

NWMUN 2011



The Premier Model United Nations Conference in the Northwest

Background Guide:
Human Rights Council



Northwest Model United Nations | November 18 – 20 | Seattle, WA

September 1, 2011

Dear Delegates,

Welcome to the 2011 Northwest Model United Nations (NWMUN) Conference and the United Nations Security Council. We are immensely pleased to present to you the background guide, written by your highly experienced and capable Director, Kitty Bond, and Assistant Director, Lindsey Richardson.

The entire Secretariat is very excited to work with you in November and appreciate the hard work and research you are undertaking in preparation for what we are confident will be a great conference!

The topics for the Human Rights Council are:

- 1. Trafficking in persons, especially in women and children**
- 2. The Human Rights situation in Palestine and other occupied Arab territories**

Every participating delegation is *required* to submit a position paper prior to attending the conference. NWMUN will accept position papers until **Sunday, November 6th at 11:59 pm Pacific Time. Please submit all position papers to: positionpapers@nwmun.org.**

Please refer to the following pages for **Position Paper Requirements (p. 3)**, as well as an example position paper. Delegates' adherence to these guidelines is crucial, because it not only ensures a well-prepared committee, but is also a key component of the awards process.

Additionally, we have provided an **Overview (p. 8)** or "snapshot" of the committee you are serving on, with details regarding membership, mandate and other information. This is supplemental to the **Committee History and Background (p. 9)**.

We urge you to move beyond the background guide as you learn more about both the Member State you will represent and the topics we will be discussing. We've provided additional research guidance this year in the form of **Key Resources (p. 25)** we suggest you check out for each topic, as well as the regular **Bibliography (p. 26)** at the end of this guide.

The **Delegate Preparation Guide (www.nwmun.org)** should also be a document you read thoroughly, regardless of your Model United Nations experience, as it will provide key information for you regarding how NWMUN 2011 works. It is available as a separate document under the "Delegate Preparation" section of the NWMUN website.

We wish each of you the best as you prepare for this conference and committee. Please do not hesitate to direct any questions or concerns toward your Director or the Director-General. We look forward to meeting you at the conference!

Sincerely,

Kitty Bond
Director,
Security Council
hrc@nwmun.org

Lindsey Richardson
Assistant Director,
Human Rights Council
hrc@nwmun.org

Kristina Mader
Director-General
NWMUN 2011
dg@nwmun.org



Position Paper Guidelines

Your position paper should consist of a well-developed introduction and a summary of the position of your country on each of the topics to be discussed in your committee. It is important to remember that while you will have lots of information on your country's actions on a local or national level, you must discuss your country's position on an international level, particularly including suggestions for policies and future action that could be taken. Additional examples of high quality position papers are available on the NWMUN website.

Formatting

Position papers should be formatted using the following specifications:

1. Times New Roman
2. Size 10 – 12 font
3. Single spaced
4. 1 – 2 pages in length

Please Note: Anything over two pages will not be read. If your paper is longer than two pages, we will read only the first two pages of the document.

Submission Process

NWMUN will accept position papers until **Sunday, November 6th at 11:59 pm Pacific Time.**

1. Please **send each position paper in a separate e-mail to the committee** with the subject line: COUNTRY – COMMITTEE
 - a. Example: BELARUS – HRC
 - b. Example: TRINIDAD & TOBAGO - GA
2. Please **cc all position paper submissions to positionpapers@nwmun.org.**

General Assembly Plenary:	ga@nwmun.org	Human Rights Council:	hrc@nwmun.org
UN Development Programme:	undp@nwmun.org	Security Council:	sc@nwmun.org
Reformed Security Council	rsc@nwmun.org	Conference on the Arms Trade Treaty:	att@nwmun.org

Please Note: Delegates who have not submitted a position paper by the specified deadline will not be given consideration for awards. Position papers are also a portion of the evaluative process for delegation awards; failure of an individual delegate to submit a position paper, therefore, negatively affects his or her team's chances of winning a delegation award.

Content Requirements

Position papers should include, and will be evaluated, on the following items:

1. **Formatting** and presentation;
 2. **Spelling and grammar** that is reflective of the level of education being pursued by attendees of the conference.
 3. The content should include:
 - a. **Background information on the topic** - why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's position on this topic within the UN and internationally.
 - b. **International commitments** - your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country, or actions taken by international bodies previously that your country supports, to address the to address prior international agreements made by your country.
 - c. **Specific and concrete proposals** for next steps on the topic, including priority sub-issues and how your committee can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph.
-

Research Tips

1. Look for statements made by your country – you will often find the exact position of your country within a speech that they have been made.
 2. Look for the voting record of your country - indicating its support or lack of support for particular resolutions.
 3. Look for recommendations made in Secretary-General reports or within resolutions that have been adopted by your committee or similar international bodies in order to identify the ways in which you can move forward or take action on the topic.
-

Key Resources

1. **UN Website “On the Record”**: <http://www.un.org/depts/dhl/unms/>
This website provides direct access to official documents reflecting the views of United Nations Member States.
2. **UN Website “Global Issues”**: <http://www.un.org/en/globalissues/>
This website offers an overview of some of the global issues we will be discussing at NWMUN, and links to other resources where you can get additional information.
3. **UN Bibliographic Information System (UNBISNET)**: <http://unbisnet.un.org>
UNBISNET is the primary documentation resource for the United Nations, containing nearly every UN document published since 1979 (and numerous pre-1979 publications as well). It includes the full text and voting records of a majority of resolutions from primary organs, and even contains speeches given by delegates in many cases.

Sample Position Paper Format

Delegation from
[Member State]
(Bold, Italicized, Times New Roman, Size 10-12)
(Bold, Times New Roman, Size 10-12)

Delegation from
[School]
(Bold, Italicized, Times New Roman, Size 10-12)
(Bold, Times New Roman, Size 10-12)

Position Paper for [Committee Name]
(Bold, Italicized, Times New Roman, Size 10-12, Centered)

Introductory sentence providing an overview of the topics. (Times New Roman, Size 10 – 12)

I. Topic One Title
(Bold, Italicized, Times New Roman, Size 10-12, Centered)

Paragraph #1: Background information on the topic, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.
(Times New Roman, Size 10 – 12)

Paragraph #2: International commitments and your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country, or actions taken by international organizations such as this committee and supported by your country, to address prior international agreements made by your country (Times New Roman, Size 10 – 12)

Paragraph #3: Specific and concrete proposals for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph. (Times New Roman, Size 10 – 12)

II. Topic Two Title
(Bold, Italicized, Times New Roman, Size 10-12, Centered)

Paragraph #1: Background information on the topic, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.
(Times New Roman, Size 10 – 12)

Paragraph #2: International commitments and your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country, or actions taken by international organizations such as this committee and supported by your country, to address prior international agreements made by your country (Times New Roman, Size 10 – 12)

Paragraph #3: Specific and concrete proposals for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph. (Times New Roman, Size 10 – 12)

Example Position Paper

Delegation from
Canada

Represented by
College of Southwest Washington

Position Paper for the Economic and Social Council Plenary

The topics before the Economic and Social Council are: Promoting Economic and Social Gender Equality as a Means to Achieve Sustainable Peace; Implementing International Agreements to Ensure Global Public Health; and Promoting Sustainable Cities. Canada is committed to strengthening the role of ECOSOC on the issues before it, and looks forward to promoting enhanced cooperation amongst Member States in order to reach consensus and take concrete action.

I. Promoting Economic and Social Gender Equality as a Means to Achieve Sustainable Peace

In conflict and post-conflict societies, economic and social rights are often given lower priority than political and civil rights. In these cases, women are not treated equally, and are often the victims of gender discrimination, which manifests itself in violations of human rights such as rape, violence and displacement. The prevalence of these crimes is exacerbated by a lack of protection for women, who often do not possess the right to own land, have no means to receive adequate health care and have no access to justice.

Canada has long been a champion of women's economic, social, and cultural rights. As an original signatory of the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (CESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Canada has a formal commitment to gender equality and, more specifically, supports the explicit and systematic integration of a gender perspective into all peace-building and foreign aid initiatives. Canada continues to press for specific initiatives with concrete and measurable outcomes when addressing gender inequality. The Canadian International Development Agency (CIDA) has developed its own Framework for Addressing Gender Equality Results. This framework has been an important advance in assessing the effectiveness of its initiatives and has consistently provided CIDA with useful and relevant data. Canada recognizes the advancements made in Security Council resolution 1820 (2008), 1888 (2009) and 1889 (2009) to strengthen the original principals of Security Council resolution 1325 (2000). However, Canada firmly believes that ensuring the implementation of SCR 1325 (2000) at the national level is vital. That is why Canada suggests that the CEDAW committee issue recommendations to both the Security Council and ECOSOC on positive models for National Action Plans (NAP) for incorporating SCR 1325 (2000), a set of progress and impact indicators through which its implementation can be monitored, and benchmarks designed towards strengthening the principals of SCR 1325 (2000).

Canada recommends that the Commission on the Status of Women (CSW), along with the ECOSOC Committee on Non-Governmental Organizations (NGOs) reach out to local NGOs and civil society organizations (CSOs) to coordinate the monitoring of, and reporting on, the progress of these NAPs. CSW will then report its findings to ECOSOC, the Security Council, and the Secretary General. Canada urges for the adoption of benchmarks requiring 30% of UN-mandated peacekeeping forces and negotiating delegations be women. Canada also believes that while peacekeeping troops are vital to facilitating the cessation of hostilities, a separate unit with a specialized mandate is necessary to deal with the psychological and health issues of women that continue in post-conflict situations long after the violence is over. The specialized mandate will also lay the groundwork for legal procedures that may need to be taken to ensure just peace. Canada calls for the creation of this specially trained unit to be deployed in post-conflict situations, with a specific mandate to address sexual and gender based violence, help to eliminate impunity, and offer same-sex interviewers for rehabilitation purposes. The newly created unit will facilitate reconciliation and violence prevention.

II. Implementing International Agreements to Ensure Global Public Health

Effectively addressing global public health lies at the center of achieving the Millennium Development Goals (MDGs). Through agreements such as the Paris Declaration on AID Effectiveness, the Accra Agenda for Action

(AAA), and global health initiatives such as the Global Alliance for Vaccines and Immunizations (GAVI), and the Global Fund to fight AIDS, TB, and Malaria, the international community has made significant progress in addressing the world's health concerns. Canada is focused on creating frameworks and resolutions that foster greater coordination, eliminate corruption and overlap, improve AID consistency, encourage the untying of AID, emphasize a focus on national health systems, and hold all the countries involved accountable for producing tangible and measurable results.

Canada has been a leader in the use of innovative funding mechanisms, such the Advance Market Commitment (AMC), which provides incentives for pharmaceutical companies to accelerate the development of vaccines and sell them at prices that poor countries can afford. This project, which is being implemented in coordination with the World Bank and GAVI, is expected to save an estimated 7.7 million lives by 2030. Canada will continue to urge its fellow member states to become more involved in the creation and implementation of such innovative funding mechanisms.

Especially now, due to the downturn in the global economy, where the world's poor are disproportionately suffering, there is a greater need for all donor countries to fulfill their Official Development Aid (ODA) commitments. Canada was the first country to fulfill its G8 commitment to double ODA in Africa by 2008, and throughout the world by 2010. This has been accomplished through both the African Health Systems Initiative (AHSI) and the Catalytic Initiative to Save a Million Lives. Canada has not only committed USD 450 million to these initiatives, but with them has demonstrated its focus on both strengthening, and developing local ownership, of national health systems. Canada urges the implementation of year-by-year funding targets to ensure that ODA commitments for health initiatives are kept. Currently The Measles Initiative is facing a funding gap of \$59 million for 2010, and the Global Fund to fight AIDS, TB, and Malaria is also facing a funding crisis of \$5 billion for this year. These gaps in funding could cause millions their lives. Canada strongly urges it fellow member states to fulfill their commitments to these funds.

Canada is also a strong proponent of the International Health Partnership & Related Initiatives (IHP+). The Canadian International Development Agency (CIDA), through the IHP+ framework, is the chair of the Mozambique National AIDS Council (CNCS) and has made long-term financial commitments to IHP+. Canada believes that IHP+ will not only prove to be extremely effective in addressing the issues of AID effectiveness, redundancy, and accountability, but will also go a long way towards creating a united front dedicated to improving global public health. Canada urges for the creation of new commitments that compel 15 Organization for Economic Co-operation and Development (OECD) countries to join in either bilateral or compact agreements through IHP+ by 2020.



The Human Rights Council at NWMUN 2011

NWMUN works each year to create as accurate a simulation as is possible for our delegates. Therefore, we have developed some additional ways for delegates to interact within the simulation, including enabling delegates to take action other than passing resolutions on an issue. This section aims to provide additional, specific information for the Human Rights Council at NWMUN 2011.

Briefings

While discussing a topic, HRC delegates are able to receive briefings from representatives of relevant member states or UN subject matter experts. The specific thematic experts available will be announced on the NWMUN website, as well as at the beginning of the conference.

Mandate

The mandate of the Human Rights Council at NWMUN 2011 is to:

Promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner; Address situations of violations of human rights, including gross and systematic violations; and to make recommendations thereon; and Promote the effective coordination and the mainstreaming of human rights within the UN system.

Functions & Powers

- To recommend to the General Assembly actions that would further develop international law in the field of human rights;
- To undertake a Universal Periodic Review of every UN Member State, which would evaluate its fulfillment of its obligations and commitments in the field of human rights;
- Make recommendations to the General Assembly on courses of action to take with regards to specific human rights violations, including human rights emergencies;

Outcome Documents

When taking action, the Human Rights Council may adopt **resolutions**. Human Rights Council resolutions are non-binding, but are recommendations to the General Assembly (and potentially other UN bodies such as the Security Council) that may encourage those latter bodies to take action as well. Additionally, HRC resolutions carry considerable weight behind it, as the Council develops norms in the field of human rights, and represent the opinions of states entrusted to uphold human right..

Rules of Procedure

The Human Rights Council will use the standard NWMUN rules of procedure, available on our website as well as at the conference.

Members of the Human Rights Council at NWMUN 2011

Angola	Austria	Bangladesh	Belgium
Benin	Botswana	Burkina Faso	Cameroon
Chile	China	Congo	Costa Rica
Cuba	Czech Republic	Djibouti	Ecuador
Guatemala	Hungary	India	Indonesia
Italy	Jordan	Kuwait	Kyrgyzstan
Libyan Arab Jamahiriya	Malaysia	Maldives	Mauritania
Mauritius	Mexico	Nigeria	Norway
Peru	Philippines	Poland	Qatar
Republic of Moldova	Romania	Russian Federation	Saudi Arabia
Senegal	Spain	Switzerland	Thailand
Uganda	United States of America	Uruguay	

History and Background of the Human Rights Council

Introduction

The United Nations (UN) created an international standard for human rights in 1946 when the General Assembly adopted the Universal Declaration of Human Rights. This landmark document continues to shape the ways in which the United Nations and the world, views and defends human rights. In 2006, the Human Rights Council (HRC) became the foremost body responsible for human rights via General Assembly resolution 60/251 establishing the HRC as the successor to the UN Commission on Human Rights (UNCHR).¹ Responsible for substantive and administrative management of the Council, the Office of the High Commissioner for Human Rights (OHCHR) is a constituent of the UN Secretariat, answering to the Secretary- General, Ban Ki-Moon.²

According to General Assembly resolution 60/251 (2006), the creation of the Human Rights Council was guided by the “principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.”³

Establishment

Preceding the UNHRC was the United Nations Commission on Human Rights (UNCHR), which when established in 1946, consisted of 18 Member States.⁴ The Commission on Human Rights was created in order to discover, investigate, and to report specific and widespread human rights violations, and worked to define human rights by creating the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social, and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966), also called the International Bill of Human Rights.⁵

The 62nd session of the Commission on Human Rights in Geneva introduced the first session of the HRC.⁶ The UNCHR ended under several deleterious circumstances. A number of the world’s most notorious abusive states had seats on the CHR, which they used to protect their country from criticism.⁷ These countries had documented abuse violating the Universal Declaration of Human Rights. In order to help mitigate similar problems with the HRC, a country must have two-thirds support from the General Assembly in order to gain a seat.⁸

Membership and Function

OHCHR serves as the Secretariat of United Nations Human Rights Council (HRC) and is responsible for coordinating with other United Nations bodies, NGOs, and member States to help improve human rights. OHCHR accomplishes its goals by concentrating on three themes: standard setting, monitoring, and implementation. It employs experts to assist the eleven bodies under its mandate and coordinate their efforts.⁹ Further, OHCHR is responsible for supporting “special procedures” by supplying them with personnel, logistical, and research support.

¹ United Nations General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

<http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/251>

² *Ibid.*

³ *Ibid.*

⁴ United Nations Office of the High Commissioner for Human Rights, *Commission on Human Rights*, n.d.

<http://www2.ohchr.org/english/bodies/chr/index.htm>; United Nations Office of the High Commissioner for Human Rights, *Human Rights Bodies*, 2008. <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

⁵ United Nations Office of the High Commissioner for Human Rights, *Commission on Human Rights*, n.d.

<http://www2.ohchr.org/english/bodies/chr/index.htm>

⁶ *Ibid.*

⁷ New York Times, *The Shame of the United Nations*, 2006.

http://www.nytimes.com/2006/02/26/opinion/26sun2.html?_r=1&n=Top%2fOpinion%2fEditorials%20and%20Op-Ed%2fEditorials&oref=slogin

⁸ *Ibid.*

⁹ United Nations Office of the High Commissioner for Human Rights, *What we do*, 2008.

<http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

“Special procedures” are mandates created to attend to States with human rights problems or thematic human rights problems.¹⁰

The HRC is comprised of 47 member States that are responsible for assessing, and making recommendations on, human rights violations.¹¹ The selection of members considers the petitioning member’s contribution to maintaining and promoting human rights. While not necessary, petitioning members provide documentation of their contributions to human rights, both domestically and internationally, to represent their commitment to the organization.¹²

Working Methods

Shortly after its inception, the HRC adopted the “Institution-building package,” which created tools used to evaluate and monitor the condition of human rights in member States. The package created an Advisory Committee, replacing the Sub-Commission on the Promotion and Protection of Human Rights, in order to provide HRC with expert information and advice on thematic issues.¹³

Two sections of the package were created in order to review human rights in member States. The Universal Periodic Review segment of the package is used to review UNHRC member States by requesting documentation and testimony from the State in question and by using a summary of reports, prepared by the OHCHR, from treaty bodies and special procedures. The Complaints Procedure segment was created to allow individuals and organizations the ability to voice complaints about human rights to the HRC.¹⁴

Technical Cooperation

The work of HRC falls under three broad categories: standard-setting, monitoring, and implementation on the ground.¹⁵

- **Framework assistance:** The OHCHR has been assisting states in the forging, maintaining and strengthening of state framework since 1955. This is done strictly at the request of the state, and is done in order to maintain observance of human rights and manage law.¹⁶
- **State specific legal measures:** Incorporating international human rights standards in state definitive policies and laws. This includes the establishment of specific plans calling on the state to direct measures in solidifying human rights mandates.¹⁷
- **Education:** Creating and utilizing expert advisory services, workshops, fellowships and educational grants, and a culture of documentation, transparent information, and accountability.¹⁸
- **Regular monitoring and investigation:** Responsibility to account to UN procedures, enforced by frequent monitoring.¹⁹

¹⁰ United Nations Office of the High Commissioner for Human Rights, *Special Procedures of the Human Rights Council*. 2007. <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

¹¹ United Nations Office of the High Commissioner of Human Rights, *UN Human Rights Council*. 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/>

¹² United Nations Office of the High Commissioner of Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election of the Human Rights Council*, 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

¹³ United Nations Office of the High Commissioner of Human Rights, *UN Human Rights Council*, 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/>

¹⁴ *Ibid.*

¹⁵ United Nations Office of the High Commissioner for Human Rights, *What we do*, 2008. <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

¹⁶ United Nations Office of the High Commissioner of Human Rights, *UN Human Rights Council*. 2011. <http://www2.ohchr.org/english/bodies/hrcouncil/>

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

- **Use of special procedures:** The use of sovereign experts, working groups, and special rapporteurs.²⁰
- **Partnerships:** We gain strength by forming joint partnerships with governments, civil society, other United Nations entities, and international organizations.²¹ Please note the list of UN bodies affiliated with human rights, listed below.

Recent Sessions

Most recent reports released by HRC concern human rights violations in Palestine and other Arab countries and the degenerating condition of the world's food supply. HRC continues to support the special procedures created by the Commission on Human Rights. As HRC is only five years old, it is still a growing and flexible organization.

On 20 July 2011, the UN High Commissioner for Human Rights Navi Pillay made great strides in the fight against impunity for criminals.²² Goran Hadžić was arrested by Serbian authorities on charges of war crimes and crimes against humanity made by the International Criminal Tribunal for the former Yugoslavia. Pillay said of the victory, "A strong message has been sent today to those who commit human rights violations that they will be held accountable, if not by domestic judicial processes, then by international justice mechanisms."²³ Delegates should think about how this model for extirpating impunity of war crimes can be shifted and used for trafficking criminals.

I. Trafficking in persons, especially in women

Introduction

Human trafficking is a particularly relevant issue for the Human Rights Council (HRC), especially in the context of the status of women. It is estimated by the United Nations Population Fund (UNFPA) that between 700,000 and two million women are trafficked internationally per annum.²⁴ Many women are brought into trafficking with promises of a favorable work position, or may be sold in by their families.²⁵ The majority of these women come from low-income areas, where they and their families may have limited income options.²⁶ Asia, Africa, Latin America, Eastern Europe and Russia are the main geographic locations where victims are obtained.²⁷ As many of these women are brought illegally into countries, it is difficult for them to successfully find legal aid- especially because they may not speak the language.²⁸

Poverty is an inextricable component of what drives international trafficking.²⁹ The Chairperson of Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), Amina Titi Atiku Abubakar, contends that "poverty, ignorance and sometimes pure greed and materialism were the basic causes of trafficking in women and children."³⁰ People who lack resources lack power, and also lack access to legal networks, thus, women are pulled into the context of this discussion: women worldwide lack status and power in their community relative to men, which makes them easier for traffickers to capture.³¹ A lack of legislation to address trafficking is also a large

²¹United Nations Office of the High Commissioner for Human Rights, *What we do*, 2008. <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

²² *Ibid.*

²³ United Nations Office of the High Commissioner for Human Rights, *Pillay: Arrest of Goran Hadžić reinforces global fight against impunity*, 2011. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11256&LangID=E>

²⁴ *Ibid.*

²⁵ United Nations Population Fund, *Trafficking in Human Misery*, n.d. <http://www.unfpa.org/gender/violence1.htm>

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ United Nations Population Fund, *Trafficking in Women, Girls, and Boys: Key Issues for Population and Development Programme*, 2003, p. 40. <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2003/Trafficking.pdf>

²⁹ *Ibid.*, p. 62.

³⁰ *Ibid.*, p. 15.

³¹ United Nations Population Fund, *Trafficking in Women, Girls, and Boys: Key Issues for Population and Development Programme*, 2003, p. 15. <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2003/Trafficking.pdf>

³² United Nations Population Fund, *Gender Inequality and Reproductive Health*, 2003. <http://www.unfpa.org/swp/2003/english/ch2/index.htm>

segment of this problem.³² A lack of compliant laws across country borders makes it easier for transnational crime networks to profit off of human lives.³³

In addition to the factors which lead to trafficking, additional problems are found in the aftermath of this action. Few resources are available for victims to find safe healthcare or counseling, as well as job replacement.³⁴ In addition, it is typical of societies to cast aspersions on those who have been trafficked, which makes it more difficult to blend back into society. As previously mentioned, it may also be hard to break the cycle of trafficking because those trafficked do not have the economic resources to gain independence.

Current Situation

According to the United Nations Economic Commission for Europe, 80% of trafficked women within Europe are directed into sex trafficking.³⁵ Sex trafficking is a largely gendered area of enslavement.³⁶ The individuals prostituted are largely women, while the purchasers are typically men.³⁷ These women are marginalized by their socioeconomic status, and generally have few other options in which to gain adequate income.³⁸

Evidence has shown that many times, the cycle of violence does not end once women escape from being trafficked.³⁹ In many instances, a woman who is a former victim may become compliant in the trafficking trade, as an avenue of desisting from their own victimization.⁴⁰ Trafficking is commonly carried out by people who share the same nationality as the victim.⁴¹ Groups of traffickers sometimes merge together, to form cooperatives and coordinate trade routes.⁴²

On 24 November 2010, the Rapporteur on the United Nations Commission on Human Rights, Ms. Ezeilo, discussed the human rights of trafficked Persons in Bratislava.⁴³ One highlight of this discussion was the need of access by trafficked persons to authorities, in order to receive compensation for harm suffered.⁴⁴ She also discussed the need of access to information, legal assistance, and the safety of trafficking victims.⁴⁵ A key point made by the Special Rapporteur was this: “all countries of origin, transit and destination, have the duty to provide for the right to an effective remedy for all trafficked persons.”⁴⁶

A key component to this lucrative business is the ability to cross national borders. The US State Department Trafficking in Persons Report 2010 outlines ten government practices which allow this to happen:

1. Collusion of law enforcement officials
2. Legal fines and retributions for trafficked victims, as a direct consequence of their actions during subjugation
3. Programs which allow “sponsor” employers’ disproportionate power over the migrant worker’s legal status and basic freedoms, which do not allow victims to make complaints
4. Absence of legal alternatives to forced repatriation
5. Exploitation of labor, possibly due to trade policies which fail to establish safeguards against exploitation
6. Impediments to citizenship: this keeps trafficked individuals under the radar, and effectively “stateless”

³² United Nations Population Fund, *Trafficking in Human Misery*, n.d. <http://www.unfpa.org/gender/violence1.htm>

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ United Nations Economic Commission for Europe, *Economic Roots of Trafficking in the UNECE Region*, 2004.

http://www.unece.org/press/pr2004/04gen_n03e.htm

³⁶ United States Department of Health and Human Services, *Sex Trafficking Fact Sheet*, n.d.

http://www.acf.hhs.gov/trafficking/about/fact_sex.pdf

³⁷ *Ibid.*

³⁸ United Nations Population Fund, *Trafficking in Women, Girls, and Boys: Key Issues for Population and Development Programme*, 2003, p. 15. <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2003/Trafficking.pdf>

³⁹ United Nations Office on Drugs and Crime, *Human Trafficking FAQs*, n.d. <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ United Nations Office of the High Commissioner for Human Rights, *States must redress wrongs committed against Trafficked Persons- “It is their Human Rights Obligation,”* n.d. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10559&LangID=E>

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

7. Labor agreements which acquiesce to the holding of travel documents by employers
8. Lack of education to marginalized peoples, especially girls
9. Domestic migration controls
10. Poorly executed anti- trafficking “raids” which leads to the freeze of all emigration/immigration activities of a particular country or nationality.⁴⁷

An important component of this discussion is addressing not only the countries from where victims originate, but where they are arriving. Within the framework of the legal advisory programme, ROCA, in 2008, began action to address source, transit, and destination countries in response to trafficking in Central Asia.⁴⁸ This system functions by creating and utilizing regular contacts among officials and caseworkers involved in the investigation and prosecution of people operating the trafficking circles.⁴⁹

Under UNODC leadership and utilizing the source, transit and destination strategy, 154 trafficking victims were helped to start their lives over. "This UNODC initiative allowed to start and develop the cooperation among Dubai Police, from one side, and Anti-human Trafficking Unit of the Ministry of Interior of Uzbekistan and our NGO, from another side. This cooperation allowed us to identify in UAE and repatriate to Uzbekistan 154 victims (in 2008, 2009 and 6 months of 2010) 40% of whom were provided with the shelter by NGO "Istiqbolli Avlod".⁵⁰

International Framework

The Universal Declaration of Human Rights was adopted by the United Nations (UN) General Assembly on 10 December 1948.⁵¹ Within the document, Article 4 states that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”⁵² Further articles note that no one should face cruel or implacable punishment, and that everyone has a right to recognition before the law.⁵³

The Universal Periodic Review (UPR) is a “process which involves a review of the human rights records of all 192 UN Member States once every four years.”⁵⁴ The UPR was created on 15 March 2006 by General Assembly resolution 60/251, which also established the Human Rights Council.⁵⁵ By December 2011, this process will have reviewed Human Rights Records of all 192 countries.⁵⁶ During the eleventh session of the HRC’s Universal Periodic Review Working Group, which was held from 2 – 13 May 2011 in Geneva, Switzerland, sixteen Member States went through the review process.⁵⁷ The documents presented by these countries included: 1) data prepared by the state, 2) information contained within UN reports, and 3) a summary of information garnered by other relevant stakeholders.⁵⁸ The UPR is pertinent to our discussion, as human trafficking is an infringement of basic human rights, as set out in the Universal Declaration of Human Rights.⁵⁹ Instituting a framework to which all states are accountable will attack the crucial multinational component of trafficking, creating a mitigating factor against conflicting international law.

The UN Commission on Human Rights, which is the precursor to the Human Rights Council, adopted decision 2004/110 at its sixtieth session, creating the position of a Special Rapporteur on trafficking in persons for a period of

⁴⁷ United States Department of State, *Trafficking in Persons Report, 10th Edition*, 2010. <http://www.state.gov/g/tip/ris/tiprpt/2010/>

⁴⁸ United Nations Office on Drugs and Crime, *Promoting cooperation among source, transit, and destination countries in response to human trafficking*, n.d. <http://www.unodc.org/centralasia/en/news/promoting-ccoperation-among-source-transit-and-destination-countries-in-response-to-human-trafficking.html>

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ United Nations, *Universal Declaration of Human Rights*, 1948. <http://www.un.org/en/documents/udhr/>

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ United Nations Office of the High Commissioner for Human Rights, *Universal Periodic Review*, 2011. <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

three years.⁶⁰ The mandate of the Special Rapporteur is to submit annual reports which provide recommendations on strategies for protecting the human rights of victims of trafficking.⁶¹ Specifically, the Rapporteur is responsible for, 1) taking actions on violations committed against trafficked persons, 2) country visits in order to study the situation on the ground, and 3) submitting annual reports on the activities of the mandate.⁶² The current Special Rapporteur, whom was appointed in 2008, is Joy Ngozi Ezeilo (formerly mentioned in *current situation*).⁶³

Strategies to Combat Trafficking

It is of paramount importance to place emphasis on grassroots empowerment of women who have been sex-trafficked. As stated by the UNFPA, women's empowerment:

1. Initiates the discourse against discrimination by increasing women's own proficiencies, leading to an understanding of human rights in the global context
2. Foster's development in women so that they can support their right to dignity
3. Addresses ways in which women can create spaces for themselves to initiate action.⁶⁴

A prominent international instrument against transnational crime is the United Nations Convention against Transnational Organized Crime, which was adopted by General Assembly resolution 55/25 on 15 November 2000.⁶⁵ States which ratify this resolution take steps to create domestic laws which place criminal punishment on trafficking, initiate new structures for extradition, and increased legal and law enforcement cooperation.⁶⁶ This convention is supplemented by a protocol especially pertinent to our discussion, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁶⁷

This protocol intrepidly notes that each state party to the protocol should appropriate measures in order to assure criminal offense.⁶⁸ The protocol further demands that the rights to privacy and identity of victims be kept confidential.⁶⁹ In addition, victims will be provided information on court proceedings in their cases, as well as the right to express their concerns during criminal proceedings.⁷⁰ This particular clause under the protocol redistributes power back to the victim, which can aid in creating volition within the victim population.

The Recommended Principles and Guidelines on Human Rights and Human Trafficking⁷¹ outlines further methods for state retribution against traffickers.⁷² In clause fourteen under "Criminalization, punishment and redress," the document states that appropriate extradition procedures are to be followed in accordance with international dictates.⁷³ It also states that states "shall freeze and confiscate assets of individuals and legal persons involved in trafficking."⁷⁴

Case Study

⁶⁰ United Nations Office of the United Nations High Commission for Human Rights, *Special Rapporteur on trafficking in persons, especially women and children, for the Office of the High Commissioner for Human Rights*, 2011. <http://www2.ohchr.org/english/issues/trafficking/index.htm>

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ United Nations Population Fund, *Pregnant Women must get urgent access to care in the Occupied Palestinian Territory, says UNFPA*, 2006. <http://www.unfpa.org/public/News/pid/252>

⁶⁵ United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, 2004. <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, p. 3.

⁶⁹ *Ibid.*, p. 43.

⁷⁰ *Ibid.*, p. 44

⁷¹ Office of the High Commissioner for Human Rights, *Recommended Principles on Human Rights and Human Trafficking: Report to the United Nations High Commissioner for Human Rights to the Economic and Social Council*, 2002, p.4. http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

Cambodia is a southeastern Asian country bordered by Thailand, Vietnam, and Laos.⁷⁵ This country is both an importer and an exporter of trafficked people, brought in and out to surrounding Southeast Asian countries, including Thailand, Malaysia, Macao, and Taiwan.⁷⁶ Trafficking exchange tends to occur in the large cities of Phnom Penh, Siem Reap, and Sihanouk Ville.⁷⁷ Trafficking is a lucrative business composed of small operations as well as large scale crime syndicates.⁷⁸ Women typically fall into factory, service industry, or sexual slavery (80% of sex trafficking victims are female).⁷⁹ Children's roles are characterized by a variety of begging activities, as well as sex slavery. Men are typically forced to perform in different industries, such as agriculture and construction.⁸⁰

Cambodia has little opportunity for educational and vocational development, which leads many Cambodians to seek employment in informal sectors which leads them into trafficking circles.⁸¹ As the population continues to increase, much past the point of reasonable employment ratios within the country, fewer people will be able to find work.⁸² As a result, the trafficking industry will continue to find new victims.⁸³ According to Humantrafficking.org, 47% of trafficked respondents stated that their mother had inducted them into trafficking.⁸⁴

In 2007, the Cambodian government was placed on the Tier 2 Watch List in the U.S. Department of State's Trafficking in Persons Report.⁸⁵ This placement was due to the minimal efforts made by the Cambodian government to eliminate trafficking.⁸⁶ Cambodia does have repercussions involving prison sentencing for trafficking persons, under the 1996 Law on Suppression of Kidnapping, Trafficking, and Exploitation of Humans.⁸⁷ However, only 65 people were arrested for trafficking in 2006, which is a low figure considering that in 2005, over 2,000 individuals were trafficked.⁸⁸

Conclusion

Areas to consider in addressing change and strengthening resolve can be classified into the following broad-spectrum goal segments:

1. Strengthening intra- national laws and working towards uniform extradition practices
2. Creating a method in which to aid Women on their reintegration to society
3. Strengthening the legal methods in which sex traffickers are discovered and captured
4. Increasing education on the ground level for women below the poverty line, in order to assist them in making informed choices and avoiding traffickers.

Delegates should work to create detailed, well-worked working papers and draft resolutions which outline streamlined approaches to taking UN level policies and ensuring town level logistics and measureable advances.

Questions to Consider

As you prepare for the upcoming conference, allow the following questions guide you in your research on this topic:

- In regards specifically to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, what logistical challenges are presented in order to empower victims and change the way they are treated by society? How can legislation change this on a grassroots level?

⁷⁵ Government of the United States of America, *The World Factbook: Cambodia*, 2001. <https://www.cia.gov/library/publications/the-world-factbook/geos/cb.html>

⁷⁶ United Nations Inter-Agency Project on Human Trafficking, *SIREN human trafficking data sheet: Cambodia*, 2008. http://www.no-trafficking.org/reports_docs/cambodia/datasheet_cambodia_march08.pdf

⁷⁷ *Ibid.*

⁷⁸ United Nations Inter-Agency Project on Human Trafficking, *UNIAP Cambodia*. <http://www.no-trafficking.org/cambodia.html>

⁷⁹ United Nations Inter-Agency Project on Human Trafficking, *SIREN human trafficking data sheet: Cambodia*, 2008. http://www.no-trafficking.org/reports_docs/cambodia/datasheet_cambodia_march08.pdf

⁸⁰ United Nations Inter-Agency Project on Human Trafficking, *UNIAP Cambodia*. <http://www.no-trafficking.org/cambodia.html>

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ United Nations Inter-Agency Project on Human Trafficking, *SIREN human trafficking data sheet: Cambodia*, 2008. http://www.no-trafficking.org/reports_docs/cambodia/datasheet_cambodia_march08.pdf

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

- In countries with very low income per capita, how will previously trafficked persons find new work in society? In areas with little opportunity for educational and vocational training, discuss ways in which victims can start new lives.
- Discuss effective ways of educating the public in poor areas about sex trafficking, and how to spot agencies which send women abroad for sex slavery.

II. Human Rights Situation in Palestine and Other Occupied Arab Territories

Introduction

Concerned with the a diverse range of issues within the spectrum of the field of human rights, the Human Rights Council (HRC) has within its mandate to “address situations of violations of human rights, including gross and systematic violations;” to that end, the Council has placed upon its agenda the topic of the “Human rights situation in Palestine and other occupied Arab territories.”⁸⁹ The Human Rights Council has had special sessions on various aspects of the human rights situation in the Occupied Palestinian Territory five times since its establishment, in July 2006, November 2006, January 2008, January 2009, and October 2009.⁹⁰

This topic is currently being discussed in the Human Rights Council, as it has been during every formal session from the 6th session onwards.⁹¹ In total, 34 separate resolutions have been adopted on this topic by the HRC.⁹²

History

In July of 1967, Israel, Egypt, Jordan and Syria fought the Six-Day War.⁹³ As a result of this war, Israel gained control over the Gaza Strip, Sinai Peninsula, the West Bank, East Jerusalem and the Golan Heights.⁹⁴ Occupying the Golan Heights gave Israel a tremendous advantage against Syrian hostility; due to the terrain advantage, the Israelis are no longer subject to attacks from higher altitude, and now have a literally higher vantage point into Syria.⁹⁵ Since the beginning of Israel’s occupation in 1967, there have been several talks between Israel and Syria encouraging Israel to give the land back to Syria, as they withdrew from the Sinai Peninsula.⁹⁶ The Occupied Palestinian Territories (oPt) has been comprised of the Gaza Strip, the West Bank, and East Jerusalem.⁹⁷ For forty-three years, Israel has occupied the Palestinian territories.⁹⁸

International Framework and Ongoing Violations

Protections from the Universal Declaration of Human Rights

The *Universal Declaration of Human Rights* (UDHR), the seminal and foundational document which began the process of codifying human rights, was adopted by the United Nations General Assembly on December 10, 1948.⁹⁹ This is seven months after the declaration of independence by the State of Israel, in May of that year.¹⁰⁰ The UDHR provides human beings anywhere in the world certain rights which must not be violated by any State or person.¹⁰¹

⁸⁹ United Nations General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

<http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/251>;

United Nations Human Rights Council, *18th session: Agenda*, n.d.

http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/Agenda5_1.pdf

⁹⁰ Office of the High Commissioner for Human Rights, *Human Rights Council*, n.d. <http://www2.ohchr.org/english/bodies/hrcouncil/>

⁹¹ Human Rights Council, *Annual Reports of the HRC*, 2011.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.L.30AUV.pdf>

⁹² United Nations, *The Question of Palestine: Resolutions*, n.d. <http://unispal.un.org/unispal.nsf/vCHRRes?OpenView>

⁹³ Milton-Edwards, *Islamic Politics in Palestine*, 1996.

⁹⁴ *Ibid.*

⁹⁵ BBC News, *Regions and territories: The Golan Heights*, 2010. http://news.bbc.co.uk/2/hi/middle_east/country_profiles/3393813.stm

⁹⁶ *Ibid.*

⁹⁷ World Health Organization, *West Bank and Gaza, Cooperation Strategy at a Glance*, n.d.

http://www.who.int/countryfocus/cooperation_strategy/ccs_pse_en.pdf

⁹⁸ Oxfam, *Pressing for Peace*. 2011.

⁹⁹ United Nations, *Universal Declaration of Human Rights: History of the Document*, n.d. <http://www.un.org/en/documents/udhr/history.shtml>

¹⁰⁰ Government of Israel, Ministry of Foreign Affairs, *The Declaration of the Establishment of the State of Israel*, 1948.

<http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Establishment%20of%20State%20of%20Israel>

¹⁰¹ United Nations, *The Universal Declaration of Human Rights*, 1948. <http://www.un.org/en/documents/udhr/>

Specifically, the UDHR contains numerous protections which are considered to have been violated by the State of Israel, including, *inter alia*:

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment
[...]
Everyone has the right to freedom of movement and residence within the borders of each state.
[...]
Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
[...]
Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.
[...]
Everyone has the right to work.
[...]
Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.”¹⁰²*

Documentation of Violations

Israel admitted in an internal report in 1995 to using torture as an interrogation technique during the First Intifada between 1988 and 1992.¹⁰³ Though the rules of interrogation that justified torture were struck down by the Israeli Supreme Court in 1999, the international human rights law community has claimed that since the beginning of the Second Intifada in September 2000, Israel’s internal security service, Shin Bet, has begun using torture again.¹⁰⁴ Attempts to stop the first usage of torture were difficult due to the Knesset’s intransigence on the issue; in this second period of usage, the tactics “command widespread support from the Israeli public.”¹⁰⁵

The Israeli Information Center for Human Rights in the Occupied Territories, B’Tselem, has documented restrictions of movement in occupied Israeli territories since 1989.¹⁰⁶ Yet despite chronicling acts “primarily intended to prevent Palestinians from entering Israel and East Jerusalem [...] since the early 1990s,” B’Tselem notes that the systems Israel has implemented to restrict Palestinian movement since the beginning of the Second Intifada “were unprecedented in the history of the Israeli occupation in scope, duration, and severity of harm to Palestinians living in the West Bank.”¹⁰⁷

In East Jerusalem and Gaza, also, the right to freedom of movement is restricted, as well as inter-territorial travel, which “is virtually impossible.”¹⁰⁸ The “complicated system of travel restrictions” involved the creation of checkpoints, curfews and closures, and Israel “banned most laborers from entry.”¹⁰⁹ The situation affects both the West Bank and the Gaza Strip: “The lone Palestinian airport was destroyed in the fighting. The seaport in Gaza is blockaded by Israel’s navy. In the West Bank, a system of military checkpoints constrains movement between a hodgepodge of autonomous zones.”¹¹⁰ Additionally, dozens of Palestinian towns were roadblocked, which “forced them to use indirect routes that dramatically lengthened their travels and affected their access to employment, education and medical care.” Additionally, this also prevents Palestinians from exercising their right to work.¹¹¹ B’Tselem summarizes the problem as follows:

¹⁰² United Nations, *The Universal Declaration of Human Rights*, 1948, Articles 5, 13, 15, 17, 23, and 25. <http://www.un.org/en/documents/udhr/>.

¹⁰³ BBC News, *Israel admits torture*, 2000. http://news.bbc.co.uk/2/hi/middle_east/637293.stm

¹⁰⁴ The Washington Post, *Prison Tactics A Long Dilemma For Israel*, 2004. <http://www.washingtonpost.com/wp-dyn/articles/A44664-2004Jun15.html>

¹⁰⁵ *Ibid.*

¹⁰⁶ B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, *About B’Tselem*, n.d. http://www.btselem.org/about_btselem

¹⁰⁷ B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, *Restriction of movement*, n.d. http://www.btselem.org/freedom_of_movement

¹⁰⁸ Associate press, *Israel prevents Palestinians from free movement*, 2011. http://hosted2.ap.org/APDEFAULT/terms/Article_2011-09-15-ML-Palestinians-Stuck-in-Place/id-7d5961fd796b4e0ea46a9c8af1c16b48

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, *Restriction of movement*, n.d. http://www.btselem.org/freedom_of_movement

“In these areas, the restrictions create a situation of constant uncertainty for Palestinians regarding their ability to carry out everyday activities, such as going to work or school in the nearby town, marketing farm produce, obtaining medical treatment, or visiting relatives [...] In addition, Israel continues to prevent Palestinians from traveling between the West Bank and the Gaza Strip in almost all cases, and makes it very difficult for West Bank Palestinians to enter Israel or to travel abroad.”¹¹²

The restriction on freedom of movement has also led to the “splitting of the West Bank,” involving the administrative subdivisions of parts of the West Bank into small areas in which Palestinians are not permitted to cross consistently or without excessive delay.¹¹³ Despite the fact that the UDHR specifically mentions certain classes of people as deserving of special protections, “Israel has [created] hundreds of physical obstructions, such as dirt piles, concrete blocks, iron gates, and trenches. [...] The obstructions prevent the crossing of vehicles even in emergencies. In addition, they restrict the movement of many pedestrians who have trouble bypassing them: the elderly, sick persons, pregnant women, and small children.”¹¹⁴

Israel has restricted the movement of the Palestinian national football (soccer) team members, preventing full-team practices or games within either the West Bank or Gaza because of the inability of players from the other territories to travel there.¹¹⁵ Additionally, the Palestine Liberation Organization (PLO) has asserted that Israel prevented Palestinian candidates and politicians from traveling between or inside occupied territories to campaign or perform official duties.¹¹⁶

Additionally, the Israeli West Bank Barrier, known by titles as biased as “Apartheid Wall” and “Security Barrier,” has helped deprive Palestinians individually of territory and collectively of land by creating a *de facto* annexation of East Jerusalem.¹¹⁷ Numerous NGOs submitted a document to the UN Office of the High Commissioner on Human Rights (OHCHR) in which they asserted that this annexation has been “entrenched” by newer movement restrictions on Palestinians.¹¹⁸ In addition to violating the UDHR, and Article 12 of the *International Covenant on Civil and Political Rights* (ICCPR), the NGOs asserted that Israel was violating the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD) because the new restrictions applied only to Palestinians, which violated CERD Article 5(d)(i).¹¹⁹

B’Tselem summarizes the restrictions of movement, and their contrast with international law, as follows:

“One of the declared objectives of Israel’s policy restricting Palestinian movement is to protect the settlers. In light of the illegality of the settlements, the restrictions pile one illegal action on top of another: sweeping, disproportionate impairment of freedom of movement of an entire population to realize and perpetuate a policy that is illegal from the start. However, even if the restrictions were intended to prevent attacks inside Israel, and not in settlements, the policy would be illegal given its sweeping and disproportionate nature, which makes it prohibited collective punishment.

Furthermore, Israel’s policy is based on the assumption that every Palestinian is a security threat, thus justifying restrictions on the person’s freedom of movement. This racist assumption brings

¹¹² *Ibid.*

¹¹³ B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, *Restriction of movement: Splitting the West Bank*, n.d. http://www.btselem.org/freedom_of_movement/splitting_of_the_west_bank

¹¹⁴ B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, *Restriction of movement: Checkpoints, Physical Obstructions, and Forbidden Roads*, n.d. http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads

¹¹⁵ The World Today, *Palestinian National Football Team prepares for the next World Cup despite difficulties*, 2006. <http://www.abc.net.au/worldtoday/content/2006/s1676020.htm>

¹¹⁶ Palestinian Monitoring Group, *Special Report: Israeli Obstructions of the Palestinian Electoral Process*, 2006. <http://nad-plo.org/userfiles/file/pmg-reports/special/PMG.PLC.Elections.23.01.06.pdf>

¹¹⁷ United Nations Office for the Coordination of Humanitarian Affairs, *The Impact of Israel’s Separation Barrier on Affected West Bank Communities*, 2003. <http://unispal.un.org/UNISPAL.NSF/0/B45E8D8CAACDA74785256DBB0062E7B9>

¹¹⁸ Joint NGO Submission, *Update on The right to freedom of movement, Part III, Section 5 D 1, 1967- Occupied Arab Territories*, 2006. <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/freedom-of-movement.pdf>

¹¹⁹ *Ibid.*

with it the sweeping violation of human rights of an entire population based on national origin. As such, the policy flagrantly breaches international law."¹²⁰

Self-Determination

The right of the Palestinian people to self-determination has been affirmed by the the International Court of Justice in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, which also stated some of the objections listed above to other rights violated by the creation of the West Bank Barrier by Israel.¹²¹ Additionally, the General Assembly has repeatedly upheld the rights of the Palestinian people to self-determination, *as manifested in statehood*; as Israel is the consistent objector to Palestinian statehood, it can be argued that this is another right they are denying to Palestinians.¹²²

Recent Violations

Since Israel's implementation of its unilateral disengagement plan in 2005 and the evacuation of all Israeli settlements from Gaza Strip, the Palestinian Authority has had nominal control of Gaza, due to continuing and severe Israeli interference.¹²³ After a 2007 power struggle between the two main Palestinian political parties, Fatah and Hamas, Hamas claimed control of the Gaza Strip, with Fatah controlling the West Bank.¹²⁴ Gaza has remained under Israeli blockade since June 2007.¹²⁵ The blockade severely restricts access for people and goods and remains the main impediment to reconstruction and recovery.¹²⁶

Following the solidification of Hamas control over the Gaza Strip, periodic raids by Israel into Gaza and rocket attacks by Palestinian militants into southern Israel continued until the summer of 2008.¹²⁷ After a ceasefire broke down, Israel began airstrikes in Gaza in late December 2008, and invaded in 2009, causing the Gaza Strip to experience a serious humanitarian crisis.¹²⁸ Prior to the Israeli attacks, known as "Operation Cast Lead", half of Gazan citizens were dependent on UN food aid; because of the fighting, this aid has slowed, and their problems have been exacerbated.¹²⁹ Following a ceasefire declared unilaterally by each side on January 18, 2009, the Human Rights Council said food prices were doubled or tripled from pre-fighting prices.¹³⁰ The fighting also damaged water wells and pipes, shorting power and supply of running water.¹³¹

Israel has subjected the Gaza Strip to a more intense regime of economic sanctions than the West Bank, viewing Hamas as a terrorist organization.¹³² Israel and its allies justified the continuation of checkpoints, closures and curfews in the West Bank "as vital to stop suicide bombers flooding into its cities to terrorise the civilian population."¹³³ The removal of Hamas power is also seen as the goal of Israeli policies restricting access to water and other basic human needs in Gaza.¹³⁴

Operation Cast Lead

On 27 December 2008, Israel launched "Operation Cast Lead", which was a 22-day military campaign into the Gaza

¹²⁰ B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, *Restriction of movement: Checkpoints, Physical Obstructions, and Forbidden Roads*, n.d. http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads

¹²¹ Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict* (A/HRC/12/48), 2009. <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/12/48>

¹²² United Nations, *Palestinian Self-Determination, Human Rights in Democratic People's Republic of Korea Addressed in Texts Approved by Third Committee* (GA/SHC/3840), 2008. <http://www.un.org/News/Press/docs/2005/gashc3840.doc.htm>

¹²³ BBC News, *Gaza's Humanitarian Crisis*, 2008. http://news.bbc.co.uk/2/hi/middle_east/7845428.stm

¹²⁴ BBC News, *Israel and Palestinian territories country profile*, 2011. http://news.bbc.co.uk/2/hi/europe/country_profiles/803257.stm

¹²⁵ Human Rights Council, *Report on the First Special Session of the Human Rights Council* (A/HRC/S-1/3), 2007. <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/S-1/3>

¹²⁶ *Ibid.*

¹²⁷ BBC News, *Israel and Palestinian territories country profile*, 2011. http://news.bbc.co.uk/2/hi/europe/country_profiles/803257.stm

¹²⁸ Human Rights Council, *Human rights situation in Palestine and other occupied Arab territories: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, John Dugard* (A/HRC/7/17), 2008. <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/7/17>

¹²⁹ BBC News, *Gaza: Humanitarian situation*, 2009. http://news.bbc.co.uk/2/hi/middle_east/7845428.stm

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² BBC News, *Israel and Palestinian territories country profile*, 2011. http://news.bbc.co.uk/2/hi/europe/country_profiles/803257.stm

¹³³ BBC News, *Guide to a West Bank Checkpoint*, 2003. http://news.bbc.co.uk/2/shared/spl/hi/middle_east/03/w_bank_checkpoints/html/

¹³⁴ *Ibid.*

Strip.¹³⁵ Operation Cast Lead's stated aim was "to end rocket attacks into Israel by armed groups affiliated with Hamas and other Palestinian factions."¹³⁶ During the military operation, more than 700 Palestinian civilians were killed in Gaza.¹³⁷ Much of the destruction resulted from direct attacks on civilian targets, as well as indiscriminate attacks.¹³⁸ During this attack, more Palestinians were killed and more properties were destroyed than in any previous Israeli offensive.¹³⁹

Israel has been accused of multiple human rights violations during Operation Cast Lead, specifically with regard to disproportional and indiscriminate use of force through means such as drone-launched missile attacks, killing of civilians with white flags, and the use of the illegal munitions component white phosphorus, allegedly launched from artillery shells in air-burst mode.¹⁴⁰ The claim of deliberate, indiscriminate attacks against civilians has been bolstered by the fact that Israel used weapons not with high precision, but that deliver the greatest threat, including air-delivered bombs and missiles, as well as tank shells.¹⁴¹

Throughout Operation Cast Lead, Israeli forces frequently obstructed Palestinian access to medical care and humanitarian aid by preventing ambulances and medical staff from tending to and transporting injured persons, as well as targeting ambulance and rescue crews in attacks.¹⁴² It was also found that Israeli soldiers used Gazan civilians as "human shields," forcing them to remain in houses or areas that the soldiers had taken over for use as military positions.¹⁴³

During and prior to Operation Cast Lead, the Israeli army prevented independent observers, journalists, international human rights monitors and humanitarian workers from entering Gaza, cutting off Gaza from any access to the outside world.¹⁴⁴ As of five months after the end of the operation, Israeli authorities have actively protested and failed to establish any type of investigation into the conduct of their forces during the operation.¹⁴⁵ The Israeli army maintains that its forces operated in accordance with international law, only launching proportionate attacks against military objectives, and blames Hamas for any harm to Palestinian civilians.¹⁴⁶

Currently, Israel prevents the import of several essential humanitarian goods such as fuel supplies, spare parts, cement, technical assistance and cotton.¹⁴⁷ Travel in and out of Gaza is also considered impossible. Supplies to Gaza are said to be needed at 250 trucks a day, but are currently limited to 45.¹⁴⁸ As of 2009, the IDF states that 30,894 trucks were imported into Gaza and 2010 saw 11,972 trucks imported into Gaza.¹⁴⁹ In the Gaza Strip, more than 80% of Palestinians rely on humanitarian assistance, and household incomes from June to September 2007 had dropped by 22%.¹⁵⁰

The Gaza Flotillas

A Cyprus-based NGO known as the Free Gaza Movement began sending small boats to Gaza in 2008 with the express purpose of "breaking the [Israeli] blockade".¹⁵¹ Many of these boats were stopped, rammed, or re-routed,

¹³⁵ Amnesty International, *IsraelGaza: Operation 'Cast Lead': 22 days of death and destruction*, 2009. <http://www.amnesty.org/en/library/info/MDE15/015/2009/en>

¹³⁶ *Ibid.*

¹³⁷ Human Rights Watch, *Israel/Gaza*, 2008. <http://www.hrw.org/en/features/israel-gaza>

¹³⁸ Amnesty International, *IsraelGaza: Operation 'Cast Lead': 22 days of death and destruction*, 2009. <http://www.amnesty.org/en/library/info/MDE15/015/2009/en>

¹³⁹ *Ibid.*

¹⁴⁰ Human Rights Watch, *Israel/Gaza*, 2008. <http://www.hrw.org/en/features/israel-gaza>

¹⁴¹ Amnesty International, *IsraelGaza: Operation 'Cast Lead': 22 days of death and destruction*, 2009. <http://www.amnesty.org/en/library/info/MDE15/015/2009/en>

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ BBC News, *Gaza's Humanitarian Crisis*, 2008. http://news.bbc.co.uk/2/hi/middle_east/7191359.stm

¹⁴⁸ *Ibid.*

¹⁴⁹ Israel Defense Forces, *Breakdown of Humanitarian Aid to the Gaza Strip in 2009*, 2010. <http://idfspokesperson.com/2010/06/06/breakdown-of-humanitarian-aid-to-the-gaza-strip-in-2009-2010-6-june-2010/>

¹⁵⁰ BBC News, *Gaza's Humanitarian Crisis*, 2008. http://news.bbc.co.uk/2/hi/middle_east/7191359.stm

¹⁵¹ United Nations Human Rights Council, *Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance (A/HRC/15/21)*, 2010. <http://unispal.un.org/pdfs/AHRC1521.pdf>

and after the eighth was boarded and taken to the Israeli port of Ashdod, the Free Gaza Movement began collaborating with other organizations for a larger mission to allow humanitarian aid to the Gaza Strip.¹⁵² One of these organizations was the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), an ECOSOC-accredited NGO active in over 120 countries.¹⁵³ Together, these groups, known as the “Gaza Freedom Flotilla,” planned a ship convoy to Gaza with humanitarian aid and pro-Palestinian activists in tow.¹⁵⁴ Six ships were part of the convoy, one of which was the *Mavi Marmara*, owned by IHH.¹⁵⁵

Israeli authorities publicly stated their intent to re-route or, if necessary, board the ships prior to the flotilla’s departure in May 2010, though the flotilla’s organizers generally understood the boarding plans to be unnecessary due to the Israeli navy’s ability to block the ship’s path to Gaza and thus force it to re-route.¹⁵⁶ Yet Israeli soldiers attempted to board the vessel from the sea, and were repelled with thrown items such as chairs and plates, and water hoses on the otherwise unarmed ship.¹⁵⁷ The UN factfinding mission investigating the flotilla incident has opined: “It is the view of the Mission that the Israeli forces should have re-evaluated their plans when it became obvious that putting their soldiers on board the ship may lead to civilian casualties.”¹⁵⁸

However, the Israeli military sent helicopters, which dropped commandos onto the *Mavi Marmara*.¹⁵⁹ It is important to note that “live ammunition was used from the helicopter onto the top deck [where ship passengers were grouped] prior to the descent of the soldiers” from the helicopters.¹⁶⁰ A firefright broke out: though the UN report indicates that no passengers used firearms against Israelis despite having taken loaded guns from at least one soldier, Israeli commandos *were* attacked with makeshift weapons including kitchen knives, and attacked the passengers using their own firearms.¹⁶¹

Passengers grouped on the top deck were nearly all victims of gunshot wounds; the UN report continues:

“Israeli soldiers continued shooting at passengers who had already been wounded, with live ammunition, soft baton charges (beanbags) and plastic bullets. Forensic analysis demonstrates that two of the passengers killed on the top deck received wounds compatible with being shot at close range while lying on the ground [...]

Furthermore, some of the wounded were subjected to further violence, including being hit with the butt of a weapon, being kicked in the head, chest and back and being verbally abused. A number of the wounded passengers were handcuffed and then left unattended for some time before being dragged to the front of the deck by their arms or legs.”¹⁶²

Following this, Israeli troops moved down to other decks, killing a further four passengers; “None of the four passengers who were killed, including a photographer who at the time of being shot was engaged in taking photographs and was shot by an Israeli soldier positioned on the top deck above, posed any threat to the Israeli forces.”¹⁶³ Firing by Israelis upon the unarmed passengers continued despite the President of the IHH using a white shirt as a flag of surrender.¹⁶⁴ By contrast, three Israeli soldiers who had been subdued during the original fighting on the top deck were treated by the flotilla’s medical team and released unharmed later on in the firefright.¹⁶⁵ The entire operation took 45-50 minutes, and ended with 9 dead flotilla passengers and 50 injured, including 24 injured seriously “with live ammunition.”¹⁶⁶ While Israel has claimed 7 wounded soldiers, the flotilla’s leadership has asserted that only three were wounded.¹⁶⁷

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

While the flotilla organizers claimed that of their three goals of awareness-raising, breaking the blockade and delivering humanitarian aid, the humanitarian aid was the paramount goal, the UN Mission stated, “it seems clear that the primary objective was political.”¹⁶⁸ In fact, an offer brokered by Ireland to deliver the aid to Ashdod and then have it delivered intact by Israel to Gaza was rejected, though this was ostensibly because of a lack of trust in Israeli authorities to make the delivery.¹⁶⁹ It should also be noted that while the Israeli Navy claimed that another ship in the flotilla, the *Defne Y*, engaged in radio communications where anti-Semitic references “to ‘Auschwitz’ and the 11 September 2001 attack on the World Trade Centre in New York” were made by the ship’s crew or passengers, “the Mission is not satisfied that these recordings are authentic, nor has the Government of Israel made this material available to the Mission for appropriate examination. The Mission was given positive evidence that no such statements were made by anyone involved in communications on the flotilla.”¹⁷⁰

Aftermath of the Flotilla

The reporting of the flotilla and the conduct of parties involved was originally conducted in the summer of 2010, with the report given to the Human Rights Council in September.¹⁷¹ A follow-up report known as the Palmer Report, however, allocated blame more equally between the parties, calling the raid “excessive and unreasonable” on behalf of Israel, but also implicitly calling the blockade legal by labeling flotilla organizers “reckless”.¹⁷² The panel, in fact, *recommends* the continued denial of the free flow of goods to Gaza except through authorized Israeli channels.¹⁷³ Needless to say, this report was immediately endorsed by Israel and rejected by Palestinian leadership, as well as by neighboring States.¹⁷⁴ Specifically, Turkey has consistently demanded an apology from Israel for the killings, as all nine activists who were killed were Turkish citizens.¹⁷⁵

Turkish-Israel relations sunk to a new level in August 2011, when in response to a leaked version of the Palmer report, which was due to be published September 2, Israel’s ambassador was expelled from Turkey.¹⁷⁶ This was also justified by Turkey on the basis of perceived intransigence on behalf of Israeli Prime Minister Netanyahu, who has refused to apologize since the raid itself.¹⁷⁷ The relevance of the political situation to human rights has increased in September 2011, as Turkey has pledged to fight the blockade in the International Court of Justice.¹⁷⁸ More directly, Turkey on 6 September 2011 suspended all military and defense cooperation with Israel, a lynchpin of their alliance.¹⁷⁹ On 9 September, Turkish Prime Minister Erdogan reiterated his support for humanitarian relief to Gaza, and stated that “Turkish warships will be tasked with protecting the Turkish boats bringing humanitarian aid to the Gaza Strip.”¹⁸⁰ Thus, it is clear that absent a political solution brokered with human rights taken into account, an even greater human rights disaster may occur.

Finally, although the HRC seemed to have reversed its stance on the legality of the blockade, a September 13 report – scarcely 11 days after the Palmer Report – issued by “independent human rights experts” ruled that the blockade was unquestionably illegal.¹⁸¹ Directly refuting the Palmer Report, the Independent Experts’ Report stated that “In pronouncing itself on the legality of the naval blockade, the Palmer Report does not recognize the naval blockade as an integral part of Israel’s closure policy toward Gaza which has a disproportionate impact on the human rights of civilians.”¹⁸² Commissioned by the Human Rights Council, this report was drafted by five independent experts,

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

¹⁷² United Nations, *UN chief receives report of panel of inquiry into Gaza flotilla incident*, 2011. <http://www.un.org/apps/news/story.asp?NewsID=39443&Cr=Gaza&Cr1=>

¹⁷³ *Ibid.*

¹⁷⁴ *Ibid.*

¹⁷⁵ Washington Post, *Netanyahu rules out apology to Turkey*, 2011. http://www.washingtonpost.com/world/middle-east/netanyahu-rules-out-apology-to-turkey/2011/09/04/gIQAka0m1J_story.html

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ Ynetnews, *Turkey to challenge Gaza blockade at ICJ*, 2011. <http://www.ynetnews.com/articles/0,7340,L-4117280,00.html>

¹⁷⁹ The Guardian, *Turkey suspends military ties with Israel*, 2011. <http://www.guardian.co.uk/world/2011/sep/06/turkey-suspends-israel-military-ties>

¹⁸⁰ Aljazeera, *Erdogan: Turkish navy to protect Gaza aid*, 2011. <http://english.aljazeera.net/news/europe/2011/09/201198225646614806.html>

¹⁸¹ Press TV, *UN experts: Gaza blockade illegal*, 2011. <http://www.presstv.com/detail/199008.html>

¹⁸² *Ibid.*

including the UN Special Rapporteurs on “human rights in the occupied Palestinian Territories; the right to food [...] “physical and mental health; extreme poverty and human rights; and access to water and sanitation.”¹⁸³

UN System Involvement

On 6 July 2006, the HRC held a special session on the topic of the Occupied Palestinian Territories.¹⁸⁴ This session looked specifically at the Gaza Strip, where Israeli military actions have led to the killing of Palestinian civilians as well as periodic shortages of food, fuel, electricity, water and medicine.¹⁸⁵

On 3 April 2009, the President of the Human Rights Council established the United Nations Fact Finding Mission on the Gaza Conflict, with the mandate “to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after.”¹⁸⁶

The Goldstone report, released on 15 September 2009, has turned into a major part of the defense of human rights in the Palestinian territories.¹⁸⁷ It examines a number of war crimes that were committed by Israeli forces in December 2008.¹⁸⁸ The report found that the destruction of the el-Bader flourmill could be attested to the Israeli Defense Forces, leading to starvation of the people of Gaza and denying their right of access to food.¹⁸⁹ The report also found that the destruction of the Sawafeary chicken farms and 31,000 chickens was intentional, and led to a shortage of food and denial of basic human rights in Gaza.¹⁹⁰ The September 2009 report also concludes that there is evidence that Palestinian armed groups committed war crimes, as well as possible crimes against humanity; these violations are in addition to other human rights violations, including rocket attacks and the ongoing captivity of IDF soldier Gilad Shalit.¹⁹¹

Israel refuses to acknowledge the report, as they believe the Human Rights Council is biased and will find only evidence supporting the finding of human rights violations in Palestine; however, it should be noted that the Goldstone Report also accused Hamas of human rights violations.¹⁹² While Israel rejected the report, Hamas “tentatively endorsed it,” pledging to conduct internal review of its own actions in light of the report’s findings.¹⁹³ However, in light of a March 2011 report of the HRC’s Committee of Independent Experts, which accused Hamas of solely paying lip service to the idea of an independent investigation and Israel of only even looking into investigating a few low-level military figures, international support for independent self-assessment on either side has declined.¹⁹⁴

Conclusion

Since the beginning of the occupation in 1967 after the Six-Day War, human rights violations are perpetuated in the West Bank, Gaza Strip, East Jerusalem, and Golan Heights (including the disputed territory of Shebaa Farms). These human rights violations are perpetrated in part by governments, and in part by private citizens or groups of citizens. It is impossible to list the myriad ways in which human rights are abused in Palestine and other occupied Arab territories, but a partial listing is enough to warrant discussion of the topic. Specifically, human rights

¹⁸³ *Ibid.*

¹⁸⁴ Human Rights Council, *Report on the First Special Session of the Human Rights Council (A/HRC/S-1/3)*, 2007. <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/S-1/3>

¹⁸⁵ *Ibid.*

¹⁸⁶ Human Rights Council, *Human rights in Palestine and other occupied Arab territories: Report of the United Nations fact finding mission on the Gaza conflict (A/HRC/12/48)*, 2009. <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/12/48>

¹⁸⁷ The Economist, *The Palestinians and the Goldstone Report: Stranded between America and the Street*, 2009. <http://www.economist.com/node/14587828>

¹⁸⁸ *Ibid.*

¹⁸⁹ Human Rights Council, *Human rights in Palestine and other occupied Arab territories: Report of the United Nations fact finding mission on the Gaza conflict (A/HRC/12/48)*, 2009. <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/12/48>

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² The Economist, *The Palestinians and the Goldstone Report: Stranded between America and the Street*, 2009. <http://www.economist.com/node/14587828>

¹⁹³ *Ibid.*

¹⁹⁴ United Nations Human Rights Council, *Report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/16/24)*, 2011. http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.24_AUV.pdf

violations are perpetrated by Palestinian militant groups through rocket attacks, suicide bombings, and other forms of attacks on Israeli settlers and citizens. Arbitrary detention has also been practiced by Palestinian militant groups, primarily on Israeli military personnel.

Human rights violations are committed also by Israeli settlers, who arbitrarily deny Palestinians their property in contravention of the Universal Declaration of Human Rights and other international legal agreements, and perpetuate the closure and curfew systems that violate Palestinians' freedom of movement. Finally, countless human rights violations have been documented or alleged against the government of Israel. Specifically, the denial of humanitarian aid to the Gaza Strip, the killings of 9 activists on the *Mavi Marmara*, the checkpoint and closure system in the West Bank, and the *de facto* annexation of the Golan Heights, Shebaa Farms, and East Jerusalem, and the extrajudicial executions of accused militants and other non-convicted civilians, are among the best documented.

The Human Rights Council has engaged in the issue for years, but has yet to achieve true progress in the region. Glimmers of hope, however, have been seen. The Council will need to weigh new methods to achieve a successful approach that protects human rights in Palestine and other occupied Arab territories in the future, while still maintaining their commitment to the documents that enshrine human rights there and worldwide.

Questions to Consider

As you prepare for the upcoming conference, allow the following questions guide you in your research on this topic:

- With the recent reports that place blame for the human rights abuses in Gaza during Operation Cast Lead, and that fault both Israel and Hamas for failing to investigate their own for abusers, what international actions can be taken to create and maintain accountability? What actions can be taken by the international community to create accountability for other human rights abuses in the occupied territories?
- In the absence of a Palestinian state, what legal rights do the Palestinians have to pursue international defense of their human rights? What can the different contexts of the Syrian case and Lebanese case (given the occupation of Shebaa Farms) give international mediators such as the Human Rights Council in terms of tools to address the situation more effectively?
- How will your delegation vote on the issue of Palestinian membership to the United Nations or granting the Palestinians "non-member state" status this September? How will the outcome of these votes affect your opinion of action to be taken at the Human Rights Council level to protect the rights of Palestinians and other occupied Arabs? What can the Council do to protect the rights of Palestinians, other Arabs, and Israelis?
- How will the Palestinian right to self-determination be achieved without the creation of circumstances that would negatively affect human rights? Does your country believe that the peace process is an effective means to achieve this end? How can the international community promote self-determination in the occupied territories, including support for Palestinian elections regardless of statehood status?
- How will they determine if the war crimes they believe occurred have indeed occurred? If Israel acknowledges the Goldstone Report as a credible source, will it also have to admit to being guilty of human rights violations? How will the Human Rights Council find a balance between Israel's citizens, whose human rights are violated by attacks perpetrated by a small portion of the Palestinian citizenry, and the broader Palestinian populace, whose human rights are violated by Israel's response to that portion?

Key Resources

These resources are “must reads” for delegates doing research on this topic and provide general, yet comprehensive information on the issues at hand. We recommend exploring these resources in addition to reading the background guide and reading through the Bibliography.

History and Background of the Human Rights Council

Human Rights Council (A/RES/60/251) [Resolution]:
<http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/251>

What the OHCHR does [Website]:
<http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

UN Human Rights Council [Website]:
<http://www2.ohchr.org/english/bodies/hrcouncil/>

Special Procedures of the Human Rights Council [Website]:
<http://www2.ohchr.org/english/bodies/chr/special/index.htm>

I. Trafficking in persons, especially in women

Recommended Principles on Human Rights and Human Trafficking: Report to the United Nations High Commissioner for Human Rights to the Economic and Social Council [Report]:
http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf

Special Rapporteur on trafficking in persons especially women and children for the Office of the High Commissioner for Human Rights [Website]: <http://www2.ohchr.org/english/issues/trafficking/in.d.ex.htm>

Humantrafficking.org [Website]:
<http://www.humantrafficking.org/>

UN Office of Drugs and Crime, What is Human Trafficking [Website]:
<http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

Polaris Project [Website]:
<http://www.polarisproject.org/human-trafficking/overview>

United Nations Global Initiative to Fight Human Trafficking [Website]:
<http://www.ungift.org/knowledgehub/>

II. Human Rights Situation in Palestine and Other Occupied Arab Territories

B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories [Website]:
http://www.btselem.org/about_btselem

Human Rights Watch, *Israel/Gaza*:
<http://www.hrw.org/en/features/israel-gaza>

United Nations, *The Question of Palestine* [Website]:
<http://unispal.un.org>

The Universal Declaration of Human Rights:
<http://www.un.org/en/documents/udhr/>

Bibliography

History and Background of the Human Rights Council

- New York Times. (2006). *The Shame of the United Nations*. Retrieved 15 August 2011, from: http://www.nytimes.com/2006/02/26/opinion/26sun2.html?_r=1&n=Top%2fOpinion%2fEditorials%20and%20Op-Ed%2fEditorials&oref=slogin
- United Nations General Assembly. (2006). *Human Rights Council (A/RES/60/251)*. Retrieved 15 August 2011, from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/251>
- United Nations Office of the High Commissioner for Human Rights. (n.d.). *Commission on Human Rights*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/chr/index.htm>
- United Nations Office of the High Commissioner for Human Rights. (2008). *Human Rights Bodies*. Retrieved 15 August 2011, from: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>
- United Nations Office of the High Commissioner for Human Rights. (2008). *What we do*. Retrieved 15 August 2011, from: <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>
- United Nations Office of the High Commissioner for Human Rights. (2007). *Special Procedures of the Human Rights Council*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>
- United Nations Office of the High Commissioner for Human Rights. (2011). *Pillay: Arrest of Goran Hadžic reinforces global fight against impunity*. Retrieved 15 August 2011, from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11256&LangID=E>
- United Nations Office of the High Commissioner of Human Rights. (2008). *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election of the Human Rights Council*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>
- United Nations Office of the High Commissioner of Human Rights. (2008). *UN Human Rights Council*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/hrcouncil/>
- I. Trafficking in persons, especially in women***
- Government of the United States of America. (2001). *The World Factbook: Cambodia*. Retrieved 15 August 2011, from: <https://www.cia.gov/library/publications/the-world-factbook/geos/cb.html>
- Office of the High Commissioner for Human Rights. (2002). *Recommended Principles on Human Rights and Human Trafficking: Report to the United Nations High Commissioner for Human Rights to the Economic and Social Council*. Retrieved 15 August 2011, from: http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf
- United Nations Economic Commission for Europe. (2004). *Economic Roots of Trafficking in the UNECE Region*. Retrieved 15 August 2011, from: http://www.unece.org/press/pr2004/04gen_n03e.htm
- United Nations Inter-Agency Project on Human Trafficking. (2008). *SIREN human trafficking data sheet: Cambodia*. Retrieved 15 August 2011, from: http://www.no-trafficking.org/reports_docs/cambodia/datasheet_cambodia_march08.pdf
- United Nations Inter-Agency Project on Human Trafficking. (n.d.). *UNIAP Cambodia*. Retrieved 15 August 2011, from: <http://www.no-trafficking.org/cambodia.html>

- United Nations Office of the High Commissioner for Human Rights. (n.d.). *States must redress wrongs committed against Trafficked Persons- "It is their Human Rights Obligation"*. Retrieved 15 August 2011, from: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10559&LangID=E>
- United Nations Office of the High Commissioner for Human Rights. (2011). *Universal Periodic Review*. Retrieved 15 August 2011, from: <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>
- United Nations Office of the United Nations High Commission for Human Rights. (2011). *Special Rapporteur on trafficking in persons especially women an.d. children for the Office of the High Commissioner for Human Rights*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/issues/trafficking/in.d.ex.htm>
- United Nations Office on Drugs and Crime. (n.d.). *Human Trafficking FAQs*. Retrieved 15 August 2011, from: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>
- United Nations Office on Drugs and Crime. (n.d.). *Promoting cooperation among source transit and destination countries in response to human trafficking*. Retrieved 15 August 2011, from: <http://www.unodc.org/centralasia/en/news/promoting-ccoperation-among-source-transit-an.d.-destination-countries-in-response-to-human-trafficking.html>
- United Nations Office on Drugs and Crime. (2004). *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. Retrieved 15 August 2011, from: <http://www.unodc.org/unodc/en/treaties/CTOC/in.d.ex.html>
- United Nations Population Fund.. (2003). *Gen.d.er Inequality and Reproductive Health*. Retrieved 15 August 2011, from: <http://www.unfpa.org/swp/2003/english/ch2/in.d.ex.htm>
- United Nations Population Fund.. (2006). *Pregnant Women must get urgent access to care in the Occupied Palestinian Territory says UNFPA*. Retrieved 15 August 2011, from: <http://www.unfpa.org/public/News/pid/252>
- United Nations Population Fund.. (n.d.). *Trafficking in Human Misery*. Retrieved 15 August 2011, from: <http://www.unfpa.org/gen.d.er/violence1.htm>
- United Nations Population Fund.. (2003). *Trafficking in Women Girls and Boys: Key Issues for Population and Development Programme*. Retrieved 15 August 2011, from: <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2003/Trafficking.pdf>
- United Nations. (1948). *Universal Declaration of Human Rights*. Retrieved 15 August 2011, from: <http://www.un.org/en/documents/udhr/>
- United States Department of Health and Human Services. (n.d.). *Sex Trafficking Fact Sheet*. Retrieved 15 August 2011, from: http://www.acf.hhs.gov/trafficking/about/fact_sex.pdf
- United States Department of State. (2010). *Trafficking in Persons Report, 10th Edition*. Retrieved 15 August 2011, from: <http://www.state.gov/g/tip/rls/tiprpt/2010/>

II. Human Rights Situation in Palestine and Other Occupied Arab Territories

- Aljazeera. (2011). *Erdogan: Turkish navy to protect Gaza aid*. Retrieved 15 August 2011, from: <http://english.aljazeera.net/news/europe/2011/09/201198225646614806.html>
- Amnesty International. (2009). *IsraelGaza: Operation 'Cast Lead': 22 days of death anddestruction*. Retrieved 15 August 2011, from: <http://www.amnesty.org/en/library/info/MDE15/015/2009/en>

- Associate press. (2011). *Israel prevents Palestinians from free movement*. Retrieved 15 August 2011, from: http://hosted2.ap.org/APDEFAULT/terms/Article_2011-09-15-ML-Palestinians-Stuck-in-Place/id-7d5961fd796b4e0ea46a9c8af1c16b48
- B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. (n.d.). *About B'Tselem*. Retrieved 15 August 2011, from: http://www.btselem.org/about_btselem
- B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. (n.d.). *Restriction of movement*. Retrieved 15 August 2011, from: http://www.btselem.org/freedom_of_movement
- B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. (n.d.). *Restriction of movement: Splitting the West Bank*. Retrieved 15 August 2011, from: http://www.btselem.org/freedom_of_movement/splitting_of_the_west_bank
- B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. (n.d.). *Restriction of movement: Checkpoints Physical Obstructions, and Forbidden Roads*. Retrieved 15 August 2011, from: http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads
- BBC News. (2009). *Gaza: Humanitarian situation*. Retrieved 15 August 2011, from: http://news.bbc.co.uk/2/hi/middle_east/7845428.stm
- BBC News. (2008). *Gaza's Humanitarian Crisis*. Retrieved 15 August 2011, from: http://news.bbc.co.uk/2/hi/middle_east/7191359.stm
- BBC News. (2003). *Guide to a West Bank Checkpoint*. Retrieved 15 August 2011, from: http://news.bbc.co.uk/2/shared/spl/hi/middle_east/03/w_bank_checkpoints/html/
- BBC News. (2000). *Israel admits torture*. Retrieved 15 August 2011, from: http://news.bbc.co.uk/2/hi/middle_east/637293.stm
- BBC News. (2011). *Israel and Palestinian territories country profile*. Retrieved 15 August 2011, from: http://news.bbc.co.uk/2/hi/europe/country_profiles/803257.stm
- BBC News. (2010). *Regions and territories: The Golan Heights*. Retrieved 15 August 2011, from: http://news.bbc.co.uk/2/hi/middle_east/country_profiles/3393813.stm
- Government of Israel Ministry of Foreign Affairs. (1948). *The Declaration of the Establishment of the State of Israel*. Retrieved 15 August 2011, from: <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Establishment%20of%20State%20of%20Israel>
- Guardian. (2011). *Turkey suspends military ties with Israel*. Retrieved 15 August 2011, from: <http://www.guardian.co.uk/world/2011/sep/06/turkey-suspend-israel-military-ties>
- Human Rights Watch. (2008). *Israel/Gaza*. Retrieved 15 August 2011, from: <http://www.hrw.org/en/features/israel-gaza>
- Israel Defense Forces. (2010). *Breakdown of Humanitarian Aid to the Gaza Strip in 2009*. Retrieved 15 August 2011, from: <http://idfspokesperson.com/2010/06/06/breakdown-of-humanitarian-aid-to-the-gaza-strip-in-2009-2010-6-june-2010/>
- Joint NGO Submission. (2006). *Update on The right to freedom of movement Part III Section 5 D 1 1967- Occupied Arab Territories*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/freedom-of-movement.pdf>
- Milton-Edwards. (1996). *Islamic Politics in Palestine*. Retrieved 15 August 2011, from:

- Office of the High Commissioner for Human Rights. (n.d.). *Human Rights Council*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/hrcouncil/>
- Oxfam. (2011). *Pressing for Peace*. Retrieved 15 August 2011, from: http://www.oxfam.org.uk/oxfam_in_action/where_we_work/palterr_israel.html
- Palestinian Monitoring Group. (2006). *Special Report: Israeli Obstructions of the Palestinian Electoral Process*. Retrieved 15 August 2011, from: <http://nad-plo.org/userfiles/file/pmg-reports/special/PMG.PLC.Elections.23.01.06.pdf>
- Press TV. (2011). *UN experts: Gaza blockade illegal*. Retrieved 15 August 2011, from: <http://www.presstv.com/detail/199008.html>
- The Economist. (2009). *The Palestinians and the Goldstone Report: Stranded between America and the Street*. Retrieved 15 August 2011, from: <http://www.economist.com/node/14587828>
- The World Today. (2006). *Palestinian National Football Team prepares for the next World Cup despite difficulties*. Retrieved 15 August 2011, from: <http://www.abc.net.au/worldtoday/content/2006/s1676020.htm>
- United Nations. (2008). *Palestinian Self-Determination, Human Rights in Democratic People's Republic of Korea Addressed in Texts Approved by Third Committee (GA/SHC/3840)*. Retrieved 15 August 2011, from: <http://www.un.org/News/Press/docs/2005/gashc3840.doc.htm>
- United Nations. (n.d.). *The Question of Palestine: Resolutions*. Retrieved 15 August 2011, from: <http://unispal.un.org/unispal.nsf/vCHRRes?OpenView>
- United Nations. (1948). *The Universal Declaration of Human Rights*. Retrieved 15 August 2011, from: <http://www.un.org/en/documents/udhr/>
- United Nations. (2011). *UN chief receives report of panel of inquiry into Gaza flotilla incident*. Retrieved 15 August 2011, from: <http://www.un.org/apps/news/story.asp?NewsID=39443&Cr=Gaza&Cr1=>
- United Nations General Assembly. (2006). *Human Rights Council (A/RES/60/251)*. Retrieved 15 August 2011, from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/251>;
- United Nations Human Rights Council. (n.d.). *18th session: Agenda*. Retrieved 15 August 2011, from: http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/Agenda.a5_1.pdf
- United Nations Human Rights Council. (2011). *Annual Reports of the HRC*. Retrieved 15 August 2011, from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.L.30AUV.pdf>
- United Nations Human Rights Council. (2009). *Human rights in Palestine and other occupied Arab territories: Report of the United Nations fact finding mission on the Gaza conflict (A/HRC/12/48)*. Retrieved 15 August 2011, from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/12/48>
- United Nations Human Rights Council. (2008). *Human rights situation in Palestine and other occupied Arab territories: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, John Dugard (A/HRC/7/17)*. Retrieved 15 August 2011, from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/7/17>
- United Nations Human Rights Council. (2011). *Report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/16/24)*. Retrieved 15 August 2011, from: http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.24_AUV.pdf

- United Nations Human Rights Council. (2010). *Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance (A/HRC/15/21)*. Retrieved 15 August 2011, from: <http://unispal.un.org/pdfs/AHRC1521.pdf>
- United Nations Human Rights Council. (2007). *Report on the First Special Session of the Human Rights Council (A/HRC/S-1/3)*. Retrieved 15 August 2011, from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/S-1/3>
- United Nations Office for the Coordination of Humanitarian Affairs. (2003). *The Impact of Israel's Separation Barrier on Affected West Bank Communities*. Retrieved 15 August 2011, from: <http://unispal.un.org/UNISPAL.NSF/0/B45E8D8CAACDA74785256DBB0062E7B9>
- Washington Post. (2011). *Netanyahu rules out apology to Turkey*. Retrieved 15 August 2011, from: http://www.washingtonpost.com/world/middle-east/netanyahu-rules-out-apology-to-turkey/2011/09/04/gIQAka0m1J_story.html
- Washington Post. (2004). *Prison Tactics A Long Dilemma For Israel*. Retrieved 15 August 2011, from: <http://www.washingtonpost.com/wp-dyn/articles/A44664-2004Jun15.html>
- World Health Organization. (n.d.). *West Bank and Gaza, Cooperation Strategy at a Glance*. Retrieved 15 August 2011, from: http://www.who.int/countryfocus/cooperation_strategy/ccs_pse_en.pdf
- Ynetnews. (2011). *Turkey to challenge Gaza blockade at ICJ*. Retrieved 15 August 2011, from: <http://www.ynetnews.com/articles/0,7340,L-4117280,00.html>