



17-19 January 2020

HUMAN RIGHTS COUNCIL

Background Guide

written by:

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DEAR DELEGATES,

It is a great honor to welcome you to the **Human Rights Council** of Erfurt Model United Nations 2020.

The topics on the agenda will be:

- I. **Human Rights and Climate Change**
- II. **The Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar**

This Background Guide supports your preparation for the conference. It offers you a comprehensive overview of the committee as well as both topics and will help you focus your further research on the most relevant aspects. We encourage you to thoroughly delve into your countries' policies and their positions concerning the topics. When preparing for the conference, please keep in mind the mandate of the **Human Rights Council**.

If you have any questions regarding the conference or your preparation for the Human Rights Council, please do not hesitate to contact us at mun@uni-erfurt.de.

Sincerely,

Jule and Fiona

MEET YOUR CHAIR

Jule Lümmer (President)

Jule is currently studying International Relations and Communication Sciences at the University of Erfurt. After attending numerous conferences as a delegate, she is now part of the tutoring team of Erfurt's MUN seminar.

Fiona Kramer (Vice President)

Fiona studies International Relations and Romance Studies in the third semester at university of Erfurt. She is especially interested in peace and conflict studies and is looking forward to hearing innovative solutions to current human rights issues at the conference.

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ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CO2	Carbon Dioxide
COP	Conference of the Parties
CRC	Convention on the Rights of the Child
ECOSOC	Economic and Social Council
GA	General Assembly
GEF	Global Environment Facility
GHG	Greenhouse Gas
HCR	Human Rights Commissioner for Refugees
HRC	Human Rights Council
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organization for Migration
JRP	Joint Response Plan
MRFCJ	Mary Robinson Foundation – Climate Justice
NAMA	Nationally Appropriate Mitigation Action
NDCs	Nationally Determined Contributions
NGO	Non-governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCCP	Paris Committee on Capacity-building
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCHE	United Nations Conference on the Human Environment
UNCHR	United Nations Commission on Human Rights

UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UPR	Universal Periodic Reviews

COMMITTEE OVERVIEW

Introduction

One of the key purposes of the United Nations (UN), as mentioned several times in the UN's founding Charter, is the promotion and protection of human rights.¹ Chapter I, Article 1 of the UN Charter defines the purposes of the UN, explicitly naming the commitment to "respect for human rights" as a guiding intention of the UN's work.² Elaborating on the encouragement for human rights, Chapter IX, Article 55 obliges the UN to also promote observance of human rights.³ As a milestone document in the history of human rights, the UN General Assembly (GA) adopted the *Universal Declaration of Human Rights* (UDHR) on 10 December 1948.⁴ For the first time in history, human rights were universally protected.⁵ Today, the promotion and protection of human rights is as important as in 1948, however, the definition of human rights has become more complex as human rights law has been extensively expanded by the UN.⁶ In order to define as well as to promote and protect human rights, the UN have established several organs and bodies, including the High Commissioner for Human Rights (OHCHR) and the Human Rights Council (HRC).⁷ Established in 2006, the HRC is an inter-governmental body within the UN system.⁸ It is one of the main bodies responsible for the promotion and preservation of all human rights worldwide.⁹ One of its key tasks is addressing situations of human rights violations by recommending further action regarding the development of human rights law to the GA.¹⁰

History

In 1946, the UN Commission on Human Rights (UNCHR) was established as a subsidiary body of the UN Economic and Social Council (ECOSOC) to develop the framework for the promotion and protection of all fundamental human rights. Its main tasks were the development of common international policy guidelines regarding human rights, the observation of compliance with international human rights law and the exposure of human rights violations.¹¹ The UNCHR also served as a panel, where Member States, civil society and international organizations could express their concerns about possible human rights abuses.¹² The UNCHR drafted the UDHR which was adopted by the GA on 10 December 1948.¹³ In the following years, the UNCHR drafted a framework of international human rights law, based on the UDHR.¹⁴ As a result of the UNCHR's standard setting work, the GA adopted two human rights covenants in 1966, namely the

¹ UN, *Charter of the United Nations*, 1945.

² UN, *Charter of the United Nations. Chapter I: Purposes and Principles*, 1945.

³ UN, *Charter of the United Nations. Chapter IX: International and Social Cooperation*, 1945.

⁴ Ibid.

⁵ UN General Assembly, *Universal Declaration of Human Rights (A/RES/3/217A)*, 1948.

⁶ UN, *Global Issues. Human Rights*, n.d.

⁷ UN, *What We Do. Protect Human Rights*, n.d.

⁸ Ibid.

⁹ UN, *Global Issues. Human Rights*, n.d.

¹⁰ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

¹¹ Ibid.

¹² UN Human Rights Council, *About the Commission. Background Information. Brief Historical Overview of the Commission*, n.d.

¹³ Ibid.

¹⁴ Ibid.

*International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).*¹⁵

In 1967, the ECOSOC authorized the UNCHR to concretely address human rights abuses.¹⁶ To this end, the UNCHR has developed a comprehensive system to monitor compliance by Member States with international human rights law and to investigate alleged violations of human rights.¹⁷ This included, inter alia, the establishment of fact-finding missions to countries in all parts of the world.¹⁸ In the 1990s, the UNCHR focused on the provision of advisory services and technical assistance to Member States that were incapable of safeguarding the enjoyment of human rights within their boundaries. As the affiliation of economic, social and cultural rights on the human rights agenda was largely denied in the 1990s, the UNCHR intensively advocated the importance of these rights.¹⁹ Furthermore, the protection of the rights of vulnerable groups in society and the rights of women and children was addressed by the UNCHR.²⁰ In 2006, the UNCHR was replaced by the Human Rights Council (HRC). The HRC was created by the GA on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006.²¹

Governance, Structure and Membership

The HRC consists of 47 UN Member States, which are elected for a period of three years through a majority vote by the GA. Members of the HRC cannot immediately be re-elected after serving two successive terms. Important criteria for the election of Member States are their contributions to the preservation of human rights, as well as their pledges and commitments in this regard.²² The principle of equitable geographical distribution is also taken into account for the election of Member States to the HRC. African States and Asia-Pacific States are each granted 13 seats, Latin American and Caribbean States are granted 8 seats, Western European and other States obtain 7 seats and Eastern European States obtain 6 seats.²³ The HRC holds three regular sessions every year, and at any time, one third of the HRC's Member States can request "a special session to address human rights violations and emergencies".²⁴ Each annual series of regular sessions is referred to as a "cycle".²⁵ At the beginning of each cycle, Member States appoint a President and four Vice Presidents that form the Bureau of the HRC.²⁶ The President of the current thirteenth cycle is Coly Seck, a Permanent Representative to the UN from Senegal.²⁷

On 18 June 2007, one year after its first meeting, the HRC adopted its "Institution-building package", which specifies procedures, mechanisms and structures that form the basis of its work.²⁸ The subsidiary bodies

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ OHCHR, *Human Rights Fact Sheet No. 33*, 2008.

²⁰ UN Human Rights Council, *About the Commission. Background Information. Brief Historical Overview of the Commission*, n.d.

²¹ UN Human Rights Council, *About HRC: History*, 2019.

²² UN Human Rights Council, *Membership of the Human Rights Council*, n.d.

²³ Ibid.

²⁴ UN Human Rights Council, *Sessions*, 2019.

²⁵ UN Human Rights Council, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

²⁶ UN Human Rights Council, *Membership of the Human Rights Council*, n.d.

²⁷ UN Human Rights Council, *President of the 13th Cycle*, 2019.

²⁸ UN Human Rights Council, *Subsidiary Bodies*, 2019.

directly reporting to the HRC are the Universal Periodic Review Group, the Advisory Committee, and the Complaint Procedure.²⁹ The HRC also established the following subsidiary expert mechanisms: Expert Mechanism on the Rights of Indigenous People, the Forum on Minority Issues, the Social Forum, the Forum on Business and Human Rights, and the Forum on Human Rights, Democracy and the Rule of Law.³⁰ The expert mechanisms provide the HRC with thematic expertise and forums providing a platform for dialogue and cooperation. These bodies focus mainly on studies, research-based advice or best-practices. They meet and report annually to the HRC. The HRC further established several open-end intergovernmental working groups to elaborate and/or negotiate and finalize new draft legal instruments or to make recommendations on the effective implementation of existing instruments.³¹ Finally, the HRC works with the UN Special Procedures established by the former UNCHR.³² These Special Procedures are conducted by special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.³³

Mandate, Functions and Powers

The function of the HRC is to “address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon”.³⁴ The HRC undertakes its work guided by the underlying principles of “universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation.”³⁵

Serving as a forum, the HRC should furthermore promote the effective coordination and the mainstreaming of human rights within the United Nations system.³⁶ It was established as a forum for debate and dialogue on all human rights issues, including the tasks to address violations of human rights, to promote cooperation and education on human rights, to review Member States’ track records and to prevent human rights abuses from occurring.³⁷ Partnerships with the civil society, non-governmental organizations (NGOs) and specialized agencies of the UN play a vital role in the effective promotion and protection of human rights by the HRC.³⁸ Universal Periodic Reviews, Complaint Procedures and Special Procedures are the three main features of the HRC’s work.³⁹

Universal Periodic Reviews

The HRC undertakes Universal Periodic Reviews (UPR) of the fulfillment of human rights obligations by each of the UN Member States.⁴⁰ These reviews are state-driven under the auspices of the HRC and with the full involvement of NGOs.⁴¹ UPRs are based on reports provided by the State under review, a collection of

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² UN Human Rights Council, *About HRC: History*, 2019.

³³ UN Human Rights Council, *Subsidiary Bodies*, 2019.

³⁴ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

³⁵ Ibid.

³⁶ Ibid.

³⁷ OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*, n.d.

³⁸ OHCHR, *Civil Society*, n.d.

³⁹ OHCHR, *Civil Society Working with the United Nations Human Rights Program - A Handbook for Civil Society*, 2008, p. 75.

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

⁴¹ UN Human Rights Council, *Basic facts about the UPR*, n.d.; UN Office of the High Commissioner for Human Rights, *Universal periodic review- a practical guidance for civil society*, 2014, p. 3.

United Nations information gathered by bodies of the UN, as well as information from other stakeholders like national human rights institutions or NGOs.⁴² This data is discussed in an interactive dialogue between the State under review and the working group on UPR.⁴³ Any Member States as well as NGOs can also participate in this discussion.⁴⁴ UPRs result in reports containing a summary of the situation as well as comments and recommendations made by Member States to the Member State under review and the responses by the reviewed Member State.⁴⁵ The reviewed state then has the responsibility to implement the recommendations agreed on in the final outcome and to report about these efforts in the next UPR.⁴⁶

Complaint Procedures

Complaint Procedures “address consistent patterns of gross and reliably attested violations of human rights occurring in any part of the world and under any circumstances in an impartial, objective, efficient and victims-oriented manner”.⁴⁷ With a view to enhancing cooperation with the state concerned, Complaint Procedures are of confidential nature.⁴⁸ Individuals, groups or NGOs that claim to be victims of human rights violations or that have direct, reliable knowledge on such violations of human rights and fundamental freedoms can submit a communication to the HRC.⁴⁹ The working group on communications of the HRC undertakes an initial screening to check the admissibility of such communications. The admission of a communication depends on criteria. Only to name a few, the communication shall not be manifestly politically motivated or based exclusively on reports disseminated by mass media and domestic remedies have to be exhausted. Furthermore, the communication has to be consistent with the *Charter of the United Nations* and a factual description of the alleged violations including the rights in concern is required.⁵⁰

If the communication is not screened out based on these criteria the communication is transmitted to the Member State concerned.⁵¹ When the working group on communications is convinced that the communication appears to reveal a consistent pattern of gross and reliably attested violations of human rights, the matter is transferred to the working group on situations.⁵² The working group on situations presents the council with a report on the matter. In a draft resolution the working group makes recommendations to the council on the course of action to take.⁵³

Special Procedures

Special Procedures are mechanisms designed to examine, monitor, advise and publicly report on human rights situations in specific countries or territories (country mandates), or on major phenomena of human rights violations worldwide (thematic mandates).⁵⁴ Each special procedure’s mandate is defined in the

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ UN Human Rights Council, *Basic facts about the UPR*, n.d.

⁴⁷ UN Human Rights Council, *Institution building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ OHCHR, *Civil Society Working with the United Nations Human Rights Program - A Handbook for Civil Society*, 2008, p. 10.

resolution that created it.⁵⁵ Mandate holders are either an individual (special rapporteur, special representative of the Secretary-General or independent expert) or a working group.⁵⁶ In June 2007, HRC resolution 5/2 defined a code of conduct for Special Procedures mandate-holders to strengthen their capacity, credibility, and visibility.⁵⁷ By August 2017 there were 44 thematic and 13 country mandates.⁵⁸ An example is the Special Procedure on the right to development, established with HRC resolution 33/14.

The procedures can encompass fact-finding country or field visits, communications on individual cases of human rights violations, consultations with experts, advocacy efforts, communication with governments, press releases to raise awareness for human rights standards as well as thematic studies to counsel governments and civil society on the normative content and implementation of human rights.⁵⁹ Different from Complaint Procedures, Special Procedures also act on individual cases and it is not necessary to have exhausted legal domestic remedies.⁶⁰ Mandate holders of Special Procedures report annually to the HRC and the GA on regular activities under their mandate as well as specific thematic trends and phenomena including recommendations.⁶¹

Recent Sessions and Current Priorities

In its 41st regular session in June/July 2019, the HRC dealt with migration and displacement, precisely with “the human rights of migrants” and “the Mandate of the Special Rapporteur on the human rights of internally displaced persons”.⁶² Furthermore, the rights of women and girls were addressed through resolution 41/6 “Elimination of all forms of discrimination against women and girls”.⁶³ Concerning this issue, the HRC also focused on women’s economic empowerment and their discrimination in the context of work through two panel discussions and the resolution “Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to violence against women and girls in the world of work”.⁶⁴ Additionally, a resolution regarding “equal pay” was adopted.⁶⁵ Bearing in mind its function as a coordination mechanism, resolutions concerning the “Enhancement of international cooperation in the field of human rights”, “Human rights and international solidarity” and the cooperation with international and regional civil society organizations within “The Social Forum” were adopted.⁶⁶ Another subject was “New and emerging digital technologies and human rights”.⁶⁷ As a result of the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and

⁵⁵ Ibid.

⁵⁶ Ibid., p. 108.

⁵⁷ Ibid., p. 83.

⁵⁸ OHCHR, *Special Procedures*, n.d.

⁵⁹ OHCHR, *Civil Society Working with the United Nations Human Rights Program - A Handbook for Civil Society*, 2008, p. 114.

⁶⁰ Ibid. p. 108.

⁶¹ OHCHR, *Special Procedures*, n.d.; OHCHR, *Civil Society Working with the United Nations Human Rights Program - A Handbook for Civil Society*, 2008, p. 110.

⁶² UN Human Rights Council, *41st session of the Human Rights Council: Resolutions, decisions and President’s statements*, n.d.

⁶³ Ibid.

⁶⁴ Ibid.; UN Human Rights Council, *41st session of the Human Rights Council (24 June - 12 July 2019)*, n.d.

⁶⁵ UN Human Rights Council, *41st session of the Human Rights Council: Resolutions, decisions and President’s statements*, n.d.

⁶⁶ Ibid.

⁶⁷ Ibid.

mental health, a resolution on the access to medicines and vaccines in this context was adopted.⁶⁸ Furthermore, the human rights situations in Eritrea, Belarus and the Syrian Arab Republic were assessed. Additionally, the HRC renewed the mandate of the team of international experts on the situation in Kasai in the Democratic Republic of Congo. Moreover, 14 outcome documents of universal periodic reviews were adopted.⁶⁹

Conclusion

The HRC aims to safeguard all human rights for everyone articulated by international law on global and national levels.⁷⁰ Nevertheless, there are still large groups of marginalized people that cannot enjoy all human rights. According to that, it is now the most important task for the HRC to see human rights issues from different perspectives in order to address everyone. Moreover, cooperation with the civil society as well as NGOs and other UN organs must be enhanced to further examine the specific situations of vulnerable groups so that the HRC can respond to the factors that impair the fulfillment of human rights for everyone.

⁶⁸ Ibid.; UN Human Rights Council, *41st session of the Human Rights Council: Reports*, n.d.

⁶⁹ UN Human Rights Council, *41st session of the Human Rights Council: Resolutions, decisions and President's statements*, n.d.

⁷⁰ UN Human Rights Council, *About HRC*, 2019.

Bibliography

- United Nations. (1945). *Charter of the United Nations*. Retrieved 29 September 2019 from: <http://www.un.org/en/charter-united-nations/>.
- United Nations. (n.d.). *Global Issues. Human Rights* [Website]. Retrieved 29 September from: <http://www.un.org/en/sections/issues-depth/human-rights/>.
- United Nations. (n.d.). *What We Do. Protect Human Rights* [Website]. Retrieved 29 September 2019 from: <http://www.un.org/en/sections/what-we-do/protect-human-rights/>.
- United Nations General Assembly. (1948). *Universal Declaration of Human Rights* (A/RES/3/217A). Retrieved 29 September 2019 from: <http://www.un-documents.net/a3r217a.htm>.
- United Nations General Assembly. (2006). *Human Rights Council* (A/RES/60/251). Retrieved 29 September 2019 from: <https://undocs.org/en/A/RES/60/251>.
- United Nations Human Rights Council. (2007). *Institution-building of the United Nations Human Rights Council* (A/HRC/RES/5/1). Retrieved 29 September 2019 from: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=13360.
- United Nations Human Rights Council. (2019). *About HRC* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.
- United Nations Human Rights Council. (2019). *About HRC: History* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.
- United Nations Human Rights Council. (2019). *Human Rights Council Subsidiary Bodies* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/OtherSubBodies.aspx>.
- United Nations Human Rights Council. (2019). *HRC Sessions* [Website]. Retrieved 30 September from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx>.
- United Nations Human Rights Council. (2019). *Membership of the Human Rights Council* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx>.
- United Nations Human Rights Council. (2019). *President of the 13th Cycle* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Presidency.aspx>.
- United Nations Human Rights Council. (n.d.). *About the Commission. Background Information. Brief Historical Overview of the Commission* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/CHR/Pages/Background.aspx>.
- United Nations Human Rights Council. (n.d.). *Basic facts about the UPR* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx>.
- United Nations Human Rights Council. (n.d.). *Universal Periodic Review* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>.
- United Nations Human Rights Council. (n.d.). *41st session of the Human Rights Council: Reports* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Pages/ListReports.aspx>.

United Nations Human Rights Council. (n.d.). *41st session of the Human Rights Council: Resolutions, decisions and President's statements* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Pages/ResDecStat.aspx>.

United Nations Human Rights Council. (n.d.). *41st session of the Human Rights Council (24 June - 12 July 2019)* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Pages/41RegularSession.aspx>.

United Nations Office of the High Commissioner for Human Rights. (2008). *Human Rights Fact Sheet No. 33. Frequently Asked Questions on Economic, Social and Cultural Rights*. Retrieved 29 September 2019 from: <https://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>.

United Nations Office of the High Commissioner for Human Rights. (2008). *Civil Society Working with the United Nations Human Rights Program - A Handbook for Civil Society*. Retrieved 29 September 2019 from: https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_ENG.pdf.

United Nations Office of the High Commissioner for Human Rights. (2014). *Universal periodic review- a practical guidance for civil society*. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>.

United Nations Office of the High Commissioner for Human Rights. (2018). *News and Events, Human Rights Council decides to dispatch a commission of inquiry to investigate violations in the occupied Palestinian territory in the context of large-scale civilian protests* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23108&LangID=E>.

United Nations Office of the High Commissioner for Human Rights. (n.d.). *Civil Society* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/en/aboutus/pages/civilsociety.aspx>.

United Nations Office of the High Commissioner for Human Rights. (n.d.). *Special Procedures* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

United Nations Office of the High Commissioner for Human Rights. (n.d.). *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*. Retrieved 29 September 2019 from: https://www2.ohchr.org/english/press/hrc/kit/hrcs_fs2.pdf.

United Nations Office of the High Commissioner for Human Rights. (n.d.). *United Nations Human Rights Council* [Website]. Retrieved 29 September 2019 from: <https://www.ohchr.org/EN/HRbodies/HRC/Pages/Home.aspx>.

I. HUMAN RIGHTS AND CLIMATE CHANGE

*“Climate change is a threat to us all and to future generations, and to the enjoyment of human rights now and in the years ahead. A continually warming world will be a graveyard for entire ecosystems, entire peoples – and potentially even entire nations “.*⁷¹

- Zeid Ra’ad Al Hussein, former United Nations High Commissioner for Human Rights

Introduction

Climate change represents one of the largest threats to human rights the world has ever experienced.⁷² Fundamental human rights, such as the right to life, health, water and sanitation, food, appropriate standard of living, development and self-determination are severely impacted by climate change through its effects on ecosystems and resulting impacts on i.e. resources, urban structures and livelihoods.⁷³ In its 5th Assessment Report (2014), the Intergovernmental Panel on Climate Change (IPCC) confirmed, that climate change is unequivocal and global warming is mainly driven by anthropogenic greenhouse gas (GHG) emissions, especially carbon dioxide (CO₂).⁷⁴ According to the report, an increasing frequency of weather extremes and natural disasters, such as floods, rising sea-levels, but also heat waves, desertification, droughts and water scarcity are only a few of the adverse impacts caused by rising temperatures.⁷⁵ It further describes how these observed and predicted future changes in climate affect i.e. ecosystems and their services in the oceans and on land, natural resources, water, food and urban systems such as agriculture as well as livelihoods, and human health.⁷⁶ These phenomena result in the scarcity of key resources, undermine the basis of life and increase displacement and migration.⁷⁷ Since 2008, there have been 21,7 million internally displaced people globally every year due to climate change.⁷⁸ Each of these consequences can affect human security and cause instability and violent conflicts, leading to a variety of human rights constraints.⁷⁹ The direct or indirect threats on the exercise of human rights deriving from climate change and its consequences are amplified for the most vulnerable ones.⁸⁰ According to the aforementioned 5th Assessment Report, people at a disadvantage due to social, economic, cultural, political or other forms of marginalization are especially vulnerable to the negative impacts of a warming world.⁸¹ The poorest countries and societies are the most exposed to climate change because they especially lack adaptation and mitigation responses due to economic reasons and are often geographically disadvantaged.⁸² Although least developed countries themselves produce less GHG emissions than developed nations, they are already experiencing the effects of climate change due to their geographical

⁷¹ OHCHR, *Zeid urges climate change ambition as Paris deal enters into force*, 2016.

⁷² UNEP, *Climate Change and Human Rights*, 2015, p. 8.

⁷³ IPCC, *Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers*, 2014, p. XIV.; UNEP, *Climate Change and Human Rights*, 2015; OHCHR, *Human Rights and Climate Change*, n.d.

⁷⁴ IPCC, *Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers*, 2014.

⁷⁵ *Ibid.*; OHCHR, *Human Rights and Climate Change*, n.d.

⁷⁶ IPCC, *Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers*, 2014, p. XIV.

⁷⁷ UNEP, *Climate Change and Human Rights*, 2015, p. 8.

⁷⁸ OHCHR, *Fact Sheet Climate Change*, 2018.

⁷⁹ *Ibid.*, p. 8.

⁸⁰ IPCC, *AR5 Synthesis Report: Climate Change 2014*, 2014, p. 54.

⁸¹ *Ibid.*

⁸² IPCC, *Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers*, 2014.; OHCHR, *Understanding Human Rights and Climate Change*, 2015.

location.⁸³ Islands, coastal countries and especially low-lying areas are vulnerable to rising sea levels and will increasingly experience flooding, erosions and salt water intrusions endangering ecosystems and housing.⁸⁴ Especially in those areas with close proximity to water or extreme conditions such as heat and dryness, effective adaptation to climate change is even more challenging than in – mostly industrialized - temperate zones due to the force of nature enhancing these conditions.⁸⁵

Since the late 19th century, the planet's average temperature has increased by 1.1 °C. Sea levels rose by 20 cm in the last century.⁸⁶ Scientists anticipate that with the previous aim of the international community to remain under 1.5 °C of global warming relative to a preindustrial time, the negative impacts cannot be stopped but instead will further expand.⁸⁷ Between 2030 and 2050, the Office of the High Commissioner for Human Rights (OHCHR) estimates about 250.000 additional deaths yearly around the globe, exclusively due to malnutrition, malaria, diarrhea and heat stress caused by climate change.⁸⁸

Climate change and its repercussions on human rights have been much debated over the past decade, especially supported by the HRC, OHCHR, the United Nations Environment Programme (UNEP) and the Special Rapporteur on this issue.⁸⁹ Although UN bodies acknowledged that the impact of climate change constitutes to a considerable interference with the enjoyment of human rights, there is less agreement and consensus about the resulting obligations of governments and private duty bearers, such as businesses and private companies.⁹⁰ According to a report from the OHCHR, the action undertaken by the international community to mitigate and adapt to climate change have not reached the level of ambition necessary to remedy and/or prevent the negative impacts of climate change on the enjoyment of human rights.⁹¹ The integration of human rights in existing and future climate strategies requires extensive political commitment in order to make them more effective and inclusive.⁹² Human rights are still compromised in the context of climate change and the actions taken to mitigate its causes and impacts on international, regional and national levels are not always in line with human rights obligations.⁹³ Some of the action taken to adapt and mitigate have even had counterproductive effects on the equal enjoyment of human rights.⁹⁴ Mitigation measures such as hydroelectric projects can lead to displacement of local people and the destruction of ecosystems upon which they depend, endangering their right to health and their livelihoods.⁹⁵ Biofuel policies led to widespread deforestation, water scarcity and food shortages, putting people's lives and rights at risk.⁹⁶ Adaptation projects, including coastal fortifications, can protect one group while exposing another to a greater risk of flooding.⁹⁷ Furthermore, resettlement programs without

⁸³ Ibid.; UNEP, *Climate Change and Human Rights*, 2015.

⁸⁴ Ibid., p. 4.

⁸⁵ UNEP, *Climate Change and Human Rights*, 2015.

⁸⁶ OHCHR, *Fact Sheet Climate Change*, 2018.

⁸⁷ OHCHR, *Understanding Human Rights and Climate Change*, 2015, p. 12.

⁸⁸ UN Human Rights, *Fact Sheet Climate Change*, 2018.

⁸⁹ UNEP, *Climate Change and Human Rights*, 2015, p. VI.

⁹⁰ UNEP, *Climate Change and Human Rights*, 2015.; OHCHR, *Understanding Human Rights and Climate Change*, 2015.

⁹¹ OHCHR, *Understanding Human Rights and Climate Change*, 2015.

⁹² Ibid.

⁹³ Ibid.; UNEP, *Climate Change and Human Rights*, 2015.

⁹⁴ UNEP, *Climate Change and Human Rights*, 2015, p. 9.

⁹⁵ Ibid., p. 8.

⁹⁶ Ibid., p. 8.

⁹⁷ Ibid., p. 10.

necessary public consultation may result in various human rights violations, such as the right to self-determination and an adequate standard of living.⁹⁸

This guide portrays the interrelation between climate change and human rights. It provides an overview of the legal regime governing human rights and climate change on an international and regional level, followed by an illustration of the role of the international system and efforts undertaken by national governments.

International Framework

Human Rights Principles

Universality, equality and non-discrimination are only some of the core principles of international human rights law.⁹⁹ States are not only responsible to respect and protect, but also to fulfill all human rights equally for all people.¹⁰⁰ These principles are enshrined in the *Universal Declaration on Human Rights* (UDHR) which became the first international commitment to basic human rights in 1948.¹⁰¹ Building upon the UDHR, the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Pact on Economic, Social and Cultural Rights* (ICESCR) turned the rights deriving from the 1948 declaration into legally binding obligations for the states that ratified the conventions.¹⁰² According to the OHCHR, “this includes an affirmative obligation to prevent foreseeable harms including those caused by climate change”.¹⁰³ These agreements emphasize the need of national action and international cooperation to ensure the full realization of the states’ human rights obligations.¹⁰⁴ The 1986 *United Nations Declaration on the Right to Development* is calling upon states to jointly establish actions favorable to the realization of all human rights and the right to development and providing support to developing countries.¹⁰⁵

Treaties Addressing Human Rights and Climate Change

The *Declaration of the United Nations Conference on the Human Environment* (Stockholm Declaration) was adopted in June 1972 by the United Nations Conference on the Human Environment (UNCHE).¹⁰⁶ It was the first UN Conference regarding the preservation and enhancement of the human environment and marks the beginning of the global environment politics.¹⁰⁷ In its first principle it states that there is a “fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”.¹⁰⁸ Thus, the Stockholm Declaration manifests the intrinsic link between the environment and the realization of human rights.¹⁰⁹ Furthermore, it acknowledges the need of extensive cooperation between nations and international organizations through multilateral arrangements that

⁹⁸ Ibid., p. 10.

⁹⁹ UN, *Human Rights Law*, n.d.

¹⁰⁰ Ibid.

¹⁰¹ UN General Assembly, *Universal Declaration of Human Rights* (A/Res/3/217 A), 1948.

¹⁰² UN, *Human Rights Law*, n.d.

¹⁰³ Ibid., OHCHR, *Understanding Human Rights and Climate Change*, 2015, p. 17.

¹⁰⁴ UN General Assembly, *International Pact on Economic, Social and Cultural Rights* (A/RES/2200(XXI)A), 1966.

¹⁰⁵ UN General Assembly, *United Nations Declaration on the Right to Development* (A/RES/41/128), 1986.

¹⁰⁶ SDG Knowledge Platform, *United Nations Conference on the Human Environment*, n.d.

¹⁰⁷ Ibid.

¹⁰⁸ UNCHE, *Declaration of the United Nations Conference on the Human Environment*, 1972, p. 2.

¹⁰⁹ OHCHR, *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (A/HRC/10/61), 2009.

control, reduce and eliminate adverse impacts on the environment resulting from any states' activity.¹¹⁰ As a consequence of this declaration, the United Nations Environment Programme (UNEP) entered into force in 1972.¹¹¹ UNEP is the leading international environmental actor, advocating for a sustainable, environmentally sensitive development within the UN system.¹¹² Its aim is to foster opportunities for partnerships between nations and peoples to promote a caring relation with the environment and its climate.¹¹³ In its 2015 report *Climate Change and Human Rights*, UNEP gives a detailed overview of the far reaching impacts of climate change on human rights and how they mutually affect each other.¹¹⁴ It proposes new mechanisms for international cooperation and accountability, including a work program on human rights to compile data and evaluate progress on the implementation of human rights in climate change responses.¹¹⁵ Another suggestion is an information platform to share best practices and examples of national or regional adaptation and mitigation measures particularly mindful to human rights.¹¹⁶ The report further advocates for an independent accountability mechanism to evaluate the implementation of human rights in climate-related actions taken by states and private actors.¹¹⁷

The *United Nations Framework Convention on Climate Change* (UNFCCC) is a corner stone of global politics and efforts regarding climate change and its adverse impact on the environment.¹¹⁸ The UNFCCC was one of three adopted conventions at the Rio Earth Summit in 1992.¹¹⁹ Entering into force in March 1994, it has near-universal membership with 197 parties today.¹²⁰ The ultimate objective of the convention is to stabilize greenhouse gas concentrations "at a level that would prevent dangerous anthropogenic interference with the climate system."¹²¹ Moreover, the UNFCCC urges states to adapt national politics with integrated action plans, to cooperate to mitigate climate change and to effectively adapt to its effects.¹²² Article 3 of the convention, referred to as the equity article, expresses the disproportionate burden of the impact of climate change on the least developed countries and urges industrialized countries to consider and act upon the difficulties and special needs of developing countries.¹²³

In order to transform this commitment into action, the Global Environment Facility (GEF) Trust Fund was established in 1991 by the World Bank, the UN Development Programme (UNDP) and UNEP, providing financial support to developing countries and economies in transition to enable them to meet the goals set in the UNFCCC.¹²⁴ To ensure that human rights are respected in the context of GEF-funded projects, the

¹¹⁰ UNCHE, *Declaration of the United Nations Conference on the Human Environment*, 1972, p. 4.

¹¹¹ Environment and Society Portal, *United Nations Environmental Programme (UNEP) established*, n.d.

¹¹² UNEP, *Why does UN Environment matter?*, n.d.

¹¹³ *Ibid.*

¹¹⁴ UNEP, *Human Rights and Climate Change*, 2015.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ UNFCCC, *What is the United Nations Framework Convention on Climate Change?*, n.d.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*; UNFCCC, *Status of Ratification*, n.d.

¹²¹ UN General Assembly, *United Nations Framework Convention on Climate Change* (A/RES/48/189), 1992, p. 9.

¹²² *Ibid.*, p. 10.

¹²³ *Ibid.*, p. 9.; OHCHR, *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (A/HRC/10/61), 2009, p. 5, Art. 3.

¹²⁴ Global Environment Facility, *Funding*, n.d.; Global Environment Facility, *Funds managed by the Global Environment Facility*, n.d.

fund established human rights safeguards. These outline requirements for i.e. protecting the rights of indigenous people and preventing involuntary resettlement.¹²⁵

Beginning in 1995, the parties to the convention have been meeting annually in the Conference of the Parties (COP) as established by the UNFCCC in order to assess progress in dealing with climate change.¹²⁶ Over the past 24 years, COP has launched several leading documents regarding climate change, each focusing on different aspects.¹²⁷ The 1997 *Kyoto Protocol*, established during the third annual Conference of the Parties (COP3), addressed developed nations and, for the first time, established legally binding obligations for the states that ratified the protocol to reduce their greenhouse gas emissions.¹²⁸ The protocol entered into force in 2005 and currently comprises 192 parties.¹²⁹

A milestone agreement in the mitigation of climate change is the 2015 *Paris Agreement*.¹³⁰ During COP21 in 2015, 195 nations reached common ground to further their efforts to mitigate and adapt to the effects of climate change.¹³¹ Besides the commitment to keep the increase of global temperature below 2.0 °C, the parties agreed upon pursuing their efforts to limit the temperature increase to 1.5 °C relative to the preindustrial level.¹³² The *Paris Agreement* is the first convention on climate change to recognize the interrelation between human rights and climate change, stating that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.¹³³ This recognition calls to the states’ positive human rights obligations when carrying out climate action.¹³⁴ However, it does not establish any self-standing human rights obligations in the context of climate change actions under the agreement.¹³⁵

The linkage between human rights and climate change is further outlined in the OHCHR report *Understanding Human Rights and Climate Change*, submitted at the 21st COP to the UNFCCC in 2015.¹³⁶ This document gives a detailed overview of the most threatened rights by climate change. This includes i.e. the right to life, self-determination, food, water and sanitation, health, housing, education as well as meaningful and informed participation, and lists some of the measures already taken by human rights bodies.¹³⁷ The report outlines the importance of dialogue between all actors and emphasizes the need to turn a theoretical discussion into practice giving specific ideas on how to realize human rights in a warming world.¹³⁸ It further proposes that mitigation and adaptation efforts must place people at their center and should be informed by impact assessments to ensure that climate actions benefit those with the greatest

¹²⁵ UNEP, *Climate Change and Human Rights*, 2015, p. 39.

¹²⁶ *Ibid.*, p. 17 pp.; UNFCCC, *Conference of the Parties*, n.d.

¹²⁷ UNFCCC, *Conference of the Parties*, n.d.

¹²⁸ UNFCCC, *The Kyoto Protocol: What is the Kyoto Protocol*, n.d.

¹²⁹ UNFCCC, *The Kyoto Protocol: Status of Ratification*, n.d.

¹³⁰ UNFCCC, *Summary of the Paris Agreement*, n.d.

¹³¹ UNFCCC, *Paris Agreement*, n.d.; UN Treaty Collection, *Depositary: 7.d Paris Agreement*, n.d.

¹³² UNFCCC, *Paris Agreement*, 2015, p. 3.

¹³³ *Ibid.* p. 2.

¹³⁴ Benoit Mayer, *Human Rights in the Paris Agreement*, 2016.

¹³⁵ *Ibid.*

¹³⁶ OHCHR, *Understanding Human Rights and Climate Change*, 2015.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*, p. 12.

risk.¹³⁹ If such climate monitoring is community-based, it reduces monitoring costs and enhances regional early warning systems.¹⁴⁰ Another recommended measure is to enhance the regulation of the private sector to reduce their contributions to climate change and ensure their respect of human rights in their actions.¹⁴¹ In 2017, the OHCHR organized the first official human rights event at COP23 through collaboration with Fiji, the chair of the conference.¹⁴² Alongside civil society and UNFCCC representatives, other UN and national actors in the field of human rights and climate change participated in this meeting.¹⁴³ The aim of the event was to brief decision makers and high-level actors about the human rights dimension of climate change.¹⁴⁴ It also aimed to gain their support on the integration of this issue in any dialogue or negotiations on the implementation of the Paris Agreement.¹⁴⁵ At COP24 in 2018, a side event on Building Capacity for Integrating Human Rights into Climate Action was organized by the OHCHR, the Mary Robinson Foundation – Climate Justice (MRFJ) and the Paris Committee on Capacity-building (PCCB). The PCCB has been mandated by the COP to oversee the Capacity-building work plan 2016-2020 and to consider cross-cutting issues such as human rights, indigenous peoples knowledge and gender responsiveness.¹⁴⁶ This side event explored existing capacity gaps and needs, and presented success stories, good practices and lessons learned to over 120 participants.¹⁴⁷ Another focus was to draw the linkages to ongoing work under the Local Communities and Indigenous Peoples Platform and the Gender Action Plan.¹⁴⁸ Building on the outcomes of the joint event, the PCCB and the OHCHR co-organized a technical workshop at COP25 in 2019 on the same topic, bringing together Party and Non-Party stakeholders as well as negotiators of the UNFCCC, government officials, representatives of non-government and intergovernmental organizations, the private sector, and academia and research institutions.¹⁴⁹ The audience discussed and shared specific capacity-building tools and their experiences in building capacity for integrating human rights in Nationally Determined Contributions (NDCs), the often only intended reduction of GHG emissions under the UNFCCC.¹⁵⁰

The *2030 Agenda for Sustainable Development*, one of the major documents established by the UN, was adopted in 2015 and is of high value for this issue.¹⁵¹ Climate change has gained tremendous relevance and was thus given its own goal within the framework of the Agenda 2030: Goal 13 focuses on climate action and aims to combat climate change and its impacts.¹⁵² It emphasizes the fact that climate change is already affecting peoples' lives and their properties, communities and whole nations, and highlights that the negative consequences such as severe weather events and rising sea levels, are multiplied for the most

¹³⁹ Ibid., p. 27.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² OHCHR, *Fact Sheet Climate Change*, 2018.

¹⁴³ Ibid.

¹⁴⁴ UNFCCC, *COP 23 Presidency Event: Integrating human rights in climate action*, 2017.

¹⁴⁵ Ibid.

¹⁴⁶ UNFCCC, *Side event: Building capacity for the integration of human rights into climate action: Summary report*, n.d.

¹⁴⁷ UNFCCC, *Side event: Building capacity for the integration of human rights into climate action*, 2018.

¹⁴⁸ Ibid.

¹⁴⁹ UNFCCC, *Workshop: Building Capacity for Integrating Human Rights into Climate Action*, 2019.; PCCB & OHCHR, *Technical Workshop on Building Capacity for Integrating Human Rights into Climate Action: Summary report*, 2019.

¹⁵⁰ Ibid.

¹⁵¹ Sustainable Development Goals, *The Sustainable Development Agenda*, n.d.

¹⁵² Sustainable Development Goals, *Climate Change*, n.d.

poor and vulnerable ones as well as marginalized groups.¹⁵³ As each of the 17 Sustainable Development Goals (SDG), Goal 13 consists of so-called targets. While goals represent the aim that should be achieved by 2030, targets are smaller steps aligned with the deadlines and details of the larger goal and lead the way to its fulfillment. In order to achieve the ultimate goal to “take urgent action to combat climate change and its impacts”, target 13A urges the developed countries that are parties to the UNFCCC to fulfill their commitments towards supporting developing countries.¹⁵⁴ Target 13B promotes capacity building mechanisms in these countries that are focusing on women, marginalized communities, youth, elderly and local groups.¹⁵⁵ SDG 13 advocates for a global, sustainable solution to this issue which is key to the protection of human rights.¹⁵⁶ Furthermore, SDG 13 is intrinsically linked to twelve other Goals, as the negative impacts of climate change endanger i.e. the right to health, adequate food and safe drinking water, reflected among others in SDG 3 “Good Health and Well-Being”, SDG 2 “Zero Hunger” and SDG 6 “Clean Water and Sanitation”.¹⁵⁷

Regional Framework

Besides international treaties there are regional frameworks regarding the implications of climate change on human rights. One example is the *African Charter on Human and People’s Rights*, including the human right to “a generally satisfactory environment” (Art. 24).¹⁵⁸ In 2007, the representatives of the Small Island Developing States (SIDS) have adopted the *Male’ Declaration on the Human Dimension of Global Climate Change*, stating that “climate change has clear and immediate implications for the full enjoyment of human rights”.¹⁵⁹ The convention emphasizes “that small island, low-lying coastal, and atoll states are particularly vulnerable [...] and are already adversely affected by alterations in ecosystems, changes in precipitation, rising sea-levels and increased incidence of natural disasters”.¹⁶⁰ These impacts of even small changes in global climate endanger i.e. “the right to life, the right to take part in cultural life, the right to use and enjoy property, the right to an adequate standard of living, the right to food, and the right to the highest attainable standard of physical and mental health”.¹⁶¹ The SIDS thus advocate for an “inclusive process that puts people, their prosperity, homes, survival and rights at the center of the climate change debate”.¹⁶² They further recognize the benefits of the *Male’ Declaration on Sea Level Rises*, the *Barbados Programme of Action*, and the *Mauritius Strategy* for safeguarding human rights of their citizens.¹⁶³

The Role of the International System

The Human Rights Council (HRC) first expressed its concern of the adverse impacts of climate change on people and societies worldwide through resolution 7/23 in March 2008 and requested the OHCHR to file a

¹⁵³ Ibid.; Sustainable Development Goals, *Goal 13: Why it matters*, n.d., p. 1.

¹⁵⁴ Sustainable Development Goals, *Climate Change*, n.d.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.; OHCHR, *Sustainable Development Goals related human rights*, n.d.

¹⁵⁸ Organization of African Unity, *African Charter on Human and Peoples Rights*, 1981, p. 4, Art. 24.

¹⁵⁹ Conference of the Alliance of Small Island States on Preparing for Bali and Beyond, *Male’ Declaration on the Human Dimension of Global Climate Change*, 2007, p. 2.

¹⁶⁰ Ibid., p. 1.

¹⁶¹ Ibid., p. 2.

¹⁶² Ibid., p. 3.

¹⁶³ Ibid., p. 2.

report on the relationship between climate change and human rights.¹⁶⁴ One year later, in resolution 10/04 the council noted that “climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights”.¹⁶⁵ Since then, the HRC addressed this issue annually, highlighting different aspects, such as the needs and special circumstances of developing countries in 2014, stating that these people are, amongst other human rights, deprived of their right to development due to climate change.¹⁶⁶ The HRC thus calls upon Member States to facilitate technology transfer, capacity-building and financial resources to meet the costs of mitigation and adaptation. In 2016, the HRC focused on how to protect children’s rights, acknowledging the work of the UN Children’s Fund related to environmental sustainability for children, including its work to improve the enjoyment of rights by children and its report on the concrete steps that need to be taken in order to protect them.¹⁶⁷ In 2019, the HRC addressed women’s rights in the context of climate change.¹⁶⁸ This resolution urges states to address women’s specific needs and ensure their participation in climate action, recalling the analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women prepared by the OHCHR pursuant to HRC resolution 38/4 of July 2018.¹⁶⁹ According to the OHCHR, women are more likely to experience the adverse effects of climate change because they are amongst the most poor and often directly dependent on threatened natural resources as their primary source of income and food”.¹⁷⁰ Furthermore, it illustrates the linkage between women’s agency and effective climate action, explaining that equal participation and leadership of women in climate change action is integral to ensure the human right to participation, address women’s specific needs and reduce discrimination and marginalization.¹⁷¹ As women are agents of change with unique perspectives, expertise and knowledge, especially in areas such as the management of natural resources and agriculture, they are integral to protect human rights.¹⁷²

Over the past decade, the HRC has repeatedly highlighted that global policies and international measures designed to address climate change as well as the ongoing debates regarding the implementation of UNFCCC and the Agenda 2030 must be guided by a human rights-based approach.¹⁷³ Hereby, the fulfillment of human rights is at the heart of the approach and the superordinate objective of all policies, legal instruments, guidelines and initiatives established.¹⁷⁴ Their development and the process of their realization must be guided by principles deriving from the core treaties of international human rights law.¹⁷⁵ Furthermore, rights-holders and their entitlements as well as the corresponding duty-bearers and their obligations must be identified through this international legal framework.¹⁷⁶ This way, the capacity of

¹⁶⁴ UN Human Rights Council, *Human Rights and Climate Change* (A/HRC/RES/7/23), 2008.

¹⁶⁵ UN Human Rights Council, *Human Rights and Climate Change* (A/HRC/RES/10/4), 2009, p. 1.

¹⁶⁶ UN Human Rights Council, *Human Rights and Climate Change* (HRC/RES/26/27), 2014.

¹⁶⁷ UN Human Rights Council, *Human Rights and Climate Change* (A/HRC/RES/32/33), 2016.

¹⁶⁸ UN Human Rights Council, *Human Rights and Climate Change* (A/HRC/41/L.24), 2019.

¹⁶⁹ *Ibid.*

¹⁷⁰ OHCHR, *Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women* (A/HRC/41/26), 2019.

¹⁷¹ *Ibid.*

¹⁷² *Ibid.*

¹⁷³ OHCHR, *Human Rights and Climate Change*, n.d.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

rights-holders to make their claims can be strengthened and duty-bearers, such as states or private actors, are enabled to meet their obligations.¹⁷⁷

Such an approach is realized through various actors on an international level. In August 2019, UNEP and the OHCHR have signed a cooperation agreement to further the promotion and protection of environmental and human rights.¹⁷⁸ They aim to increase assistance to national governments and non-state actors resulting in human rights-based policies, especially in terms of development planning, sustainable use of natural resources, and action to mitigate climate change.¹⁷⁹ Hereby, they advocate for the benefits of the participation of environmental rights defenders and civil society in decision-making processes and thus develop networks of human rights defenders.¹⁸⁰

Another actor advocating for a human rights-based approach is the Mary Robinson Foundation – Climate Justice (MRFJ). Established by the former Irish president and OHCHR, MRFJ is an internationally operating center for thought leadership advocating for global justice regarding the impact of climate change on the enjoyment of human rights.¹⁸¹ The foundation furthers climate action in countries that need support to enable them to realize sustainable development which is centered around the needs of the population.¹⁸² Being well established among policy-makers and civil society, the foundation brings together different actors informing about and advocating for climate justice.¹⁸³ Climate justice connects development and human rights, and urges for sharing the burden of climate change and its impacts fairly and equitably.¹⁸⁴ This includes i.e. to amplify the voices of marginalized groups such as poor countries and peoples but also to focus on women and gender equality as those groups are especially affected, yet not well included in climate action.¹⁸⁵ In 2010, MRFJ launched an internet data platform to track the reporting of states on human rights and climate change linkages to the HRC within National Reports to the Universal Periodic Reviews and the UNFCCC, considering National Adaptation Programmes of Action and National Communications.¹⁸⁶ The aim was to assess the extent to which countries are reporting on and thus recognizing and acting upon the links between human rights and climate change.¹⁸⁷ While in 2016, 12 states reported on such linkages, the number reached 31 countries in 2018, encompassing more than 75% of developing countries.¹⁸⁸ For 17 countries, human rights are a guiding principle for the implementation of their NDCs.¹⁸⁹

¹⁷⁷ Ibid.

¹⁷⁸ UNEP, *UN Human Rights Office sign new agreement, stepping up commitment to protect the human right to a healthy environment*, 2019.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ MRFJ, *Mission and Vision*, n.d.

¹⁸² Ibid.

¹⁸³ MRFJ, *How We Work*, n.d.

¹⁸⁴ MRFJ, *Principles of Climate Justice*, n.d.

¹⁸⁵ Ibid.

¹⁸⁶ MRFJ, *Incorporating Human Rights into Climate Action: Data Portal*, n.d.; UNFCCC, *Side event: Building capacity for the integration of human rights into climate action: Summary report*, n.d.

¹⁸⁷ Ibid.

¹⁸⁸ UNFCCC, *Side event: Building capacity for the integration of human rights into climate action: Summary report*, n.d.

¹⁸⁹ MRFJ, *Fairness and Rights in Climate Action: Shaping an equitable 2015 Agreement*, 2018.

As a result of a joint event by the OHCHR and the MRFCJ in 2015, the *Geneva Pledge for Human Rights in Climate Action* was launched.¹⁹⁰ This voluntary pledge initiated by Costa Rica stresses that all responses to climate change should be informed by a human rights-based approach.¹⁹¹ Signatories of the initiative committed to strengthening cooperation as well as exchange of knowledge and best practices among their delegations at the HRC and all UN climate debates.¹⁹² Since 2015, the number of signatories has increased from 18 to over 30 from diverse regions.¹⁹³

Implementation of a Human Rights-Based Approach by National Governments

The integration of human rights into climate change policies has been realized in different ways in various countries. In Costa Rica, the General Environment law and the constitutional right to a healthy environment provide a strong legal human rights basis for the state's climate change policies, including their livestock Nationally Appropriate Mitigation Action (NAMA).¹⁹⁴ Aiming to mitigate the country's GHG emissions, the livestock NAMA provides training on sustainable agriculture, access to information, advice and financial support to individual farmers, and thus includes them in climate action.¹⁹⁵ Resulting in a more predictable income for farmers and increased resilience to climate impacts, the initiative contributes to the realization of the right to food, water and health.¹⁹⁶ Viet Nam's National Climate Change Strategy is informed by the constitutional and legal right to education and gender equality.¹⁹⁷ Through gender sensitive adaptation training and educational campaigns, the country builds resilience of all citizens ensuring their lives and livelihoods while advancing socio-economic goals.¹⁹⁸ In Ecuador, the links between environmental rights, the right to participation and the rights of indigenous peoples are nationally and legally recognized and linked within the state's National Climate Strategy.¹⁹⁹ Hereby, a key principle is the participation of civil society and the protection of vulnerable groups. Within the Socio Bosque program, indigenous communities are offered economic incentives in return for forest conservation and are provided with funds for i.e. education, housing and healthcare.²⁰⁰ The internationally recognized human right to food has been informing and shaping national and regional climate action in the Arctic by incorporating sustained action on food and nutrition security, while access to information on land rights builds women's and community resilience to climate impacts in Niger.²⁰¹

Conclusion

Since human rights repercussions due to climate change have first been addressed by the HRC in 2008, a lot of progress has been made in connecting climate change with human rights. Initiated by the HRC, a human rights-based approach to climate change and all actions taken to adapt or mitigate is advocated by

¹⁹⁰ OHCHR, *Fact Sheet Climate Change*, 2018.

¹⁹¹ Human Rights and Climate Change Working Group, *Promoting the Geneva Pledge for Human Rights in Climate Action*, n.d.

¹⁹² Ibid.

¹⁹³ Ibid.; OHCHR, *Human Rights and Climate Change*, n.d.

¹⁹⁴ MRFCJ, *Rights for Action: Putting People at the Centre of Action on Climate Change*, 2015, p. 7.

¹⁹⁵ Ibid., p. 7.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid., p. 13.

¹⁹⁸ Ibid., p. 13.

¹⁹⁹ Ibid., p. 15.

²⁰⁰ Ibid., p. 15.

²⁰¹ Ibid., p. 9 - 12.

a variety of actors.²⁰² However, the negative effects of climate change on the environment and thus on humanity are expected to rise in the upcoming years, as global warming will continue to increase. Today, more than 155 states recognize the right to a healthy environment in law, 130 of them are parties to regional treaties incorporating this right and in 110 states the right is protected within the national constitution.²⁰³ More than promoting the importance of human rights in the context of climate change, UN Human Rights bodies must provide detailed possible solution and action-oriented guidelines to help governments and private actors to meet their human rights obligations lined out in the Paris Agreement. Full and equal enjoyment of human rights can only be achieved through cooperation and innovation, which is why the most vulnerable ones to the effects of climate change must be better integrated in climate policy making on an international level.

Further Research

When researching this topic, delegates should consider the following questions:

- How can the HRC further contribute to the protection of human rights relating to climate change?
- How can better cooperation between states and international bodies be ensured?
- How can developing countries and other states and groups especially vulnerable to the effect of climate change, such as indigenous people, women and girls, children and people with disabilities be better protected and integrated in policy making?
- How can a human rights-based approach be better implemented on an international level, especially within the work related to the UNFCCC?

²⁰² OHCHR, *Human Rights and Climate Change*, n.d.

²⁰³ UN Special Rapporteur for Human Rights and the Environment, *Statement of the UN Special Rapporteur for Human Rights and the Environment at the fourth session of the United Nations Environment Assembly*, 2019.

Bibliography

- Benoit Mayer. (2016). *Human Rights in the Paris Agreement*. Retrieved 10 October 2019 from: <https://www.benoitmayer.com/files/Human%20rights%20in%20the%20Paris%20Agreement.pdf>.
- Conference of the Alliance of Small Island States on Preparing for Bali and Beyond. (2007). *Male' Declaration on the Human Dimension of Global Climate Change*. Retrieved 14 September 2019 from: http://ciel.org/Publications/Male_Declaration_Nov07.pdf.
- Environment and Society Portal. (n.d.). *United Nations Environmental Programme (UNEP) established* [Website]. Retrieved 14 September 2019 from: <http://www.environmentandsociety.org/tools/keywords/united-nations-environmental-programme-unep-established>.
- Global Environment Facility. (n.d.). *Funding* [Website]. Retrieved 10 October 2019 from: <https://www.thegef.org/about/funding>.
- Global Environment Facility. (n.d.). *Funds managed by the Global Environment Facility* [Website]. Retrieved 10 October 2019 from: <http://www.fao.org/3/AC836E/AC836E05.htm>.
- Human Rights and Climate Change Working Group. (n.d.). *Promoting the Geneva Pledge for Human Rights in Climate Action* [Website]. Retrieved 14 September 2019 from: <https://climaterights.org/our-work/unfccc/geneva-pledge/>.
- Intergovernmental Panel on Climate Change. (2014). *AR5 Synthesis Report: Climate Change 2014*. Retrieved 14 September 2019 from: https://www.ipcc.ch/site/assets/uploads/2018/05/SYR_AR5_FINAL_full_wcover.pdf.
- Intergovernmental Panel on Climate Change. (2014). *Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers*. Retrieved 04 September 2019 from: https://www.ipcc.ch/site/assets/uploads/2018/02/AR5_SYR_FINAL_SPM.pdf.
- Mary Robinson Foundation – Climate Justice. (2015). *Rights for Action: Putting People at the Centre of Action on Climate Change*. Retrieved 10 October 2019 from: <https://www.mrfcj.org/wp-content/uploads/2015/11/MRFCJ-Rights-for-Action-edition-2.pdf>.
- Mary Robinson Foundation – Climate Justice. (2018). *Fairness and Rights in Climate Action: Shaping an equitable 2015 Agreement*. Retrieved 10 October 2019 from: <https://unfccc.int/sites/default/files/resource/06122018%20PCCB%20presentation%20a.pdf>.
- Mary Robinson Foundation – Climate Change. (n.d.). *How We Work* [Website]. Retrieved 14 September 2019 from: <https://www.mrfcj.org/our-work/how-we-work/>.
- Mary Robinson Foundation – Climate Justice. (n.d.). *Incorporating Human Rights into Climate Action: Data Portal* [Website]. Retrieved 10 October 2019 from: <https://www.mrfcj.org/incorporating-human-rights-into-climate-action/>.
- Mary Robinson Foundation – Climate Justice. (n.d.). *Mission and Vision* [Website]. Retrieved 14 September 2019 from: <https://www.mrfcj.org/about/mission-and-vision/>.
- Mary Robinson Foundation – Climate Justice. (n.d.). *Principles of Climate Justice* [Website]. Retrieved 10 October 2019 from: <https://www.mrfcj.org/principles-of-climate-justice/>.

Organization of African Unity. (1981). *African Charter on Human and Peoples Rights*. Retrieved 14 September 2019 from: <http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>.

Paris Committee on Capacity-building and the Office of the United Nations High Commissioner for Human Rights. (2019). *Technical Workshop on Building Capacity for Integrating Human Rights into Climate Action: Summary report*. Retrieved 10 October 2019 from: https://unfccc.int/sites/default/files/resource/Report_PCCB-OHCHR%202019%20Technical%20Workshop.pdf.

Sustainable Development Goals. (n.d.). *Climate Change* [Website]. Retrieved 14 September 2019 from: <https://www.un.org/sustainabledevelopment/climate-change/>.

Sustainable Development Goals. (n.d.). *Goal 13: Why it matters* [Website]. Retrieved 14 September 2019 from: <https://www.un.org/sustainabledevelopment/wp-content/uploads/2017/07/13.pdf>.

Sustainable Development Goals. (n.d.). *The Sustainable Development Agenda* [Website]. Retrieved 05 September 2019 from: <https://www.un.org/sustainabledevelopment/development-agenda/>.

Sustainable Development Goals Knowledge Platform. (n.d.). United Nations Conference on the Human Environment [Website]. Retrieved September 05 2019 from: <https://sustainabledevelopment.un.org/milestones/humanenvironment>.

United Nations. (n.d.). *Human Rights Law* [Website]. Retrieved 14 September 2019 from: <https://www.un.org/en/sections/universal-declaration/human-rights-law/>.

United Nations Conference on the Human Environment. (1972). *Declaration of the United Nations Conference on the Human Environment*. Retrieved 14 September 2019 from: https://mwvlw.rlp.de/fileadmin/mwkel/Abteilung_2/8206/06_Nachhaltigkeit_global/1972_Stockholm_Erklaerung_en.pdf.

United Nations Environment Programme. (2015). *Climate Change and Human Rights*. Retrieved 04 September 2019 from: https://wedocs.unep.org/bitstream/handle/20.500.11822/9530/-Climate_Change_and_Human_Rightsclimate-change.pdf.pdf?sequence=2&isAllowed=.

United Nations Environment Programme. (2019). *UN Human Rights Office sign new agreement, stepping up commitment to protect the human right to a healthy environment* [Website]. Retrieved 10 October 2019 from: <https://www.unenvironment.org/news-and-stories/press-release/unep-un-human-rights-office-sign-new-agreement-stepping-commitment>.

United Nations Environment Programme. (n.d.). *Why does UN Environment matter?* Retrieved 14 September 2019 from: <https://www.unenvironment.org/about-un-environment/why-does-un-environment-matter>.

United Nations Framework Convention on Climate Change. (2015). *Paris Agreement*. Retrieved 04 September from: https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

United Nations Framework Convention on Climate Change. (2017). *COP 23 Presidency Event: Integrating human rights in climate action*. Retrieved 14 September 2019 from: https://unfccc.int/sites/default/files/resource/CNPresidencyEventHumanRights_5.pdf.

United Nations Framework Convention on Climate Change. (2018) *Side event: Building capacity for the integration of human rights into climate action* [Website]. Retrieved 10 October 2019 from: <https://unfccc.int/topics/capacity-building/events-meetings/side-events/building-capacity-for-the-integration-of-human-rights-into-climate-action>.

United Nations Framework Convention on Climate Change. (2019). *Workshop: Building Capacity for Integrating Human Rights into Climate Action*. Retrieved 10 October 2019 from: https://unfccc.int/PCCB-OHCHR_workshop.

United Nations Framework Convention on Climate Change. (n.d.). *Conference of the Parties* [Website]. Retrieved 14 September 2019 from: <https://unfccc.int/process/bodies/supreme-bodies/conference-of-the-parties-cop>.

United Nations Framework Convention on Climate Change. (n.d.). *Durban Forum on Capacity-building* [Website]. Retrieved 14 September 2019 from: <https://unfccc.int/topics/capacity-building/workstreams/durban-forum-on-capacity-building>.

United Nations Framework Convention on Climate Change. (n.d.). *Paris Agreement* [Website]. Retrieved 04 September 2019 from: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>.

United Nations Framework Convention on Climate Change. (n.d.). *Side event: Building capacity for the integration of human rights into climate action: Summary report*. Retrieved 10 October 2019 from: https://unfccc.int/sites/default/files/resource/Summary_Side%20event_PCCB-OHCHR-MRFCJ_7%20Dec.pdf.

United Nations Framework Convention on Climate Change. (n.d.). *Status of Ratification* [Website]. Retrieved 14 September 2019 from: <https://unfccc.int/process-and-meetings/the-convention/status-of-ratification/status-of-ratification-of-the-convention>.

United Nations Framework Convention on Climate Change. (n.d.). *Summary of the Paris Agreement* [Website]. Retrieved 10 October 2019 from: <https://unfccc.int/resource/bigpicture/index.html#content-the-paris-agreemen>.

United Nations Framework Convention on Climate Change. (n.d.). *The Kyoto Protocol: What is the Kyoto Protocol* [Website]. Retrieved 04 September 2019 from: https://unfccc.int/kyoto_protocol.

United Nations Framework Convention on Climate Change. (n.d.). *The Kyoto Protocol: Status of Ratification* [Website]. Retrieved 04 September 2019 from: <https://unfccc.int/process/the-kyoto-protocol/status-of-ratification>.

United Nations Framework Convention on Climate Change. (n.d.). *What is the United Nations Framework Convention on Climate Change?* [Website]. Retrieved 14 September 2019 from: <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change>.

United Nations Framework Convention on Climate Change. (n.d.). *8th Forum on Capacity-building* [Website]. Retrieved 14 September 2019 from: <https://unfccc.int/8th-durban-forum>.

United Nations General Assembly. (1948). *Universal Declaration of Human Rights* (A/RES/3/217 A). Retrieved 14 September 2019 from: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

United Nations General Assembly. (1966). *International Pact on Economic, Social and Cultural Rights* (A/RES/2200(XXI)A). Retrieved 14 September 2019 from: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

United Nations General Assembly. (1986). *United Nations Declaration on the Right to Development* (A/RES/41/128). Retrieved 14 September 2019 from: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightToDevelopment.aspx>.

United Nations General Assembly. (1992). *United Nations Framework Convention on Climate Change* (A/RES/48/189). Retrieved 04 September 2019 from: https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/convention.pdf.

United Nations Human Rights Council. (2008). *Human Rights and Climate Change* (A/HRC/RES/7/23). Retrieved 07 September 2019 from: https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf.

United Nations Human Rights Council. (2009). *Human Rights and Climate Change* (A/HRC/RES/10/4). Retrieved 07 September 2019 from: https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_4.pdf.

United Nations Human Rights Council. (2014). *Human Rights and Climate Change* (A/HRC/RES/26/27). Retrieved 07 September 2019 from: <https://undocs.org/en/A/HRC/RES/26/27>.

United Nations Human Rights Council. (2016). *Human Rights and Climate Change* (A/HRC/RES/32/33). Retrieved 07 September 2019 from: <https://undocs.org/en/A/HRC/RES/32/33>.

United Nations Human Rights Council. (2018). *Human Rights and Climate Change* (A/HRC/41/L.24). Retrieved 07 September 2019 from: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/208/58/PDF/G1920858.pdf?OpenElement>.

United Nations Office of the High Commissioner for Human Rights. (2009). *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (A/HRC/10/61). Retrieved 14 September 2019 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/103/44/PDF/G0910344.pdf?OpenElement>.

United Nations Office of the High Commissioner for Human Rights. (2012). *Open Letter*. Retrieved 07 September 2019 from: <https://www.ohchr.org/Documents/Issues/Development/OpenLetterHC.pdf>.

United Nations Office of the High Commissioner for Human Rights. (2015). *Understanding Human Rights and Climate Change*. Retrieved 04 September 2019 from: <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

United Nations Office of the High Commissioner for Human Rights. (2016). *Zeid urges climate change ambition as Paris deal enters into force* [Website]. Retrieved 10 October 2019 from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20822&LangID=E>.

United Nations Office of the High Commissioner for Human Rights. (2018). *Fact Sheet Climate Change*. Retrieved 04 September 2019 from: <https://www.ohchr.org/Documents/Issues/ClimateChange/FactSheetClimateChange.pdf>.

United Nations Office of the High Commissioner for Human Rights. (2019). *Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women (A/HRC/41/26)*. Retrieved 10 October 2019 from: <https://undocs.org/A/HRC/41/26>.

United Nations Office of the High Commissioner for Human Rights. (n.d.). *Human Rights and Climate Change* [Website]. Retrieved 04 September 2019 from: <https://www.ohchr.org/en/issues/hrandclimatechange/pages/hrclimatechangeindex.aspx>.

United Nations Office of the High Commissioner for Human Rights. (n.d.). *Sustainable Development Goals related human rights*. Retrieved 10 October 2019 from: https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf.

United Nations Special Rapporteur for Human Rights and the Environment. (2019). *Statement of the UN Special Rapporteur for Human Rights and the Environment at the fourth session of the United Nations Environment Assembly* [Website]. Retrieved 14 October 2019 from: <http://web.unep.org/environmentassembly/fr/node/42439>.

United Nations Treaty Collection. (n.d.). *Depositary: 7.d Paris Agreement* [Website]. Retrieved 10 October 2019 from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=en.

II. THE SITUATION OF HUMAN RIGHTS OF ROHINGYA MUSLIMS AND OTHER MINORITIES IN MYANMAR

„I have no doubt that the Rohingya people have always been one of, if not the, most discriminated people in the world, without any recognition of the most basic rights starting by the recognition of the right of citizenship by their own country-Myanmar“²⁰⁴

- Antonio Guterres, Secretary-General of the United Nations

Introduction

Myanmar, a country in South East Asia, is a highly diverse country with different ethnic and religious groups living within its territory.²⁰⁵ Although many ethnicities live in Myanmar only eight ethnic groups are recognized under the 1982 *Citizenship Law*: the Bamar, Chin, Kachin, Kayah, Kayin, Mon, Rakhine, and Shan.²⁰⁶ The Bamar make up the majority of the population with around 68%.²⁰⁷ Additionally, multiple religious groups exist in Myanmar.²⁰⁸ An estimated 90% of the population are Buddhists, 4 per cent Muslims, 4 per cent Christians and under 2 per cent Hindus.²⁰⁹ People who are not Buddhist and do not belong to one of the eight recognized groups face disenfranchisement and discrimination.²¹⁰ This is the case for the Rohingya Muslims who represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine State in the western part of Myanmar.²¹¹ Rakhine is the second poorest state in Myanmar and faces long-standing social and economic development challenges that affect all communities.²¹² The Rohingya people self-identify as a distinct ethnic group with their own language and culture, and claim a long-standing connection to Rakhine State.²¹³ Multiple governments, British India, the military rule and the current authorities have rejected these claims.²¹⁴ They do not consider the Rohingya people one of the indigenous races, but rather illegal immigrants from neighboring Bangladesh.²¹⁵ As stated by the UN the Rohingya are considered the most persecuted minority group in the world.²¹⁶ Other minorities that are

²⁰⁴ UN News, *Secretary-General António Guterres in press remarks on his visit to Cox's Bazar*, 2018.

²⁰⁵ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁰⁶ Socialist Republic of the Union of Burma, *Burma Citizenship Law*, 1982, Art. 3.;

UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁰⁷ United States of America, *The World Factbook: Burma*, 2019.

²⁰⁸ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁰⁹ United States of America, *The World Factbook: Burma*, 2019.

²¹⁰ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²¹¹ Ibid.

²¹² UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 8.

²¹³ Amnesty International, *Who are the Rohingya people and what is happening in Myanmar*, 2017.

²¹⁴ National Geographic, *Who are the Rohingya people*, 2019.

²¹⁵ Ibid.

²¹⁶ Amnesty International, *Rohingya People: The Most Persecuted Refugees in the World*, 2015.

discriminated in Myanmar include Muslims, in addition to those identifying as Rohingya, and people who are not recognized as one of the eight ethnic groups under the 1982 *Citizenship Law*.²¹⁷

The Rohingya people and other minorities are deprived of fundamental human rights such as the right to life, health, water and sanitation, food, freedom of movement, religious freedom or the freedom of opinion and expression.²¹⁸ With higher education largely off limits for Rohingya and tightened restrictions on travel, many Rohingya struggle to provide for their families resulting in poverty and malnutrition.²¹⁹ According to Amnesty International in 2017, the restrictions on all aspects of the lives of the Rohingya meet every requirement of the legal definition of the crime against humanity of apartheid, as defined under the *Convention against Apartheid* and the *Rome Statute* of the International Criminal Court (ICC).²²⁰

In 2012, violence erupted in Rakhine State.²²¹ Following sectarian violence between Arakanese and Rohingya in June 2012, government authorities destroyed mosques, conducted violent mass arrests, and blocked aid to displaced Muslims.²²² In October 2012, after months of meetings and public statements promoting ethnic cleansing, Arakanese mobs attacked Muslim communities in nine townships, razing villages and killing residents while security forces stood aside.²²³ Different Human Rights organizations for example Human Rights Watch, have described the subsequent killings of Rohingya people by Myanmar's military forces as "ethnic cleansing".²²⁴ As a result of this violence, thousands of Rohingya people were forced to leave their homes and seek refuge in neighboring countries.²²⁵ In 2017 followed an even bigger wave of displacement.²²⁶ After a clearance operation of Myanmar's army, during which the homes and villages of the Rohingya were burnt down and around 7.000 people lost their lives.²²⁷ Amnesty International has documented 6 crimes, which under the *Rome Statute* of the ICC, constitute crimes against humanity.²²⁸ Those acts include: murder, deportation and forcible displacement, torture, rape and other sexual violence, persecution, and other inhumane acts such as denying food.²²⁹

In 2017 over 742,000 people, mostly women and children, sought refuge in Bangladesh.²³⁰ The living conditions in the refugee camps in Bangladesh are described as perilous by UN humanitarians, including

²¹⁷ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 8.

²¹⁸ National Geographic, *Who are the Rohingya people?*, 2019.

²¹⁹ Ibid.

²²⁰ Amnesty International, *The Rohingya people are trapped in dehumanizing apartheid regime*, 2017.

²²¹ Human Rights Watch, *"All You Can Do is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Arakan State*, 2013.

²²² Human Rights Watch, *Burma: End "Ethnic Cleansing" of Rohingya Muslims*, 2013.

²²³ Ibid.

²²⁴ Ibid.

²²⁵ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

²²⁶ UN Human Rights Council, *Culture, Context and Mental Health of Rohingya Refugees-A review for staff in mental health and psychosocial support programs for Rohingya refugees*, 2018, p. 12.

²²⁷ Ibid.; OCHR, *Rohingya refugee crisis*, 2018.

²²⁸ Amnesty International, *Myanmar: Crimes against humanity terrorize and drive Rohingya out*, 2017.

²²⁹ Ibid.

²³⁰ UN Human Rights Council, *Rohingya emergency*, 2019.

UNICEF.²³¹ As of March 2019, over 909,000 stateless Rohingya refugees reside in the two large camps in Ukhiya and Teknaf Upazilas and their future remains uncertain.²³²

History of Myanmar and the Rohingya

Political instability and civil unrest can be found throughout Myanmar's history.²³³ In the 19th century, Britain colonized large territories in South Asia including modern day Myanmar, then known as Burma.²³⁴ Migration from India and Bangladesh into Burma was common and seen as internal population movement, considering the British held all three territories.²³⁵ After Burma's independence in 1948, these migrants remained in the Raphine State of Burma and became known as the Rohingya.²³⁶ When Myanmar was still a part of the British Empire, the *Panglong Agreement* was made between Burmese nationalist hero Aung San and representatives of some of the largest minority groups in Burma, namely the Chin, Shan and Kachin.²³⁷ The agreement aimed to conceal frictions between various ethnic groups and minorities. Later in 1948, the state government passed *the Union Citizenship Act* defining which ethnicities were authorized to obtain citizenship, excluding the Rohingya people.²³⁸ Individuals whose families had resided in Myanmar for at least two generations were originally given special identification cards allowing the Rohingya to reside in the state, mostly as non-citizens.²³⁹

After a military coup in 1962, Myanmar citizens were required to carry national registration cards; the Rohingya, however, were given foreign identity cards that came with several academic and career limitations.²⁴⁰ This discrimination was followed by widespread destruction and assault on the Rohingya people.²⁴¹ The first wave of extreme violence began in 1978 committed by the Myanmar military.²⁴² In an effort to expel the Rohingya from the state, the government identified so-called "illegal immigrants," including the Rohingya.²⁴³ Those were encouraged to leave the region.²⁴⁴ This resulted in rape, arbitrary arrests, destruction of mosques and villages, and land confiscation leading to over 200,000 Rohingya refugees fleeing to Bangladesh.²⁴⁵ The 1982 *Citizenship Law* was established as a reaction to a mass return of Rohingya, who fled the country due to the violence in 1978.²⁴⁶ According to this law, to acquire one of the three categories of citizenship one has to prove that they belong to one of the eight recognized national ethnic groups, or that their ancestors settled in Myanmar before 1823.²⁴⁷ Consequently, the process of

²³¹ OCHR, *Rohingya refugee crisis*, 2018.

²³² Ibid.

²³³ The Economist, *An Unfinished Peace*, 2016.

²³⁴ The Diplomat, *When Burma Was Still Part of British India*, 2017.

²³⁵ The Economist, *An Unfinished Peace*, 2016.

²³⁶ Al Jazeera, *Who Are the Rohingya?*, 2018.

²³⁷ Asian Survey, *Ethnicity, Conflict, and History in Burma: The Myths of Panglong*, 2008.; Members of the Executive Council of the Governor of Burma and representative of the Shan States, *Panglong Agreement*, 1947.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Al Jazeera, *The Rohingya: Myanmar's Outcasts*, 2012.

²⁴¹ Ibid.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Human Rights Watch, *Discrimination in Arakan*, 2017.

²⁴⁷ Socialist Republic of the Union of Burma, *Burma Citizenship Law*, 1982, Art. 3.

acquiring a citizenship is difficult for the Rohingya people.²⁴⁸ They do not belong to one of the recognized ethnic groups and it is hard for them to prove when their ancestors settled in Myanmar.²⁴⁹ As a result, the state does not grant them basic human rights as they are not considered citizens within its jurisdiction.²⁵⁰ For example, they are not granted freedom of movement and have limitations on access to education.²⁵¹ Their statelessness makes them extremely vulnerable to human rights violations.²⁵²

A new political party was elected into Myanmar's government office in 2015, led by Aung San Suu Kyi, with hopes of ending the refugee crisis.²⁵³ The government itself has not played an active role in the violence against the Rohingya, as under the current constitution the Myanmar military acts independently of the governing party.²⁵⁴ Despite the new developments in the Myanmar political leadership, the military retains control over all defense and border operations without opportunity for the government to intervene.²⁵⁵ Members of the military have inflicted violence on Rohingya people in the past half-decade.²⁵⁶ In 2019, two years after being driven out their homes due to violence, more than 700,000 Rohingya people are still unable to return home.²⁵⁷ Myanmar's government still denies that any crimes were committed by the military and refuses to investigate and prosecute the crime.²⁵⁸

International and Regional Framework

The Universal Declaration of Human Rights (UDHR) (1948) guarantees several fundamental human rights that relate directly to the situation of the Rohingya people.²⁵⁹ This includes the right to "life, liberty, and security of person" in articles two and three, entitling each person to the same rights regardless of national origin.²⁶⁰ There are several other freedoms enshrined in the UDHR that are relevant to the situation in Myanmar, including the right to work and the free choice of employment in article 23, access to healthcare in article 25, and the right to education in article 26.²⁶¹

Myanmar is party to several integral human rights treaties including the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) (1979) and the *Convention on the Rights of the Child* (CRC) (1989).²⁶² Other human rights agreements adopted by the international community are useful in the context of the situation in Myanmar, including the *International Covenant on Civil and Political Rights* (ICCPR) (1966) and the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) (1965).²⁶³ The ICCPR states that no state should restrict peoples fundamental human rights

²⁴⁸ Human Rights Watch, *Burma/Bangladesh –Burmese Refugees in Bangladesh: Still No Durable Solution*, 2000.

²⁴⁹ *Ibid.*

²⁵⁰ UNHCR, *Protecting the Rights of Stateless Persons*, 2014, p. 1.

²⁵¹ *Ibid.*

²⁵² UNHCR, *Protecting the Rights of Stateless Persons*, 2014, p. 1.

²⁵³ BBC, *How Aung San Suu Kyi Sees the Rohingya Crisis*, 2018.

²⁵⁴ *Ibid.*

²⁵⁵ *Ibid.*

²⁵⁶ *Ibid.*

²⁵⁷ Human Rights Watch, *Two Years on: No home for the Rohingya*, 2019.

²⁵⁸ *Ibid.*

²⁵⁹ UN General Assembly, *Universal Declaration of Human Rights* (A/RES/217), 1948.

²⁶⁰ *Ibid.*, Art. 2-3.

²⁶¹ *Ibid.*, Art. 23-26.

²⁶² OHCHR, *Status of Ratification –Interactive Dashboard*, 2014.

²⁶³ UN General Assembly, *International Covenant on Civil and Political Rights* (A/RES/2200), 1966.; UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination* (A/RES/2106), 1965.

including liberty, security of person, freedom to leave any country, religion and right to opportunity.²⁶⁴ While Myanmar is not currently party to the ICCPR, the agreement is considered part of customary international law and can be universally applied.²⁶⁵ In addition, the ICCPR lays out the obligation for states to not incite hatred or discrimination against certain groups in society.²⁶⁶ It further obligates state parties to offer special protection to children, without discriminating on the grounds of parentage or other factors.²⁶⁷ This provision is repeated in the CRC, where it says that states should refrain from applying the rights granted through the CRC in a discriminatory manner.²⁶⁸ In addition, article 30 of the CRC grants the right of every child belonging to a minority group to enjoy their culture, practice their religion, and speak their native language.²⁶⁹ The Rohingya people are not given those rights, even though Myanmar is a party to the CRC.²⁷⁰ Children of minorities in Myanmar are i.e. not allowed to freely speak their native language.²⁷¹ Meanwhile, the ICERD, which Myanmar has not signed or ratified, condemns and prohibits all forms of racial discrimination, calling for the complete removal of all racial barriers.²⁷²

Furthermore, the UN also adopted *the Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities* (1992), underlining the importance of non-discrimination.²⁷³ The declaration highlights the right of minorities to exercise their culture, religion, and language and requires states to take positive measures to protect the rights and identity of minorities.²⁷⁴ Even though the declaration is not legally binding, it follows the UN's rationale that human rights apply not only to citizens, but also to everyone under a state's jurisdiction.²⁷⁵ In the case of Myanmar, this means that even members of ethnic minorities, who are not recognized under the *Citizenship Law* of 1982 and are considered stateless by the government, have the right to receive protection.²⁷⁶ However, Myanmar's government does not use this geographical definition of jurisdiction, because they only consider people as citizens that fall under the *Citizenship Law* of 1982.²⁷⁷ Therefore, they do not feel obligated to protect the Rohingya people.²⁷⁸

The Role of the International System

The GA has expressed its concern regarding the treatment of minorities in Myanmar and the state's disobedience with obligations under international human rights law since 1991, most recently in the

²⁶⁴ UN General Assembly, *International Covenant on Civil and Political Rights* (A/RES/2200), 1966.

²⁶⁵ Ibid.

²⁶⁶ UN General Assembly, *International Covenant on Civil and Political Rights* (A/RES/2200 (XXI)), 1966, Art. 20.

²⁶⁷ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)), 1966, Art. 10.

²⁶⁸ UN General Assembly, *Convention on the Rights of the Child* (A/RES/44/25), 1989, Art. 2.

²⁶⁹ Ibid., Art. 30.

²⁷⁰ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights* (A/HRC/32/18), 2016, p. 11.

²⁷¹ Ibid.

²⁷² UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination* (A/RES/2106 (XX)), 1965.

²⁷³ UN General Assembly, *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (A/RES/47/135), 1992.

²⁷⁴ Ibid., Art. 2.

²⁷⁵ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights* (A/HRC/32/18), 2016, p. 5.

²⁷⁶ Ibid., p. 5.

²⁷⁷ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights* (A/HRC/32/18), 2016, p. 5.

²⁷⁸ Ibid.

resolution 72/248 on the Situation of human rights in Myanmar adopted on 24 December 2017.²⁷⁹ In the GA resolution the body calls upon the government of Myanmar to end the violence and allow for the peaceful delivery of aid to those in need, along with several other provisions to address the needs of the Rohingya and create a peaceful state.²⁸⁰

The Office of the High Commissioner for Refugees (HCR) has contributed to the protection of Rohingya refugees on both political and international fronts.²⁸¹ Politically, HCR has directly negotiated for repatriation deals including the most recent 2018 memorandums of understanding.²⁸² The agency has negotiated memorandums with the governments of Bangladesh and Myanmar to ensure that Rohingya refugees can return to Myanmar when certain living conditions are met and that until then, they have safe refuge in Bangladesh.²⁸³ On the humanitarian front, HCR has built refugee camps, airlifted emergency aid, built latrines and safe water systems, and addressed safety and security threats around refugee camps.²⁸⁴ The HCR is a vital agency supporting the Rohingya: They provide some of the most detailed data and updated news on the refugees while advocating for the Rohingya on the international stage.²⁸⁵ The HCR, along with the International Organization for Migration (IOM), leads the Inter-Sector Coordination Group in Bangladesh to coordinate and organize humanitarian aid provision to the refugees residing there.²⁸⁶

Furthermore, the HRC continuously urges Myanmar to integrate all minority groups into society at almost every session, for example in resolution 29/21 on the “Situation of Rohingya Muslims and other minorities in Myanmar” and resolution 31/24 on the “Situation of human rights in Myanmar.”²⁸⁷ Both resolutions call upon the government to stop the discrimination and prevent actions that encourage violence against them.²⁸⁸ The HRC is also monitoring the situation in Myanmar and publishing its findings, which can be seen in the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71) presented at HRC’s 31st session.²⁸⁹ This report focuses on recommendations for the government to strengthen their rule of law, its democratic institutions, and promote human rights.²⁹⁰ The recommended measures include a program to support victims of human rights violations in Myanmar and a reform of the legislative regulations that violate fundamental freedoms.²⁹¹ Following the recommendation of the Special

²⁷⁹ UN General Assembly, *Situation of human rights in Myanmar* (A/RES/72/439), 2017.

²⁸⁰ *Ibid.*

²⁸¹ UNHCR, *Rohingya Emergency*, 2018.

²⁸² UN Department of Public Information, *UN Agencies and Myanmar ink agreement, setting stage for Rohingya return*, 2018.

²⁸³ UNHCR, *Bangladesh and UNHCR Agree on Voluntary Returns Framework for when Refugees Decide Conditions Are Right*, 2018.

²⁸⁴ UNHCR, *Rohingya Emergency*, 2018.

²⁸⁵ UNHCR, *Situation Refugee Response in Myanmar*, 2018.

²⁸⁶ UN Office for the Coordination of Humanitarian Affairs, *Rohingya Refugee Crisis*, 2018.

²⁸⁷ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar* (A/HRC/RES/29/21), 2015.; UN Human Rights Council, *Situation of human rights in Myanmar* (A/HRC/RES/31/24), 2016.

²⁸⁸ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar* (A/HRC/RES/29/21), 2015, p. 5.; UN Human Rights Council, *Situation of human rights in Myanmar* (A/HRC/RES/31/24), 2016, p. 6.

²⁸⁹ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar* (A/HRC/31/71), 2016, p. 17.

²⁹⁰ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar* (A/HRC/31/71), 2016, p. 18.

²⁹¹ *Ibid.*

Rapporteur Ms. Yanghee Lee, the ICC prosecutor launched a full preliminary examination of Myanmar's expulsions of the Rohingya in September 2018.²⁹²

The Office of the UN High Commissioner for Human Rights (OHCHR) has been trying to establish a country office with a full mandate in Myanmar.²⁹³ However, these efforts have been hindered by the authorities in Myanmar who have imposed strict visa regulations and in turn aggravating travels of the OHCHR staff.²⁹⁴ Country offices are an important tool used by OHCHR, as they have a mandate that is agreed upon in cooperation with the host government and allows OHCHR's staff to directly communicate with the local authorities.²⁹⁵ Country offices are used to analyze human rights abuses and emerging trends in the country in order to develop helpful responses and contribute to regional strategies and planning.²⁹⁶

Moreover, NGOs such as Human Rights Watch and Amnesty International are closely monitoring developments in Myanmar and have been reporting on human rights abuses.²⁹⁷ In addition to the monitoring function, Human Rights Watch undertakes efforts to directly communicate with leaders in Myanmar.²⁹⁸ This was exemplified through a letter that Human Rights Watch Executive Director Brad Adams sent to the newly elected authorities in Myanmar in 2016, in which he noted the priorities Human Rights Watch set for the new government.²⁹⁹ These priorities included a request to reform laws that violate basic human rights, such as the right to peacefully assemble, to protect and promote women's rights, as well as land rights.³⁰⁰

In March 2018, Bangladesh, the UN, and national and international NGOs like Action against Hunger launched a Joint Response Plan (JRP) to provide humanitarian aid such as housing, feeding, registering, and educating to the Rohingya refugees in Bangladesh.³⁰¹ It aims to provide help to over 1.2 million refugees in Bangladesh.³⁰² Even though the situation in Bangladesh has been gradually stabilized, the Rohingya remain in a very precarious position, as they cannot return home without having to expect further violence and human rights abuse.³⁰³

The Association of Southeast Asian Nations (ASEAN) has followed a non-interference policy when addressing the human rights situation in Myanmar, trying not to criticize their Member State Myanmar.³⁰⁴ While other international actors such as the UN, have requested that military leaders of Myanmar be held accountable for their actions, ASEAN has remained silent.³⁰⁵ However, they did support Myanmar with the

²⁹² OHCHR, *Special Rapporteur on the situation of human rights in Myanmar (A/HRC/40/68)*, 2019, p. 17.; Human Rights Watch, *World Report 2019: Myanmar*, 2019.

²⁹³ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016.

²⁹⁴ OHCHR, *Country Offices/Stand-alone Offices*, 2016.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ Human Rights Watch, *World Report 2016 –Burma*, 2016.; Amnesty International, *Annual Report –Myanmar 2015/2016*, 2016.

²⁹⁸ Ibid.

²⁹⁹ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

³⁰⁰ Ibid.

³⁰¹ UN Human Rights Council, *2019 Joint Response Plan for Rohingya Humanitarian Crisis*, 2019.

³⁰² Ibid.

³⁰³ Ibid.

³⁰⁴ Save the Children, *ASEAN members should champion for human rights, starting with Myanmar*, 2019.

³⁰⁵ Ibid.

preparations for the eventual return of the Rohingya refugees.³⁰⁶ Human rights organizations, like Save the Children, urge ASEAN Member States to apply more pressure on Myanmar and help the state to address the root causes of the crisis.³⁰⁷

Civil and Political Rights

During the 2015 general elections in Myanmar over 800,000 Rohingya Muslims and other religious and ethnic minorities were banned from voting and from entering the elections as candidates.³⁰⁸ The government enabled this deprivation of human rights by revoking the temporary identity cards that were the only way of identification for Rohingya Muslims.³⁰⁹ Moreover, *the Political Parties Registration Law*, amended in 2014, prevents “residents without full citizenship from forming political parties or contesting elections.”³¹⁰ Therefore, the Rohingya people were also unable to enter the elections as candidates and experienced an intervention in their human right to participate in public affairs and elections.³¹¹ This political exclusion was further enhanced by incisions in the right to peacefully assemble and associate.³¹² In Rakhine State regulations prevent Rohingya Muslims and other minority groups from moving freely from township to township, even for work.³¹³ For example, some townships in Rakhine State have imposed a curfew as a reaction to the violent outburst of 2012.³¹⁴ These restrictions are against international human rights law, as they do not coincide with the provisions as laid out in article 29(2) of the UDHR, which provides guidelines for the restriction of freedom.³¹⁵ Also, they are discriminatory because they only apply to Rohingya Muslims and other minorities.³¹⁶

Additionally, Rohingya Muslims and other minorities receive no support from the authorities when confronted with instances of hate speech and incitement of violence.³¹⁷ Hate speech is primarily directed towards the Muslim minority in Myanmar.³¹⁸ Fear of Muslims is being spread within the Burmese population by ultra-nationalist groups.³¹⁹ One of the most prominent ultra-nationalist groups is Ma Ba Tha, which translates as the Association for the Protection of Race and Religion.³²⁰ Ma Ba Tha uses scare tactics such as death threats and public accusations of members of the civil society to promote their hate speech directed at non-Buddhist minorities.³²¹ Advocacy of racial or religious hatred is a human rights violation: The invocation of the group for violence lead to more human rights violations such as murder and torture.³²²

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ The New York Times, *After Myanmar Election, Few Signs of a Better Life for Muslims*, 2015.

³⁰⁹ Amnesty International, *Annual Report –Myanmar 2015/2016*, 2016.

³¹⁰ Freedom House, *Freedom in the World 2016: Myanmar*, 2016.

³¹¹ Ibid.

³¹² Ibid.

³¹³ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

³¹⁴ Ibid.

³¹⁵ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, p. 2.

³¹⁶ Ibid.

³¹⁷ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 7.

³¹⁸ C4ADS, *Sticks and Stones –Hate Speech Narratives and Facilitators in Myanmar*, p. 6.

³¹⁹ Ibid.

³²⁰ Human Rights Watch, *World Report 2016 –Burma*, 2016.

³²¹ Ibid.

³²² UN, *Human Rights*, 2019.

After the surge of violence in 2012, the state reinforced its practices of arbitrary arrest and detention of Rohingya Muslims.³²³ Those practices often result in acts of torture and mistreatment, which are also human rights violations and were committed as part of a systematic attack on the civilian population, especially Rohingya people.³²⁴

The association for the Protection of Race and Religion was the main advocate for the adoption of the four *race and religion laws*.³²⁵ These laws are closely linked to the incitement of hate and violence over the last couple of years.³²⁶ The four *race and religion laws* influence the lives of many women of ethnic and religious minorities in Myanmar.³²⁷ Especially, the *Buddhist Women's Special Marriage Law* discriminates on both gender and religion.³²⁸ Officially, its purpose is to prevent Buddhist women from being forced to convert to another religion in case they marry a non-Buddhist man.³²⁹ However, according to the HCR the law undermines the freedom of religion and prevents women from choosing to convert to another religion.³³⁰ Moreover, the *Monogamy Law* restricts both women's sexual and reproductive rights.³³¹ The *Monogamy Law* lays down harsh punishments for married people that have sexual relations outside of their marriage, thus violating the right to privacy.³³² This is especially relevant for religious minorities where polygamy and extra-marital affairs are perceived to occur more frequently.³³³ The *Population Control and Healthcare Law* aims at regulating a couple's family planning by imposing restrictions on when couples can have children.³³⁴ Therefore, the *Population and Healthcare Law* restricts the human right of self-determination.³³⁵

Economic, Social and Cultural Rights

Due to their forced displacement during and after the violence of 2012 many Rohingya Muslims and other minorities had their land dispossessed.³³⁶ The Rohingya try to claim the land they previously owned, but the land is now being administered by the government.³³⁷ Myanmar fails to ensure land and property rights

³²³ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 8.

³²⁴ Ibid.; UN Human Rights Council, *Report of the independent international fact-finding mission on Myanmar (A/HRC/39/64)*, 2018, p. 16.

³²⁵ Ibid.

³²⁶ Amnesty International, *Annual Report – Myanmar 2015/2016*, 2016.

³²⁷ Ibid.

³²⁸ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination against Women*, 2016, p. 7.

³²⁹ Ibid.

³³⁰ Ibid.; UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 6.

³³¹ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination against Women*, 2016, p. 7.; UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 6.

³³² Human Rights Watch, *Burma: Discriminatory Laws Could Stroke Communal Tensions*, 2015.

³³³ Ibid.

³³⁴ UN Population Fund, *UNFPA Statement on the Population Control Healthcare Law in Myanmar*, 2015.

³³⁵ Ibid.

³³⁶ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

³³⁷ Ibid.

for the farmers that have been displaced.³³⁸ New regulations and a closer operation with the local community will be necessary if Myanmar wants to effectively resolve the land disputes.³³⁹

Another consequence of the forced displacement is that Rohingya Muslims and other minorities have been denied the right to health and education.³⁴⁰ Two factors are responsible for the denial of their right to health: Firstly, the Rakhine state is struggling economically, which results in understaffed and underdeveloped health facilities³⁴¹ Secondly, there is discrimination against Muslims in the existing health facilities.³⁴² In addition to their limited access to health care, the social exclusion of Rohingya people has been further expedited by their hindered access to education.³⁴³ Rakhine State has the lowest literacy rate in the state and schools are not easily accessible for Rohingya and other internally displaced persons.³⁴⁴ Discriminatory practices prevent children from being taught in their mother tongue and non-citizens, such as the Rohingya people, are not allowed to enroll in certain university courses.³⁴⁵ Not only do the children of Rohingya people and other minorities receive a poor education, but they are exploited as cheap workers and child soldiers.³⁴⁶ A study from 2015 shows that child labor is still seen as an escape from poverty.³⁴⁷ The prospects for Rohingya children are particularly daunting because some local orders in Rakhine State limit the number of children Rohingya couples can have, and all children born that exceed this number are not counted as part of the household.³⁴⁸ Considering that those children do not receive birth certificates or any other form of identification and are therefore more vulnerable to human rights violations, it seems logical that those children are being exploited.³⁴⁹

In addition, women of the Rohingya community and other Muslim minorities face further human rights violations, for example when being detained by the Myanmar security forces.³⁵⁰ According to civil society organizations, 118 cases of gender-based violence were allegedly committed by members of the military between 2010 and 2014.³⁵¹ As a result of their displacement and due to the poor living conditions in

³³⁸ Ibid.

³³⁹ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 21.

³⁴⁰ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 12.

³⁴¹ Ibid., p. 10.

³⁴² Ibid., p. 10.

³⁴³ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 10.

³⁴⁴ Ibid.

³⁴⁵ Save the Children, *Child Rights Situation Analysis*, 2014, p. 2.

³⁴⁶ International Labor Organization, *Project Updates: Myanmar Program on the Elimination of Child Labor (Volume 4)*, 2016.; UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 14.

³⁴⁷ International Labor Organization, *Knowledge, Attitudes, and Practices (KAP) Study on Child Labor in Yangon, Ayeyarwady Region and Mon State*, 2015, p. 35.

³⁴⁸ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 11.

³⁴⁹ Ibid.

³⁵⁰ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*, 2016, p. 13.

³⁵¹ UN Human Rights Council, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 11.

settlements of Rohingya Muslims, women in those communities often also face domestic violence.³⁵² Because Myanmar has failed to prosecute perpetrators, these Rohingya Women do not experience the human right to social protection.³⁵³ In order to alleviate this situation, Amnesty International has called for the establishment of a more effective justice system that would trial those cases and hold perpetrators accountable for their actions.³⁵⁴

Conclusion

For decades, the Rohingya people and other minorities in Myanmar were forced to endure discrimination and violence without interference of the government.³⁵⁵ The ongoing abuse prevents them from fully enjoying their basic human rights and fundamental freedoms.³⁵⁶ The discrimination is embedded in the 1982 *Citizenship Law* and the recently adopted *race and religion laws*, which the international community has continuously criticized.³⁵⁷ Due to the restrictions in their freedom of movement, Rohingya Muslims are not able to enjoy other connected rights, such as the right to health and education.³⁵⁸ The humanitarian crisis of 2017 and 2018 sparked outrage in the international community.³⁵⁹ Even though the situation in Bangladesh has been gradually stabilized, the Rohingya remain in a very precarious position. The root cause of their plight in Myanmar has not been addressed and their future remains uncertain.³⁶⁰ The government continues to deny evidence of human rights violations and refuses to allow independent investigators access to Rakhine State.³⁶¹ Furthermore, the government persist on denying the Rohingya citizenship.³⁶² Nevertheless, the new government in Myanmar still possesses the power to publicly condemn such practices and change the discriminatory system in the country.³⁶³ The role of the international community remains to continue its efforts in placing pressure on Myanmar to reform and strengthen its existing National Human Rights Commission in order to create more visibility of, and accountability for, human rights violations.³⁶⁴

Further Research

As delegates continue to research the human rights situation in Myanmar, it will be vital to keep in mind the existing human rights framework and the norms of international law that are in place. The delegates should consider the following questions:

- What can the international community do to ensure that everyone living in Myanmar's territory is granted human rights?

³⁵² Ibid., p. 9.

³⁵³ UN Human Rights Council, *Report of the independent international Fact-finding mission on Myanmar (A/HRC/39/46)*, 2018, p. 16.

³⁵⁴ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*, 2016, p. 13.

³⁵⁵ Human Rights Watch, *World Report 2019: Myanmar*, 2019.

³⁵⁶ UN General Assembly, *Situation of human rights in Myanmar: Report of the Secretary-General (A/70/332)*, 2015, p. 4.

³⁵⁷ Amnesty International, *Annual Report – Myanmar 2015/2016*, 2016.

³⁵⁸ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 18.

³⁵⁹ Human Rights Watch, *World Report 2019: Myanmar*, 2019.

³⁶⁰ Ibid.

³⁶¹ Ibid.

³⁶² Ibid.

³⁶³ Human Rights Watch, *World Report 2016 –Burma*, 2016.

³⁶⁴ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

- How can the international community support Myanmar in their effort to remove the stigma that is attached to the Rohingya and other minorities?
- What role do NGO's play in the attempt to create more visibility of and more accountability for human rights violations? What is the role of the Special Rapporteur?
- What benefits would a country office in Myanmar bring on a long-term and how can the HRC assure that Myanmar supports a fully operational country office (keeping in mind the country's sovereignty)?

Bibliography

- Al Jazeera. (2018). *Who Are the Rohingya?* [Website]. Retrieved 28 October 2019 from: <https://www.aljazeera.com/indepth/features/2017/08/rohingya-muslims-170831065142812.html>.
- Amnesty International. (2015). *Rohingya People: The Most Persecuted Refugees in the World* [Website]. Retrieved 5 September 2019 from: <http://www.amnesty.org.au/refugees/comments/35290/>.
- Amnesty International. (2016). *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*. Retrieved 20 July 2016 from: <http://www.refworld.org/docid/577e09054.htm>.
- Amnesty International. (2016). *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women* [Website]. Retrieved 28 October 2019 from: <https://www.amnesty.org/download/Documents/ASA1642402016ENGLISH.pdf>.
- Amnesty International. (2016). *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women* [Website]. Retrieved 28 October 2019 from: <https://www.amnesty.org/en/documents/asa16/4240/2016/en/>.
- Amnesty International. (2016). *Myanmar: Ending Discrimination and Violence Against the Rohingya – Amnesty International’s Written Statement to the 32nd Session of the UN Human Rights Council 13 June – 1 July 2016*. Retrieved 13 October 2019 from: <https://www.amnesty.org/en/documents/asa16/4147/2016/en/>.
- Amnesty International. (2016). *Oral Statement by Amnesty International, the Women’s Peace Network-Arakan and the Arakan Project in Light of the Review of Myanmar’s Fourth and Fifth Combined Report to the Committee on the Elimination of Discrimination Against Women*. [Website]. Retrieved 5 September 2019 from: <https://www.amnesty.org/en/documents/asa16/4374/2016/en>.
- Amnesty International. (2017). *The Rohingya people are trapped in dehumanizing apartheid regime* [Website]. Retrieved 28 October 2019 from: <https://www.amnesty.org/en/latest/news/2017/11/myanmar-rohingya-trapped-in-dehumanising-apartheid-regime/>.
- Amnesty International. (2019). *Myanmar: Crimes against humanity terrorize and drive Rohingya out* [Website]. Retrieved 28 October 2019 from: https://www.amnesty.org/en/latest/news/2017/10/myanmar-new-evidence-of-systematic-campaign-to-terrorize-and-drive-rohingya-out/?utm_source=TWITTER-IS&utm_medium=social&utm_content=1118067043&utm_campaign=Amnesty.
- Amnesty International. (n.d.). *Annual Report -Myanmar 2015/2016* [Website]. Retrieved 5 September 2019 from: <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>.
- BBC. (2018). *How Aung San Suu Kyi Sees the Rohingya Crisis* [Website]. Retrieved 28 October 2019 from: <https://www.bbc.com/news/world-asia-42824778>.
- C4ADS. (n.d.). *Sticks and Stones –Hate Speech Narratives and Facilitators in Myanmar* [Website]. Retrieved 28 August 2016 from: <https://static1.squarespace.com/static/566ef8b4d8af107232d5358a/t/56b41f1ff8baf3b237782313/1454645026098/Sticks+and+Stones.pdf>.
- Freedom House. (2016). *Freedom in the World 2016: Myanmar* [Website]. Retrieved 5 September 2019 from: <https://freedomhouse.org/report/freedom-world/2016/myanmar>.

Human Rights Watch. (2000). *Burma/Bangladesh –Burmese Refugees in Bangladesh: Still No Durable Solution* [Website]. Retrieved 5 September 2019 from: <https://www.hrw.org/reports/2000/burma/>.

Human Rights Watch. (2013). *Burma: End “Ethnic Cleansing” of Rohingya Muslims* [Website]. Retrieved 28 October 2019 from: <https://www.ecoi.net/de/dokument/1323896.html>.

Human Rights Watch. (2013). *“All You Can Do is Pray”: Crimes Against Humanity and Ethnic Cleansing in of Rohingya Muslims in Arakan State* [Website]. Retrieved 5 September 2019 from: <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>.

Human Rights Watch. (2013). *“All You Can Do is Pray”: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Arakan State* [Website]. Retrieved 28 October 2019 from: <https://reliefweb.int/report/myanmar/all-you-can-do-pray-crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>.

Human Rights Watch. (2013). *Burma: End “Ethnic Cleansing” of Rohingya Muslims* [Website]. Retrieved 5 September 2019 from: <https://www.hrw.org/news/2013/04/22/burma-end-ethnic-cleansing-rohingya-muslims>.

Human Rights Watch. (2015). *Burma: Discriminatory Laws Could Stroke Communal Tensions* [Website]. Retrieved 29 September 2019 from: <https://www.hrw.org/news/2015/08/23/burma-discriminatory-laws-could-stoke-communal-tensions>.

Human Rights Watch. (2016). *“They Can Arrest You at Any Time”: The Criminalization of Peaceful Expression in Burma* [Website]. Retrieved 5 September 2019 from: <https://www.hrw.org/report/2016/06/29/they-can-arrest-you-any-time/criminalization-peaceful-expression-burma>.

Human Rights Watch. (2016). *World Report 2016 –Burma* [Website]. Retrieved 20 September 2019 from: <https://www.hrw.org/world-report/2016/country-chapters/burma#73fcc>.

Human Rights Watch. (2016). *HRW Letter to President U Htin Kyaw* [Website]. Retrieved 5 September 2019 from: <https://www.hrw.org/news/2016/05/04/hrw-letter-president-u-htin-kyaw>.

Human Rights Watch. (2019). *Two Years on: No home for the Rohingya* [Website]. Retrieved 28 October 2019 from: <https://www.hrw.org/news/2019/08/28/two-years-no-home-rohingya>.

Human Rights Watch. (2019). *World Report 2019: Myanmar*. Retrieved 30 October 2019 from: https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf.

Human Rights Watch. (n.d.). *Chronology of Burma’s Constitutional Process* [Website]. Retrieved 5 September 2019 from: <https://www.hrw.org/sites/default/files/reports/burma0508chronology.pdf>.

International Labour Organization. (2016). *Knowledge, Attitudes, and Practices (KAP) Study on Child Labour in Yangon, Ayeyarwady Region and Mon State* [Website]. Retrieved 28 September 2019 from: <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=27675>.

International Labour Organization. (2016). *Project Updates: Myanmar Programme on the Elimination of Child Labour (Volume 4)* [Website]. Retrieved 28 September 2019 from: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_499711.pdf.

Members of the Executive Council of the Governor of Burma and representative of the Shan States. (1947). *Panglong Agreement*. Retrieved 10 October 2019 from: http://peacemaker.un.org/sites/peacemaker.un.org/files/MM_470212_Panglong%20Agreement.pdf.

National Geographic. (2019). *Who are the Rohingya people?* [Website]. Retrieved 28 October 2019 from: <https://www.nationalgeographic.com/culture/people/reference/rohingya-people/>.

Ramzy, A. (2015). *After Myanmar Election, Few Signs of a Better Life for Muslims*. *The New York Times* [Website]. Retrieved 10 October 2019 from: http://www.nytimes.com/2015/11/19/world/asia/myanmar-election-rohingya-muslims.html?_r=0.

Raymond, R. (2015). *Myanmar's Muslim Minority: The Plight of the Rohingya* [Website]. Retrieved 11 October 2019 from: <https://freedomhouse.org/blog/myanmar-s-muslim-minority-plight-rohingya>.

Save the Children. (2019). *ASEAN members should champion for human rights, starting with Myanmar* [Website]. Retrieved 29 October 2019 from: <https://www.savethechildren.net/blog/asean-members-should-champion-human-rights-starting-myanmar>.

Save the Children. (n.d.). *Child Rights Situation Analysis* [Website]. Retrieved 20 October 2019 from: http://resourcecentre.savethechildren.se/sites/default/files/documents/brief_crsa_lowres_16mar15.pdf.

Socialist Republic of the Union of Burma. (1974). *The Constitution of the Socialist Republic of the Union of Burma*. Retrieved 5 September 2019 from: <http://www.thailawforum.com/database1/constmyanmar.html>.

Socialist Republic of the Union of Burma. (1982). *Burma Citizenship Law*. Retrieved 10 October 2019 from: <http://www.refworld.org/docid/3ae6b4f71b.html>.

The Economist. (2016). *An Unfinished Peace* [Website]. Retrieved 10 October 2019 from: <http://www.economist.com/blogs/graphicdetail/2016/03/myanmar-graphics>.

The Diplomat. (2017). *When Burma Was Still Part of British India*. [Website]. Retrieved 28 October 2019 from: <https://thediplomat.com/2017/10/when-burma-was-still-part-of-british-india/>.

BBC. (2015). *Timeline: Reforms in Myanmar* [Website]. Retrieved 10 October 2019 from: <http://www.bbc.com/news/world-asia-16546688>.

United Nations Committee on the Elimination of Discrimination against Women. (2016). *Concluding observations on the combined fourth and fifth periodic reports on Myanmar* (CEDAW/C/MMR/CO/4-5). Retrieved 10 October 2019 from: <http://undocs.org/CEDAW/C/MMR/CO/4-5>.

United Nations Committee on the Rights of the Child. (2012). *Consideration of reports submitted by State parties under article 44 of the Convention –concluding observations: Myanmar* (CRC/C/MMR/CO/3-4). Retrieved 10 October 2019 from: <http://undocs.org/CRC/C/MMR/CO/3-4>.

United Nations Department of Public Information. (2018). *UN Agencies and Myanmar ink agreement, setting stage for Rohingya return* [Website]. Retrieved 28 October 2019 from: <https://news.un.org/en/story/2018/06/1011491>.

United Nations General Assembly. (1948). *Universal Declaration of Human Rights* (A/RES/217 A (III)). Retrieved 10 October 2019 from: <http://www.un.org/en/documents/udhr/>.

United Nations General Assembly. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination* (A/RES/2106 (XX)) [Website]. Retrieved 28 October 2019 from: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>.

United Nations General Assembly. (1966). *International Covenant on Civil and Political Rights* (A/RES/2200 (XXI)). Retrieved 10 October 2019 from: [http://undocs.org/A/RES/2200\(XXI\)](http://undocs.org/A/RES/2200(XXI)).

United Nations General Assembly. (1966). *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)). Retrieved 10 October 2019 from: [http://undocs.org/A/RES/2200\(XXI\)](http://undocs.org/A/RES/2200(XXI)).

United Nations General Assembly. (1979). *Convention on the Elimination of All Forms of Discrimination against Women* (A/RES/34/180). Retrieved 10 October 2019 from: <http://undocs.org/A/RES/34/180>.

United Nations General Assembly. (1989). *Convention on the Rights of the Child* (A/RES/44/25). Retrieved 10 October 2019 from: <http://undocs.org/A/RES/44/25>.

United Nations General Assembly. (1992). *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (A/RES/47/135). Retrieved 10 October 2019 from: <http://undocs.org/A/RES/47/135>.

United Nations General Assembly. (2014). *Situation of human rights in Myanmar* (A/RES/68/242). Retrieved 10 October 2019 from: <http://undocs.org/A/RES/68/242>.

United Nations General Assembly. (2014). *Situation of human rights in Myanmar: Report of the Secretary-General* (A/69/362). Retrieved 10 October 2019 from: <http://undocs.org/A/69/362>.

United Nations General Assembly. (2015). *Situation of human rights in Myanmar* (A/RES/69/248). Retrieved 10 October 2019 from: <http://undocs.org/A/RES/69/248>.

United Nations General Assembly. (2015). *Situation of human rights in Myanmar: Report of the Secretary-General* (A/70/332). Retrieved 10 October 2019 from: <http://undocs.org/A/70/332>.

United Nations General Assembly. (2016). *Children and armed conflict: Report of the Secretary-General* (A/70/836). Retrieved 10 October 2019 from: <http://undocs.org/A/70/836>.

United Nations General Assembly. (2016). *Situation of human rights in Myanmar* (A/RES/70/233). Retrieved 10 October 2019 from: <http://undocs.org/A/RES/70/233>.

United Nations General Assembly. (2018). *Situation of human rights in Myanmar* (A/RES/72/248). Retrieved 28 October 2019 from: <http://www.globalr2p.org/media/files/a-res-72248.pdf>.

United Nations Human Rights Council. (2015). *Situation of human rights of Rohingya Muslims and other minorities in Myanmar* (A/HRC/RES/29/21). Retrieved 10 October 2019 from: <http://undocs.org/A/HRC/RES/29/21>.

United Nations Human Rights Council. (2016). *Report of the Special Rapporteur on the situation of human rights in Myanmar* (A/HRC/31/71). Retrieved 10 October 2019 from: <http://undocs.org/A/HRC/31/71>.

United Nations Human Rights Council. (2016). *Situation of human rights in Myanmar* (A/HRC/RES/31/24). Retrieved 10 October 2019 from: <http://undocs.org/A/HRC/RES/31/24>.

United Nations Human Rights Council. (2016). *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights* (A/HRC/32/18). Retrieved 10 October 2019 from: <http://undocs.org/A/HRC/32/18>.

United Nations Human Rights Council. *Report of the independent international fact-finding mission on Myanmar (A/HRC/39/64)* [Website]. Retrieved 28 October 2019 from: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/64.

United Nations Office of the High Commissioner for Human Rights. (2014). *Status of Ratification: Interactive Dashboard* [Website]. Retrieved 10 October 2019 from: <http://indicators.ohchr.org/>.

United Nations Office of the High Commissioner for Human Rights. (2016). *Country Offices/Stand-alone Offices* [Website]. Retrieved 10 October 2019 from: <http://www.ohchr.org/EN/Countries/Pages/CountryOfficesIndex.aspx>.

United Nations Office of the High Commissioner for Refugees. (2014). *Protecting the Rights of Stateless Persons*. Retrieved 29 September 2019 from: <http://www.unhcr.org/about-us/background/4ca5941c9/protecting-rights-stateless-persons-1954-convention-relating-status-stateless.htm>.

United Nations Office of the High Commissioner for Refugees. (2018). *Rohingya Emergency* [Website]. Retrieved 28 October 2019 from: <https://www.unhcr.org/rohingya-emergency.html>.

United Nations Population Fund. (2015). *UNFPA Statement on the Population Control Healthcare Law in Myanmar*. Retrieved 10 October 2019 from: <http://www.unfpa.org/press/unfpa-statement-population-control-healthcare-law-myanmar>.

United States of America, Central Intelligence Agency. (2016). *The World Factbook: Burma* [Website]. Retrieved 10 October 2019 from: <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.htm>.

United Nations Office for the Coordination of Humanitarian Affairs. (n.d.) *Rohingya Refugee Crisis* [Website]. Retrieved 28 October 2019 from: <https://www.unocha.org/rohingya-refugee-crisis>.