

Delegation from the Democratic Republic of the Congo Position Paper for the United Nations Human Rights Council

The topics before the United Nations (UN) Human Rights Council (HRC) are the following: I. Equitable Access to Safe Drinking Water as a Human Right, II. Human Rights of Unaccompanied Migrant Children and Adolescents and III. The Human Rights Situation in the Occupied Palestinian Territory. The Democratic Republic of the Congo (DRC) is looking forward to discussing the topics at hand and finding adequate solutions.

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

The DRC believes that the access to safe water is a human right and still fully supports the groundbreaking General Assembly (GA) *resolution 64/292* of 2010. This resolution recognized the right to water and sanitation as a human right, as did this very council in its HRC *resolution 15/9*. While we now celebrate the tenth anniversary of these two resolutions, much remains to be done. HRC *resolution 42/5* of 2019 does not only acknowledge the importance of the aforementioned resolutions, it also puts a special emphasis on the work done by the Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller. Regardless of the great efforts, 2.2 billion people still do not have safely managed drinking water services, many of whom living in Sub-Saharan Africa. The DRC has joined the battle against these high numbers, we came together with our African friends and partners in the *African Ministers' Council on Water* which has the mission to provide policy direction for the sustainable use and management of water resources in Africa. Moreover, we have passed for example Law n° 15/026 of 31 December 2015 which declares that public water services are accessible to all and provides the necessary set of rules and legal frameworks to manage and protect water resources and sanitation services. Several clean water supply programs have been launched, in 2018 for example 25,000 people benefited from new water wells in Kinshasa and Congo Central, but our government also put a particular focus on rural areas in which an estimated 2,352,000 people got access to water services by sinking new boreholes between 2013 and 2018. Considering these great success stories, we want to strengthen the efforts made by cooperating internationally and through the means the HRC has. The DRC has closely cooperated with and benefited from the support of the United States Agency for International Development (USAID) since the 1990s. We see great potential if such collaborations were to be encouraged. The HRC has just recently decided to expand the Special Rapporteurs mandate in HRC *resolution 42/5*, for example by encouraging him to continue his regular visits in countries where the human right to safe drinking water and sanitation is to be implemented. We can see that the Special Rapporteur mainly visited countries of the global south, such as Lesotho, El Salvador or Botswana. Unfortunately, there is yet no focus that the Special Rapporteur advocates for collaboration between countries on the one hand and governmental aid organizations of wealthier nations, just like USAID, on the other hand. We strongly encourage country visits to nations which have the capacity to provide crucial support. Moreover, we see the opportunity of involving private actors, like non-governmental organizations, as well. The "We are Water Foundation" already actively supports UNICEF, we therefore believe, that the Special Rapporteur could set off new partnerships and trigger even more efforts in the fight for safe drinking water. In Sub-Saharan Africa alone, we calculate with an annual shortage of \$ 14.3 billion in the water sector, a number which will even be considerably higher taking all member states into account. Talks between the Special Rapporteur and such governments will raise awareness that the access to safe drinking water is a matter of global dimension and that everybody will profit from future achievements. Consequently, we call upon all member states to make contributions, just like our friends in the United States of America have done, to support other nations in the process of implementation of the discussed human right. Moreover, we encourage the HRC to strengthen and expand the mandate of the Special Rapporteur as lined out above, so he can continue his valuable work and be the advocate of all nations and people, in order to speak with one voice and to guarantee the human right to safe drinking water and sanitation which every person worldwide is entitled to.

II. Human Rights of Unaccompanied Migrant Children and Adolescents

The Universal Declaration of Human Rights (UDHR) guides the work of the Human Rights Council. In its article 25, the UDHR also states that motherhood and childhood are entitled to special care and assistance. The international community has further strengthened its commitment for protection by the ratification of the *Convention on the Rights of the Child* in 1989. The DRC is a party to it and wants to remind all member states of our common obligation "to act in the best interests of the child". Being affected by several conflicts in our recent past, we would also like to point out the great importance of the *Optional Protocol on the Involvement of Children in Armed Conflicts*. The most vulnerable of our society require the greatest protection, especially in such difficult situations and violent times, for which the Optional Protocol is an important tool of implementation. We, in particular, understand that because 41% of our population is aged 0-14, another 21% 15-24. Having such a young population, we especially want to put an emphasis on the need for protection for unaccompanied migrant children and adolescents. While the UN GA in its *resolution 71/1* (*New York Declaration for Refugees and Migrants*) has pointed out that the human rights of all migrants have

to be respected and assured, we announce with great pride that the DRC has launched its second *National Action Plan (NAP)* since 2010 for the implementation of the UN Security Council *resolution 1325* on women, peace and security. We are committed to the protection of those in need of help and to peace, which is why, in the following, we would like to make a particular connection to migration in times of conflicts. Armed conflicts are one of the main causes for migration. The HRC must call upon all nations which engage in such conflicts to provide a minimum standard of safety of civilians, so that they can still enjoy the basic human rights they are entitled to. The *Geneva Convention relative to the Protection of Civilian Persons in Time of War (GCIV)* and the corresponding Protocols I and II have set the standards for said protection. 196 countries are party to this convention which is why we expect a broad consensus within the international community, to reiterate these standards. Any kind of violence against life and person, be it in an international or non-international conflict, is prohibited, so is the taking of hostages and the conduction of sentences without a regular trial governed by the rule of law. We ask the members of this council to acknowledge the importance of these treaties, with a particular emphasis on Art. 50 GCIV which guarantees the preferential treatment of children in times of conflict. At the same time, the DRC would like to point out the valuable work of the Special Rapporteur on the human rights of migrants. Covered by his mandate are tasks like the examination of strategies to guarantee the protection of human rights, with a particular focus on women and children, or making recommendations to national, regional or international stakeholders and actors. Furthermore, the Special Rapporteur is an important source of information for the HRC by giving regular reports to it. In HRC *resolution 34/21* of April 2017, the mandate of the Special Rapporteur was extended for a period of three years for the last time. Acknowledging the importance of the work done by the Special Rapporteur, while highly appreciating it, we call upon all member states to extend the mandate of the Special Rapporteur for another three years until the year 2023. Considering the challenges we still face with regards to the human rights situation of migrants, we cannot deprive ourselves of the means we have, we must continue to use them.

III. The Human Rights Situation in the Occupied Palestinian Territory

The DRC is deeply concerned by the situation in the Middle Eastern Region. Even though the groundwork for peace was already laid in the 1949 Armistice Agreement, the Six-Day War destroyed all hopes and the tensions have never really been alleviated. The outrageous violence perpetrated in 2018 which led to the death of 180 Palestinians, among those 30 children, and 24,000 people injured has caused the initiation of an Inter-State Complaint under the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, filed by the State of Palestine. The Democratic Republic of the Congo is a party to said convention and encourages both sides to abide the norms of international law by complying with the obligations in this convention and further negotiating a peaceful solution in good faith, bearing the needs of the population in mind. The DRC has recognized the State of Israel and we maintain good relationships through our embassy in Tel Aviv. Moreover, we have diplomatically also recognized the State of Palestine which is why we do have a profound understanding of the positions of both sides and the interests involved. Regardless of that, we are worried about the human rights situation in the occupied Palestinian territory, as is the HRC. The 37th session of the HRC was predominantly concerned with the topic at hand and passed several resolutions which, for example, focused on the right of the Palestinian people to self-determination (HRC *resolution 37/35*) that is still infringed by the State of Israel. Furthermore, the HRC has decided to hold a special session on the deteriorating human rights situation in the area which was concluded by HRC *resolution S-28/1*. In this resolution the HRC decided to start an "international and independent commission of inquiry" which was mandated to conduct investigations with regards to responsibility towards possible war crimes and other human rights violations. While we show full understanding for the positions of both sides to the conflict, we call upon the State of Israel to grant access to UN staff and Special Rapporteurs to their territory in order to conduct said investigations. We invite all members of the HRC to join us in this demand. At the same time, we ask all members to state their impartiality and their dedication to protect human rights without trying to seek a culprit. This council has been paralyzed because of such expressions for too long, we shall return our focus on consensus again. Moreover, a minimum standard of services to the population must be made possible by the Israeli authorities. The World Health Organization (WHO) and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) have launched several great projects which help to mitigate the hardships for the Palestinian population. An example are the mobile health units of UNRWA which provide basic health care services to more than 100,000 refugees and Palestinian people and the numerous campaigns that have been initiated to raise awareness for questions regarding health. These efforts are facilitated by the work of the WHO which assesses the human rights situation with regards towards health in the region and enables UNRWA to act as effectively as possible. The DRC highly appreciates the work done in the field and, together with all other member states represented in the HRC, would like to foster and support these projects. This must ultimately lead to a resolution which calls upon all member states to make the necessary contributions to WHO and UNRWA to avoid an exacerbation of the health situation in Palestine. Said resolution shall entail another call upon the State of Israel to guarantee the protection of the livelihoods of the Palestinians, regardless of the political differences these two nations might have.