<sup>38</sup> Further, the General Assembly designated HRC as a forum for debate and dialogue on all human rights issues, including addressing violations and responding to emergencies, promoting cooperation and education on human rights, reviewing Member States' history and performance, and preventing human rights abuses.<sup>39</sup>

The work of HRC is "guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue, and cooperation."<sup>40</sup> Also crucial to informing 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) with its two Optional Protocols.<sup>41</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>42</sup> Additionally, the *2030 Agenda for Sustainable Development* (2015) and the 17 Sustainable Development Goals (SDGs) guide the work of HRC.<sup>43</sup>

In 2007, HRC adopted resolution 5/1 on "institution-building," which established mechanisms and structures to guide its program of work, rules of procedure, and other operational functions.<sup>44</sup> The resolution also established the format for the Special Procedures, the UPR, and the Complaint Procedure, which comprise the main powers of HRC.<sup>45</sup> Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic situations for HRC.<sup>46</sup> Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an

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<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)*, 2017

<sup>34</sup> UN OHCHR, *NGO and NHRI Information*, 2018.

<sup>35</sup> Ibid.

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

<sup>40</sup> UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

<sup>41</sup> UN OHCHR, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

<sup>42</sup> UN OHCHR, *Human Rights: A Basic Handbook for UN Staff*.

<sup>43</sup> UN General Assembly, *Transforming our world: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

<sup>44</sup> UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

<sup>45</sup> Ibid.

<sup>46</sup> UN OHCHR, *Special Procedures of the Human Rights Council*, 2018.

independent expert, or a working group, to carry out the investigation.<sup>47</sup> Special Procedures can undertake country or field visits, with the support of OHCHR, and bring specific cases and concerns to the attention of Member States.<sup>48</sup> They can send communications detailing accusations of violations or abuses of human rights, engage in advocacy efforts, and offer technical assistance.<sup>49</sup>

The UPR is one of the most important functions of HRC.<sup>50</sup> Through HRC, each Member State of the UN submits to a periodic review to assess the fulfillment of its human rights obligations.<sup>51</sup> The full cycle of the UPR process takes around four years and includes several steps.<sup>52</sup> The UPR is unique in both its approach and its universality.<sup>53</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>54</sup> At the review stage, documents are presented at the regular sessions of the Working Group on the UPR, which consists of all 47 Member States of HRC.<sup>55</sup> At the adoption and considerations stage, each Member State provides comments and the state under review can offer reservations on specific issues.<sup>56</sup> Finally, during the follow-up stage, each state under review shows how effectively it has acted upon the recommendations received.<sup>57</sup> The UPR has entered its third cycle (2017-2021) and will proceed with reviewing national reports for 42 Member States this year.<sup>58</sup>

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

The 36<sup>th</sup> regular session of HRC was held from 11-29 September 2017.<sup>59</sup> At this session, HRC adopted resolution 36/5 on “Unaccompanied migrant children and adolescents and human rights,” which urges states to take into account the rights of the child in their policies on and regulation of migration.<sup>60</sup> This resolution is in support of the *New York Declaration for Refugees and Migrants* (2016) and its Global Compacts “for safe, orderly and regular migration” and “on refugees.”<sup>61</sup> The New York Declaration provides a framework for states to cooperate on these issues and, within this process, aims to protect the human rights of migrants and refugees.<sup>62</sup>

The 37<sup>th</sup> regular session of HRC took place from 26 February through 23 March 2018.<sup>63</sup> This session marked the commemorative year of the UDHR and the *Vienna Declaration and Programme of Action*, which led HRC to hold a high-level panel discussion on the anniversaries of these important human rights framework documents.<sup>64</sup> Additionally, HRC adopted its resolution 37/2 on “The right to privacy in the digital age,” which extended the mandate of the Special Rapporteur on the right to privacy until March 2021.<sup>65</sup> HRC also adopted resolution 37/20 on the topic of the “Rights of the child,” which particularly

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<sup>47</sup> Ibid.

<sup>48</sup> UN OHCHR, *Special Procedures of the Human Rights Council*, 2018.

<sup>49</sup> Ibid.

<sup>50</sup> UN OHCHR, *Universal Periodic Review*, 2018.

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

<sup>52</sup> Ibid., p. 81.

<sup>53</sup> UN OHCHR, *Universal Periodic Review*, 2018.

<sup>54</sup> UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 81.

<sup>55</sup> Ibid., p. 81.

<sup>56</sup> Ibid., p. 81.

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

<sup>58</sup> UN OHCHR, *Human Rights Council Universal Periodic Review (Third Cycle)*.

<sup>59</sup> UN HRC, *Report of the Human Rights Council on its thirty-sixth session (A/HRC/36/2)*, 2017, pp. 5-8.

<sup>60</sup> UN HRC, *Unaccompanied migrant children and adolescents and human rights (A/HRC/RES/36/5)*, 2017.

<sup>61</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016.

<sup>62</sup> Ibid., pp. 5-15.

<sup>63</sup> UN HRC, *Report of the Human Rights Council on its thirty-seventh session (A/HRC/37/2)*, 2018, pp. 5-8.

<sup>64</sup> Ibid., pp. 24-27.

<sup>65</sup> UN HRC, *The right to privacy in the digital age (A/HRC/RES/37/2)*, 2018.

focused on the “protection of the rights of the child in humanitarian situations.”<sup>66</sup> Furthermore, HRC adopted three resolutions on the relationship between human rights and the 2030 Agenda, which among others established “two one-day intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda” to be held in light of the meetings of the High-Level Political Forum (HLPF) on Sustainable Development in 2019 and 2020.<sup>67</sup>

The 38<sup>th</sup> regular session was held between 18 June and 6 July 2018 and focused on women’s rights.<sup>68</sup> HRC held panel discussions, which connected women’s rights to information and communications technology (ICTs).<sup>69</sup> Similarly, HRC adopted resolution 38/1 on the “Elimination of all forms of discrimination against women and girls,” which called upon states to ensure that their national legislature guarantees the human rights of women and enables the participation of civil society organizations for women.<sup>70</sup> Additionally, the Special Rapporteur on the human rights of migrants presented his report at the 38<sup>th</sup> session, in which he stressed that the *Global Compact for Safe, Orderly and Regular Migration* should reinforce migrant-centered approaches to regulation and enforcement.<sup>71</sup>

The 39<sup>th</sup> regular session was held from 10-28 September 2018.<sup>72</sup> At this session, the Special Rapporteur on the human rights to safe drinking water and sanitation presented his report.<sup>73</sup> In his report, the Special Rapporteur recommended that states should ensure the human rights to water and sanitation of forcibly displaced persons and provide adequate access to water and sanitation for them.<sup>74</sup> Furthermore, the agenda item of the “Human rights situation in Palestine and other occupied Arab territories” was considered at this session.<sup>75</sup> In addition, HRC held three panel discussions at this event: one panel discussion on the topic “Human rights and indigenous peoples,” one on the “Prevention of genocide,” and one on “Integrating the human rights of women throughout the United Nations system.”<sup>76</sup>

In addition to the regular sessions, HRC also held its 28<sup>th</sup> special session “on the deteriorating human rights situation in the occupied Palestinian territory, including East Jerusalem” on 18 May 2018.<sup>77</sup> Following the escalation of violence during civilian demonstrations in the Gaza Strip in March 2018, HRC adopted resolution S-28/1.<sup>78</sup> In this resolution, HRC “condemn[ed] the disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians” and “dispatch[ed] an independent, international commission of inquiry [...] to investigate all alleged violations and abuses of international humanitarian law and international human rights law” in the oPt.<sup>79</sup>

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<sup>66</sup> UN HRC, *Rights of the child: protection of the rights of the child in humanitarian situations (A/HRC/RES/37/20)*, 2018.

<sup>67</sup> UN HRC, *Report of the Human Rights Council on its thirty-seventh session (A/HRC/37/2)*, 2018 pp. 5-6; UN HRC, *Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development (A/HRC/RES/37/24)*, 2018.

<sup>68</sup> UN OHCHR, *38<sup>th</sup> session of the Human Rights Council (18 June-6 July 2018)*, 2018; UN OHCHR, *38<sup>th</sup> session of the Human Rights Council: Resolutions, decisions and President’s statements*, 2018.

<sup>69</sup> UN OHCHR, *38<sup>th</sup> session of the Human Rights Council (18 June-6 July 2018)*, 2018.

<sup>70</sup> UN HCR, *Elimination of all forms of discrimination against women and girls (A/HRC/RES/38/1)*, 2018.

<sup>71</sup> UN HCR, *Report of the Special Rapporteur on the human rights of migrants (A/HRC/38/41)*, 2018.

<sup>72</sup> UN HCR, *Agenda and Annotations (A/HRC/39/1)*, 2018.

<sup>73</sup> *Ibid.*, pp. 6-7.

<sup>74</sup> UN HCR, *Report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/HRC/39/55)*, 2018, p. 17-20.

<sup>75</sup> UN HCR, *Agenda and Annotations (A/HRC/39/1)*, 2018, p. 14.

<sup>76</sup> *Ibid.*, p. 17.

<sup>77</sup> UN OHCHR, *28<sup>th</sup> special session of the Human Rights Council on the deteriorating human rights situation in the occupied Palestinian territory, including East Jerusalem*, 2018.

<sup>78</sup> UN HCR, *Violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/S-28/1)*, 2018.

<sup>79</sup> *Ibid.*, 2018.

## Conclusion

HRC addresses human rights on global, regional, and national levels by endeavoring to ensure all Member States safeguard the fundamental freedoms and rights articulated by international law.<sup>80</sup> As HRC looks ahead to future sessions, the relationship between human rights and the *2030 Agenda for Sustainable Development* continues to play an important role in the work of the Council.<sup>81</sup> As such, in light of the 2019 and 2020 meetings of the HLPF, HRC will hold intersessional meetings that aim to reflect the themes of the upcoming HLPF meetings.<sup>82</sup> Similarly, as part of the process of the *New York Declaration for Refugees and Migrants*, the *Global Compact for Safe, Orderly and Regular Migration* and the *Global Compact on Refugees* will also remain an important aspect for HRC to consider, in particular with respect to the human rights of migrants and refugees.<sup>83</sup>

## Annotated Bibliography

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Human Rights: A Basic Handbook for UN Staff*. Retrieved 31 July 2018

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

*This handbook provides delegates with a comprehensive view of the human rights system within the context of the UN. Even though some parts may be slightly outdated, the handbook provides a very detailed account of the UN's human rights instruments. The handbook also describes the international mechanisms that evolved to monitor the implementation of rights and process complaints, as well as the strategies engaged to promote and protect human rights within the UN.*

Office of the United Nations High Commissioner for Human Rights. (2008). *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. Retrieved 31 July 2018

from: [http://www.ohchr.org/en/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](http://www.ohchr.org/en/AboutUs/CivilSociety/Documents/Handbook_en.pdf)

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

Office of the United Nations High Commissioner for Human Rights. (2018). *38<sup>th</sup> session of the Human Rights Council (18 June-6 July 2018)* [Website]. Retrieved 4 August 2018

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

*This website functions as the main page of the 38<sup>th</sup> regular session of the HRC. Through this website, delegates are able to access all documents, reports and resolutions that have been considered at the 38<sup>th</sup> session. Delegates may use this website as a starting point for their research on the various topics of HRC during the 38<sup>th</sup> session. Since similarly structured web pages can be found for other regular sessions as well, this website additionally allows delegates to navigate through the various documentation of the other regular sessions.*

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<sup>80</sup> UN OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 75.

<sup>81</sup> *Ibid.*, 2018

<sup>82</sup> *Ibid.*, 2018

<sup>83</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016.

United Nations, Human Rights Council, Fifth session. (2007). *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)* [Resolution]. Retrieved 31 July 2018  
from: <http://www.refworld.org/docid/4ae9acbbd.html>

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

United Nations, Human Rights Council, Thirty-sixth session. (2017). *Unaccompanied migrant children and adolescents and human rights (A/HRC/RES/36/5)* [Resolution]. Retrieved 3 August 2018  
from: <http://undocs.org/A/HRC/RES/36/5>

*This resolution presents the most recent outcome document of HRC on the topic of "Unaccompanied migrant children and adolescents and human rights." As such, it stresses that states should always prioritize the best interests of migrant children and consider that the detention of migrant children is rarely a viable action against cross-border movements. Delegates can use this resolution to begin their research on the various framework documents relating to the topic of "Unaccompanied migrant children and adolescents and human rights."*

United Nations, Human Rights Council, Twenty-eighth special session. (2018). *Violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/S-28/1)* [Resolution]. Retrieved 4 August 2018  
from: <http://undocs.org/A/HRC/RES/S-28/1>

*At the 28<sup>th</sup> special session, HRC adopted this resolution as a response to use of excessive force by the Israeli Defense Force against Palestinian protesters in the Gaza Strip in March 2018. This resolution emphasizes the lack of humanitarian access in the Gaza Strip and also established an international commission of inquiry to investigate any alleged violations of international humanitarian law and human rights in the oPt after 30 March 2018. For delegates, this resolution provides a solid understanding of a timely issue and introduces them to possible approaches of HRC to this topic.*

United Nations, Human Rights Council, Thirty-seventh session. (2018). *Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development (A/HRC/RES/37/24)* [Resolution]. Retrieved 3 August 2018 from: <http://undocs.org/A/HRC/RES/37/24>

*This resolution presents the relationship between human rights and the 2030 Agenda for Sustainable Development at the 37<sup>th</sup> regular session. It established two intersessional meetings on the topic of human rights and sustainable development. For delegates, this document presents concrete actions taken by HRC, which could then be used as a model for their own approaches to other topics. Moreover, it is important to mainstream the 2030 Agenda throughout the whole UN system.*

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## I. Equitable Access to Safe Drinking Water as a Human Right

*“Access to safe water is a fundamental human need and, therefore, a basic human right. Contaminated water jeopardizes both the physical and social health of all people. It is an affront to human dignity.”<sup>84</sup>*

### Introduction

Access to water plays a pivotal role in achieving the rights within the 1948 *Universal Declaration of Human Rights* (UDHR), as well as those later specified by the Human Rights Council (HRC).<sup>85</sup> In 2002, the Committee on Economic, Social and Cultural Rights (CESCR) adopted *General Comment No. 15: The Right to Water*, which set forth that “the right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”<sup>86</sup> According to the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene (JMP), run by the World Health Organization (WHO) and the United Nations Children’s Fund (UNICEF), water must be free from contamination, on the premises, and available when needed within 30 minutes.<sup>87</sup> Easy accessibility of water sources as well as proper water safety should ensure equitable access to water for all.<sup>88</sup> In 2010, the General Assembly and HRC recognized the right to water as a human right.<sup>89</sup> Moreover, in 2015, the General Assembly identified global access to safe drinking water as the sixth Sustainable Development Goal (SDG).<sup>90</sup>

According to the JMP report *Progress on drinking water, sanitation and hygiene: 2017 update and Sustainable Development Goal baselines* of 2017, 844 million people still lack access to drinking water.<sup>91</sup> In addition, there are 263 million people worldwide who spend over 30 minutes to collect water from a drinking water source.<sup>92</sup> Since 2000, millions of people who lacked basic water services have been able to gain access to drinking water and sanitation services.<sup>93</sup> However, many of these services do not meet the proper standards for equitable access and safety, which are required to fulfill all water-related needs.<sup>94</sup> Even worse, two billion people still lack access to safe drinking water in their homes.<sup>95</sup> HRC has been concerned with the problems from collecting water or unreliable water sources.<sup>96</sup>

Regional inequalities continue to persist in access to safe drinking water.<sup>97</sup> Out of 159 million people still collecting drinking water from surface water sources, 58% live in Sub-Saharan Africa.<sup>98</sup> This type of water gathering leads to multiple problems, such as community instability, protests, and water contamination.<sup>99</sup> What sometimes prevents people from having access to water, sanitation and hygiene (WASH) services, including drinking water, is the lack of proper indicators to identify water-scarce communities.<sup>100</sup> In addition, the marginalization of certain groups also create barriers to the progression of water as a human right.<sup>101</sup> For instance, women and indigenous peoples are typically left out of the discussions on

<sup>84</sup> UN DPI, *Access to Safe Water Fundamental Human Need, Basic Human Right* says Secretary-General, 2001.

<sup>85</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; UNRIC, *Making Water a Human Right*, p. 1.

<sup>86</sup> UN ECOSOC, *General Comment No. 15: The right to water (E/C.12/2002/11)*, 2002, p. 1.

<sup>87</sup> WHO & UNICEF, *JMP Methodology: 2017 Update and SDG Baselines*, 2017, p. 10.

<sup>88</sup> UN Sustainable Development Knowledge Platform, *Sustainable Development Goal 6*, 2018, p. 1.

<sup>89</sup> UN-Water, *The Human Right to Water and Sanitation Milestones*, 2015, p. 4.

<sup>90</sup> WHO, *2.1 billion people still lack safe drinking water at home, more than twice as many lack safe sanitation*, 2017.

<sup>91</sup> WHO, *Progress on Drinking Water, Sanitation and Hygiene Update and SDG Baselines 2017*, 2017, pp. 2-3

<sup>92</sup> *Ibid.*, pp. 2-3

<sup>93</sup> WHO, *2.1 billion people still lack safe drinking water at home, more than twice as many lack safe sanitation*, 2017.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> WHO, *Progress on Drinking Water, Sanitation and Hygiene Update and SDG Baselines 2017*, 2017.

<sup>98</sup> *Ibid.*, pp. 2-3.

<sup>99</sup> UN HRC, *Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (A/HRC/12/24)*, 2010, pp. 9-10.

<sup>100</sup> UN OHCHR, *Tools for transformation: Service regulation and the human rights to water and sanitation*, 2017, p. 2.

<sup>101</sup> UN OHCHR, *Tools for transformation: Service regulation and the human rights to water and sanitation*, 2017, p. 2.

legislation and policies on water.<sup>102</sup> Last but not least, communities in developing countries often lack necessary financial sources for the implementation of water resource projects.<sup>103</sup>

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

The right to water has many mentions in international agreements, such as Article 6 of the 1966 *International Covenant on Civil and Political Rights* (ICCPR), which links the inherent right to life to the access to safe drinking water.<sup>104</sup> Similarly, Articles 11 and 12 of the 1966 *International Covenant on Economic, Social, and Cultural Rights* (ICESCR) guarantee an adequate standard of living as well as a high standard of health, both of which require access to safe drinking water.<sup>105</sup> In 2002, CESCR adopted *General Comment No. 15* and affirmed that the right to water is a “prerequisite for the realization of other human rights.”<sup>106</sup> In 2010, the UN General Assembly adopted resolution 64/292 on “The Human Right to Water and Sanitation,” recognizing the right to safe, clean drinking water as essential for life and the enjoyment of other human rights.<sup>107</sup> Later in 2010, HRC adopted resolution 15/9 on “Human rights and access to safe drinking water and sanitation,” declaring water a human right because it is necessary for achieving adequate standards of living, the highest level of mental and physical health, and dignity.<sup>108</sup> HRC resolution 15/9 also discussed the importance of the development of frameworks and standards that can be used to promote the right to water as a human right.<sup>109</sup>

In 2015, the General Assembly adopted resolution 70/1 titled *Transforming our world: the 2030 Agenda for Sustainable Development* (2030 Agenda) in an effort to decrease global inequalities, and formally established global access to safe drinking water as SDG 6 for the 2030 Agenda.<sup>110</sup> The first target set by SDG 6 states that, by the year 2030, equitable access to safe and affordable drinking water must be universal.<sup>111</sup> Target 6.3 focuses on the improvement of water quality to be free from any sort of contamination or chemicals during the collection and distribution of water that causes disease or death.<sup>112</sup> Overall, SDG 6 aims at ensuring the availability and sustainable management of water and sanitation for all, while providing 11 indicators that measure progress toward individual targets.<sup>113</sup>

Additionally, there have been several documents and conventions focused on the vulnerable groups’ right to water.<sup>114</sup> The right to water is included within the 1979 *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW).<sup>115</sup> Article 14 of CEDAW highlights the responsibility of States parties to ensure women are able to enjoy adequate living conditions with water supply.<sup>116</sup> Furthermore, Article 24 of the 1989 *Convention on the Rights of the Child* (CRC) states that, in order to achieve the highest standard of health for children, state parties must provide access to clean drinking water.<sup>117</sup> Article 28 of the 2006 *Convention on the Rights of Persons with Disabilities* (CRPD) further emphasizes that Member States must ensure equal access to clean water services also to persons with disabilities.<sup>118</sup>

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<sup>102</sup> Ibid., p. 2.

<sup>103</sup> Ibid., p. 2.

<sup>104</sup> UNRIC, *Making Water a Human Right*, p. 1.

<sup>105</sup> Ibid., p. 1.

<sup>106</sup> UN ECOSOC, *General Comment No. 15: The right to water (E/C.12/2002/11)*, 2002, p. 1.

<sup>107</sup> UN General Assembly, *The Human Right to Water and Sanitation (A/RES/64/292)*, 2010, p. 3.

<sup>108</sup> UN-Water, *The Human Right to Water and Sanitation Milestones*, p. 3.

<sup>109</sup> UN HRC, *Human Rights and Access to Safe Drinking Water and Sanitation (A/HRC/RES/15/9)*, 2010, p. 2.

<sup>110</sup> WHO, *2.1 billion people still lack safe drinking water at home, more than twice as many lack safe sanitation*, 2017.

<sup>111</sup> UN Sustainable Development Knowledge Platform, *Sustainable Development Goal 6*, 2018, p. 1.

<sup>112</sup> Ibid., p. 1.

<sup>113</sup> Ibid., p. 1.

<sup>114</sup> UN HRC, *Human Rights and Water*, 2012, p. 8.

<sup>115</sup> Ibid., p. 8.

<sup>116</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women (A/RES/34/180)*, 1979, p. 4.

<sup>117</sup> UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989, p. 5.

<sup>118</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities (A/RES/61/106)*, 2007, p. 17.

Last but not least, the 2007 *Universal Declaration on the Rights of Indigenous Peoples* (UNDRIP) acknowledges the right to water as an inherent human right of indigenous peoples.<sup>119</sup>

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

HRC and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have investigated key issues that need more investment and in-depth work to be able to guarantee the right to safe drinking water for all.<sup>120</sup> OHCHR suggests the prioritization of safe drinking water over other water uses.<sup>121</sup> In addition, HRC and OHCHR have discussed the integration of national strategies of Member States along with private provision of water under regulatory frameworks that would benefit the state.<sup>122</sup> In 2008, HRC established the Special Rapporteur on the human rights to safe drinking water and sanitation with the mandate of overseeing the implementation of the human right to water.<sup>123</sup> The Special Rapporteur focuses on yearly monitoring reports and updates on the progress and challenges communities face when implementing action plans centered around the human right to safe drinking water.<sup>124</sup> The Special Rapporteur undertakes thematic research investigations, country missions, and collections of good practices that he uses in his reports as well as guidelines and recommendations.<sup>125</sup>

Outside of HRC, other UN bodies also work on the issue of equitable access to safe drinking water.<sup>126</sup> UNICEF has several policies and strategic action plans for water and sanitation focused on achieving children's rights.<sup>127</sup> The UNICEF *Strategic Plan 2014-2017* outlines a water, sanitation, and hygiene indicator framework targeted toward access to water in households and schools.<sup>128</sup> The integration of human rights with this plan led to the development of tailored targets and adequate sanitation and good hygiene practices.<sup>129</sup> Similarly, UNICEF's *Strategy for Water, Sanitation, and Hygiene (2016-2030)* focuses on the protection of the rights of children to WASH.<sup>130</sup> The program will invest in water service development programs for the promotion of the rights of the child, and deliver services and supplies where needed to fulfill the children's human right to water.<sup>131</sup> UNICEF concluded that WASH helps reduce undernutrition, maternal and neonatal death, and the occurrence of child diseases during early child development, further advancing the right to health and life.<sup>132</sup>

The development of official standards and targets included in international conventions and frameworks on the right to water was influenced by the United Nations (UN) Secretary-General's Advisory Board on Water and Sanitation (UNSGAB).<sup>133</sup> The UNSGAB's work is focused mainly on identifying the conditions and factors of safe drinking water and sanitation, such as accessibility and quality of water.<sup>134</sup> The UN

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<sup>119</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

<sup>120</sup> UN HRC, *Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3)*, 2007, p. 21.

<sup>121</sup> *Ibid.*, p. 21.

<sup>122</sup> *Ibid.*, p. 21.

<sup>123</sup> UN OHCHR, *Overview of the Mandate*, 2018.

<sup>124</sup> UN HRC, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque (A/HRC/18/33)*, 2011, p. 3.

<sup>125</sup> UN OHCHR, *Overview of the Mandate*, 2018.

<sup>126</sup> UNICEF, *Safely managed drinking water*, 2017; UNICEF, *Strategy for Water, Sanitation and Hygiene 2016-2030*, 2016.

<sup>127</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/72/127)*, 2017, p. 12.

<sup>128</sup> *Ibid.*, p. 12.

<sup>129</sup> *Ibid.*, p. 12.

<sup>130</sup> UNICEF, *Strategy for Water, Sanitation and Hygiene 2016-2030*, 2016, pp. 12-13.

<sup>131</sup> *Ibid.*, p. 9.

<sup>132</sup> *Ibid.*, p. 14.

<sup>133</sup> UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, *On the Right Track: Good practices in realizing the right to water and sanitation*, 2012, p. 49.

<sup>134</sup> UNSGAB, *The UNSGAB Journey*, 2015, pp. 7, 13-14.

also recognized that multilateral cooperation is crucial for the success of water development projects.<sup>135</sup> UNSGAB increased efforts to address this issue through collaboration with WHO and UNICEF to manage the Joint Monitoring Program assessing the accessibility and safety of drinking water within water-stressed communities.<sup>136</sup> The ladder system of the JMP program focuses on the targets of SDG 6, and provides a benchmark for the level of water and sanitation services in communities globally.<sup>137</sup> Through this measurement system, the JMP has determined that more than one-third of Member States are not on track to achieve universal household access to improved drinking water by 2030.<sup>138</sup>

Member States bear the primary responsibility for the well-being of their citizens, and many have started to formally recognize the right to water as a human rights through legislation.<sup>139</sup> Sanitation and Water for All (SWA) is a partnership of developing countries and civil society that was launched in 2010 with the aim of promoting sustainable sanitation and universal access to drinking water for all, and achieving progress toward the water-related targets of the SDGs.<sup>140</sup> Regional organizations have helped Member States guide framework development, which can include financial and volunteer assistance.<sup>141</sup> For example, the South Asian Conference on Sanitation (SACOSAN), made up of several Member States from South Asia, has met regularly since 2003 to serve as a platform for identifying and improving access to sanitation and drinking water.<sup>142</sup> In 2001, 16 Member States from Latin America founded the Association of Potable Water and Sanitation Regulators for the Americas (ADERASA).<sup>143</sup> ADERASA serves as an informational hub where members can share and monitor the delivery of water and sanitation services in the region as well as the impact on the populations in ensuring the human right to water is fulfilled.<sup>144</sup> Similarly, the African Ministers Council on Water (AMCOW) was formed in 2002 and cooperates with the African Union (AU) to oversee the development of action plans, implementation strategies, and advocacy for achieving the commitments made by the AU in pursuit of establishing the right to water as a human right.<sup>145</sup>

### ***Right to Water in the Achievement of the Sustainable Development Goals***

Beyond SDG 6, water is a crucial aspect of many other SDGs and their targets.<sup>146</sup> SDG 1 focuses on poverty eradication, for which universal access to basic services including food and water is a necessary precondition.<sup>147</sup> Further implementation of WASH services in homes and public institutions also directly support SDG 3 which focuses on nutrition and health.<sup>148</sup> Equitable access to safe and affordable drinking water improves child health and nutrition, which in turn decreases child mortality and leads to more effective neonatal care.<sup>149</sup> Similar benefits from improved child health extend to SDG 4's focus on education, since better health allows more children to attend school more frequently and consistently.<sup>150</sup> There is also a strong connection between the right to water and gender equality, especially in rural

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<sup>135</sup> UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, *On the Right Track: Good practices in realizing the right to water and sanitation*, 2012, p. 50.

<sup>136</sup> UNICEF, *Safely managed drinking water*, 2017, pp. 12-13.

<sup>137</sup> *Ibid.*, pp. 12-13.

<sup>138</sup> UNICEF, *Safely managed drinking water*, 2017, pp. 12-13; WHO & UNICEF, *Progress on Drinking Water Sanitation and Hygiene 2017*, 2017.

<sup>139</sup> UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, *On the Right Track: Good practices in realizing the right to water and sanitation*, 2012, p. 49.

<sup>140</sup> *Ibid.*, p. 50.

<sup>141</sup> *Ibid.*, p. 50.

<sup>142</sup> *Ibid.*, pp. 50-51.

<sup>143</sup> *Ibid.*, p. 60.

<sup>144</sup> *Ibid.*, p. 60.

<sup>145</sup> African Ministers Council on Water, *Brief History*, 2016.

<sup>146</sup> UN-Water, *Water and sanitation interlinkages across the 2030 Agenda for Sustainable Development*, 2016, p. 16.

<sup>147</sup> *Ibid.*, p. 16.

<sup>148</sup> *Ibid.*, p. 17.

<sup>149</sup> *Ibid.*, p. 17.

<sup>150</sup> *Ibid.*, p. 17.

communities.<sup>151</sup> Since women and girls are often left with the task of collecting water, having water sources nearby allows them to make shorter trips and reduce the amount of time spent on unpaid household labor, which in turn provides them with more opportunities for acquiring skills and empowers them to take on other roles in their communities.<sup>152</sup> Water is also an essential component of national economies, as nearly 80% of all global jobs are dependent on sustainably managed water services.<sup>153</sup> As such, an adequate and reliable supply of water is essential for generating employment, giving people a livable wage and human dignity, and so contributing to their adequate standard of living in alignment with SDG 8.<sup>154</sup>

Sustainable and climate-resistant water sources help create strength and resilience for water-related ecosystems that are crucial for producing food and sustaining water-stressed communities.<sup>155</sup> The need for proper water management and conservation has led to the use of Natural Based Solutions (NBS) within water-stressed communities, which are means of conserving or rehabilitating natural ecosystems in order to ensure that human rights, including the right to water, are maintained in the these communities.<sup>156</sup> NBSs include green infrastructure that can work alongside human built infrastructure to generate social, economic, and environmental benefits that help fulfill the rights of the water-stressed communities' residents.<sup>157</sup> The reduction of water waste significantly helps improve food security, protect the environment, and foster local economies.<sup>158</sup>

### ***Improving Equity in Access to Safe Drinking Water***

The 2030 Agenda can only be considered achieved when the individual SDGs and their targets are met for all people.<sup>159</sup> While great strides have been made globally in guaranteeing the right to water as well as improved water services to everyone, large challenges still remain with regard to providing safe access to water to certain groups and regions.<sup>160</sup> Women are one of the largest groups that experience discrimination in terms of the right to water.<sup>161</sup> Many women are responsible for domestic tasks and responsibilities that require collecting water.<sup>162</sup> During water-collecting chores, women and young girls often face verbal and physical threats and, according to a study done by Amnesty International in 2010, a high number of women have been raped when fetching water.<sup>163</sup> The Special Rapporteur on the human right to water and sanitation issued report 33/49 in 2016 that called for the adoption of gender-responsive measures to address the challenges women face with regard to the right to water.<sup>164</sup> Similar challenges can be seen within indigenous peoples' communities and their access to safe drinking water.<sup>165</sup> In addition, indigenous peoples often struggle for control over their land and resources against residing local and federal governments, which creates obstacles to equal access of water.<sup>166</sup> UNDRIP defends the rights of indigenous peoples to their own lands and resources, while urging Member States to cooperate with indigenous peoples on water project initiatives.<sup>167</sup> Nevertheless, indigenous peoples continue to suffer exploitation of their resources that by external communities.<sup>168</sup> Protecting the territorial

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<sup>151</sup> Ibid., p. 22.

<sup>152</sup> Ibid., p. 22.

<sup>153</sup> Ibid., p. 22.

<sup>154</sup> Ibid., p. 23.

<sup>155</sup> UN-Water, *SDG 6 Synthesis Report 2018 on Water and Sanitation*, 2018, p. 141.

<sup>156</sup> Ibid., p. 144.

<sup>157</sup> Ibid., p. 144.

<sup>158</sup> Ibid., p. 150.

<sup>159</sup> WHO & UNICEF, *WASH in the 2030 Agenda*, 2017, p. 3.

<sup>160</sup> UN-Water, *Water and Sustainable Development from Vision to Action*, 2015, p. 11.

<sup>161</sup> UN-Water, *Eliminating discrimination and inequalities in access to water and sanitation*, 2015, p. 14.

<sup>162</sup> Ibid., 2015, pp. 14-15.

<sup>163</sup> UNICEF, *Gender and Water Sanitation and Hygiene (WASH)*, p. 1.

<sup>164</sup> UN HRC, *Report of the Special Rapporteur on the human right to water and sanitation (A/HRC/33/49)*, 2016, p. 6.

<sup>165</sup> UN OHCHR, *The Human Right to Water Fact Sheet no. 35*, 2010, p. 23.

<sup>166</sup> Ibid., p. 24.

<sup>167</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

<sup>168</sup> UN OHCHR, *The Human Right to Water Fact Sheet no. 35*, 2010, p. 24.

rights of indigenous peoples not only enables them to provide water services and safe drinking to their communities but it also contributes to the advancement of their other human rights.<sup>169</sup>

Children also face considerable challenges with regard to the right to water, which causes permanent damage to their overall health.<sup>170</sup> Over 90% of child deaths are related to contaminated water and lack of sanitation.<sup>171</sup> Lack of access to safe drinking water makes children more vulnerable to diseases because of a lack of development in their immune systems.<sup>172</sup> In addition, due to contaminated water, children with weakened immune systems are unable to fight off water-related infections.<sup>173</sup> To combat these issues, Save the Children Finland (SCF) partnered with WaterAid to launch an initiative in South Asia that helped up to 66,000 children obtain WASH services.<sup>174</sup> The three key components that contributed to the success of this initiative were the development of accountability mechanisms, the assurance of meaningful participation, and the adoption of a child rights approach to the policy.<sup>175</sup>

Other groups severely affected by lacking access to basic drinking water services are the urban poor, who comprise 42% of the urban population in developing countries, and the rural poor.<sup>176</sup> A critical issue facing the rural poor is the difficulty to connect their informal settlements to water networks in order to provide clean drinking water and sanitation.<sup>177</sup> Private providers of WASH services often use the lack of official government documentation as a reason to deny the services the rural poor critically need.<sup>178</sup> As a result, residents of informal settlements are often forced to collect water from unsafe sources that cause sickness.<sup>179</sup> However, in 2018 HRC adopted resolution 39/L.16 that recognizes the rights of the rural poor to safe clean drinking water and sanitation.<sup>180</sup> Furthermore, programs such as the Rural Water Supply Universal Access Program implemented by the World Bank in Benin focus on the expansion of piped water systems and increased service delivery methods to increase access to water for those living in rural areas.<sup>181</sup>

### ***Role of Civil Society in Realizing the Equitable Human Right to Water***

Multilateral partnerships between Member States, non-governmental organizations (NGOs), and regional organizations are largely beneficial for ensuring the safe and equitable access to water for all.<sup>182</sup> Civil society organizations (CSOs) have the ability to assist vulnerable groups in achieving the equitable access to safe drinking water through their community approach.<sup>183</sup> National governments partnering with CSOs can use the newly available capacities to develop national action programs that would otherwise rarely be implemented due to a lack of financial or personal resources.<sup>184</sup> According to the Water and Sanitation Program (WSP) of the World Bank's Water Global Practice, it is estimated that Sub-Saharan Africa alone experiences an annual shortage of \$14.3 billion in the water sector.<sup>185</sup> CSOs can use their

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<sup>169</sup> Indigenous Peoples Major Group For Sustainable Development, *The Sustainable Development Goals and Indigenous Peoples*, p. 32.

<sup>170</sup> UN OHCHR, *The Human Right to Water Fact Sheet no. 35*, 2010, p. 20.

<sup>171</sup> *Ibid.*, p. 20.

<sup>172</sup> *Ibid.*, p. 20.

<sup>173</sup> *Ibid.*, p. 20.

<sup>174</sup> WaterAid & Save the Children, *Child Rights Based Water, Sanitation and Hygiene (WASH)*, 2013, pp. 3-5.

<sup>175</sup> *Ibid.*, p. 7.

<sup>176</sup> UN-Water, *Eliminating discrimination and inequalities in access to water and sanitation*, 2015, p. 16.

<sup>177</sup> UN OHCHR, *The Human Right to Water Fact Sheet no. 35*, 2010, p. 19.

<sup>178</sup> *Ibid.*, p. 18.

<sup>179</sup> *Ibid.*, p. 19.

<sup>180</sup> UN HRC, *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (A/HRC/39/L.16)*, 2018, p. 14.

<sup>181</sup> World Bank, *Benin Rural Water Supply Universal Access Program*, 2018, p. 1.

<sup>182</sup> UN-Water, *Civil Society: key contributors to water and sustainable development*, 2015, pp. 2-4.

<sup>183</sup> *Ibid.*, pp. 6-8.

<sup>184</sup> *Ibid.*, pp. 6-8.

<sup>185</sup> International Bank for Reconstruction and Development & The World Bank, *Governments Don't Have to Go It Alone*, 2015, pp. 1-2.

knowledge and capacities to help national governments obtain the finances required to implement new policy changes and programs related to the right to water.<sup>186</sup>

The Global Water Partnership (GWP) is a global network of over 3,000 organizations in 183 states, which coordinate their activities related to water resources management.<sup>187</sup> The comparative advantage of the GWP and the involved CSOs is the ability to bring together different stakeholders, draw on their expertise, and develop solutions how to manage and use water more sustainably.<sup>188</sup> A successful example of a government-CSO partnership is the Swiss Agency for Development and Cooperation (SDC), which launched the Swiss Water Partnership (SWP) in 2011 to help provide aid and resources for development projects.<sup>189</sup> The SWP invests in the installation of decentralized water supply systems that are managed by local communities and that provide these communities with a secure water supply system and services.<sup>190</sup> Another successful CSO initiative is the Water Credit Initiative organized by Water.org, which offers affordable financial loans to invest in better water services and sanitation in households.<sup>191</sup>

### **Conclusion**

It is the duty of HRC to promote and protect universal human rights, and to ensure that Member States fulfill their responsibilities in this regard.<sup>192</sup> While progress remains consistent, it is imperative that Member States pursue partnerships with CSOs to be able to develop comprehensive strategies and actions plans that allow the provision of water services to all.<sup>193</sup> Issues of systematic discrimination still remain a major challenge, and the international community is therefore required to respond accordingly with gender-, age-, and health-adaptive solutions that allow marginalized communities to obtain an equitable human right to water.<sup>194</sup> The achievement of the equitable right to water for all directly helps achieve many of the targets and goals of the SDGs as well.<sup>195</sup>

### **Further Research**

When researching the topic, delegates should take into consideration these pivotal questions: How can HRC ensure progress is being made with regard to the access to water as a human right? What other SDGs can help promote water as a human right and ensure the equitable access to safe drinkable water to all? In what ways can HRC go beyond what it does now to help achieve the equitable access to water? Who are the main beneficiaries of the human right to water and which groups are being left out of the conversation? How can these groups be empowered? How can the UN system help Member States adopt regulatory standards for the access to water? How can CSOs further expand beyond their already established partnerships with the UN to further increase their capacity?

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*This report was published by the Human Rights Commission in New Zealand and provides an insight into the ways human rights are put at the forefront of water policies.*

*This report also mentions a number of important international documents that have*

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<sup>186</sup> Ibid, pp. 3-4.

<sup>187</sup> Global Water Partnership, *Civil Society Organisations*, 2017, p. 1.

<sup>188</sup> Ibid., p. 1.

<sup>189</sup> Swiss Agency for Development and Cooperation, *Water: A SDC Global Programme*, 2016, p. 6.

<sup>190</sup> Swiss Agency for Development and Cooperation, *Guidebook for the implementation of decentralized water supply systems in Moldova*, 2014, pp. 1-4.

<sup>191</sup> Water.org, *Water Credit*, 2018, p. 1.

<sup>192</sup> WHO, *2.1 billion people still lack safe drinking water at home, more than twice as many lack safe sanitation*, 2017, p. 1.

<sup>193</sup> Global Water Partnership, *Civil Society Organisations*, 2017, p. 1.

<sup>194</sup> UN-Water, *SDG 6 Synthesis Report 2018 on Water and Sanitation*, 2018, p. 148.

<sup>195</sup> UN Sustainable Development Knowledge Platform, *Sustainable Development Goal 6*, 2018, p. 1.

*helped set the precedent and justified the right to water as a human right. By reading this report, delegates will directly learn how national policies can be guided and influenced by both human rights and international precedents.*

United Nations Children's Fund. (2017). *Safely Managed Drinking Water* [Report]. Retrieved 9 August 2018 from: <https://data.unicef.org/wp-content/uploads/2017/03/safely-managed-drinking-water-JMP-2017-1.pdf>

*This report published by UNICEF gives greater detail on the improvements in indicators and service levels that the Joint Monitoring Program has been utilizing to be able to more efficiently monitor and solve water service problems. The development of new ladder tiers of the different levels of services allows for communities to identify the specific areas that need to be addressed. By ranking services based upon the new standards, delegates will be able to develop strategies that help promote efficient progression to improved water services by focusing on the specific issues that face a particular community, such as affordability, accessibility, and safety.*

United Nations, General Assembly, Sixty-fourth session. (2010). *The Human Right to Water and Sanitation (A/RES/64/292)* [Resolution]. Adopted without reference to a Main Committee (A/64/L.63/Rev.1 and Add.1). Retrieved 9 August 2018 from: <http://undocs.org/A/RES/64/292>

*This resolution adopted by the General Assembly in 2010 was the initial resolution that officially deemed the right to water as a human right that Member States must protect. The resolution gave full clearance to HRC to be able to proceed with the formal adoption of the right to water within their mandate. This was just the first step in a long line of conventions that helped push the issue into the more common human rights dialogue and presents the intricacy of the issue of the equitable right to water. Delegates should read this resolution, as it provides the foundation of all future frameworks on the right to water.*

United Nations, General Assembly, Seventy-second session. (2017). *Report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/72/127)*. Retrieved 9 August 2018 from: <http://undocs.org/A/72/127>

*This report complements the Special Rapporteur's report 36/45 of 2018 on the realization of the human rights to water and sanitation in development cooperation. This report examines the premises outlined by previous reports that set the regulatory standards of access to safe water through six case studies, which focus on both national action plans and UN initiatives. This report will help delegates focus on the successful components of the previous frameworks and reflect on what improvements can be made in this regard.*

United Nations, Human Rights Council, Fifteenth session. (2010). *Human Rights and Access to Safe Drinking Water and Sanitation (A/HRC/15/9)* [Resolution]. Retrieved 9 August 2018 from: <http://undocs.org/A/HRC/RES/15/9>

*This resolution adopted by HRC came shortly after the initial adoption of the General Assembly resolution 64/292 establishing the right to water as a human right. It was this resolution, however, that gave the justification by which HRC could adopt it to be part of its mandate. In addition, this resolution also formally recognized the Special Rapporteur on the human right to water and sanitation. Delegates can deduct from this the reasoning as to why the right to water must be considered as a human right.*

United Nations Special Rapporteur on the human right to safe drinking water and sanitation. (2012). *On the Right Track: Good practices in realizing the rights to water and sanitation* [Report]. Retrieved 9 August 2018 from: [https://www.ohchr.org/Documents/Issues/Water/BookonGoodPractices\\_en.pdf](https://www.ohchr.org/Documents/Issues/Water/BookonGoodPractices_en.pdf)

*This publication by the Special Rapporteur focuses on the practices of good behavior and cooperation that help national governments to invest in methods and practices that yield the best results possible with regard to the realization of the rights to water and sanitation. Furthermore, this report provides a list of examples of bilateral cooperation between NGOs and regional organizations that have been successful in implementing water-related projects in Member States. Delegates can use the report to identify regional*

cooperation frameworks and partnerships that might be applicable and beneficial for their Member States as well.

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*This report was published by UN-Water as a comprehensive approach to assess the ways in which different groups and communities are marginalized and discriminated against in regard to access to water. Key issues and factors that must be considered are disabilities, gender, and levels of income. This report gives details of what methods, policy frameworks, and contextual conditions have to be considered when discussing plans of action to help solve the disparity in access to water services. By reading this report, delegates will better understand the specific problems and obstacles that minority face groups in achieving the right to water.*

United Nations Water. (2016). *Water and Sanitation interlinkages across the 2030 Agenda for Sustainable Development* [Report]. Retrieved 9 August 2018 from: <http://www.unwater.org/publications/water-sanitation-interlinkages-across-2030-agenda-sustainable-development/>

*This report was released by UN-Water as a guide to understand why and how water is a vital part of all the 17 SDGs listed in the 2030 Agenda. The sections of this report are divided into the different interlinkages between water and the achievement of the 2030 Agenda, clustered by specific groups of goals. With the information provided, delegates will be able to comprehend the strong connections and interdependencies between the right to water and the SDGs and understand how the promotion of water services helps promote all the other goals as well.*

United Nations Water. (2018). *SDG 6 Synthesis Report 2018 on Water and Sanitation*. Retrieved 9 August 2018 from: [http://www.unwater.org/publication\\_categories/sdg-6-synthesis-report-2018-on-water-and-sanitation/](http://www.unwater.org/publication_categories/sdg-6-synthesis-report-2018-on-water-and-sanitation/)

*This report was published by UN-Water as an in-depth look into the targets, indicators, and overall mission of SDG 6, which aims to foster the achievement of clean water and sanitation services for all people. This report provides valuable information on the progress and shortcomings of the targets set by SDG 6, as well as the need to continue progressing the quality of water systems and the access to water. By reading this report, delegates will be able to deduct the key issues slowing down progress with regard to the equitable access to water and develop solutions to those challenges halting progression.*

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*This report is the most recent update by the JMP that discusses the progression as well as challenges and setbacks regarding WASH that occurred during 2017. In this report, delegates will find valuable statistics and data charts that are needed to be able to address the topic at hand. The report points to the growing number of people who are gaining better access to more advanced water services, but it also highlights those who are still staying in the same category of service levels due to the lack of financial or political capacity. Delegates can make use of the large array of information contained in this report to gain an overall holistic understanding of the topic.*

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## II. Human Rights of Unaccompanied Migrant Children and Adolescents

“No matter who they are or where they come from, all children have the same rights.”<sup>196</sup>

### Introduction

At present, there are significant deficits in data surrounding child migrants; however, existing data suggests an unprecedented rise in global migration in the past few years.<sup>197</sup> A total of 35 million children were living outside of their country of origin as of 2014, and children and adolescents comprised more than half of all refugees worldwide in 2015.<sup>198</sup> Since then, this flow of migrants has stabilized but remains a regular occurrence with about 173,800 children migrating unaccompanied or separated from their families in 2017 alone.<sup>199</sup> There are numerous reasons why children migrate and are often unaccompanied by their parents or families, which can include conflict in their country of origin, lack of resources and economic hardship, human trafficking, sexual exploitation and abuse, gender-based violence, and denial of access to health, education, food, water, and housing.<sup>200</sup> However, the human rights violations unaccompanied child migrants suffer differ based on the geographic area in which they occur and the gender of the child.<sup>201</sup>

Migration refers to the movement of persons within a state or across international borders, and the term migrants encompasses refugees, displaced persons, economic migrants, and persons looking to reunite with their families.<sup>202</sup> According to the *Convention on the Rights of the Child* (CRC) (1989), a child includes individuals below 18 years of age and those with special legal status.<sup>203</sup> In its reports on unaccompanied child migrants, the United Nations (UN) Human Rights Council (HRC) Advisory Committee uses the term “child” to refer to both children and adolescents.<sup>204</sup> Although unaccompanied migrant children and adolescents are defined differently per organization, the Committee on the Rights of the Child and the Inter-American Court of Human Rights agreed in 2017 that unaccompanied migrant children are children who have been separated from their parents and families and are not being cared for by a legal or customary guardian.<sup>205</sup> Hence, children who are forced to migrate in the absence of adults or family fall into this vulnerable group because they are both minors as well as migrants in need of special care and protections.<sup>206</sup> The *International Bill of Human Rights*, which consists of the *Universal Declaration of Human Rights* (UDHR), the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and its two Optional Protocols, further guides HRC’s work by outlining the human rights’ responsibilities of Member States and the international community to protect vulnerable groups like migrants.<sup>207</sup>

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<sup>196</sup> UNICEF, *Protecting children on the move*, 2015, p.1.

<sup>197</sup> *Ibid.*, pp.3-5;

<sup>198</sup> UNICEF, *Protecting children on the move*, 2015, p.1; HRC, *Global issue of unaccompanied migrant children and human rights: Final report of the Human Rights Council Advisory Committee (A/HRC/36/51)*, 2017, p. 3.

<sup>199</sup> UNHCR, *Global Trends – Forced Displacement in 2017*, 2018.

<sup>200</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Final report of the Human Rights Council Advisory Committee (A/HRC/36/51)*, 2017, pp. 6-12; HRC, *Panel discussion on unaccompanied migrant children and adolescents and human rights: Concept note*, 2017.

<sup>201</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016.

<sup>202</sup> IOM, *Key Migration Terms*, 2011.

<sup>203</sup> UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989.

<sup>204</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Final report of the Human Rights Council Advisory Committee (A/HRC/36/51)*, 2017, p. 4.

<sup>205</sup> *Ibid.*

<sup>206</sup> *Ibid.*

<sup>207</sup> UN OHCHR, *Fact Sheet No.2 (Rev. 1), The International Bill of Rights*, 1996, p. 3.

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

The UDHR, adopted by the General Assembly in 1948, contains human rights standards that promote universal enjoyment of all human rights and ultimately guide the work of HRC.<sup>208</sup> The UDHR recognizes that all human beings, including migrant children, have equal human rights.<sup>209</sup> Rights pertaining to the child were first recognized through the General Assembly's proclamation of the *Declaration of the Rights of the Child* in 1959.<sup>210</sup> This Declaration was created out of the recognition that the principles of the UDHR cannot be realized for the child, unless the rights of the child are protected and the child is provided security to ensure its welfare.<sup>211</sup>

In 1966, the General Assembly adopted the ICCPR and ICESCR under resolution 2200 (XXI) to encourage the enjoyment of civil and political rights as well as economic, social, and cultural rights by man, woman, and child.<sup>212</sup> While the Covenants outline a broad range of socio-economic and political human rights, which child migrants and refugees should be afforded, Member States face challenges implementing these protections, as resources and capacity vary within states.<sup>213</sup> Although each Member State faces different challenges in guaranteeing human rights, Member States that ratified these multilateral treaties are responsible for finding ways to fulfill their obligations and protect the human rights of child migrants, refugees, and asylum seekers, irrespective of their origins or circumstances.<sup>214</sup> Member States have also pledged to uphold various human rights of unaccompanied child migrants enshrined in the CRC and its Optional Protocols, wherein Articles 9, 19, and 36 of the Convention prohibit human rights violations unaccompanied child migrants commonly suffer, i.e. separation from the family; sexual abuse, violence and exploitation of the child; and detention and subjection to torture.<sup>215</sup>

In 2016, the General Assembly adopted resolution 71/1 on the *New York Declaration for Refugee and Migrants*.<sup>216</sup> The New York Declaration calls upon a number of UN agencies, including the UN High Commissioner for Refugees (UNHCR), to work in tandem with other UN bodies, states, and relevant stakeholders to combat growing global displacement.<sup>217</sup> The mechanism for doing so is the *Comprehensive Refugee Response Framework* (CRRF), which encourages inclusion so that refugees' rights and protections are safeguarded and become equal to other members of their society.<sup>218</sup> The CRRF aims to ensure states provide refugees with immediate human rights protection by outlining some of the major challenges facing migrants and refugees, like the need to seek identification for those displaced and the need to provide basic necessities, such as adequate food, water, and housing.<sup>219</sup> The Declaration formed the basis of an intergovernmental agreement, known as the *Global Compact For Safe, Orderly and Regular Migration*, which seeks to offset over-burdened countries.<sup>220</sup> The Global Compact aspires to more equally distribute migrant and refugee-hosting responsibilities among states,

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<sup>208</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

<sup>209</sup> Ibid.

<sup>210</sup> UN General Assembly, *Declaration of the Rights of the Child (A/RES/1386 (XIV))*, 1959.

<sup>211</sup> Ibid.

<sup>212</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>213</sup> UN OHCHR, *Fact Sheet No.2 (Rev. 1), The International Bill of Rights*, 1996, p.3; Persaud, *New Issues in Refugee Research: Protecting refugees and asylum seekers under the International Covenant on Civil and Political Rights*, 2006, pp. 1, 30-31.

<sup>214</sup> UN OHCHR, *Migration and Development: A Human Rights Approach*, p. 3.

<sup>215</sup> UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1990; UN General Assembly, *Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (A/RES/54/263)*, 2000.

<sup>216</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016.

<sup>217</sup> UNHCR, *The New York Declaration for Refugees and Migrants: A new way to support refugees and people who have left their countries*, 2016.

<sup>218</sup> UNHCR, *Comprehensive Refugee Response Framework*, 2018.

<sup>219</sup> Ibid.

<sup>220</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016; UN OHCHR, *New York Declaration for Refugees and Migrants: Comprehensive Refugee Response Framework*, 2018.

and to better coordinate and manage the flow of migration on a regional and global scale.<sup>221</sup> Additionally, UNHCR was tasked with submitting a plan for a *Global Compact on Refugees*, which builds on the CRRF and provides the international community with guidance to take practical action when responding to and sharing the burden and responsibility to protect refugees.<sup>222</sup>

The *Global Compact on Refugees* also aligns with the CRRF, which reflects the international community's commitments to facilitate the inclusionary element of the *2030 Agenda for Sustainable Development* (2015) and ensure that no one, including unaccompanied child migrants, is left behind.<sup>223</sup> This compact acknowledges that migrants provide a significant contribution to the achievement of the 17 Sustainable Development Goals (SDGs).<sup>224</sup> Its framework therefore intends to monitor refugee numbers to meet SDG 10, to reduce inequalities - specifically target 10.7 of the 2030 Agenda.<sup>225</sup> Target 10.7 supports "facilitating orderly, safe, regular, and responsible migration and mobility of people."<sup>226</sup> These frameworks align international cooperation with the focus on migration in the SDGs by working to close the gap between human rights protections and migrants in transit and by facilitating societal development.<sup>227</sup> Hence, these frameworks provide guidance on how to enforce commitments to end child detention, prevent and treat sexual and gender-based violence, ensure child migrants receive education, and support all other fundamental human rights of child migrants.<sup>228</sup>

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

HRC has adopted several resolutions pertaining to the issue of unaccompanied migrant children.<sup>229</sup> In July 2015, HRC adopted resolution 29/12 on "Unaccompanied migrant children and adolescents and human rights."<sup>230</sup> This resolution called attention to the surge in child and adult migrants, which has pervaded the globe since 2014, and undermines the child's full enjoyment of human rights.<sup>231</sup> Moreover, resolution 29/12 reminds Member States of their commitments to preserve the human rights of the child under various international instruments and that they can treat the migration crisis by taking steps toward family reunification and protecting the child.<sup>232</sup> The CRC established the Committee on the Rights of the Child, which monitors the progress of Member States in fulfilling their obligations to the Convention and tasked the United Nations Children's Fund (UNICEF) with the responsibility of promoting and protecting the rights of the child by supporting its work.<sup>233</sup> Resolution 33/7, adopted by HRC on 29 September 2016, directs Member States to report on unaccompanied child migrants, prepared by the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in order to better understand and treat human rights violations of child migrants and girls in particular.<sup>234</sup> The resolution also requests that the HRC Advisory Committee study and prepare a report on "the global issue of unaccompanied migrant children and adolescents and human rights."<sup>235</sup> The final report of the HRC Advisory Committee outlines different motivations for the movement

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<sup>221</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016.

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

<sup>223</sup> Appave & Sinha, *Migration in the 2030 Agenda*, 2017, p. 3.

<sup>224</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016.

<sup>225</sup> IOM, *Global compact for migration*.

<sup>226</sup> Appave & Sinha, *Migration in the 2030 Agenda*, 2017, p. 3.

<sup>227</sup> *Ibid.*, p. 3.

<sup>228</sup> General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016.

<sup>229</sup> UN HRC, *Unaccompanied migrant children and adolescents and human rights (A/HRC/RES/29/12)*, 2015.

<sup>230</sup> *Ibid.*

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

<sup>232</sup> *Ibid.*

<sup>233</sup> UNICEF, *Convention on the Rights of the Child, Frequently Asked Questions*, 2005; UNICEF, *Convention on the Rights of the Child, Monitoring the Fulfilment of States Obligations*, 2005.

<sup>234</sup> UN HRC, *Unaccompanied migrant children and adolescents and human rights (A/HRC/RES/33/7)*, 2016.

<sup>235</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016.

of unaccompanied migrants and adolescents, as well as regional situations, main human rights violations facing this group, and recommendations for Member States.<sup>236</sup>

The Commission on Human Rights created the Special Rapporteur on the human rights of migrants in 1999 with resolution 1999/44, mandating the Rapporteur to examine basic human rights obstacles facing migrants and include a gender perspective, and regularly report its recommendations to the Commission and the General Assembly.<sup>237</sup> The Special Rapporteur's latest report on the human rights of migrants declares that migrants are drivers of development.<sup>238</sup> It also suggests short-term and long-term approaches toward realizing the importance of unaccompanied child migrants, facilitating human mobility, and ensuring non-discrimination and equality to guarantee respect for the human rights of all migrants.<sup>239</sup> HRC resolution 36/5 of 2017 specifically calls upon Member States from which child migrants flee, those where they transit, and those which receive migrants to immediately respond to and facilitate the situations of unaccompanied child migrants in every step of the migratory process and to manage their immigration policies to meet the needs of unaccompanied child migrants.<sup>240</sup> In this light, the Office of the High Commissioner for Human Rights (OHCHR) at the General Assembly's event on "Strengthening cooperation on migration and refugee movements in the perspective of the new development agenda" reminded Member States that migrants and refugees run from persecution, poverty, and discrimination, and they are therefore equally deserving of human rights protections.<sup>241</sup> Hence, the work of HRC is strengthened through support of other UN bodies, whose goals align and which ultimately work toward the same cause.<sup>242</sup> The work of Member States, UN bodies like the International Organization for Migration (IOM), United Nations Development Programme (UNDP), and civil society organizations (CSOs) are instrumental for ensuring that unaccompanied migrant children maintain their human rights.<sup>243</sup>

IOM plays an integral role in advancing HRC's overarching goal to promote humane and orderly migration.<sup>244</sup> This body produces publications, containing detailed information on the specific situations of minor unaccompanied migrants and guidelines that Member States and CSOs can utilize.<sup>245</sup> CSOs also play an important role in the prevention and intervention of human rights abuses of unaccompanied migrant children and adolescents by directly providing the group with services they lack, such as access to education.<sup>246</sup> They seek to do so through coordinating and cooperating with local, regional, and international organizations in order to provide child migrants with various types of aid and resources.<sup>247</sup> Through their work with all levels of government, CSOs can help facilitate effective reception of migrants and provide greater health and educational support.<sup>248</sup> Integrating a human rights perspective at all levels of coordination and information sharing is necessary to influence migrant inclusivity and protect their human rights.<sup>249</sup>

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<sup>236</sup> Ibid.

<sup>237</sup> UN OHCHR, *Special Rapporteur on the human rights of migrants*, 2016.

<sup>238</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants (A/72/173)*, 2017.

<sup>239</sup> Ibid.

<sup>240</sup> UN HRC, *Unaccompanied migrant children and adolescents and human rights (A/HRC/RES/36/5)*, 2017.

<sup>241</sup> UN OHCHR, *Statement of the High Commissioner for Human Rights at the side event on 'Strengthening cooperation and migration and refugee movement in the perspective of the new development agenda'*, 2015.

<sup>242</sup> IOM, *Children on the move*, 2013.

<sup>243</sup> UN HRC, *Unaccompanied migrant children and adolescents and human rights (A/HRC/RES/36/5)*, 2017.

<sup>244</sup> IOM, *Children on the move*, 2013.

<sup>245</sup> Ibid.

<sup>246</sup> HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

## ***The Causes and Consequences of Unaccompanied Migrant Children***

Unaccompanied migrant children and adolescents flee from their place of origin and are separated from their families for various reasons.<sup>250</sup> The different types of child migrant separation include: separation from family and guardians upon their final resettling, separation occurring during transit, migration without family or caretakers, and failing to make the full journey due to lack of resources.<sup>251</sup> Environments that are politically unstable, undergoing conflict, discrimination, extreme violence, or persecution typically give rise to child migration.<sup>252</sup> In addition, there are various factors which influence child migrants to abandon their homes in search of better livelihoods and more fully realized human rights.<sup>253</sup> The most common theme in their movement is that they are typically escaping human rights violations occurring in their home countries, only to encounter more abuse during relocation and after resettling.<sup>254</sup>

Some factors, such as existing human rights abuses, economic hardship, and lack of job opportunities, push children from their homes, while the prospect of better living conditions and access to opportunities attract children to move elsewhere.<sup>255</sup> Major pull factors for this group include increased economic opportunities and access to better education, which appeals to the possibility of a better quality of life, as well as improvements in the enjoyment of their human rights, like the right to education.<sup>256</sup> On the other hand, in cases of humanitarian crises, children and adolescents are pushed away from their homes.<sup>257</sup> Furthermore, financial hardships and poverty, in addition to the desire to reunite with their families or caretakers, can significantly influence children and adolescents to move unaccompanied.<sup>258</sup>

Other unaccompanied children migrate unknowingly or against their will, such as those who are trafficked, or too young and simply unaware of reasons why they were forcibly displaced from their country and forced into another.<sup>259</sup> These individuals can either seek asylum as refugees or forego the option of asylum altogether, since being placed in reception centers would mean residing in an institution, which may not cater to their human rights.<sup>260</sup> Other migrants are simply unable to even entertain this option since they fail to satisfy the strict asylum requirements of their receiving country altogether.<sup>261</sup> Nevertheless, the progress report of the HRC Advisory Committee identified significant human rights violations migrant children suffered and related issues in identified areas across the globe.<sup>262</sup>

In Africa and the Middle East, human trafficking, physical abuse, and sexual and labor exploitation are the most identifiable human rights abuses occurring.<sup>263</sup> For example, UNICEF reported about 40,000 children among mine workers in the Democratic Republic of the Congo; in such cases, child migrants are considered “victims of labor exploitation,” since these jobs may be legitimate but still prevent children’s

<sup>250</sup> Ibid.

<sup>251</sup> Ibid.

<sup>252</sup> UNICEF, *Uprooted*, 2016, p. 43; HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 4.

<sup>253</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016.

<sup>254</sup> Ibid.

<sup>255</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 4; UNICEF, *Uprooted*, 2016, p. 43.

<sup>256</sup> UNICEF, *Uprooted*, 2016, p. 43; HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 4.

<sup>257</sup> UNICEF, *Uprooted*, 2016, p. 43.

<sup>258</sup> UNICEF, *Uprooted*, 2016, p. 43; HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 4.

<sup>259</sup> European Migration Network, *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway*, 2014, p. 12.

<sup>260</sup> UNICEF, *Uprooted*, 2016, p. 43; HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 4.

<sup>261</sup> Ibid.

<sup>262</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016.

<sup>263</sup> Ibid., pp. 12-14.

access to fundamental human rights like education and medical care.<sup>264</sup> In Asia and Eastern Europe, the major human rights issues against unaccompanied migrants involve exploitation, lack of policies addressing the needs of migrant children, non-implementation of relevant policies, and difficulties assimilating.<sup>265</sup> For instance, migrant children report experiencing physical and sexual abuse by employers in Bangladesh and other countries in Asia.<sup>266</sup> In the Latin and Central American region, trafficking and exploitation results in depriving migrant children of their human rights to “education, health, housing and the right to a life free of violence.”<sup>267</sup>

### **Assessing the Scope of Unaccompanied Migration**

Countries like Zimbabwe have included child migrants in their migration policies, passing laws like the Anti-Trafficking Act, and establishing reception centers to support them.<sup>268</sup> In Asia and Eastern Europe, authorities are required to work toward protecting migrant children’s needs and reuniting separated families when it is in the child’s best interest.<sup>269</sup> In Serbia, however, demographic and cultural differences, like language barriers, hinder migrant children’s ability to effectively communicate their circumstances with authorities in their receiving state, and thus undermines full protection of their human rights.<sup>270</sup> Belgium created a law that guarantees migrant children separated from their families a legal right to be heard.<sup>271</sup> Similarly, countries like El Salvador interview incoming migrant children in attempts to understand their needs.<sup>272</sup> Honduras has specialized programs targeting under-age international migrants, and Paraguay even established “Municipal Councils for Children and Adolescents” to officially represent these children.<sup>273</sup>

Although Member States have a general idea of the human rights abuses child migrants face, the reasons unaccompanied children and adolescents migrate and the extent of their suffering are not fully understood because there is a lack of data required to truly understand the complexity of their situations.<sup>274</sup> Challenges in monitoring children within the state as well as voluntary and forced migration, as well as human trafficking, results in Member States not knowing the magnitude of child migrants traveling in and out of their country.<sup>275</sup> This means that a growing number of migrants and refugees are unaccounted for.<sup>276</sup> Since so little is known about the well-being of unaccompanied migrant children, as well as the true nature of this humanitarian crisis and the human rights violations occurring, it is difficult for Member States to identify problems and generate lasting solutions.<sup>277</sup> Hence, it is important to address this overall lack of reliable data to counter major human rights issues, which hampers policy-making, leads to shortcomings in the general response to protecting human rights of migrants and refugees, and ultimately undermines the cause for unaccompanied child migrants altogether.<sup>278</sup>

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<sup>264</sup> Ibid., p. 12.

<sup>265</sup> Ibid., pp. 12-14.

<sup>266</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 12.

<sup>267</sup> Ibid.

<sup>268</sup> Ibid., pp. 12-14.

<sup>269</sup> UNICEF, *Implementation Handbook for the Convention on the Rights of the Child*, 2007, pp. 35-36.

<sup>270</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, p. 13.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> Ibid., pp. 13-14.

<sup>274</sup> UNICEF, *Uprooted*, 2016, p.45; UN Committee on the Rights of the Child, *Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration*, 2012.

<sup>275</sup> UNICEF, *Uprooted*, 2016, p. 6.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid., pp. 6, 115.

<sup>278</sup> UNICEF, *Uprooted*, 2016, pp. 6, 115; HRC, *Global issue of unaccompanied migrant children and human rights: Progress report of the Human Rights Council Advisory Committee (A/HRC/33/53)*, 2016, pp. 18-19.

## Conclusion

The migration of unaccompanied children and adolescents presents a number of issues, which threaten their livelihood and undermine their human rights protections in many ways.<sup>279</sup> Although international treaties and conventions declare the rights of the child fundamental, there remain a number of obstacles that prevent the implementation and effective application of these principles globally.<sup>280</sup> Unaccompanied children migrate for numerous reasons, much of which have not yet been comprehensively identified, which in turn creates greater difficulty in treating this problem.<sup>281</sup> Furthermore, given that migrant women and girls have different sets of vulnerabilities than male migrants, gender issues are indispensable to deriving solutions to situations surrounding migrant children and adolescents; yet there is an overall lack of gender mainstreaming in response to this vulnerable group.<sup>282</sup> Human rights violations occurring at home are the common cause for the unaccompanied migration of children and adolescents, and thus must be treated on a case-by-case basis.<sup>283</sup> There is a need to align existing international frameworks with national policies while prioritizing the protection of unaccompanied migrant children to avoid continued abuse of their human rights.<sup>284</sup> Nonetheless, HRC continues to monitor and report on the situation of unaccompanied migrant children and adolescents and the ways in which their situations hinder the full enjoyment of their human rights.<sup>285</sup>

## Further Reading

As delegates research this topic, they should consider the following questions: How can the international community prevent voluntary and forced child migration? How do Member States address the root causes of unaccompanied child and adolescent migration? Is there a way to ensure that Member States enact and abide by all the provisions contained in international treaties and uphold their human rights commitments and aid in the prevention of this vulnerable group migrating? What laws, policies, practices, and other mechanisms can be utilized to ensure that the local, regional, and international organizations work in close coordination with one another toward the preservation and protection of human rights for this vulnerable group?

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*The main purpose of this publication is to highlight the fact that, while it was previously overlooked in the Millennium Development Goals (MDGs), migration is now recognized as a quintessential contributor to the achievement of the SDGs. This publication stresses the important role IOM plays in furthering the migration dimension of sustainable development, and it is therefore a great starting point for delegates to brainstorm how HRC may strengthen its relationship with this organization to pursue this goal. Delegates would find it useful to note the ways in which IOM includes a human rights-based approach into its work. This handbook illustrates how Member States can include migrants in their national and international policies, and it will be a particularly useful starting point for research into the links between migration and the SDGs.*

International Organization for Migration. (2013). *Children on the move*. Retrieved 23 October 2018

from: [https://publications.iom.int/system/files/pdf/children\\_on\\_the\\_move\\_15may.pdf](https://publications.iom.int/system/files/pdf/children_on_the_move_15may.pdf)

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<sup>279</sup> UN HRC, *Global issue of unaccompanied migrant children and human rights: Final report of the Human Rights Council Advisory Committee (A/HRC/36/51)*, 2017, p. 1.

<sup>280</sup> *Ibid.*, p. 3.

<sup>281</sup> *Ibid.*, pp. 3-6.

<sup>282</sup> *Ibid.*, pp. 12-13.

<sup>283</sup> *Ibid.*, pp. 6-10.

<sup>284</sup> *Ibid.*, pp. 17-19.

<sup>285</sup> *Ibid.*, p. 5.

*This publication consolidates a number of documents, which analyze the situation of children on the move. As such, this publication can help Member States properly assess the vulnerability of migrant children to human rights violations, recognize their needs, identify challenges NGOs and other groups face protecting this group, assess the legal rights of children who migrate and those who return home, and provide multiple ways to understand and treat the humanitarian crisis. Delegates will find the materials contained in this publication useful to undertake country-specific studies and to brainstorm solutions to the challenges facing their own countries.*

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Migration and Development: A Human Rights Approach* [Research Paper]. Retrieved 24 July 2018 from: <http://www2.ohchr.org/english/bodies/cmw/docs/HLMigration/MigrationDevelopmentHC%27spaper.pdf>

*Prepared by the OHCHR, this document contains a concise human rights overview of contemporary migration. By carefully studying this document, delegates can gain insight into the relationships between migrants and their human rights at the national, regional, and international level. This document discusses international conventions, regional issues, and national issues with a focus on highlighting links between migration and development. This paper also makes mention of the gender aspect of unaccompanied migrant children and adolescents.*

Office of the United Nations High Commissioner for Refugees. (2018). *Comprehensive Refugee Response Framework* [Website]. Retrieved 24 July 2018 from: <http://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html>

*The fundamental work of HRC, protecting the human rights of all, is made possible through information provided by organs of the UN, such as the Office of the High Commissioner for Refugees. Since refugees and migrants are often treated similarly under the law, delegates can utilize the information and direction provided by this source in order to determine the best ways Member States and other bodies can bring the vision of the CRRF to fruition. Since the CRRF tackles the inclusionary aspect of the 2030 Agenda for Sustainable Development, it is a good starting point for delegates to understanding this dimension of sustainable development.*

Office of the United Nations High Commissioner for Refugees. (2018). *Global Trends – Forced Displacement in 2017* [Website]. Retrieved 8 July 2018 from: <http://www.unhcr.org/globaltrends2017/>

*In order to find effective solutions to the humanitarian crisis that is widespread displacement of children and adolescents, delegates must first understand the major human rights issues this vulnerable group faces and what causes them to migrate in the first place. Delegates can begin their research by first becoming familiar with the global trends of migrants, internally displaced persons (IDPs), and refugees in order to understand the situations and human rights violations facing unaccompanied or separated children and adolescents. This report provides an overview of the trends of displacement across the globe and will allow delegates to have a general idea of the parameters of the refugee crisis.*

Office of the United Nations High Commissioner for Refugees. (2018). *The New York Declaration for Refugees and Migrants: Comprehensive Refugee Response Framework* [Website]. Retrieved 24 July 2018 from: <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html#CRRF>

*The New York Declaration for Refugees and Migrants is a milestone document whereby Member States pledged to take steps toward recognizing the human rights of refugees and migrants, largely through its CRRF. In addition, the New York Declaration's CRRF contains two proposals to promote global support for migrants and refugees which are the Global Compact for Safe, Orderly and Regular Migration, and the Global Compact on Refugees. This link provides delegates with a number of additional sources for research, and an examination of the New York Declaration would give delegates an international*

*perspective on responding to the human rights crisis unaccompanied migrant children are suffering.*

Persaud, S. (2006). *New Issues in Refugee Research: Protecting refugees and asylum seekers under the International Covenant on Civil and Political Rights* [Research Paper]. Retrieved 8 July 2018 from: <http://www.unhcr.org/4552f0d82.pdf>

*This research paper is particularly useful for delegates because it goes into depth about Member States' implementation of the ICCPR, one of the fundamental universal human right treaties. It mentions the role of the UN Human Rights Committee in reviewing States Reports and individual complaints regarding human rights protections and violations of refugees, asylum seekers, and those separated from their families during flight, among other things. Delegates will find this useful since it covers many aspects of human rights violations of migrants and provides specific information to illustrate how migrants' and refugees' human rights are violated.*

United Nations Children's Fund. (2007). *Implementation Handbook for the Convention on the Rights of the Child*. Retrieved 8 July 2018

from: [https://www.unicef.org/publications/files/Implementation\\_Handbook\\_for\\_the\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child\\_Part\\_1\\_of\\_3.pdf](https://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child_Part_1_of_3.pdf)

*Although this UNICEF publication was published before the child migration issue gained momentum and will therefore provide limited application in the modern-day context, this handbook provides detailed insight into the procedures for enforcing various articles of the Convention. Through studying this handbook, delegates will be able to have a better overview of the rights afforded to the child. Delegates will also be able to understand the ways and means these rights can be implemented and upheld in terms of accountability and efficacy, specifically by Member States, the UN system, and other actors.*

United Nations, Committee on the Rights of the Child. (2012). *Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration*. Retrieved 24 July 2018

from: [https://www2.ohchr.org/english/bodies/crc/docs/discussion2012/2012crc\\_dgd-childrens\\_rights\\_internationalmigration.pdf](https://www2.ohchr.org/english/bodies/crc/docs/discussion2012/2012crc_dgd-childrens_rights_internationalmigration.pdf)

*This report contains essential information on some of the challenges facing the study of unaccompanied migrant children and adolescents. By studying this report, delegates would gain a better understanding of the different forms human rights violations can take. Delegates can also learn different avenues available to Member States to protect migrant children from human rights violations.*

United Nations, Human Rights Council, Thirty-sixth session. (2017). *Global issue of unaccompanied migrant children and human rights: Final report of the Human Rights Council Advisory Committee (A/HRC/36/51)*. Retrieved 8 July 2018 from: <https://undocs.org/A/HRC/36/51>

*In light of the human rights issues faced by unaccompanied migrant children and adolescents across the globe, the HRC Advisory Committee has provided a number of progress reports on the situation of unaccompanied migrant children and adolescents as the humanitarian crisis worsened over time. The final report provides a human rights-based perspective on the situations facing unaccompanied child migrants, including specific challenges this vulnerable group must overcome in identified areas, difficulties Member States face with coordination and treating these problems, the role of different actors in society, and recommendations which can be adopted by all. By carefully studying this report, delegates will enhance their understanding of the human rights dimension of this type of migration. This report will also serve as a stepping-stone for delegates to begin the integral research for their working papers.*

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### III. The Human Rights Situation in the Occupied Palestinian Territory

#### Introduction

The situation of human rights in the occupied Palestinian territory (oPt) is an important concern for the Human Rights Council (HRC) because of the violations that have taken place in the region since 1967.<sup>286</sup> The history of the Israeli-Palestinian conflict dates back to the end of World War II and the division of land that would later become known as Israel and the State of Palestine.<sup>287</sup> The conflict started shortly after the declaration of independence of the state of Israel in 1948, and resulted in mass migration of 700,000 Palestinians, who became refugees in neighboring states.<sup>288</sup> After a year of fighting, the Palestinians and Israelis agreed on the 1949 Armistice Agreement, which defined the partition of the two states.<sup>289</sup> Nearly 20 years later, the Six-Day War erupted between Israel, Jordan, Syria, and Egypt and ended with Israel occupying Palestine, thereby violating the established borders from the Armistice Agreement.<sup>290</sup> The United Nations (UN) considers as the oPt all those areas claimed by Israel that violate the 1949 Armistice Agreement, including the West Bank, the Gaza Strip, and East Jerusalem.<sup>291</sup>

Over the years, Israel and the State of Palestine have conducted peace talks to end the 70-year conflict, but have been unable to come to an agreeable settlement.<sup>292</sup> In 1993, Israel and Palestine met in Oslo for to negotiate a peace treaty, yet couldn't agree on what a two-state solution would look like because of the contested borders of the West Bank, the Gaza Strip, and Jerusalem, and the treatment of the Palestinians in the oPt.<sup>293</sup> After various stalled peace processes and increased conflict between Israel and Palestinian civilians, the situation in the oPt has worsened over the years.<sup>294</sup> Through blockades; increased military presence; and punitive demolitions of hospitals, apartments, and schools, Israel has continued to violate international law through occupation.<sup>295</sup> Further, the UN has been unable to verify the status of the Palestinian people, and explore the human rights situation in the occupied territory, because Israel has not granted the UN access to investigate reports of human rights abuses.<sup>296</sup> Recently, the United States of America (USA) officially recognized Jerusalem as the capital of Israel, which has led to increased protests by Palestinians and violent interactions between the Israeli security forces and Palestinian protesters.<sup>297</sup> In reaction to the protests, those living in the oPt have experienced increased human rights violations from the occupying force of Israel.<sup>298</sup> HRC held a special session in May 2018 in order to address the increased violence and denounce the actions of the Israeli government against the protesters, and successfully adopted resolution S-28/1 to address the heightened tensions.<sup>299</sup> However, the situation continues to be dire for those living in the oPt, and therefore, discussing the state of human rights in the occupied territories is imperative for HRC and the global community.<sup>300</sup> This guide seeks to explain the human rights situation in the oPt, and elaborate on the many rights that are denied to the

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<sup>286</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967 (A/HRC/34/70)*, 2017.

<sup>287</sup> Beauchamp, *Everything You Need to Know about Israel-Palestine*, 2014.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Ibid.

<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Human Rights Watch, *Israel: Apparent War Crimes in Gaza*, 2018.

<sup>295</sup> Ibid.

<sup>296</sup> UN OHCHR, *Alarming Accounts of Human Rights Violations of Palestinians Living under Occupation – UN Expert*, 2015; UN OHCHR, *OHCHR Report 2017*, 2017.

<sup>297</sup> UN HRC, *Violations of International Law in the Context of Large-scale Civilian Protests in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/S-28/1)*, 2018.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967 (A/HRC/34/70)*, 2017.

Palestinian people, specifically focusing on the right to adequate living, the rights of Palestinian children, and the right to peaceful assembly, association, and expression.<sup>301</sup>

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

Human rights standards in modern history trace back to the *Universal Declaration of Human Rights* (UDHR) adopted in 1948, which serves as the foundation of all human rights documents.<sup>302</sup> Recognizing that all humans are born free and equal, the UDHR is an important document in addressing the human rights situation in the oPt, as it affirms the rights of the many Palestinian refugees as well as those living in the occupied territories.<sup>303</sup> Human rights of Palestinians are further protected by the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), signed into action in 1965, which protects every person from state-enacted discrimination, no matter their race, ethnicity, or national origin.<sup>304</sup> Additionally, the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR), both adopted in 1966, are important human rights documents that affirm the civil, political, economic, social, and cultural rights of all people.<sup>305</sup> The ICCPR, also ratified by Israel, implicitly guarantees the Palestinian people the right to self-determination.<sup>306</sup> In addition, the international human rights law makes sure to offer protection to the most vulnerable groups and individuals.<sup>307</sup> The *Convention on the Rights of the Child* (CRC) (1989) and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979) further solidify the rights of women and children living in the oPt area, who face increased risk of human rights abuses.<sup>308</sup>

The International Court of Justice (ICJ) reviewed the barrier that divides the West Bank from Israeli territory in 2004, and overwhelmingly agreed that the wall is a violation of several human rights treaties, including the CRC and the ICCPR.<sup>309</sup> In interference with the Palestinian's right to self-determination, the divisive wall restricts Palestinians from getting to work, visiting family, and going to school.<sup>310</sup> Through its advisory opinion, the ICJ found that the very act of occupying the Palestinian territories is breaking international law, and the building of a wall to divide the territories aggravates the international crisis.<sup>311</sup> The ICJ also found that Israel, a party to the *Geneva Convention relative to the Protection of Civilian Persons in Time of War* (GCIV) of 1949, is breaking humanitarian law because it is building settlements on the occupied territory and forcibly evicting Palestinians.<sup>312</sup>

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

As the primary human rights entities in the UN system, HRC and the Office of the High Commissioner for Human Rights (OHCHR) have debated the human rights situation in the oPt repeatedly, through

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<sup>301</sup> UN General Assembly, *Israeli Practices Affecting the Human Rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem* (A/71/364), 2016.

<sup>302</sup> UN General Assembly, *Universal Declaration of Human Rights* (A/RES/217A (III)), 1948.

<sup>303</sup> Ibid.

<sup>304</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination* (A/RES/2106 (XX)), 1965, p. 48.

<sup>305</sup> UN General Assembly, *International Covenant on Civil and Political Rights* (A/RES/2200 (XXI)), 1966; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)), 1966.

<sup>306</sup> UN General Assembly, *International Covenant on Civil and Political Rights* (A/RES/2200 (XXI)), 1966.

<sup>307</sup> UN DPI, *Global Issues: Human Rights*, 2018.

<sup>308</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women* (A/RES/34/180), 1979; UN General Assembly, *Convention on the Rights of the Child* (A/RES/44/25), 1989.

<sup>309</sup> ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 2004.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

<sup>312</sup> ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory: Summary of the Advisory Opinion of 9 July 2004*, 2004.

resolutions, reports, and investigations of human rights violations.<sup>313</sup> During the thirty-seventh session of HRC taking place between February and March 2018, Member States adopted five resolutions to reinforce the Palestinians' right to self-determination and to highlight the major violations taking place in the oPt.<sup>314</sup> These resolutions addressed the right to self-determination, settlements of occupied land, and holding Israel accountable for human rights violations.<sup>315</sup> In response to increased clashes between Israeli security forces and Palestinian protesters after the US recognition of Jerusalem as the capital of Israel, HRC held a special session in May 2018, during which it adopted resolution S-28/1 (2018).<sup>316</sup> In this resolution, the committee called for an end to the violence, as well as for Israel to open checkpoints between the Gaza Strip.<sup>317</sup> The resolution also dispatched an independent investigation into the protests to examine potential human rights violations.<sup>318</sup> Already in 1993, HRC appointed an independent expert to become a Special Rapporteur to examine human rights violations in Palestine and the oPt.<sup>319</sup> Though the Special Rapporteur has not been granted official access by Israel to examine the situation on the ground, engaging with civil society representatives from the region has helped to get insight into the oPt, and provided context for the Special Rapporteur's reports submitted to the General Assembly.<sup>320</sup> The 2018 *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* provided an overview on the human rights situation in the oPt, and extensively focused on the humanitarian crisis in Gaza.<sup>321</sup>

The General Assembly also reports on the situation in the oPt.<sup>322</sup> In 1968, the General Assembly established the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to report on and investigate Israeli practices that violate Palestinian rights.<sup>323</sup> The Special Committee consults with Member States in preparation of an annual field mission serving to examine the human rights situation in the oPt.<sup>324</sup> Additionally, the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) was established by General Assembly resolution 3376 of 1975 to develop a plan to enable Palestinian's full access to their inalienable rights.<sup>325</sup> The committee submits annual reports to the General Assembly, and continues to monitor the peace process and the human rights situation in the oPt.<sup>326</sup> In many of the reports submitted to the General Assembly by the CEIRPP, the Special Committee, and the General

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<sup>313</sup> UN General Assembly, *Report of the Human Rights Council (A/72/53)*, 2017; UN HRC, *Report of the Independent Commission of Inquiry Established Pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/52)*, 2014.

<sup>314</sup> UN HRC, *38th Session of the Human Rights Council*, 2018.

<sup>315</sup> UN HRC, *Ensuring Accountability and Justice for all Violations of International Law in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/34/L.38)*, 2017; UN HRC, *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/34/L.40)*, 2017; UN HRC, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/34/L.41/Rev.1)*, 2017; UN HRC, *Right of the Palestinian people to self-determination (A/HRC/34/L.39)*, 2017.

<sup>316</sup> UN HRC, *Violations of International Law in the Context of Large-scale Civilian Protests in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/S-28/1)*, 2018.

<sup>317</sup> *Ibid.*

<sup>318</sup> *Ibid.*

<sup>319</sup> UN HRC, *Report of the Human Rights Council on First Session (A/61/53)*, 2006.

<sup>320</sup> UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/37/75)*, 2018.

<sup>321</sup> *Ibid.*

<sup>322</sup> UN General Assembly, *Permanent Sovereignty of the Palestinian People in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the Occupied Syrian Golan Over their Natural Resources (A/71/470)*, 2016.

<sup>323</sup> UN General Assembly, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/71/352)*, 2016.

<sup>324</sup> *Ibid.*

<sup>325</sup> UN General Assembly, *Question of Palestine (A/RES/3376 (XXX))*, 1975.

<sup>326</sup> UN General Assembly, *Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/72/35)*, 2017.

Assembly, the documents conclude with calls for Israel to comply with international standards and laws.<sup>327</sup>

The human rights situation in the oPt is a complex issue discussed not only by HRC and the General Assembly, but by a variety of other UN bodies as well. In 2016, the Secretary-General's report on "Israeli Practices Affecting the Human Rights of the Palestinian people in the occupied Palestinian territory, including East Jerusalem" (A/71/364) detailed Israeli practices that violate Palestinian human rights, such as the use of collective punishment developed to intimidate Palestinian people through punitive demolition of homes and forced evictions.<sup>328</sup> The Security Council recently adopted resolution 2334 (2016) on "Cessation of Israeli settlement activities in the occupied Palestinian territory, including East Jerusalem," which underlines the importance of the 1949 borders, and stated that Israeli settlements violate international law and human rights of the people living in the oPt.<sup>329</sup> The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is another important actor, as it provides financial and humanitarian aid to Palestinian refugees all over the world.<sup>330</sup> Furthermore, the United Nations Children's Fund (UNICEF) has a special division dedicated to monitoring the use of violence against Palestinian children in the oPt.<sup>331</sup> With 800,000 Palestinian children affected by the ongoing conflict, UNICEF identified several key factors that hinder these children's access to healthcare and education, noting that the restrictions of movement, reduction of state-sponsored services, and limited resources further aggravate the living conditions for these children.<sup>332</sup> The World Health Organization (WHO) routinely investigates and tracks human rights abuses in the oPt, and regularly produces special reports to present data.<sup>333</sup> With a dedicated regional office, WHO investigates the human rights situation, and tracks the number of people injured and in need of health services.<sup>334</sup>

Finally, regional and local non-governmental organizations (NGOs) provide clear insight into the human rights situation in the oPt, as they may have a better access to the region than many UN bodies.<sup>335</sup> One such example is the work of Human Rights Watch, which investigates alleged human rights crimes carried out by Israel and reports on the underlying reasons for Israeli settlements in Palestine.<sup>336</sup> The League of Arab States is a regional body that speaks against the occupation, in defense of the State of Palestine.<sup>337</sup> Recently, they League has been lobbying to officially accept Palestine as a Member State at the UN, rather than an Observer State, in order to create more balanced negotiations.<sup>338</sup>

### ***Right to an Adequate Standard of Living***

As the previous sections highlighted, Palestinians are guaranteed many concrete and inalienable rights under the international human rights law.<sup>339</sup> The right to a healthy living environment, which includes access to proper healthcare, education, work, and way of life, is one of the major concerns of HRC in the

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<sup>327</sup> UN General Assembly, *Permanent Sovereignty of the Palestinian People in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the Occupied Syrian Golan Over their Natural Resources (A/71/470)*, 2016.

<sup>328</sup> UN General Assembly, *Israeli Practices Affecting the Human Rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/71/364)*, 2016.

<sup>329</sup> UN Security Council, *The Situation in the Middle East, including the Palestinian Question (S/RES/2334 (2016))*, 2016.

<sup>330</sup> UNRWA, *Annual Operational Report*, 2017.

<sup>331</sup> UNICEF, *State of Palestine: Humanitarian Situation Report*, 2018.

<sup>332</sup> Ibid.

<sup>333</sup> WHO, *WHO Presence in Occupied Palestinian Territory*, 2018.

<sup>334</sup> WHO, *Situation Report: Occupied Palestinian Territory, Gaza 23 September – 6 October 2018*, 2018.

<sup>335</sup> UNRWA, *Annual Operational Report*, 2017.

<sup>336</sup> Human Rights Watch, *World Report: Israel and Palestine*, 2017.

<sup>337</sup> Al-Khalidi, Arab League to Lobby U.N. to Recognize Palestinian State, *Reuters*, 2018.

<sup>338</sup> Ibid.

<sup>339</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/37/75)*, 2018.

oPt.<sup>340</sup> In the occupied territories, Palestinians lack access to adequate healthcare due to border closures and insufficient resources, such as medicine, hospitals, and personnel.<sup>341</sup> The 2017 *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* found that Israeli security forces often raided hospitals and reduced electricity to service the hospital buildings, severely affecting many sick and injured Palestinians reliant on the services of the local hospitals.<sup>342</sup> Furthermore, due to the lasting occupation by Israel, the freedom of movement is restricted for those living in the oPt, as exit permits are required to move throughout the region.<sup>343</sup> The rate of exit permit approval was only 52.4% in 2017, and even worse, those in need of more advanced healthcare services were either outright denied or ignored.<sup>344</sup> In its Situation Report from October 2018, WHO found that 107 individuals were denied permission to exit Gaza via Erez Crossing, the majority of whom were injured during the recent demonstrations and were seeking medical treatment.<sup>345</sup>

In addition to healthcare, a healthy living environment also requires proper housing and shelter, with guaranteed tenure, and no expectation of forced evictions.<sup>346</sup> However, in the oPt, Palestinians are not able to exercise this right, as they experience forcible evictions, demolitions, and transfers.<sup>347</sup> These demolitions, forcible transfers, and evictions in turn create more refugees in need of shelter and basic services.<sup>348</sup> With nearly one million Palestinian internally displaced people (IDPs) living in the oPt, the need for food assistance, access to shelters, employment, and healthcare services is overwhelming.<sup>349</sup> HRC first and foremost recommends that Israel comply with international laws and human rights standards to provide adequate, safe, and definite housing in the oPt.<sup>350</sup> Furthermore, HRC works with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living in order to address the issues preventing Palestinians from achieving the right to housing and the right to an adequate standard of living.<sup>351</sup> Additionally, UNRWA monitors and provides healthcare to Palestinian refugees in Gaza and the West Bank by using mobile health units.<sup>352</sup> These units have so far provided primary healthcare to more than 100,000 refugees and Palestinian people.<sup>353</sup> In many hard to reach locations, the mobile units are the only source of healthcare that Palestinians have access to.<sup>354</sup> Moreover, UNRWA and the UN have introduced public awareness campaigns on preventative health and other ways, aiming to improve the health standards of those living in the oPt.<sup>355</sup>

### **Rights of Palestinian Children**

Palestinian children face a number of risks and human rights violations related to living and growing up in the oPt, such as increased probability of imprisonment, injury, and detention from Israeli security forces,

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<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/37/75)*, 2018.

<sup>344</sup> Ibid.

<sup>345</sup> WHO, *Health Access Barriers for Patients in the occupied Palestinian territory*, 2018; WHO, *Situation Report: Occupied Palestinian Territory, Gaza 23 September – 6 October 2018*, 2018.

<sup>346</sup> UN General Assembly, *Israeli Practices Affecting the Human Rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/71/364)*, 2016.

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> UNRWA, *Occupied Palestinian Territory Emergency Appeal*, 2018.

<sup>350</sup> UN HRC, *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context, Raquel Rolnik (A/HRC/22/46/Add.1)*, 2012.

<sup>351</sup> UN General Assembly, *Report of the Human Rights Council*, 2017.

<sup>352</sup> UNRWA, *Annual Operational Report*, 2017.

<sup>353</sup> Ibid.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

as well as weakened educational services.<sup>356</sup> At the end of June 2018, more than 250 children under the age of 18 were being detained in Israeli prisons unlawfully, without representation or a possibility of visit by their families.<sup>357</sup> UNICEF found that over 700 children had been detained throughout the past year.<sup>358</sup> Furthermore, Israel has stiffened penalties for those arrested for throwing stones at soldiers along the barrier and in the oPt, making it legal to strip families of insurance benefits if children are found guilty of this type of crime.<sup>359</sup> Finally, children often face the worst of the limitation to movement, as they cannot freely move around the West Bank and East Jerusalem due to closures.<sup>360</sup> Therefore, access to schools is also limited for Palestinian children.<sup>361</sup> The demolition of schools by Israeli Defense Forces is another practice that impairs the access to education of Palestinian children living in the oPt.<sup>362</sup>

With over one million Palestinian children in need, UNICEF and UNRWA are working to intervene in the conflict and provide services that are lacking in the region.<sup>363</sup> Both UNRWA and UNICEF aim to provide children in the oPt with quality education by working with the State of Palestine to develop educational frameworks, expanding the requirement for compulsory education from nine to ten years, and through the recruitment of teachers and the building of schools.<sup>364</sup> In terms of the unlawful arrests of minors, UNRWA has developed a community of lawyers and social workers to represent children in courts and provide legal representation to those that are both lawfully and unlawfully detained.<sup>365</sup> HRC contributes to these efforts through partnerships with UNICEF, UNRWA, and other UN bodies.<sup>366</sup> Furthermore, HRC works with NGOs, such as Defence for Children International, to monitor the status of Palestinian children's rights.<sup>367</sup>

### ***Freedom of Peaceful Assembly, Association, and Expression***

With the number of protests increasing along the barrier, the freedom of peaceful assembly and association of protesters, together with journalists' right to freedom of expression, are increasingly threatened.<sup>368</sup> During the most recent bout of unrest, over 100 protesters inside Gaza were killed, some of whom were journalists and medical professionals.<sup>369</sup> Protesters experienced lethal force from Israeli security forces while peacefully protesting along the barrier, because Israel views these protesters as agents of terrorists.<sup>370</sup> Additionally, Palestinian journalists have faced not only censorship but also harassment, intimidation, and physical abuse from both Israel and the State of Palestine.<sup>371</sup> Journalists and activists are sometimes arrested and detained unlawfully.<sup>372</sup> The Israeli government is currently discussing whether they should make it illegal to film Israeli soldiers, punishable by up to 10 years in prison, which would further violate the right to information and freedom of expression.<sup>373</sup>

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<sup>356</sup> UN General Assembly, *Israeli Practices Affecting the Human Rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/71/364)*, 2016.

<sup>357</sup> B'Tselem, *Statistics on Palestinian minors in the custody of Israeli security forces*, 2018.

<sup>358</sup> *Ibid.*

<sup>359</sup> *Ibid.*

<sup>360</sup> *Ibid.*

<sup>361</sup> *Ibid.*

<sup>362</sup> *Ibid.*

<sup>363</sup> UNOCHA, *2018-2020 Humanitarian Response Strategy*, 2017.

<sup>364</sup> UNICEF, *The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon*, 2010.

<sup>365</sup> UNRWA, *Annual Operational Report*, 2017.

<sup>366</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/37/75)*, 2018.

<sup>367</sup> Defence for Children International, *Statement Delivered on Behalf of Defence for Children International – Palestine*, 2018.

<sup>368</sup> *Ibid.*

<sup>369</sup> Bashi, *Don't Blame Hamas for the Gaza Bloodshed*, *Foreign Policy*, 2018.

<sup>370</sup> *Ibid.*

<sup>371</sup> *Palestine: Crackdown on Journalists, Activists*, Human Rights Watch, 2018.

<sup>372</sup> *Ibid.*

<sup>373</sup> *Will filming Israeli soldiers soon be punishable by 10 years in prison?* Reporters Without Borders, 2018.

The twenty-eighth special session of HRC in May 2018 was organized to address the recent outbreak of violence and the human rights violations in which Palestinians were denied their rights to peaceful assembly, association, and expression.<sup>374</sup> During the special session, in an effort to investigate the rising violence in the oPt, HRC commissioned an independent investigation in order to inspect the shootings that occurred in May 2018.<sup>375</sup> HRC also works with the UN Department of Public Information (DPI) and various NGOs to promote the rights of journalists and media professionals.<sup>376</sup> UN DPI established a program to train Palestinian journalists and provide them with skills to effectively promote the sharing of information as a tool to overcome other human rights abuses.<sup>377</sup> Furthermore, in coordination with OHCHR, HRC monitors cases of those arrested during peaceful protests to ensure that these individuals are properly and fairly represented.<sup>378</sup>

### **Conclusion**

Since 1967, Israel has occupied the Palestinian territories, creating a situation where Palestinians have limited access to their inalienable rights and live in a threatened and intimidating environment.<sup>379</sup> Relevant international conventions have set the standard for equality and fairness across the Member States, including Israel, as the occupying power of the oPt, has violated many of those international conventions and treaties.<sup>380</sup> Consequently, HRC, together with other UN entities and international, regional, and civil society actors, is working to address the human rights situation in the oPt by calling Israel to comply with international human rights and humanitarian law, providing aid to the Palestinian people, and monitoring the region continuously.<sup>381</sup> Despite these efforts, Palestinian people, particularly women, children, refugees, and journalists, are unable to experience a fair and equal quality of life.<sup>382</sup> Therefore, HRC has a vested interest in this topic and in bringing both Israel and Palestine to a peaceful and lawful settlement, so that the rights of the Palestinians can be restored and upheld.<sup>383</sup>

### **Further Research**

When researching the human rights situation in the oPt, delegates should consider the following questions: What is HRC's role in addressing the human rights situation in the oPt? What are the human rights violations taking place in the region, and how are they in violation international law? How are the various actors in the international community taking a role in resolving the issue? Which segments of the population are most affected by the human rights violations in the oPt? How is the human rights situation of the Palestinian people outside of the oPt? Without Israel's compliance, how can the international community address the needs of the people in the oPt? What incentives can the UN create to encourage Israel to comply with international law and stop its occupation of the Palestinian territories?

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<sup>374</sup> UN HRC, *Violations of International Law in the Context of Large-scale Civilian Protests in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/S-28/1)*, 2018.

<sup>375</sup> Bashi, Don't Blame Hamas for the Gaza Bloodshed, *Foreign Policy*, 2018.

<sup>376</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/37/75)*, 2018.

<sup>377</sup> UN DPI, *United Nations Palestinian Media Practitioner Training Programme*, 2018.

<sup>378</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/37/75)*, 2018.

<sup>379</sup> Beauchamp, *Everything You Need to Know about Israel-Palestine*, 2014.

<sup>380</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/37/75)*, 2018.

<sup>381</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967 (A/HRC/34/70)*, 2017.

<sup>382</sup> *Ibid.*

<sup>383</sup> UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (A/HRC/37/75)*, 2018.

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*OHCHR is responsible for on-the-ground research regarding human rights and has also investigated human rights violations across the oPt. The 2017 report is the most recent report on the oPt, which gives a broad indication as to the human rights situation within the occupied territories as well as across the world. In addition to an overall context, the report informs the reader about specific programs that are working to counteract human rights violations, such as gender perspective programs, widening democratic spaces, and increased reporting of crisis situations. Delegates should read this report to better understand the practical options HRC and OHCHR have in the oPt region.*

United Nations, General Assembly, Seventy-first session. (2016). *Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, including East Jerusalem (A/71/364)* [Report]. Retrieved 8 July 2018 from: [www.undocs.org/A/71/364](http://www.undocs.org/A/71/364)

*Before discussing the situation in the oPt and drafting resolutions to address the human rights abuses, it is important to first understand what practices are violating human rights statutes. Therefore, reading this report by the UN General Assembly will inform delegates as to the various Israeli practices that are violating international human rights treaties. Although the report does not detail all human rights violations in the region, and focuses solely on the Israeli practices, the document will brief delegates of what HRC needs to address to improve the situation of ordinary Palestinians. In addition to reading this report, delegates would benefit from researching human rights abuses inflicted on Palestinian people by actions of Palestinian authorities or Palestinian armed groups as well.*

United Nations, General Assembly, Seventy-first session. (2016). *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/71/352)*. Retrieved 19 August 2018 from: [www.undocs.org/A/71/352](http://www.undocs.org/A/71/352)

*The Special Committee, established by General Assembly resolution 2443 of 1968, annually investigates and reports on the Israeli practices that are breaking international human rights law in the oPt. This report will provide comprehensive information to delegates as they research the situation and will clearly explain the multitude of human rights abuses taking place. As the most recent report from the Special Committee, this report details the human rights situation through data and summaries of investigations.*

United Nations, General Assembly, Seventy-second session. (2017). *Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/72/35)*. Retrieved 19 August 2018 from: [www.undocs.org/A/72/35](http://www.undocs.org/A/72/35)

*CEIRPP compiles documentation and analyses from various human rights bodies, such as the Security Council and HRC, and presents the report to the General Assembly annually. This document is both comprehensive and detailed in the work of the many international bodies debating the human rights situation in the oPt. Additionally, the report compares the impact violence has on the Palestinians and Israelis. This report is concise and informative, and a great foundational document for delegates to start their own research. This report in particular breaks down the several human rights abuses inflicted on the Palestinian people and gives concrete data to illustrate the points it presents.*

United Nations, General Assembly, Seventy-second session. (2017). *Report of the Human Rights Council (A/72/53)*. Retrieved 7 July 2018 from: <http://undocs.org/A/72/53>

*This report highlights five resolutions passed at HRC during its thirty-fourth session and compiles the relevant information regarding the current human rights situation in the oPt. The report indicates the ways in which HRC is addressing the situation, through the programs and recommendations the body is making. It also demonstrates how Member States have called for solutions and programs in the region. Reading this document will*

*help delegates to comprehensively understand the motivations and concerns of HRC regarding the human rights situation in the oPt. The report, summarizing the five resolutions, will also be useful as precedent for delegates' own draft resolutions.*

United Nations, Human Rights Council, Twenty-ninth session. (2014). *Report of the Independent Commission of Inquiry Established Pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/52)*. Retrieved 14 August 2018 from: [www.undocs.org/A/HRC/29/52](http://www.undocs.org/A/HRC/29/52)

*In 2014, HRC dispatched an independent commission to investigate reports of human rights abuses in the oPt. This report presents the findings of this independent commission, as submitted to HRC. By meeting with Member States, international stakeholders, and civil society representatives, the Commission was able to produce a comprehensive summary of the situation. This document is vital to understanding the human rights situation in the oPt as it provides context, analysis, and recommendations regarding the topic. Building off of this report, delegates will be able to further develop policies for HRC to effectively address the human rights situation in the occupied territories.*

United Nations, Human Rights Council, Thirty-fourth session. (2017). *Right of the Palestinian people to self-determination (A/HRC/34/L.39)* [Resolution]. Retrieved 9 July 2018 from: <http://www.undocs.org/A/HRC/34/L.39>

*One of the primary human rights violations in the oPt is the impediment by Israel for the Palestinian's right to self-determination. Through the use of intimidation tactics, restriction of movement, withholding of aid and funds, and more, Palestinians are denied the right to self-determination as defined in human rights treaties. Therefore, understanding why and how this basic human right is being violated is important for delegates, as they present draft resolutions to address this situation. This report reaffirms the commitment to self-determination and highlights the need for Palestine to have full control over their resources and borders.*

United Nations, Human Rights Council, Thirty-seventh session. (2018). *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967 (A/HRC/37/75)*. Retrieved 8 July 2018 from: <http://www.undocs.org/A/HRC/37/75>

*HRC appointed a Special Rapporteur in 1993 to report on the status of human rights in the oPt through on-the-ground research and missions. The yearly reports give insight into the ways Israeli and Palestinian forces are clashing on the ground, and the effects these tactics have on the Palestinian people. Additionally, this report indicates the various groups that are at more risk of human rights violations within the general population of Palestinians, including women and children. Delegates should read this report to understand the focus of HRC in the region and think about feasible ways of how HRC should address the situation.*

United Nations, Human Rights Council, Twenty-eighth special session. (2018). *Violations of International Law in the Context of Large-scale Civilian Protests in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/S-28/1)* [Resolution]. Retrieved 30 July 2018 from: <http://www.undocs.org/A/HRC/RES/S-28/1>

*HRC held a special session on 18 May 2018 regarding the human rights situation in the oPt to address increasing violence in the region. The resolution adopted by HRC during this special session considers the circumstances surrounding the 2018 spring protests, and looks at the immediate aftermath of these protests, calling for an end to the human rights violations that took place during this unrest. It is a great source for delegates to understand the mandate of HRC in relation to the Palestinian territories occupied by Israel, and to get a better understanding as to how HRC responds to such imminent issues.*

United Nations Relief and Works Agency for Palestine Refugees in the Near East. (2018). *Annual Operational Report 2017*. Retrieved 2018 August 17

from: [https://www.unrwa.org/sites/default/files/content/resources/2017\\_annual\\_operational\\_report\\_final\\_lr.pdf](https://www.unrwa.org/sites/default/files/content/resources/2017_annual_operational_report_final_lr.pdf)

*UNRWA is one of the primary UN humanitarian bodies present in the oPt and is therefore well-informed of the situation on the ground. The annual report is an in-depth look at the human rights situation in the oPt. It presents many of the programs that were developed to empower Palestinians experiencing human rights abuses. Additionally, the report offers many statistics and facts about the number of Palestinians in need of aid. Delegates will benefit from reading this report because it specifies which humanitarian programs are working in the region and why the programs have been successful, creating a knowledgeable foundation for delegates to build upon in their own research.*

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