

Delegation from the Kingdom of Spain
Position Paper for the Human Rights Council

The topics before the United Nations (UN) Human Rights Council (HRC) are: 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 Kingdom of Spain acknowledges the importance of the topics and we are looking forward to the discussions.

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

The use of water has been increasing worldwide about 1 percent per year since the 1980s. Over 4 billion people still experience severe water scarcity and unsafe water kills more people than disasters or conflicts. Spain welcomes and fully embraces the goals of the Human Right to Water and Sanitation which was first recognized by the UN General Assembly (GA) in *Resolution 64/292* as a norm for a binding international law in 2010. It refers to Sustainable Development Goal (SDG) 6, “Clean Water and Sanitation” and recognizes the right of every human being to have access to enough water, which must be safe, acceptable, affordable and physically accessible. Spanish water authorities like TORRESCAMARA, under the Ministry for Ecological Transition and Demographic Challenge (MITECO) and the Department for Water in Spain, improved the desalination infrastructure in an effort to ensure a sustainable and clean water supply. This project is called *Oropesa del Mar Desalination Plant* (OMDP). The plant delivers an average return of 45 % (treated water compared to the volume of water collected). The project has been supported by the European Regional Development Fund with about 25 million Euros. The Kingdom of Spain wants to extend its very successful project as a pilot project for affected regions which would be an excellent opportunity for those countries to solve their water related problems. To accomplish the transfer of our pilot project, we will need the cooperation with the UN and especially the HRC. The minister of MITECO and expert of the OMDP Theresa Ribera Rodríguez should join the Advisory Committee (AdCo) of the UNHRC on its 26th meeting in February 2021. The Committee should discuss where the next desalination plant could be built. The president of TORRESCAMARA Juan Cámara, who worked closely with Ms. Rodríguez while planning the OMDP, should join the *Expert Mechanism on the Rights of Indigenous People* (EMRIP) on its 14th meeting in June 2021 to provide the HRC with expertise and advice on the pilot project and its extension. This project should be the topic of the 22nd session of the *Intergovernmental Working Group on the Right to Development* to monitor and review the outcome of AdCo and EMRIP to facilitate the initiative to extend the OMDP. The project would be financed by 2 percent (\$26.8 million) of the voluntary contributions 30 percent (\$18.8 million) of the World Health Organization (WHO). Furthermore, we want to ensure immediate medical support for those who suffer from the consequences of unclean water. Spain strongly suggests helping people immediately with medicines and vaccines. This would be financed by 30 percent (\$18.8 million) of the WHO’s Health Emergencies Programme. The goal of WHO is to “ensure the safety of the air people breathe, the food they eat, the water they drink – and the medicines and vaccines they need” which would go together with our goals. We would highly appreciate if the HRC agrees with that. We want every Member State (MS) to benefit from our joint project because currently, approximately 1% of the world’s population is dependent on desalinated water to meet daily needs, but the UN expects that 14% of the world’s population will encounter water scarcity by 2025. Water is the primary necessity, yet, it is an alarming fact that there are billions of people around the world who do not have access to clean drinking water. Fatal medical conditions all occur because of the consumption of contaminated water. Clean water is essential to remain safe from disease. Clean water is necessary for us to survive.

II. Human Rights of Unaccompanied Migrant Children and Adolescents

According to the UN Department for Economic and Social Affairs, the estimated number of international migrant children worldwide increased between 2000 and 2019 reaching 37.9 million in 2019. Keeping in mind the diverse motivations for emigration, reaching from the search for better opportunities to the escape from violence, exploitation, abuse or conflict, the GA adopted *the 2030 Agenda for Sustainable Development* which recognizes the topic “no migrant is left behind” regarding SDG 10 to reduce inequalities. GA *Resolution 36/5 for Unaccompanied migrant children and adolescents and human right*, adopted in 2017, reaffirms the special needs of unaccompanied migrant children. Furthermore, the Convention on the Rights of Child (CRC), adopted in GA *Resolution 44/25* sets out the civil, political, economic, social, health and cultural rights of children. Best interests’ assessment and determination is defined in Article 3 of the CRC, which says that in all actions concerning children, the best interests of the child shall be a primary consideration. Assessing the best interests of a child means to evaluate and balance all the elements necessary to make a decision in a specific situation. The right of the child to have its best interests taken as a primary consideration means that those have high priority and are not just one of several considerations. Consequently, it becomes important to establish a trust-based relationship with the child and to communicate effectively in a language that the child understands. Such assessments ideally involve a multi-disciplinary team of qualified professionals. Risk and resilience

assessments are a central component here because they consider the context of the countries of destination and origin and also how the situation of the child will change on the basis of any decision taken. Migration diplomacy aspires to work with origin and transit countries focusing on solidarity and shared responsibility to give migrant children an equal chance to a good assessment of every individual. We should enact comprehensive, planned and with proactive policies. We want to better organize the assessment of the situation of migrant children through a common Assessment System for Migrant Children (ASMC), under the CRC. Three experts of the CRC should be elected in the 87th session in January 2021 and invited to the 72nd meeting of the HCR to explain their ideas of enhancing ASMC as a worldwide common assessment system. The project should be implemented in the *10-Point Plan in Action* of the HCR. Together with representatives of regional organizations like the EU and the African Union, as well as experts from Non-Governmental Organizations (NGOs) and Civil-Society Organizations (CSOs), guided by the UN Committee on the Rights of Child, we suggest the discussion about the management of ASMC. They will have the responsibility of electing and training of the assessors. Every child should be asked about their situation, backgrounds, needs, social aspects and the family, if they're not separated, should be assessed too. The assessors should offer risk and security assessments about their origin. Furthermore, they should map sources of support, skills, potentials and resources for empowerment. The most important task of the project would be the identification of an individual solution for every migrant child. The project would be financed by 3 percent (\$350 million) of the Social Protection Fund and 5 percent (\$160 million) of the regular resources of the UN International Children's Emergency Fund (UNICEF). It is of highest importance to protect children because children are vulnerable, they are not autonomous, and they are dependent on adults. Therefore, they deserve special attention, protection and action to ensure the recognition of their rights. It is of highest importance to all Member States (MS) to take responsibility in this issue.

III. The Human Rights Situation in the Occupied Palestinian Territory

The situation of human rights in the occupied Palestinian territory (oPt) is an important concern for the HRC because the ongoing conflict between Israelis and Palestinians already began in the mid-20th century, with only partial success of resolving the conflict within a peace process in the end of 2019. Since the Six-Day War the idea of 'childhood' was abolished and dropped from Israeli military declarations, so that if a child happened to be shot, it was referred to as 'a young man'. Human Rights Watch noted in its 2014 report on events in the Israeli-Palestinian conflict, nearly 12.000 Palestinian children were said to have been killed by Israel and over 1,200 Palestinian children had been injured. From 1967 to 1989 the UN adopted 131 resolutions directly addressing this conflict. The report of the Secretary-General for Human Rights, introduced in March 2019 at a general debate of the HRC on the situation in Palestine, highlighted serious concerns regarding the excessive use of force by the Israeli. In 2016, it was estimated that the Gaza Strip has a population of 800.000 children. Each year approximately 700 Palestinian children are arrested, interrogated and detained by the Israeli army, police and security agents. Israel's exploitation of natural resources in the oPt for its own use is in direct violation of its legal responsibilities as an occupying power. An average of two children per day are detained, interrogated, prosecuted or imprisoned within the Israeli military justice system. There are serious concerns about Israel's handling with children. The project Defense for Children International Palestine (DCIP) is committed to securing a viable future for Palestinian children in the oPt. Guided by the CRC it wants to improve legal services to children in urgent need. For us it is of highest importance to save children's lives, and for that we want to cooperate and share our ideas with representatives of oPt, CRC and DCIP under the HRC. In order to achieve this, we suggest the implementation of the Forum for the Rights of Childs in the occupied Palestine (FRCP) under the CRC. We invite experts on human rights and the rights of child, for example from the European Forum on the Rights of Child, CSOs, NGOs, ombudspersons for children, practitioners, academics to join the forum and promote good practice on the rights of child. We introduce FRCP to be a place to exchange ideas about giving children in oPt security and developing the DCIP Child Protection project. It provides legal representation to children, supports child victims of community violence, exploitation and neglect and promotes the participation and empowerment of children so that they can address their own rights situation and become agents for positive change. In order to secure the rights of child we want to cooperate peacefully with the conflict parties and gain their attention on children's wellbeing to finally legislate the rights of child in the oPt. Every progress will be presented in the CRC. We invite the FRCP to have its first meeting in May 2021 in the Headquarter of the UN in New York City, United States of America, where it shall take place annually. The forum and the Child Protection Project would be financed by 5 percent (\$160.000) of the regular resources of UNICEF per year. Every one of us has the right to live, it does not really mean mere existence, it means living with dignity and having all the basic necessities for survival. it shall be the duty of the Member States to guarantee rights to their citizens.