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Human Rights Council

Background Guide Update

Authored by Jakob Peters, Jonathan Winkler, and Luis Blum

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

In June 2019 United Nations International Children's Emergency Fund (UNICEF) and the World Health Organization (WHO) published a new report updating their Joint Monitoring Programme for Water Supply, Sanitation and Hygiene. According to the report, entitled *Progress on drinking water, sanitation and hygiene: 2000-2017: Special focus on inequalities*, significant progress has been made but there are still billions of people around the world continuing to suffer from poor access to water, sanitation and hygiene.¹ 2.2 billion people around the world do not have safely managed drinking water services,² 4.2 billion people do not have safely managed sanitation services,³ and 3 billion lack basic handwashing facilities.⁴

In September 2019, the United Nations Educational, Scientific and Cultural Organization (UNESCO) published the *United Nations World Water Development Report (WWDR)*, entitled "*Leaving no one behind*". The report demonstrates how improvements in water resources management and access to water supply and sanitation services are essential to addressing various social and economic inequities.⁵ Moreover, the *WWDR* shows that if the degradation of the natural environment and the unsustainable pressure on global water resources continue at current rates, "5% of the global gross domestic product (GDP), 52% of the world's population and 40% of global grain production will be at risk by 2050. Especially, poor and marginalized populations will be disproportionately affected, further exacerbating already rising inequalities."⁶

On 22 April 2019 the World Health Organization (WHO) has issued '*A Guide to Equitable Water Safety Planning: Ensuring No One is Left Behind*' on how water utilities, organizations and other stakeholders can plan for safe water supply while promoting equity and social inclusion. The document highlights the opportunity for water safety plans (WSPs) to contribute to the achievement of SDG target 6.1 on safe drinking water for all and underlines that equity considerations should become part in policies, their implementation and monitoring.⁷ The WHO reports that at least 93 countries have so far introduced WSPs, and expects more countries to follow.⁸ Furthermore, this guidance document presents a five-stage process for integrating equity considerations in 1) preparation, 2) system assessment, 3) monitoring, 4) management and communication, and 5) feedback and improvement.⁹

¹ WHO & UNICEF, *Progress on household drinking water, sanitation and hygiene 2000-2017: Special focus on inequalities*, 2019.

² *Ibid.*, p. 7.

³ *Ibid.*, p. 8.

⁴ *Ibid.*, p. 9.

⁵ UNESCO, *United Nations World Water Development Report "Leaving no one behind"*, 2019.

⁶ *Ibid.*, p. 14.

⁷ WHO, *A Guide to Equitable Water Safety Planning: Ensuring No One is Left Behind*, 2019.

⁸ *Ibid.*, p. 1.

⁹ WHO, *A Guide to Equitable Water Safety Planning: Ensuring No One is Left Behind*, 2019.

Moreover, WHO and UN Water published the 2018/2019 UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS). This bi-annual analysis surveys 115 countries and territories, representing a total of 4.5 billion people. The main goal of GLAAS is to monitor components of reliable and accessible water, sanitation and hygiene (WASH) services, including governance, monitoring, finance, and human resources necessary to sustain and extend WASH services to all.¹⁰ The report finds that WASH sectors often lack the funds and staffing to fully implement their plans, with fewer than 14% of the countries stating that they have sufficient human resources to implement plans¹¹, and twenty countries and territories reporting a funding gap of 61%.¹² At World Water Week, held from 25-30 August 2019 in Stockholm, WHO and UN-Water called for urgently increasing investment in WASH systems.¹³

On 26 September 2019, during the 42nd session of the United Nations Human Rights Council (UNHRC), the HRC adopted Resolution 42/5 concerning human rights to safe drinking water and sanitation. The resolution includes the decision to extend the mandate of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation for a period of three years and the request to governments to support the work of the Special Rapporteur.¹⁴ Moreover, in light of the upcoming tenth anniversary of General Assembly Resolution 64/292 and Human Rights Council Resolution 15/9 of 30 September 2010, recognizing the human rights to safe drinking water and sanitation, Resolution 42/5 requests the Special Rapporteur to initiate and participate in awareness-raising activities.¹⁵

In December 2016, UN Member States adopted United Nations General Assembly Resolution 71/222 on an International Decade for Action on 'Water for Sustainable Development' 2018-2028. In the course of the decade, the international community sets out to advance sustainable development, energize existing programmes and projects and inspire action to achieve Agenda 2030. The Decade commenced on World Water Day 22 March 2018, and will terminate on World Water Day, 22 March 2028. In November 2019, the UN General Assembly Second Committee adopted by consensus a resolution calling for a midterm review of the Water Action Decade in 2023.

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¹⁰ UN Water, Global Analysis and Assessment of Sanitation and Drinking-Water, 2019, p. 1.

¹¹ UN Water, Global Analysis and Assessment of Sanitation and Drinking-Water, 2019, p. 1.

¹² Ibid., p. 25.

¹³ WHO & UN-Water, World Water Week (25-30 August), 2019.

¹⁴ UN Human Rights Council, *The human rights to safe drinking water and sanitation (A/ HRC/RES/42/5)*, 2019, p. 1.

¹⁵ Ibid.

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II. Human Rights of Unaccompanied Migrant Children and Adolescents

As of 2019, the number of unaccompanied migrant children and adolescents under the age of 19 is estimated by the United Nations Department for Economic and Social Affairs (UN DESA) to have risen to 37.9 million.¹⁶ The majority of unaccompanied migrant children and adolescents is located in Africa and Latin America. This update thematically highlights recent developments such as efforts to end detention of unaccompanied migrant children as well as alternatives to detention.

Since the adoption of the *New York Declaration for Refugee and Migrants* resolution 71/1 in 2016 by the United Nations General Assembly, in 2018, the United Nations High Commissioner for Refugees (UNHCR) issued a report, entitled *Highlights of Progress Towards Comprehensive Refugee Responses Since the Adoption of the New York Declaration*, on the state of implementation of the commitments that member states and international organizations have made to the NY Declaration for Refugees.¹⁷ In the report, UNHCR notes that next to financial contributions, several member states have already implemented the protection of refugees and the support for self-reliance of migrants such as through education programs, in their national policies.¹⁸ In the working paper *Alternatives to Immigration Detention of Children*, UNICEF however criticizes that a number of states receiving unaccompanied children are still detaining children and adolescents. The working paper stresses the negative psychological impact of detention such as depression, anxiety, or post-traumatic stress disorder (PTSD), which stands in stark contrast to the values of the *New York Declaration for Migrants*.¹⁹ To end the detention of unaccompanied children and adolescents, the working paper recommends national action plans to offer foster care and community placement schemes, child protection services and increased investments in alternatives to detention.²⁰

In September 2017, the United Nations Human Rights Council adopted resolution 36/5 which strengthens the focus on the protection of human rights and fundamental freedoms of unaccompanied migrant children and adolescents and urges member states to act in the best interest of unaccompanied minors.²¹ In line with the *New York Declaration for Migrants* and the *UN Convention on the Rights of the Child (CRC)*, this resolution also reminds states that the criminalization of migration and the detention of children and adolescents is seldom in the best interest of a child and urges member states to increase efforts to reunite unaccompanied children with their families.²² In the light of the *CRC*, resolution 36/5 also encourages member states to eliminate discriminatory national immigration policies preventing unaccompanied migrant children and adolescents from gaining access to national health care or education systems.²³ Further steps to implement the principles highlighted in this resolution were agreed upon in the first Global Refugee Forum, held in December 2019 in Geneva, in which more than 3000 participants representing governments, international organizations, civil society organizations (CSOs) as well as private sector actors agreed to pledges and solutions to provide migrants with education, or engaging the private sector in placing migrants in education and training schemes.²⁴

In 2019, the IOM, OHCHR, UNICEF as well as a number of European institutions and CSOs issued the guidance report *Safeguarding the Rights of Children in Return Policies and Practices*, which, in line with the *CRC*, is based on the legal framework of the European Union (EU). The guidance report outlines several principles and guidelines for immigration authorities on the potential process of returning migrant children,

¹⁶ Migration Data Portal, *Child and Young Migrants*, 2019, retrieved 04 January 2020 from: <https://migrationdataportal.org/themes/child-and-young-migrants#definition>

¹⁷ UNHCR, *Highlights of Progress Towards Comprehensive Refugee Responses Since the Adoption of the New York Declaration*, 2018, retrieved 28 December 2019 from: <https://www.unhcr.org/5ba109ca2d>

¹⁸ *Ibid.*, pp. 5-11.

¹⁹ UNICEF, *Alternatives to Immigration Detention of Children*, 2019, p.2.

²⁰ *Ibid.*, p.6.

²¹ United Nations, *A/HRC/RES/36/5 (2017)*, 2017.

²² *Ibid.*, p.4.

²³ *Ibid.*, pp.4-5.

²⁴ UNHCR, *Summary of the first Global Refugee Forum by the co-convenors*, 2019, pp.3-4.

based on the principle of what is deemed to be in the child's best interest.²⁵ Furthermore, the guidance report lays special focus on accessing the needs and potential risks of seeking to reunite unaccompanied migrant children with family members or returning them to their country of origin.²⁶ It also states that a return of unaccompanied migrant children and adolescents to their country of origin is only deemed acceptable if children can be placed in care systems after their return to avoid homelessness and be provided with adequate education and access to health services.²⁷

However, according to IOM, many children and adolescents returning to their countries of origin are often still faced with a lack of reintegration assistance or rehabilitative services, while their educational, physical or mental health needs are not attended to.²⁸

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²⁵ IOM, *Guidance to Respect Children's Rights in return Policies and Practices. Focus on the EU Legal Framework*, 2019, p.5.

²⁶ Ibid. pp.19-20.

²⁷ Ibid.p.20.

²⁸ IOM, *World Migration Report. Chapter 8*, 2019, p. 266.

III. The Human Rights Situation in the Occupied Palestinian Territory

As the temporary-permanent occupation of the Palestinian territories “continues in its second half-century [...] the Human Rights Situation deteriorates day-by-day”.²⁹ Alongside the demonstrations in Gaza that occurred in 2018, this update covers the ongoing water crisis as well as the situation of the human rights defenders in the occupied Palestinian territory (oPt).

On 30 March 2018 large-scale demonstrations alongside Israel’s perimeter fence with Gaza called for the right to return for Palestinian refugees and an end to the blockade of Gaza. Although largely peaceful, some protestors reportedly burned tires, threw stones and Molotov cocktails, and flew kites bearing incendiary devices over the fence into Israel which lead to excessive use of force by Israel against said protestors.³⁰ Between 30 March 2018 and 31 December 2018, 180 Palestinians were killed by Israeli Security Forces in the context of demonstrations, including over 30 children, while a further 24,000 were injured.³¹ In the same period, 1 Israeli was killed and 3 injured which underlines the asymmetric nature of the ongoing conflict.³²

Furthermore, the water supply in the oPt deteriorated further during the last year. In February 2019, the Israeli Civil Administration destroyed the newly laid water pipes to some Palestinian Villages in the South Hebron Hills.³³ All construction work in this area is tightly restricted, leaving approximately 180 Palestinian communities, home to about 30.000 people, with no connection to a water network.³⁴ Even in areas, where Palestinians are allowed to lay pipes, there is not enough water accessible due to the inequitable arrangements for water use and management in the West Bank.³⁵ On top, the water crisis is peaking in a humanitarian catastrophe. The UN Special Rapporteur estimated in 2017 that more than 96% of the coastal aquifer groundwater – Gaza’s sole source of natural water – had become unfit for human consumption, and the aquifer would be irreversibly damaged as a drinking source by 2020. Together with the increasing population in Gaza, Israel’s blockade of the territory, including restrictions to import dual-use items (including water pumps, spare parts, pipes and purification chemicals) as well as unreliable sanitation and power supply leads to such a critical water supply that most Gazans rely on low and medium quality trucked water that they have to purchase water for a considerably high price.³⁶ In Resolution 40/22 from 22nd of March 2019 the Human Rights Council underlined the importance of permanent sovereignty over natural resources as an integral component of the right to self-determination.³⁷

As the situation of human rights defenders, who raise awareness and document human rights violations in the oPt, deteriorates due to public stigmatization, intimidation and threats, Resolution 40/23 of the Human Rights Council

“denounces all acts of intimidation, threats and delegitimization directed at human rights organizations, civil society actors and human rights defenders involved in documenting

²⁹ UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967 (A/HRC/40/73)*, 2019.

³⁰ UN HRC, *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/40/23)*, 2019.

³¹ UN OCHA, *Humanitarian snapshot: casualties in the context of demonstrations and hostilities in Gaza | 30 March - 31 December 2018*, 2019.

³² UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967 (A/HRC/40/73)*, 2019.

³³ Haaretz, *For Six Months, These Palestinian Villages Had Running Water. Israel Put a Stop to It*, 2019.

³⁴ B'Tselem, *Water Crisis*, 2017.

³⁵ UN HRC, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967 (A/HRC/40/73)*, 2019.

³⁶ Ibid.

³⁷ UN HRC, *Right of the Palestinian people to self-determination (A/HRC/40/22)*, 2019.

and countering violations of international law and impunity in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States to ensure their protection".³⁸

Furthermore, in May 2018 and January 2019, the Money Trail Reports, published by the Israeli Ministry of Strategic Affairs, alleged several NGOs of having relations to terrorists and accused the European Union of granting financial aid to European and Palestinian organizations that allegedly promote boycotts against Israel based organizations. The Israeli Anti-Boycott law, passed in 2011, allows Israel to withdraw benefits from said organizations³⁹ and is the foundation for the Israeli Ministry of the Interior to not renew the visa of Omar Shakir, Israel and Palestine Director at Human Rights Watch who investigated human rights abuses in Israel, the West Bank, and Gaza, because of his strong ties to the BDS (boycotts, divestment, sanctions) Movement.⁴⁰

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³⁸ UN HRC, *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/40/13)*, 2019.

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⁴⁰ Human Rights Watch, *Israel Expels Human Rights Watch Director Today*, 2019.