

The **Sixth Session**



Background Guide

Human Rights Council



HRC

Property of Lagos Model United Nations

Background Guide: Human Rights Council

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Letter from USG

Dear delegates,

Welcome to the Lagos Model United Nations 2021, the 6th session. It is a pleasure to welcome you all to this conference which brings age long and recent international problems to the fore. LMUN is a platform for youth to deliberate on innovative solutions and take actions to create a better world for us all. This process is one that will improve your problem-solving skills, public speaking skills, team work and leadership skills while making you great connections along the way. This is why LMUN continues to be such a transformative process.

The Human Rights Committee is faced with the herculean task of addressing Human rights violations across the world. I hope that your deliberations will birth actions that will chip away at this big goal.

The staff for the United Nations Human Rights Council (UNHRC) are: **Oluwakemi Agbato** (Under-Secretary-General); **Morenikeji Oyeleke** (Chair); **Adebusola Adebayo** (Vice Chair); **Odofile Kelvin** (Researcher) and **Oyindamola Owolabi** (Researcher).

Oluwakemi is a 400-level student of the Faculty of Law University of Lagos. She was a participant at the LMUN 2018 where she was awarded the Position Paper Award and the Honorable mention Award. She has served in official capacities; as a researcher in LMUN 2019; as the chair of UN-Women in LMUN 2020 and as a communication and logistics officer in YISMUN. Her love for MUNs is in tandem with her interest in international human rights and development. **Morenike** is a 400-level law student at the University of Lagos. She has participated actively in LMUN since the 2019 conference, where she won the Honourable Mention Award. She served as a researcher in the United Nations Human Rights Council, at the LMUN 2020 conference. She has keen interest in Human Rights and International Law. **Busola** is a 400-level law student at the University of Lagos. She participated as a delegate at LMUN 2019 conference and won the Distinguished delegate award. She also served as a Researcher at LMUN 2020. She served as a journalist in Youth International Students Model United Nations (YISMUN) 2020, where she won an exemplary journalist award. She has also served as an Editor of the YISMUN International Press 2020 3rd and 4th Editions. **Oyindamola** is a third-year law student of the University of Lagos. She started her MUN journey in 2019 and has participated in 4 MUNs as a delegate with awards (special mention and verbal mention) accredited to her, as an official ambassador for IMUN conference and as a Chair of the UNHRC committee for YISMUN conference 2021. **Kelvin** is a 300-level law student at the University of Nigeria, Nsukka. He has participated actively in a number of Model United Nations across the country including the International MUN and LMUN. Kelvin is passionate about human right especially the rights and protection of minorities.

UNHRC is the UN body mandated to investigate, address, and make recommendations on human rights violations that occur around the world yearly. It reviews Member states human rights records and promotes civic education on human rights.

The topics to be discussed by the committee are:

I. Combatting Terrorism and Violent Extremism

II. Ensuring the Rights of Persons with Disabilities in Conflict Areas.

The Background Guide will form the stepping stone to begin your research on your topics one of the first steps to research at LMUN. Nonetheless is not be a stand in for undertaking the extensive research required of you as individuals. The Further Research, Annotated Bibliography and Bibliography will serve you well and aid you your research. In addition to this this Delegate Prep Guide and the Rules of Procedure will provide you with guidance for the conduct expected and procedure of the conference. These documents are available on the LMUN website – www.lmun.ng.

Each delegate is expected to submit a position paper by a later communicated date after registration and assignment of country and committee, in accordance with the position paper guide which is on the LMUN website.

Any enquiries or concerns during your preparation for the committee or the Conference itself, should be directed to the USG at - usgpeacesecurityhr@lmun.ng or the committee at - unhrc@lmun.ng

We anticipate your presence at the conference!

Oluwakemi Agbato

USG Peace, Security and Human Rights, LMUN 2021.

Abbreviations

ACHR	American Convention on Human Rights
ACRWC	African Charter on the Rights and Welfare of the Child
BIPSS	Bangladesh Institute of Peace and Security Studies
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CHR	Commission on Human Rights
COVID	Coronavirus
CRC	Convention on the Rights of the Child
CTC	Counter-Terrorism Committee
CTED	Counter-Terrorism Committee Executive Directorate
ECHR	European Convention on Human Rights
ECOSOC	Economic and Social Council
EDVAW and Violence	Platform of Independent Expert Mechanisms on Discrimination against Women
HI	Humanity & Inclusion
HRC	Human Rights Council
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICEADPD Discrimination	Inter-American Convention on the Elimination of All forms of against Persons with Disabilities
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
ICT	Information and Communication Technology
IDA	International Disability Alliance
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Persons
IEP	Institute for Economics and Peace
ILO	International Labour Organization

NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
OAS	Organization of American States
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OPDs	Organizations of Persons with Disabilities
OSCE	Organization for Security and Co-operation in Europe
PVE	Prevention of Violent Extremism
SAVE	Sisters Against Violent Extremism
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender-Based Violence
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDRR	United Nations Office for Disaster Risk Reduction
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Fund for Population Activities
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
UNITAR	United Nations Institute for Training and Research
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNODC	United Nations Office on Drugs and Crime
UN Women	United Nations Entity for Gender Equality and Empowerment of Women
UPR	Universal Periodic Review
US	United States
WHO	World Health Organization
WHS	World Humanitarian Summit

WWB

Women Without Borders

Committee Overview

Introduction

The Human Rights Council (HRC) is an intergovernmental body of the United Nations (UN) “responsible for the strengthening, the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.”¹ The Council addresses violations, promotes human rights assistance and education, reviews States’ human rights records, works to prevent human rights abuses, responds to emergencies, and serves as an international forum for human rights dialogue.²

Since the adoption of the *Universal Declaration of Human Rights* (UDHR) in 1948,³ the human rights agenda has expanded greatly. To facilitate the implementation of the *UDHR*, the UN Secretariat established a UN department responsible for overseeing its human rights program.⁴ This department, which is referred to as the Centre for Human Rights, expanded its reach in the 1980s and moved from New York to Geneva.⁵ In 1993, at the World Conference on Human Rights, Member States created the Office of the UN High Commissioner for Human Rights (OHCHR) with the responsibility of coordinating human rights frameworks within the intergovernmental agencies and departments of the UN.⁶ OHCHR is responsible for the substantive, logistical, and administrative needs of all UN human rights mechanisms, including core treaty-based bodies, thematic working groups, and the HRC.⁷ On 10 August 2018, Secretary-General António Guterres appointed Michelle Bachelet of Chile as High Commissioner for Human Rights upon approval of the General Assembly; Bachelet is succeeding Zeid Ra’ad Al Hussein of Jordan.⁸

As international human rights law evolved, specialized agencies within the UN system emerged due to the urgent need to respond to human rights violations.⁹ Among these, was the Commission on Human Rights (CHR), which was an intergovernmental organization of the UN established in 1946 to address human rights challenges and

¹ OHCHR, “Welcome to the Human Rights Council”.

² OHCHR, “The Human Rights Council and the role of the Office of the High Commissioner for Human Rights”.

³ General Assembly, *Universal Declaration of Human Rights*, (adopted 10 December 1948) UNGA Res 217 A(III).

⁴ OHCHR, “Who we are: Brief History” (2017).

⁵ *Ibid.*

⁶ *Ibid.*

⁷ OHCHR, “The Human Rights Council and the role of the Office of the High Commissioner for Human Rights”.

⁸ United Nations, “Secretary-General Appoints Michelle Bachelet of Chile United Nations High Commissioner for Human Rights” (2018).

⁹ OHCHR, “Who we are: Brief History” (2017).

concerns.¹⁰ However, the CHR has been criticized by the international community for being “excessively politicized”.¹¹ Controversies as to the credibility of the CHR severely damaged the UN’s reputation and work in human rights.¹² Efforts were therefore made to create an agency that could deal with human rights violations. These reform efforts culminated in the creation of the HRC in 2006.¹³ Adopted as *Resolution 60/251* (2006),¹⁴ the General Assembly “decided to establish the Human Rights Council, based in Geneva, in replacement of the CHR”. The HRC had the same responsibilities as CHR, but its scope of action expanded as provided under its new mandate.¹⁵ In 2011, the HRC submitted a five-year review.¹⁶ All areas of the HRC were assessed in order to ensure that the mechanisms and frameworks are efficient.¹⁷ The “strong and largely well-functioning” nature of HRC led to preservation as a subsidiary body of the General Assembly without significant changes to its structure or operation.¹⁸

Governance, Structure and Membership

The HRC is composed of 47 Member States elected by the majority of members of the General Assembly of the UN through direct and secret ballot.¹⁹ Based on *Resolution 60/251*, the General Assembly takes into account the candidate States' contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard.²⁰ Membership in the HRC is based on equitable geographical distribution, and seats are distributed as follows among regional groups: 13 seats from Africa, 13 from the Asia-Pacific States, eight from Latin American and the Caribbean States, seven from Western European and other States, and six from Eastern European States.²¹ Members of the HRC serve for a period of three years and are not

¹⁰ *Ibid.*

¹¹ UN Department of Public Information, *General Assembly Establishes New Human Rights Council by vote of 170 in Favour to 4 Against, with 3 Abstentions* (GA/10449) (15 March 2006).

¹² General Assembly, “In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General” (2005) Fifty-ninth session A/59/2005.

¹³ M. Spohr, “United Nations Human Rights Council: Between Institution-Building Phase and of Status”, *Max Planck Yearbook of United Nations Law*, 4: 169-218 (2010).

¹⁴ General Assembly, “Human Rights Council” (2006) Sixtieth session A/RES/60/251.

¹⁵ *Ibid.*

¹⁶ General Assembly, “Review of the Human Rights Council” (2011).

¹⁷ UN Department of Public Information, *Five Years After Creation, General Assembly Maintains Human Rights Council as Subsidiary Body, Concluding Review of Work, Functioning*, (17 June 2011)s GA/11101.

¹⁸ *Ibid.*

¹⁹ OHCHR, “Membership of the Human Rights Council”.

²⁰ General Assembly, “Human Rights Council” (2006) Sixtieth session A/RES/60/251.

²¹ OHCHR, “The Human Rights Council and the role of the Office of the High Commissioner for Human Rights”.

eligible for immediate re-election after serving two consecutive terms. New members were elected on 13 October, 2020 during the General Assembly's 75th session.²² The Member States elected to the HRC as of 1 January, 2021 are: Bolivia, China, Côte d'Ivoire, Cuba, France, Gabon, Malawi, Mexico, Nepal, Pakistan, Russian Federation, Senegal, Ukraine, United Kingdom and Uzbekistan.²³ An important responsibility of the General Assembly Third Committee is to examine human rights questions, including reports of the special procedures of the HRC which was established in 2006.²⁴ During the 75th session of the General Assembly, the Third Committee ran from 5 October through 20 November, 2020, at the UN Headquarters in New York, and online due to the COVID-19 pandemic, working closely with special rapporteurs, independent experts, and chairs of working groups as mandated by the HRC.²⁵

The HRC holds at least three regular sessions a year, for a total of at least ten weeks. They take place in March (four weeks), June (three weeks) and September (three weeks). The HRC can however decide at any time to hold a special session to address human rights violations and emergencies if one-third of the Member States requests so.²⁶ There have been 28 special sessions, the last of which was held on 18 May, 2018 to address "the deteriorating human rights situation in the occupied Palestinian territory, including East Jerusalem."²⁷ At the first regular session of each year, Member States elect a President and four Vice Presidents that make up the Bureau, which is responsible for all issues relating to the organization and procedures of HRC.²⁸ The President is responsible for convening and chairing organizational meetings and regular sessions, as well as proposing candidates to serve as Special Procedures mandate holders.²⁹ The current President is Elisabeth Tichy-Fisslberger, a permanent representative of Austria to the UN Office in Geneva since December 2017.³⁰ On 16 December 2020, the HRC elected Keva Lorraine Bain of the Bahamas, Ali Ibn Abi Talib Abdelrahman Mahmoud of the Sudan and Monique T.G. van Daalen of the Netherlands to serve as three of its Vice Presidents for a one-year term beginning on 1 January, 2021, representing, respectively, the Group of

²² General Assembly, "Election of the Human Rights Council (13 October 2020)".

²³ *Ibid.*

²⁴ General Assembly, "Social, Humanitarian & Cultural – Third Committee".

²⁵ Universal Rights Group, "Report on the 75th session of the Third Committee of the UN General Assembly" (23 November 2020).

²⁶ OHCHR, "Sessions".

²⁷ *Ibid.*

²⁸ UNHRC, "Institution-building of the United Nations Human Rights Council" A/HRC/RES/5/1.

²⁹ *Ibid.*

³⁰ OHCHR, "Human Rights Council President of the 15th Cycle (2021)".

Latin American and Caribbean States, African States and Western European and other States.³¹

Partnerships

The HRC strengthened its efforts in upholding human rights by forming partnerships with nongovernmental organizations (NGOs), National Human Rights Institutions (NHRIs), and other civil society actors.³² NGOs and NHRIs can be accredited to participate in the HRC's sessions as Observers. These partners can address the HRC during interactive discussions and debates, thus highlighting the various human rights situations around the globe.³³ NGOs in consultative status with the UN Economic and Social Council (ECOSOC) can attend and observe all proceedings of the HRC except for the HRC deliberations under the Complaints Procedure; submit written statements and make oral interventions to the HRC; and can also participate in debates, interactive dialogues, panel discussions and informal meetings and organize "parallel events" on issues relevant to the work of the HRC.³⁴

Mandate, Functions and Powers

In its *Resolution 60/251 (2006)* on the HRC, the General Assembly decides that the HRC shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.³⁵ The General Assembly mandates HRC to further address and provide recommendations on all, and particularly grave and systematic violations of human rights; and to promote an effective system of coordination within the UN system with respect to human rights issues.³⁶ In addition, the General Assembly designated HRC as an international forum that "addresses violations, promotes human rights assistance and education, reviews States' human rights records, works to prevent human rights abuses, responds to emergencies, and serves as an international forum for human rights dialogue."³⁷

The work of the HRC is guided by the principles of "universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic,

³¹OHCHR, "Human Rights Council Elects Three Vice Presidents for 2021 Bureau".

³² OHCHR, "NGO and NHRI Information".

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ General Assembly, "Human Rights Council" (2006) Sixtieth session A/RES/60/251.

³⁶ *Ibid.*

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

social and cultural rights, including the right to development”.³⁸ Also crucial to informing the mandate and work of HRC is the International Bill of Human Rights, a framework which consists of the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), and the International Covenant on Civil and Political Rights (ICCPR) (1966) with its two Optional Protocols.³⁹ These documents are the pillars that guide HRC in its recommendations by outlining the fundamental obligations and commitments of Member States in international human rights law.⁴⁰ Further, the 2030 Agenda for Sustainable Development (2015), through the 17 Sustainable Development Goals (SDGs) guides the work of HRC.⁴¹

The HRC adopted *Resolution 5/1 (2007)* on “institution-building”, which created mechanisms and procedural frameworks that could act as a guide in enforcing its operational functions.⁴² The resolution also established the format for the Special Procedures, the Universal Period Review (UPR), and the Complaint Procedure, which comprise the main powers of HRC.⁴³ The Special Procedures of the HRC are independent human rights experts with mandates to report and advice on human rights from a particular country’s perspective.⁴⁴ The system of Special Procedures is central to the UN human rights machinery and covers all forms of human rights, which is including: civil, cultural, economic, political, and social rights.⁴⁵ In the context of the 2011 review of its work and functioning, the HRC reaffirmed the obligation of States to cooperate with the Special Procedures, and the integrity and independence of Special Procedures.⁴⁶ The review addressed the significant role of the system of Special Procedures in expanding the capacity of HRC in solving human rights issues as well as the constitutive principles of cooperation, transparency and accountability.⁴⁷ Further, in its *Resolution 16/21 (2011)*, the HRC recognized the importance of ensuring transparent, adequate and equitable funding to support all Special Procedures according to their specific needs.⁴⁸

³⁸ General Assembly, “Human Rights Council” (2006) Sixtieth session A/RES/60/251.

³⁹ OHCHR, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights* (1996).

⁴⁰ OHCHR, “Human Rights: A Basic Handbook for UN Staff”.

⁴¹ General Assembly, “Transforming our world: the 2030 Agenda for Sustainable Development” (2015) Seventieth session A/RES/70/1.

⁴² Human Rights Council, “Institution-building of the United Nations Human Rights Council” (2007) Fifth session A/HRC/RES/5/1.

⁴³ *Ibid.*

⁴⁴ OHCHR, *Special Procedures of the Human Rights Council* (2018).

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ General Assembly, “Review of the work and functioning of the Human Rights Council” (2011) Sixteenth session A/HRC/RES/16/21.

The UPR is one of the main features of HRC.⁴⁹ The UPR ensures that all countries are being treated equally while evaluating their human rights situations.⁵⁰ The ultimate aim is to improve the human rights situations in all countries and address human rights violations as they occur.⁵¹ Through the HRC, Member States of the UN submit to a periodic review that assesses the country's fulfilment of its human rights obligations.⁵² The full cycle of the UPR assessment process takes around four years and includes various steps.⁵³ The UPR is a unique and State-driven process in both its approach and its universality.⁵⁴ At the preparation stage, information is gathered that will form the basis of the review, including national reports from the state under review, stakeholder submissions, and information prepared by OHCHR.⁵⁵ At the review stage, documents are presented at the regular sessions of the Working Group on the UPR, which consists of all 47 Member States of HRC.⁵⁶ At the adoption and considerations stage, Member States are allowed to make comments and the state being assessed could make reservations on particular issues.⁵⁷ Finally, during the follow-up stage, each state under review shows how effectively it has acted upon the recommendations received.⁵⁸ The UPR is in its third cycle (2017-2021) and will continue reviewing the national reports for its 42 Member States.⁵⁹

Recent Sessions and Current Priorities

The HRC established the mandate on the rights of persons with disabilities in 2014 but it was recently renewed through *Resolution 44/10* in 2020.⁶⁰ The purpose and objectives of this mandate is to recognize, respect and promote the rights of persons with disabilities and also guarantees that they enjoy these rights fully without any discrimination.⁶¹ The Special Rapporteur on the rights of Persons with Disabilities and current holder of the mandate on the rights of people with disabilities, Mr Gerard Quinn was appointed by the HRC on October, 2020. On 1 December 2020, Gerard Quinn issued a statement to mark

⁴⁹ OHCHR, "Universal Periodic Review" (2018).

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Office of the UN High Commissioner for Human Society, Working with the United Nations Human Rights Programme: A Handbook for Civil Society (2008).

⁵³ *Ibid.*

⁵⁴ OHCHR, "Universal Periodic Review" (2018).

⁵⁵ OHCHR, Working with the United Nations Human Rights Programme: A Handbook for Civil Society (2008).

⁵⁶ *Ibid.*, p. 81.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ OHCHR, "Human Rights Council Universal Periodic Review (Third Cycle)".

⁶⁰ General Assembly, "Special Rapporteur on the rights of persons with disabilities" (2020) Forty-fourth session, A/HRC/RES/44/10.

⁶¹ *Ibid.*

the International Day of Persons with Disabilities. He stated that if everyone is not included and valued, then literally no efforts made during the COVID-19 pandemic would be effective.⁶² He also expressed the need for proper education, as an essentiality in empowering people with disabilities and also the need for the inclusion and integration of people with disabilities into the society both socially and politically.⁶³ The HRC held its 43rd session on 28 February 2020 and a report on the impact of ableism in medical and scientific practice was submitted. The report aims to tackle social ableism which is a form of discrimination against people with disabilities and also make the world see disability as a positive aspect of the human life.⁶⁴ The Special Rapporteur called on Member States to implement reforms on the protection of the rights of persons with disabilities and stated that the right to life and personal integrity of persons with disabilities be protected in the context of medical and scientific procedures; experiments and research.⁶⁵

The most recent session of the HRC was the 45th regular session held in September 2020. The HRC discussed terrorism and violent extremism acts that could lead to terrorism and its impact on the human rights of persons in the affected territories pursuant to *Resolution 45/11 (2020)*.⁶⁶ *Resolution 45/28 (2020)*⁶⁷ was also adopted by the HRC during this session with its focus on "promoting and protecting the human rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325 (2000)" including the rights of disabled women and girls in conflict areas.⁶⁸ The HRC currently has as its priority, the protection and promotion of human rights even in the face of the COVID-19 pandemic. The role of the OHCHR in assisting States and stakeholders in preventing further human right abuses, climate change, international development and addressing the new challenges arising from the use of digital technology, are also highly considered in the HRC.⁶⁹

⁶² OHCHR, "Special Rapporteur on the rights of persons with disabilities".

⁶³ *Ibid.*

⁶⁴ General Assembly, "Report on the impact of ableism in medical and scientific practice" (2020) Forty-third session A/HRC/43/41.

⁶⁵ *Ibid.*

⁶⁶ General Assembly, "Terrorism and human rights" (2020) Forty-fifth session A/HRC/RES/45/11.

⁶⁷ Human Rights Council, "Promoting and Protecting the Human Rights of Women and Girls in Conflict and Post-Conflict Situations on the Occasion of the Twentieth Anniversary of Security Council" (2020) Forty-fifth session A/HRC/RES/45/28.

⁶⁸ *Ibid.*

⁶⁹ Universal Rights Group, "What are the world's human rights priorities in 2020, and what to look out for in 2021?" (1 October 2020).

On 13 July 2020, a virtual side event to the 44th session of the HRC which focused on the thematic report of "persons with disabilities in the context of internal displacement" was presented by the Special Rapporteur on the Rights of Internally Displaced Persons, Ms. Cecilia Jimenez-Damary.⁷⁰ The Special Rapporteur expressed the need to protect internally displaced people living with disabilities and called for the World Humanitarian summit (2016) to integrate their rights in humanitarian actions as they are more prone and exposed to violence and discrimination.⁷¹ She also pointed out that emergencies like the COVID-19 pandemic shows how persons with disabilities are at a greater risk of contracting the virus and to tackle such issues, raising awareness is not the only solution needed but also creating programs to support the issue.

Conclusion

HRC addresses human rights issues across the globe, on regional and national levels as well, and it works to ensure that Member States respect and protect the human rights and freedoms provided by international law.⁷² The HRC also ensures that there are platforms which promotes human right advocacy amongst Member states as well as discuss the causes of the failure of the already existing system.⁷³ Ahead of future sessions, it has become clear that there is an important link between human rights and the 2030 *Agenda for Sustainable Development* and this relationship plays a vital role in the work of the HRC.⁷⁴

Annotated Bibliography

Human Rights Council, "Institution-building of the United Nations Human Rights Council" A/HRC/RES/5/1, available at https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc (accessed 10 January 2021)

One of the most important resolutions of the HRC, Resolution 5/1 details an agreed package that established the procedures, mechanisms, and structures to form the basis for its future work. This includes the HRC's agenda, program of work, and rules of procedure. The resolution also modified the system of expert advice and the Complaint Procedure inherited from the Commission. This document is fundamental for delegates to understand how the HRC operates.

⁷⁰ International Disability Alliance, "44th Session of the Human Rights Council Virtual side-event: Persons with disabilities in the context of internal displacement" (17 July 2020).

⁷¹ *Ibid.*

⁷² OHCHR, Working with the United Nations Human Rights Programme: A Handbook for Civil Society (2008).

⁷³ *Ibid.*

⁷⁴ *Ibid.*

Office of the High Commissioner for Human Rights, “Universal Periodic Review” available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx> (accessed 10 January 2021)

This document will give delegates an insight into understanding what the Universal Periodic Review is about. It involves a review of the human rights records of all Member States of the United Nations and it enables States to give an account on what actions they have taken to improve and support human rights situations globally.

Office of the High Commissioner for Human Rights, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society* (2008), available at http://www.ohchr.org/en/AboutUs/CivilSociety/Documents/Handbook_en.pdf (accessed 10 January 2021)

This handbook, which is designed to explain how civil society can engage with various UN human rights bodies and mechanisms, provides delegates with a comprehensive view of all human rights instruments within the UN system. It addresses how the UN human rights bodies and mechanisms can be used, provides information on funds and grants, lists key contacts at OHCHR, and includes links to other valuable resources. This is an extremely useful tool for delegates to understand the mechanisms as a whole and how civil society engages with human rights at the UN.

United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI available at <https://www.un.org/en/sections/un-charter/un-charter-full-text/> (accessed 10 January 2021)

The purpose of this charter is to ensure international peace and security in solving problems as regards social issues, promote respect for human rights without discrimination and to as well unify the actions of nations in achieving these ends. It will enable delegates understand the workings of the United Nations, its membership, the composition of the General Assembly and other committees their functions and powers and its ratification and signatures.

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General Assembly, “Election of the Human Rights Council (13 October 2020)” available at <https://www.un.org/en/ga/75/meetings/elections/hrc.shtml#:~:text=The%20General%20Assembly%20elected%20the,beginning%20on%201%20January%202021> (accessed 10 January 2021)

General Assembly, “Human Rights Council” (2006) Sixtieth session A/RES/60/251, available at https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/60/251&Lang=E (accessed 10 January 2021)

General Assembly, “In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General” (2005) Fifty-ninth session A/59/2005 available at <http://undocs.org/A/59/2005> (accessed 10 January 2021)

General Assembly, *International Covenant on Civil and Political Rights*, (16 December 1966) 999 UNTS 171, available at <https://www.ohchr.org/documents/professionalinterest/ccpr.pdf> (accessed 10 January 2021)

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Combatting Terrorism and Violent Extremism

“Terrorism does not respect national borders. It affects all nations and can only be defeated collectively. So, we must harness the power of multilateralism to find practical solutions.”- UN Secretary General, Antonio Guterres⁷⁵

Introduction

Terrorism and violent extremism have increased over the years and have had an impact on the human rights of thousands of people, as well as on the security of nations. The September 11, 2001 terrorist attacks in New York which led to nearly 3,000 deaths and over 25,000 injured people caused a shock felt and remembered by all,⁷⁶ and actively initiated the cooperation between Member States to ensure perpetrators of terrorist acts are brought to justice.⁷⁷ Terrorism has no global definition but has been defined in various international instruments. The Security Council in *Resolution 1566 (2004)*⁷⁸ defined terrorism as:

...criminal acts against civilians committed with the intent to cause death or serious bodily injury, or taking hostages with the purpose of provoking a state of terror in the general public...”.⁷⁹

It is also defined in the *General Assembly’s Declaration on measures to Eliminate International Terrorism (1994)*⁸⁰ as criminal acts deliberately done to arouse fear in persons for political purposes or based on certain ideologies. Terrorist attacks have violated the right to life, freedom of movement, dignity of human persons, and most of all instilled fear in the minds of people.⁸¹ Terrorism is deep rooted in poverty, lack of education, unemployment, inequalities, identity and cultural clash.⁸² It is discussed in relation with violent extremism because the radicalisation formed in such persons

⁷⁵ United Nations Secretary General, “Remarks at the opening of the Virtual Counter-Terrorism Week United Nations” (6 July 2020).

⁷⁶ History Editors, “September 11 Attacks” (2020).

⁷⁷ Javier Ruperes, “The United Nations in the Fight Against Terrorism”.

⁷⁸ Security Council, “International Cooperation in the fight against terrorism” (2004) 5053rd session S/RES/1566.

⁷⁹ OSCE, “Understanding the Role of gender in preventing and countering Violent extremism and Radicalisation that leads to terrorism” (2019).

⁸⁰ General Assembly, “General Assembly’s Declaration on measures to Eliminate International Terrorism” (1994) 49th session Resolution 49/60.

⁸¹ OSCE, “Understanding the Role of gender in preventing and countering Violent extremism and Radicalisation that leads to terrorism” (2019).

⁸² Tim Krieger, “What causes terrorism”.

grooms them into believing terrorist acts could be legitimately used to promote their interests.

Member States in implementing counterterrorism policies and preventive strategies are encouraged to ensure it complies with the international human rights of its citizens and humanitarian law,⁸³ in compliance with *Resolution 1456* (2003).⁸⁴ International bodies, State government, civil societies and the different categories of persons in the society, have an equal obligation towards the effective implementation of these policies, and towards supporting victims of terrorism.⁸⁵

International and Regional Framework

*Article 1 of the UN Charter*⁸⁶ provides for the primary objectives of the Charter to include the maintenance of international peace and security. This is important since, as reaffirmed by the Security Council in various resolutions such as *Resolution 1373* (2001),⁸⁷ terrorist activities are often regarded as posing a threat not only to targeted countries, but also to regional and global security.⁸⁸ *Article 1(3) of the Charter* seeks to achieve international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".⁸⁹ States should at every stage of countering terrorism ensure that the procedure adopted does not challenge international peace and security. Since terrorist threats are generally transnational in nature, the UN's underpinning principles articulated in *Article 2 of the Charter* are significant for governing related counter-terrorism efforts. In particular, these principles are that: Charter obligations will be fulfilled by Member States in good faith;⁹⁰ the resolution of "international disputes should be by peaceful means in such a manner that international peace and security, and justice, are not endangered";⁹¹ a presumption exists against "the threat or use of military force against the integrity or political independence of any state" subject to the exception of self-defense articulated in article 51;⁹² and the principle of non-intervention

⁸³ Javier Ruperes, "The United Nations in the Fight Against Terrorism".

⁸⁴ Security Council, "High Level meeting of the Security Council: combating terrorism" (2003) 4688th session S/RES/1456.

⁸⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Human Rights, terrorism and Counter terrorism".

⁸⁶ UN, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

⁸⁷ Security Council, "Resolution 1373 (2001)" (2001) 4385th session S/RES/1373.

⁸⁸ UNODC, "Counter-Terrorism Module; Defining the 'Rule of Law'".

⁸⁹ UN, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

⁹⁰ *Ibid*, Article 2(2).

⁹¹ *Ibid*, Article 2(3).

⁹² *Ibid*, Article 2(4).

by the UN "in matters which are essentially within the domestic jurisdiction of any state".⁹³

The *UDHR* identified common goals for States to work towards realizing.⁹⁴ The *UDHR* is important because it is the first human right instrument of universal relevance and it is all encompassing and provides for the civil, political, economic, social and cultural rights of persons.⁹⁵ Overarching principles of the *UDHR* include that: "All human beings are born free and equal in dignity and rights";⁹⁶ and basic principles of equality and non-discrimination on such grounds as "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".⁹⁷ *Articles 4 - 21* spell out the civil and political rights while *Articles 22-27* outline economic, social and cultural rights.

The *ICCPR* and *ICESCR*, that were established after the *UDHR*, are worthy of mention. The *ICCPR* provides for Member States' commitment towards respecting civil and political rights. *Article 9 of the ICCPR* describes the human rights to liberty and security, including the right to be free from unlawful arrest, and *Article 20* prohibits racial or religious hatred, discrimination, and violence towards others.⁹⁸ The *ICESCR* defines the responsibilities of Member States in regards to the right to self-determination, an individual's right to general welfare, and the right to access adequate labour and educational opportunities.⁹⁹ Such rights, particularly the right to self-determination, the right to education, and especially the right to life, are severely threatened by terrorism.¹⁰⁰

Numerous instruments against terrorism have been developed within the UN over the past five decades. These were instituted as responses to specific terrorist incidents and they cover offences related to civil aviation; crimes against diplomats (for example, the kidnapping of diplomats); financing terrorism; as well as acts relating to the criminal use of biological or nuclear materials or weapons.¹⁰¹ These instruments do not define terrorism but rather create obligations on State parties to criminalize the offences in

⁹³ *Ibid*, Article 2(7).

⁹⁴ General Assembly, *Universal Declaration of Human Rights*, (adopted 10 December 1948) UNGA Res 217 A(III).

⁹⁵ UNODC, "Counter-Terrorism Module; International Human Right Law".

⁹⁶ General Assembly, *Universal Declaration of Human Rights*, (adopted 10 December 1948) UNGA Res 217 A(III), Article 1.

⁹⁷ *Ibid*, Article 2.

⁹⁸ *Ibid*.

⁹⁹ General Assembly, *International Covenant on Economic, Social and Cultural Rights*, (16 December 1966) 993 UNTS 3.

¹⁰⁰ *Ibid*.

¹⁰¹ UNODC, "Counter-Terrorism Module".

question under domestic law; exercise jurisdiction over offenders and set up mechanisms for enhancing international cooperation in criminal matters.¹⁰²

From the 1960s to the late 1980s, much of the General Assembly's terrorism discourse was largely related to self-determination struggles from colonialism and other forms of alien or foreign subjugation or domination. This can be seen with the adoption of the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960).¹⁰³ The period between 1990s and 2001 was concerned with the criminalization of terrorist acts regardless of any stated motive. This can be seen in the General Assembly's adoption of the *Resolution on Measures to Eliminate International Terrorism*.¹⁰⁴ After the events of 11th September 2001, the Security Council became induced to pay more attention to Counter-Terrorism. On 28 September 2001, the Security Council, unanimously adopted *Resolution 1373*,¹⁰⁵ establishing the foundation of the Security Council's mandate in fighting terrorism.¹⁰⁶ The Counter-Terrorism Committee (CTC) was established by the same resolution as a subsidiary body of the Council for the purpose of checking Member States' compliance with the provisions of the resolution.¹⁰⁷ It works to ensure the prevention of terrorist acts both within and the borders and across the regions of UN Member States.¹⁰⁸ The Counter-Terrorism Committee Executive Directorate (CTED), assists the CTC in implementing policies, facilitating technical assistance to Member States, and conducting expert assessments of Member States.¹⁰⁹ In 2004, the Security Council adopted *Resolution 1540*¹¹⁰ under *Chapter VII of the UN Charter*. The resolution urges Member States to refrain from supporting non-State actors that attempt to develop, transfer or use nuclear, chemical or biological weapons and their delivery systems."¹¹¹

¹⁰² *Ibid.*

¹⁰³ General Assembly, "Declaration on the Granting of Independence to Colonial Countries and Peoples" (1960) Fifteenth session A/RES/15/1514.

¹⁰⁴ General Assembly, "Measures to eliminate international terrorism" (1995) Forty-ninth session A/RES/49/60.

¹⁰⁵ Security Council, "Resolution 1373 (2001)" (2001) 4385th session S/RES/1373.

¹⁰⁶ UN, "The United Nations Counter-Terrorism Committee".

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ Security Council, "Resolution 1540 (2004)" (2004) 4956th session S/RES/1540.

¹¹¹ *Ibid.*

On 8th September 2006, the UN adopted a common strategic approach and framework to fight terrorism.¹¹² The UN Global Counter-Terrorism Strategy¹¹³ was established. The UN Global Counter-Terrorism Strategy¹¹⁴ was established. The Strategy comprises of 4 Pillars:

Addressing the conditions conducive to the spread of terrorism; Measures to prevent and combat terrorism; Measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the UN system in that regard; and Measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.¹¹⁵

In its preamble, the General Assembly stated clearly that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy...¹¹⁶ The framework is reviewed every two to keep up with changing priorities on countering terrorism.¹¹⁷ The last review took place between June/July 2020.

For Africa, the *OAU Convention for the Elimination of Mercenaryism in Africa (1977)*¹¹⁸ was the first framework to combat violent extremism. Article 1(2) defines mercenaryism as;

A crime committed by the individual, group or association, representative of a State and the State itself ... with the aim of opposing by armed violence a process of self-determination stability or the territorial integrity of another State ...¹¹⁹

The Convention also emphasizes and outlines the role of non-State actors and their potential impact on regional peace and security.¹²⁰ The *Resolution on the Strengthening of Cooperation and Coordination among African States (1992)*¹²¹ was also adopted which reaffirmed the Union's interest in fighting violent extremism and terrorism. *The*

¹¹² UNODC, "Counter-Terrorism Module; Global Counter-Terrorism strategy".

¹¹³ General Assembly, "The United Nations Global Counter-Terrorism Strategy" (2006) Sixtieth session A/RES/60/288.

¹¹⁴ General Assembly, "The United Nations Global Counter-Terrorism Strategy" (2006) Sixtieth session A/RES/60/288.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ OAU, *OAU Convention for the Elimination of Mercenaryism in Africa*, 3 July 1977, CM/817 (XXIX) Annex II Rev.1.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ OAU, *Resolution on the Strengthening of Cooperation and Coordination among African States*, (1992) AHG/Res.213 (XXVIII).

*Declaration on the Code of Conduct for Inter-African Relations*¹²² was later adopted, in which the OAU rejected all forms of extremism and terrorism, attributable to any factor, whether sectarianism, tribalism, ethnicity or religion. The Declaration made sure to condemn, all terrorist acts, methods and practices, and restated its mandate to enhance cooperation amongst states to combat such malevolent acts.¹²³

The *OAU Convention on the Prevention and Combatting of Terrorism* (1999)¹²⁴ is the principal instrument for combatting terrorism in Africa which requires that African states criminalize terrorist acts under their municipal laws.¹²⁵ It emphasizes cooperation among States, establishes and provides frameworks for extradition as well as extra-territorial investigations and legal assistance.¹²⁶ The Convention highlights the importance of nurturing and instilling tolerance and moral values in the fight against terrorism and acknowledges that terrorism impairs the enjoyment of basic human rights which the Convention seeks to protect.¹²⁷

The *Dakar Declaration against Terrorism* was promulgated in 2001. The declaration recognized the dire need to strengthen inter-State cooperation across the continent. The Protocol to the convention was adopted in 2004 which recognizes the rising threat of terrorism and the linkages between e.g., terrorism, drug trafficking, transnational organized crimes, and money-laundering. The *2002 African Union Plan of Action on the Prevention and Combating of Terrorism*¹²⁸ sought to increase the existing commitments and obligations of States parties, including implementing and enforcing the 1999 Convention. The Action Plan was formulated to strengthen various areas such as police and border control, legislative and judicial measures, terrorist financing, and information exchange.¹²⁹

The Council of Europe has adopted a number of instruments against terrorism. Its principal counter-terrorism framework treaty is the *Council of Europe Convention on the*

¹²² OAU, *Declaration on a Code of Conduct for Inter-African Relations*, (1994) AHG/Del.2 (XXX).

¹²³ *Ibid.*

¹²⁴ Regional Treaties, Agreements, Declarations and Related, *Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism*, 4 June 1999.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ African Union, *Plan of Action of the African Union for the Prevention and Combating of Terrorism*, (2002) Mtg/HLIG/Conv.Terror/Plan. (I).

¹²⁹ UNODC, "Counter-Terrorism Module; Regional Counter-Terrorism Approaches".

Prevention of Terrorism (2005)¹³⁰ which supersedes the earlier *European Convention on the Suppression of Terrorism* (1977).¹³¹ An objective of the Convention is to increase the effectiveness of existing international texts on the fight against terrorism.¹³² It also aims to supplement and solidify Member States' efforts to prevent terrorism by criminalizing certain acts that may lead to the commission of terrorist offences, namely: public insurrection, recruitment and training, etc.¹³³

On 22 October 2015, an *Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism*¹³⁴ was adopted which makes a number of acts, including participation terrorism, terrorist training, travelling abroad for the purposes of terrorism, and financing or organizing travel for terrorism purposes, a criminal offence. This Additional Protocol was adopted in response to *Security Council Resolution 2178* (2014) reflecting UN estimates that there were at least 25,000 foreign fighters who have joined the ranks of the Islamic State in Iraq and Syria.¹³⁵ Finally, in May 2015, the Council of Europe launched a three-year action plan to counter violent extremism in prisons, schools and on the Internet.¹³⁶

Role of the International System

The Security Council is one of the UN organisations that is vested with the obligation of ensuring terrorism does not tamper with international peace and security. The CTC was established by the Security Council for the purpose of ensuring that technical assistance are given to Member States, and that measures of combating terrorism as contained in *Resolution 1373* (2001)¹³⁷ are complied with.¹³⁸ The *Security Council Resolution 2462* (2009)¹³⁹ on eliminating financial assistance provided to terrorists encourages Member States to build a rigorous financial system in order to hinder terrorists from accessing

¹³⁰ Council of Europe, *Council of Europe Convention on the Prevention of Terrorism*, 16 May 2005, ETS No. 196.

¹³¹ Council of Europe, *European Convention on the Suppression of Terrorism*, 27 January 1977, ETS No. 90.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ Council of Europe: Committee of Ministers, *Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism*, 19 May 2015, CETS No. 217.

¹³⁵ UNODC, "Counter-Terrorism Module; Regional Counter-Terrorism Approaches".

¹³⁶ *Ibid.*

¹³⁷ Security Council, "Threats to international peace caused by terrorists acts" (2001) 4385th session S/RES/1373.

¹³⁸ Eric Rosand and Alistair Millar, "Civil Society and the United Nations Counter-Terrorism Strategy: Opportunities and Challenges" (2008).

¹³⁹ Security Council, "Counter Terrorist Financing" (2009) 8496th session S/RES/2462.

funds.¹⁴⁰ The role of the Financial Action Task Force in setting global standards for restricting and combating terrorist financing was also addressed in the resolution.¹⁴¹

The General Assembly, recognising the importance of countering terrorism, adopted the *Global Counter Terrorism Strategy* (2006).¹⁴² The Strategy provides long term solutions to address the root causes of terrorism and encourages civil society organisations and NGOs to partake in implementing policies made to counter terrorism.¹⁴³ The Strategy is also state-centric and focuses on building the State's capability in countering terrorism.¹⁴⁴ In Austria, the Executive office of the Secretary-General and the United Nations Office on Drugs and crimes (UNODC) organized a symposium in 2007 on 'Advancing the implementation of the Global Counter terrorism strategy' which identified measures for assisting member state enforce counter-terrorism strategy as well discussed the concept of respecting human rights being the basis of the fight against terrorism.¹⁴⁵ The United Nations Counter-terrorism Centre (UNCCT) and the Centre on Artificial Intelligence and Robotics of the United Nations Interregional Crime and Justice Research Institute (UNICRI) collaboratively implemented an initiative with the aim of digging into how to effectively use artificial intelligence in countering terrorism.¹⁴⁶ The United Nations Institute for Training and Research (UNITAR) also developed training programmes towards shaping the perspectives of Member States in prioritizing the protection of human rights while countering terrorism.¹⁴⁷

The OHCHR in *Resolution 2005/80*¹⁴⁸ appointed a Special Rapporteur on the promotion and protection of human rights while countering terrorism to gather information on individuals and their families whose rights have been violated while countering terrorism, and identify measures that best respect human rights.¹⁴⁹ The Special Rapporteur made a Report in 2009 as regards the need to make accountability

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

¹⁴² General Assembly, "United Nations Counter-Terrorism Strategy" (2006) 60th session A/RES/60/288(19).

¹⁴³ Eric Rosand and Alistair Millar, "Civil Society and the United Nations Counter-Terrorism Strategy: Opportunities and Challenges" (2008).

¹⁴⁴ *Ibid.*

¹⁴⁵ UNODC, "International Workshop of National Counter-Terrorism Focal Point: Better linking national and global counter-terrorism efforts".

¹⁴⁶ UNCCT and UNICRI, "Counter-Terrorism in the Age of Artificial Intelligence" (2020).

¹⁴⁷ General Assembly, "Activities of the United Nations System in implementing the United Nations Global Counter-Terrorism Strategy" (2020) 74th session Report of the Secretary-General.

¹⁴⁸ OHCHR, "Protection of Human Rights and Fundamental Freedoms" (2005) 60th session E/CN.4/RES/2005/80.

¹⁴⁹ *Ibid.*

mechanisms for the purpose of ensuring intelligence agencies are politically and legally accountable for their actions as they have an increased power to interfere and violate individual rights while countering terrorism.¹⁵⁰ The UNODC enforced a *Regional Programme from 2016-2021 in 'Promoting the Rule of law and Human Security in Eastern Africa'*.¹⁵¹ One of its pillars provides for the need to strengthen the criminal justice system against terrorism, including assisting in building initiatives that improves the investigation, prosecution and adjudication of terrorism related crimes.¹⁵² The Terrorism Prevention Branch of the UNODC also deals with providing legal assistance to Member States who are particularly faced with terrorism threats, and providing assistance to criminal justice officials to bring perpetrators to justice.¹⁵³ The G7 Action Plan on Countering Terrorism and Violent Extremism (2016) focuses on practical measures towards promoting tolerance in the society, and forming alliances with stakeholders and private companies in order to combat terrorism in the international community.¹⁵⁴

The African Union *Plan of Action on Prevention and Combating of Terrorism* (2002)¹⁵⁵ reaffirms the need to criminalise terrorist acts under national laws and effective judicial mechanism in this regard. The Union appointed a Special Representative for Counterterrorism cooperation to oversee these objectives in its *Resolution on 'prevention and combating of terrorism'* (2010).¹⁵⁶ The North Atlantic Council also introduced the North Atlantic Treaty Organisation (NATO) Counter Terrorism Policy and Guidelines (2012) in order to further promote awareness and engagement of various sectors in counter terrorism efforts.¹⁵⁷ The Organisation of Islamic conference adopted the *Convention on combating International terrorism* (1999)¹⁵⁸ to support the media in confronting vicious campaigns against Islam (which is used by terrorist to propagate their ideologies) and educate people on the true Islam.¹⁵⁹ The Convention also aims at deterring the

¹⁵⁰ Human Rights Council, "Promotion and Protection of all Human Rights, Civil, political, Economic, Social and Cultural rights Including the Right to development" (2009) 10th session A/HR/10/3.

¹⁵¹ UNODC, "Promoting the Rule of law and Human Security in Eastern Africa Regional Programme 2016-2021".

¹⁵² *Ibid.*

¹⁵³ UNODC, "Terrorism Prevention Branch".

¹⁵⁴ Ise-Shima Summit, "G7 Action Plan on Countering Terrorism and Violent Extremism" (2016).

¹⁵⁵ African Union, "Plan of Action on Prevention and Combating of Terrorism" (2002) Mtg/HLIG/Conv. Terror/Plan.

¹⁵⁶ African Union, "Prevention and Combating of Terrorism" (2010) Assembly/AU/Dec.311(XV).

¹⁵⁷ North Atlantic Treaty Organisation, "Countering Terrorism" (2021).

¹⁵⁸ Organisation of Islamic Conference, "Convention of the Islamic Conference on Combating International Terrorism" (1999) Annex to Resolution 59/26-P.

¹⁵⁹ *Ibid.*

transportation, importation, exportation and use of weapons, ammunitions and explosives illegally.¹⁶⁰

Balancing Military Intervention and Mediation as Counter Terrorism Strategies

Different approaches have been adopted by the international community towards combating terrorism, but they have mostly been inadequate and full of challenges.¹⁶¹ Member States are therefore in search of a framework that not only counters terrorism, but also ensures the protection and promotion of the human rights of their citizens in fulfilment of their obligation provided in the *UDHR*.¹⁶²

Military intervention is an approach commonly undertaken by countries when combating terrorism. The Law of Armed Conflict, for instance permits States to make use of the military for as long as it is for a just cause.¹⁶³ The African Union *Plan of Action on the Prevention and Countering of Terrorism (2002)*¹⁶⁴ encourages Member States to engage the military in countering and preventing terrorism.¹⁶⁵ Although, military operations have proven useful in hostage rescues, interceptions of terrorist members, and recovery of communities hijacked by terrorists,¹⁶⁶ the effectiveness of military approach has been questioned.¹⁶⁷ This hard power approach is however a short term solution and has increased death rate, displacement, infrastructural damages, unlawful detention, torture and many other human rights violations in whichever country it operates.¹⁶⁸

In Russia, the casualties that resulted from the Chechen separatists' attacks were mostly as a result of the inadequacy of the Russian security bodies.¹⁶⁹ Testimonies of survivors were that many were killed because of the careless shooting on the part of security forces officials.¹⁷⁰ In Nigeria, 200 people were injured as a result of a mistake made by the

¹⁶⁰ *Ibid.*

¹⁶¹ Marisha Ramden, "Countering Terrorism and Violent Extremism in Africa".

¹⁶² General Assembly, *Universal Declaration of Human Rights*, (adopted 10 December 1948) UNGA Res 217 A(III).

¹⁶³ Geraint Hughes, "The Military's Role in counterterrorism: Examples and Implications for Liberal democracies".

¹⁶⁴ The African Union, "Plan of Action of the African Union for the Prevention and Combating of Terrorism" (2002) Mtg/HLIG/Conv. Terror/Plan. (i).

¹⁶⁵ Marisha Ramden, "Countering Terrorism and Violent Extremism in Africa".

¹⁶⁶ Geraint Hughes, "The Military's Role in counterterrorism: Examples and Implications for Liberal democracies".

¹⁶⁷ Marisha Ramden, "Countering Terrorism and Violent Extremism in Africa".

¹⁶⁸ *Ibid.*

¹⁶⁹ Geraint Hughes, "The Military's Role in counterterrorism: Examples and Implications for Liberal democracies".

¹⁷⁰ *Ibid.*

military in bombing a camp for displaced persons in 2017,¹⁷¹ and there were 1,382 deaths in neighbouring States.¹⁷² In Somalia, intervention of the military increased reprisal attacks from the Al-Shabaab group and enlarged the number of sexual violence in the State.¹⁷³ Military bodies also commit several human right violations, like unlawful arrests, unlawful detention, and extra-judicial killings. In 2014, it was reported that 640 men were killed unlawfully after being unlawfully detained in Borno by the Nigerian military.¹⁷⁴

Alternative approaches have been developed to substitute the military approach due to its inconsistencies. An effective softer approach is mediation, which has been defined as an “inclusive process in dispute resolution that permits representatives of the society to discuss with those affected by the conflict, and those triggering the conflict in order to reach a reasonable settlement.”¹⁷⁵ Parties are given the opportunity to discuss the root causes of their grievances, as well as prevent violent acts from happening while the process lasts.¹⁷⁶ Mediation is therefore a long term solution as it counters the current situation and prevents future terrorist attacks.

The *United Nations Guidance for Effective Mediation* (2012)¹⁷⁷ developed by the Secretary-General as an annex to General Assembly *Resolution A/66/811* (2012) provides that Member States should broaden the groups who participate in mediation so as to strengthen the sustainability of the agreements.¹⁷⁸ The African Union in 2016 also hosted *The 7th High-Level Retreat of Special Envoys and Mediators on the Promotion of peace, security and stability*, to address the issues facing the successful implementation of mediation within the scope of conflict resolutions in Africa.¹⁷⁹ The Retreat also made emphasis on youth and women involvement in the mediation process.¹⁸⁰ Most countries however see any form of dialogue with terrorists as surrendering to the enemy, but forget the fact that dialogues have always been instrumental in resolving conflicts.¹⁸¹

Despite the efficiency of mediation, it should however be seen as a complementary strategy to a more coercive approach.¹⁸² As such, balancing military intervention and

¹⁷¹ Marisha Ramden, “Countering Terrorism and Violent Extremism in Africa”.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

¹⁷⁴ Amnesty International, “War Crimes Committed by the Nigerian military” (2015).

¹⁷⁵ Marisha Ramden, “Countering Terrorism and Violent Extremism in Africa”.

¹⁷⁶ African Union Commission, “The Guns, Mediation Practices and Contemporary wars”.

¹⁷⁷ United Nations, “Guidance for Effective Mediation” (2012).

¹⁷⁸ General Assembly, “Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution” (2012) 66th session A/66/811.

¹⁷⁹ African Union Commission, “The Guns, Mediation Practices and Contemporary wars”.

¹⁸⁰ *Ibid.*

¹⁸¹ European Institute of Peace, “Negotiating with Terrorists?” (2015).

¹⁸² *Ibid.*

mediation should be adopted in the process of counterterrorism to minimise human right violations and provide long lasting progress. Countries like Mali in response to the Tuareg rebellion,¹⁸³ Sri Lanka in response to Liberation Tigers of Tamil Eelam,¹⁸⁴ adopted the dual track approach. Mediation helped them achieve ceasefire for a period, and military intervention assisted in pushing threats out of the country.¹⁸⁵

Women, Youth and Terrorism

Eradication efforts towards terrorism were originally seen to be within the scope of men, with women and youths being merely victims.¹⁸⁶ In recent years however, the involvement of women and youth as perpetrators and supporters of terrorist attacks has heightened as a result of their susceptibility to violent extremism contents,¹⁸⁷ and more also voluntarily performing mellow duties such as bringing up persons who succeed the terrorist fighters.¹⁸⁸ Terrorist groups like the Pakistani Taliban, Boko Haram,¹⁸⁹ Liberation Tigers of Tamil Eelam, the Chechen Black Widows,¹⁹⁰ recruit women mostly as their suicide bombers for reasons that women participation has actually increased the success of the attacks, women are strongly devoted to tasks entrusted in them, and they are rarely suspected by security forces because they are regarded as non-violent humans.¹⁹¹ There is therefore a need to utilize their spirit of devotion in the terrorism eradication processes if significant results are to be achieved. That is, employing women in security bodies and engaging them in de-radicalisation and anti-violence campaigns.¹⁹²

The Security Council, recognising the vital role women could play in combating terrorism, adopted *Resolution 1325 (2000)*¹⁹³ to enhance the participation of women in creation of terrorism prevention strategies and policy making that shape post conflict reconstruction activities that has had stunted growth.¹⁹⁴ The Council also adopted

¹⁸³ Amnesty International, "War Crimes Committed by the Nigerian military" (2015).

¹⁸⁴ European Institute of Peace, "Negotiating with Terrorists?" (2015).

¹⁸⁵ Amnesty International, "War Crimes Committed by the Nigerian military" (2015).

¹⁸⁶ Antonio Guterres, "Remarks at 'Investing in Youth to Counter Terrorism'" (2018).

¹⁸⁷ *Ibid.*

¹⁸⁸ UN Women, "A Training Manual on Women in Preventing and Countering terrorism".

¹⁸⁹ Lisa R Wulan, "Enhancing the Role of Women in Indonesia to Counter Terrorism" (2015).

¹⁹⁰ Jordan N Galehan, "Boko Haram deploys lots of women suicide bombers, I found out why" (2019).

¹⁹¹ Lisa R Wulan, "Enhancing the Role of Women in Indonesia to Counter Terrorism" (2015).

¹⁹² *Ibid.*

¹⁹³ Security Council, "Women, Peace and Security" (2000) 4213th session S/RES/1325(8).

¹⁹⁴ Melanne Verveer and Daniel Benjamin, "The Roles of Women in Terrorism and Counter terrorism at the Centre for Strategic and International Studies" (2012).

*Resolution 2242 (2015)*¹⁹⁵ which emphasises the need for increased discussions with women organisations affected by violent extremism,¹⁹⁶ and *Resolution 2396 (2017)*¹⁹⁷ which provides specific measures to be adopted in relation to the role of women in the affairs of foreign terrorist fighters.¹⁹⁸ The 2016 *United Nations Plan of Action* also has as its objective a gender streamed approach while developing Prevention of Violent Extremism (PVE) strategies.¹⁹⁹ The Sixth Review Resolution of the Global counter terrorism strategy also urges Member States to consult women when formulating PVE strategies.²⁰⁰ Most countries have adopted national policies that encourage women's involvement, like the United States 2016 Joint strategy on Countering Violent Extremism which places attention on enforcing the freedom of speech of local credible women and providing opportunities for them to expand the country's PVE strategies.²⁰¹

Women centred platforms and initiatives have therefore been formed to allow women express themselves without restraints as well as counter terrorism. The Sisters Against Violent Extremism (SAVE) is the world's first female counter terrorism platform introduced in 2008 wherein victims and top tier officials can discuss and create solutions towards combating terrorism.²⁰² They also educate mothers to take a firm stand against terrorism ideologies in their homes and communities as mothers play a vital role in the development of a child's character.²⁰³ It is on this basis that the Mother's School Initiative was implemented by Women Without Borders (WWB) and SAVE in a number of countries to give wives and mothers skills and knowledge to counter violent extremism contents and change the mentality of their family members.²⁰⁴ It is worthy to note that most countries like Bangladesh, which prioritized these initiatives, have had less terrorist attacks over the years.²⁰⁵ The Fatayat NU and Aisyiyah organisations in Indonesia for instance, are religious women organisations concerned with development and eradication of all forms of violence, and have cooperated with the Indonesian government, in holding seminars and workshops that educate people on countering

¹⁹⁵ Security Council, "Women, Peace and Security" (2015) 7533rd session SC/12076 (9).

¹⁹⁶ Iffat Idris, "Preventing/Countering Violent extremism Programming on men, women, boys and girls" (2019).

¹⁹⁷ Security Council, "Resolution 2396" (2017) 8148th session S/RES/2396.

¹⁹⁸ UN Women, "A Training Manual on Women in Preventing and Countering terrorism"

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

²⁰¹ Iffat Idris and Ayat Abdelaziz, "Women and Countering Violent extremism" (2017).

²⁰² Lisa R Wulan, "Enhancing the Role of Women in Indonesia to Counter Terrorism" (2015) available at

²⁰³ *Ibid.*

²⁰⁴ Iffat Idris and Ayat Abdelaziz, "Women and Countering Violent extremism" (2017).

²⁰⁵ Lisa R. Wulan, "Enhancing the Role of Women in Indonesia to Counter Terrorism" (2015).

terrorism strategies.²⁰⁶ National strategies that promote broad participation of women in counter terrorism activities have been introduced in countries like Kosovo and Tajikistan in 2015 and 2016 respectively.²⁰⁷

Youth are also widely recruited by terrorist groups as fighters and propagandists because of their permissive social networks.²⁰⁸ Bangladesh Institute of Peace and Security Studies (BIPSS) established that the aim of all violent extremist groups “is to radicalise, recruit and use youths for carrying out terror attacks.”²⁰⁹ This however makes them instrumental in the fight against terrorism and violation of human rights, because they are able to understand the grievances their peers have, and as such better suited at figuring out why violent extremism and terrorism is an option.²¹⁰

In light of this, the Security Council adopted *Resolution 2250* (2015) which deals with empowering youth and ensuring their participation in combating violent extremism.²¹¹ The United Nations Development Programme (UNDP) has also funded projects led by youth organisations and non-governmental organisations (NGOs) to raise awareness on violent extremism amongst youths.²¹² PVE programmes and initiatives managed by youths are administered through different means, and have yielded successful results.²¹³ Youths in Bosnia and Herzegovina initiated the ‘Young Men Initiative’ that conducts educational workshops to educate their peers on violence prevention.²¹⁴ In Nigeria, youth formed the Civilian Joint Task Force which has assisted in carrying out surveillance missions and has been able to identify many members of the Boko Haram group.²¹⁵ The ‘Youth against Terrorism’ group in Tunisia has also worked productively in reducing terrorism in Tunisia.²¹⁶ There is also the ‘Drop the Gun, Pick up the Pen’ initiative in Somalia that aims at educating young people on the negativities of terrorism.²¹⁷

Despite the international and national laws that have been formulated to allow women and youth freely participate in countering terrorism, there still exist certain factors that

²⁰⁶ *Ibid.*

²⁰⁷ UN Women, “A Training Manual on Women in Preventing and Countering terrorism”.

²⁰⁸ Antonio Guterres, “Remarks at ‘Investing in Youth to Counter Terrorism’”(2018).

²⁰⁹ Iffat Idris, “Youth vulnerability to violent extremist groups in the Indo-Pacific” (2018).

²¹⁰ Antonio Guterres, “Remarks at ‘Investing in Youth to Counter Terrorism’”(2018).

²¹¹ Security Council, “Youths, Peace and Security” (2015) 7573rd session S/RES/2250 (10).

²¹² Moussa Bourekba, “Overlooked and Underrated? The Role of Youth and Women in Preventing Violent Extremism” (2020).

²¹³ *Ibid.*

²¹⁴ *Ibid.*

²¹⁵ Umar Yusuf, “Youths as Agents of Countering Terrorism and Violent Terrorism in North-East Nigeria” (2019).

²¹⁶ Iffat Idris, “Preventing/Countering Violent extremism Programming on men, women, boys and girls” (2019).

²¹⁷ *Ibid.*

hinder them, such as gender inequality, national ideologies that regard them as an insubstantial part of the society and the failure of national governments to provide financial supports needed to further their involvement in counter terrorism strategies factors.²¹⁸ Countries should therefore financially support already existing women and youth organisations, and NGOs that aim at educating women and young people on their roles as peace builders in the society.

Emphasizing the Role of Information and Communication Technology in Curbing Terrorism

In April and May of 2004, the now-deceased Abu Musab al-Zarqawi, one-time leader of Al-Qaeda in Iraq, "rocketed to worldwide fame, or infamy, by a deliberate combination of extreme violence and Internet publicity."²¹⁹ In early April 2004, al-Zarqawi posted online a 30-minute audio recording which explained who he was, why he was fighting and details of the attacks for which he and his group were responsible. It is worthy of note that before this online action, each of al-Zarqawi's attacks had to kill large numbers of people in order to get noticed in the chaos. By going online, however, al-Zarqawi was able both to control the interpretation of his violent actions and achieve greater impact with smaller operations.²²⁰ Al-Zarqawi took things a step further and used the Internet's force-multiplying power to maximum effect when he was filmed cutting off the head of a US hostage and had the footage posted online. He was undoubtedly successful and he accomplished more than undermining the plans of the US. Today, most active militant group have an online presence, and many operate more than one site.²²¹

Since the late 1980s, the Internet has proven to be a highly dynamic means of communication, reaching an ever-growing audience worldwide.²²² Internet technology makes it easy for an individual to communicate with relative anonymity, quickly and effectively across borders, to an almost limitless audience.²²³ The benefits of Internet technology are numerous: it helps us share information and ideas, which is recognized as a fundamental human right;²²⁴ communicate with Internet users around the world ; national and international security, and defence networks. While global connectivity and development of ICTs have produced undeniable positive benefits, ICTs can also be used

²¹⁸ Naureen Chowdhury Fink, Sara Zeiger and Rafia Bhulai, "A Man's World? Exploring the Roles of Women in Counter Terrorism and Violent Extremism" (2016).

²¹⁹ UNIDIR, "ICT and International Security" (2007).

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² UNODC, "The Use of Internet for Terrorist Purposes" (2012).

²²³ *Ibid.*

²²⁴ General Assembly, *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 19.

for malevolent purposes. There are increasing concerns about privacy issues, cybercrime, cyber terrorism and military use of information technologies. After the role of ICT in the 9/11 attack, coupled with its advances in recent years, the question on everybody's lips appears to be "is cyberterrorism next?"²²⁵ Extremist groups have already shown a clear understanding of the power of the global information network to publicize their position. In as much the Internet is used by terrorists to further their ideologies, it provides and opportunities in the fight against terrorism.²²⁶

There are differing interpretations of whether the existing international legal framework is adequate in relation to acts of information warfare or cyberterrorism as certain aspects of terrorism are not covered or adequately covered by the existing frameworks and legislations.²²⁷ The potential threats posed by abuse of ICTs are of a universal and transnational character and touch upon all facets of the existence of states, societies, the private sector and individuals.²²⁸ The Congressional Research Service notes that since the event of 9/11 there have been over sixty terror plots or attacks involving Americans on U.S. soil.²²⁹ Other countries are facing a similar challenge. Terrorists use the Internet for four fundamental purposes: to facilitate tradecraft; to convey "how-to" knowledge and online training; to radicalize and recruit prospects; and to engage in computer network attack; planning; financing.²³⁰ The Internet has been used in an overwhelming number of cases of internal radicalization and terrorism plots, thus blurring the lines between foreign and domestic threats.²³¹

The Welfare of Victims of Terrorist Attacks

Terrorist attacks have resulted in a large number of casualties and destruction of communities.²³² It has created alongside victims who suffer long lasting trauma, and struggle with having their necessities and rights promoted.²³³ Over the last decade, it was recorded that an average of 21,000 people have died from terrorist attacks and their numbers are still growing,²³⁴ and over 1.5 million people displaced as a result of Boko

²²⁵UNIDIR, "ICT and International Security" (2007).

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ *Ibid.*

²²⁹ Statement of Frank J. Ciufo, "Countering the use of the Internet for Terrorist Purposes" before the United Nations Security Council Counter Terrorism Committee, 24 May 2013.

²³⁰ Maura Conway, "Terrorist 'use' of the Internet and fighting back", Information & Security, vol. 19 (2006), pp. 12-14.

²³¹ *Ibid.*

²³² United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East".

²³³ *Ibid.*

²³⁴ Hannah Ritchie, "Joe Hasell, Cameon Apnal, Max Pose, Terrorism" (2019).

Haram attacks.²³⁵ Victims of terrorism are therefore in need of proper support systems that would aid their reinstatement into the society, and restore their spirit of dignity and self-reliance.²³⁶

The international community acknowledging the responsibility of Member States and international agencies in protecting and promoting human rights, reparation of terrorism victims has implemented various frameworks. The General Assembly adopted *The Global Counter Terrorism Strategy* (2006)²³⁷ in recognition of the rights of terrorism victims, and a need for Member States to support and ensure rehabilitative services is provided without discrimination.²³⁸ The General Assembly also adopted *The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross violations of International Human Right Law and Serious Violations of International Humanitarian Law*²³⁹ which consists of five categories of reparation necessary for victims of terrorism. They include restitution, compensation, rehabilitation, satisfaction and guarantee of non-recurrence of such act.²⁴⁰ The Economic and Social Council has implemented the *Principles on Housing and Property Restitution for Refugees and Displaced Persons* (2005),²⁴¹ also known as the *Pinhero Principles*, in furtherance of the need to protect the right to restitution of persons whose houses and lands have been taken from them forcefully and against the law.²⁴² Member States are nevertheless encouraged to combine restitution and compensation solutions to victims of terrorist attacks in order to meticulously manage their welfare.²⁴³

The General Assembly has also adopted the *Secretary-General's Plan of Action to Prevent Violent Extremism*, which seeks to ensure the provision of medical services and

²³⁵ Marisha Ramden, "Countering Terrorism and Violent Extremism in Africa".

²³⁶ United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East".

²³⁷ General Assembly, "United Nations Counter-Terrorism Strategy" (2006) Sixtieth session A/RES/60/288.

²³⁸ United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East".

²³⁹ General Assembly, "The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross violations of International Human Right Law and Serious Violations of International Humanitarian Law" (2005) Sixtieth session A/RES/60/147.

²⁴⁰ United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East".

²⁴¹ Economic and Social Council, "Principles on Housing and Property Restitution for Refugees and Displaced Persons" (2005) 56th session E/CN.4/Sub.2/2005/17.

²⁴² *Ibid.*

²⁴³ Inter-Agency, "Handbook on Housing and Property Restitution for Refugees and Displaced Person: Implementing Pinhero Principles" (2007).

legal services to support communities that accommodate victims.²⁴⁴ The plan also aims at equipping victims with opportunities to make their plights heard through online platforms.²⁴⁵ The General Assembly *Resolution 73/305* (2019)²⁴⁶ regards victims as vital participants towards the prevention of violent extremism conducive to terrorism and as such encourages Member States to establish rehabilitation services for victims.²⁴⁷ The General Assembly also established an *International Remembrance Day* on the 21st of August, in tribute and support of victims of terrorism.²⁴⁸ The Council of Europe established *The Revised Guidelines of the Committee of Ministers on the Protection of Victims of Terrorist Acts* (2017)²⁴⁹ which requires States to establish free of charge emergency assistance services for victims of terrorism.²⁵⁰

While international frameworks exist in acknowledgment of the rights of victims of terrorism, most nations are more concerned with just combating terrorism and have not taken into consideration the need to implement national policies for the promotion of victims' rights.²⁵¹ Spain is one of the few countries that set up a terrorism assistance unit called "The Directorate-General of Support for victims of Terrorism," which operates with specially trained personnel to provide medical and psychological services to victims.²⁵² Civil societies, NGOs and Victims' Associations have however taken up this responsibility, and have taken various steps to ensure victims receive rehabilitation services.²⁵³ Civil societies like the Miguel Angel Blanco Foundation of Victims of Terrorism in Spain, Victims of Terrorism Organisation in Kenya, the French and Italian Association for Victims of Terrorism, have contributed significantly in providing food, shelter, educational services and other social services to victims of terrorism.²⁵⁴

Effective strategies need to be developed, especially in consideration of victims of terrorism surviving during and after the current COVID-19 crises. As stated by Antonio Guterres;

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

²⁴⁶ General Assembly, "Enhancement of international cooperation to assist victims of terrorism" (2019) 73rd session A/RES/73/305.

²⁴⁷ United Nations, "International Day of Remembrance and Tribute to the Victims of Terrorism".

²⁴⁸ *Ibid.*

²⁴⁹ Committee of Ministers, "The Revised Guidelines of the Committee of Ministers on the Protection of Victims of terrorist acts" (2017) 127th session.

²⁵⁰ Council of Europe, "Human Rights and Terrorism".

²⁵¹ Carlos Fernandez de Casadevante Romani, "International law of Victims".

²⁵² United Nations, "Victims of Terrorism Support Portal".

²⁵³ United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East".

²⁵⁴ United Nations, "Victims of Terrorism Support Portal".

Remembering the victims of terrorism and doing more to support them is essential to help them build their lives and heal...we must continue to support victims' associations in their invaluable work.²⁵⁵

Therefore, States should place their rights at utmost regard, as they are at risk of further violations, and also susceptible to believing violent extremist messages when they face injustice and challenges.²⁵⁶

Inclusivity and Tolerance as a Panacea for Violent Extremism

Terrorists and violent extremists are largely ideologically driven. The ideology could be religious, nationalistic, homophobic, racist, sexist, etc. Extremist ideologies glorify the supremacy of a particular group and, and oppose a more tolerant and inclusive society.²⁵⁷ Thus, safety and security of the other divide on the society is threatened. Extremist ideologies are characterized by radicalism and fanaticism. According to the European Union, radicalization is a phase and complex process on which an individual or a group embraces a radical ideology or belief that accepts, uses or condones violence including acts of terrorism to reach a specific political or ideological purpose.²⁵⁸ Terrorist radicalization is a dynamic process whereby an individual comes to accept terrorist violence as a possible, perhaps even legitimate, course of action. Thus, violent extremism is synonymous to or a product of radicalization.²⁵⁹ This poses two distinct but related challenges for contemporary societies: the rise of violent extremism and its spread across national borders and the governance of increasingly diverse and multi-cultural societies.

Radicalization is not a threat to society if it is not connected to violence or other unlawful acts. It can actually be a force for beneficial change.²⁶⁰ For instance, people advocating the abolition of slavery or who championed universal suffrage were at one time considered to be radical as they stood in opposition to the prevailing views in their societies; march for gender equality: human rights movements. Groups such as Occupy Wall Street and citizens' movements in countries as diverse as Kyrgyzstan, Ukraine, Myanmar, Burkina Faso, and Tunisia have sought progress, change and empowerment through peaceful protest, and have inspired many emulators of the same approach²⁶¹

²⁵⁵ United Nations, "International Day of Remembrance and Tribute to the Victims of Terrorism".

²⁵⁶ United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East".

²⁵⁷ UNDP, "Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and respect for Diversity" (2016).

²⁵⁸ *Ibid.*

²⁵⁹ OSCE, "Preventing Terrorism and Countering Violent Extremism leading to Terrorism" (2014).

²⁶⁰ UNDP, "Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and respect for Diversity" (2016).

²⁶¹ *Ibid.*

Danger arises when radical movements start to use fear, violence and terrorist activities to achieve their ideological, political, economic or social aims; it is then that radicalization turns to violent extremism. Radicalization, an important precursor to violent extremism, is also on the rise globally. Radicalization impacts different age categories (although youth are more involved than others), different faiths, the educated as well as the non-educated, the employed and the unemployed, and men as well as women (although more men are involved than women).²⁶²

The root causes of violent extremism are complex, intertwined, and relate to the structural environment in which radicalization and possibly violent extremism can start to take hold.²⁶³ From violent extremist attacks over the years, it is clear that violent radicalization largely take root in marginalized areas, using local grievances to recruit members suffering from one societal problem or the other.²⁶⁴ Violent extremism is the product of historical, political, economic and social circumstances, including the impact of regional and global power politics.²⁶⁵ Growing horizontal inequalities, unemployment or poverty, perceptions of injustice, human-rights violations, social-political exclusion, State's socio-economic-political system, rejection of growing diversity in society, widespread corruption or sustained mistreatment of certain groups, are also considered important push factors.²⁶⁶ When all these horizontal inequalities come together for a particular group, radical movements and violence are more likely to erupt.²⁶⁷

A State's failure to provide basic rights, services and security not only contributes to growing inequality, it also creates a vacuum that allows non-state actors to take control over State sovereignty and territory.²⁶⁸ There is a risk that failed political transitions, with weak institutions, law enforcement and checks and balances provide a fertile ground for violent extremism.²⁶⁹ Weak States create opportunities for the physical location of extremist groups.²⁷⁰

In addition to these structural drivers, people get pulled into radical and violent movements through well considered manipulation and accompaniment (socialization) processes, often facilitated by personal, emotional or psychological factors, such as

²⁶² *Ibid.*

²⁶³ Tore Bjorgo, "Root Causes of Terrorism; Myths, Realities and Ways forward" (2005).

²⁶⁴ UNITAR, "Preventing and Countering Violent Extremism Conducive to Terrorism".

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

²⁶⁷ *Ibid.*

²⁶⁸ UNDP, "Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and respect for Diversity" (2016).

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*

alienation, a search for identity and dignity, revenge for previous mistreatment, breakdown of communication between authority figures and youth, schools, family, religious and cultural organizations, as well as through virtual communities on social media.²⁷¹ Preventing people from joining violent extremist groups thus requires deeper analysis and reflection on the foundations of the social fabric of at risk from violent extremism.²⁷²

While violent extremism requires interventions to protect the security of people and assets, prevention of violent extremism needs to look beyond strict security and military intervention to development-related root causes of and solutions to the phenomenon. Experiences in both development and peace building show that an increase in the levels of inclusion and tolerance in communities can lead to both better governance of diversity and to societies better inoculated against violent extremism.²⁷³ Tolerance for diversity and intercultural understanding are also at the heart of the new 2030 Sustainable Development Agenda, and particularly SDG 5, which provides for equality of the sexes, SDG 10 which provides for equality on a broader scale; ensuring reduced inequality and non-discrimination of persons on any ground and SDG 16 which is on building peaceful, just and inclusive societies.²⁷⁴

In recent years, the world has witnessed a new wave of violent extremism that has taken the lives of many innocent people of different faiths, races and nationalities. Since the beginning of the 21st century, there has been more than a nine-fold increase in the number of deaths from violent extremism and terrorism, from 3,329 in 2000 to 32,685 in 2014.²⁷⁵ 2015 saw a decline but with 29,376 deaths, it was still the second deadliest year on record. OECD countries however saw an increase in terrorist related deaths from 77 in 2014 to 577 in 2015. 2015 was also the deadliest year for the Taliban in Afghanistan (both terrorist deaths and battle field deaths).²⁷⁶ Five countries - Iraq, Nigeria, Afghanistan, Pakistan and Syria - accounted for 72 per cent of the lives lost in 2015. But violent extremism is spreading: the number of countries experiencing more than 500 deaths has increased from 5 to 11 during 2014, a 120 per cent increase from 2013.²⁷⁷ All these actions were inspired by ideologies varying from religious fundamentalism to separatism xenophobia and radical nationalism. In essence, extremist ideologies glorify the

²⁷¹ Tore Bjorgo, "Root Causes of Terrorism; Myths, Realities and Ways forward" (2005).

²⁷² Speech delivered by United Nations Counter Terrorism Chief, Vladimir Voronkov, "Tolerance Key to Tackling Violent Extremism".

²⁷³ UNITAR, "Preventing and Countering Violent Extremism Conducive to Terrorism".

²⁷⁴ UNITAR, "Counter-Terrorism".

²⁷⁵ IEP, "2015: Global Terrorism Index" (2015).

²⁷⁶ IEP, "2016: Global Terrorism Index" (2016).

²⁷⁷ IEP, "2015: Global Terrorism Index" (2015).

supremacy of a particular group, whether based on religion, race, citizenship, class or conviction, and thus oppose the idea of a more open and inclusive society.²⁷⁸

Conflicts in Africa, the Arab States and Western Asia as well as the impact of climate change and natural disasters fuel the waves of refugees and migrants who seek asylum or better livelihood opportunities in neighbouring countries, Europe or the United States.²⁷⁹ Ten of the eleven countries with more than 500 deaths from violent extremism in 2014 also had the highest levels of refugees and internally displaced people (IDPs) in the world.²⁸⁰ In 2014, the five countries with the highest levels of terrorist/violent extremist attacks generated over 16 million refugees and IDPs.²⁸¹ The unprecedented number of displaced people poses a variety of challenges. The massive influx of foreigners spurs fears that are exploited by extreme right-wing political parties that call for the protection of national borders. There is also a risk that radicalization among refugees and migrants could rise if their aspirations for a better life end in poverty or stigmatization.²⁸²

However, despite the fact that inclusivity in places like America and Europe is commonly practiced, some terrorist attacks based on white supremacy ideologies which counter equality beliefs has evolved.²⁸³ White supremacist are persons who advance the belief of white power and privilege over people of colour,²⁸⁴ and incite hate based ideologies that believes the continuance of non-white immigration catalyses the death of their culture.²⁸⁵ With the use of the internet and social networking, they have been able to circularise their ideas rapidly and assemble more extremists who have a great potential of carrying out violent attacks.²⁸⁶ In 2018 at Tallahassee for instance, YouTube was used by the gunman involved in the attack to speak against racial equality, upon which he gathered many adherents.²⁸⁷ White supremacist attacks has led to the death of 50 and

²⁷⁸ UNDP, "Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and respect for Diversity" (2016).

²⁷⁹ IEP, "2015: Global Terrorism Index" (2015).

²⁸⁰ *Ibid.*

²⁸¹ IEP, "2015: Global Terrorism Index" (2015).

²⁸² UNDP, "Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and respect for Diversity" (2016).

²⁸³ Weiyi Cai and Others, "White Extremist Ideology Drives Many Deadly Shootings" The New York Times (2019).

²⁸⁴ Elizabeth Martines, "What is White Supremacy?".

²⁸⁵ Anti-Defamation League, "Hate Beyond Borders: The Internalization of White Supremacy".

²⁸⁶ *Ibid.*

²⁸⁷ Weiyi Cai and Others, "White Extremist Ideology Drives Many Deadly Shootings" The New York Times (2019).

77 people at New Zealand²⁸⁸ and Norway²⁸⁹ respectively, The El Paso, Texas attack as well which led to the death of 22 persons and 24 injured persons.²⁹⁰ Member States need to focus on eliminating white supremacy and ensuring it is considered in the process of countering violent extremism ideologies.²⁹¹ They should also take urgent steps by enforcing laws that responds to all hateful ideologies including anti-Semitic ideologies, as well as encourage technology corporations to educate people on the consequences of promoting white supremacy.²⁹² It is therefore important for both host communities and refugee and migrant populations to work towards integration.

Conclusion

Winning the fight against terrorism and violent extremism demands collaborative hands and efforts. It is imperative that States be adequately involved and instrumental in the fight. So far, the United Nations and other regional bodies have manifested their enthusiasm for the counter terrorism movement. Effective and sustainable counter-terrorism policies and actions require active involvement from men, women, youths, civil society, and NGOs in preventing violent extremism while protecting victims of terrorism.²⁹³ The impact of technology and its variants must also be considered as well, as what may be used for good can also be exploited malevolently.

Further Research

While exploring the topic and the subtopics within it, delegates should consider the following questions: What policies exist to ensure gender discrimination does not hinder the role of women in combatting terrorism? Are there other effective softer approaches to countering terrorism? What other roles can ICT play in combatting violent extremism conducive to terrorism? What measures can be implemented to ensure that victims of terrorism get essential services during and after the COVID-19 pandemic? What agencies can Member States partner with in educating people on their right to beliefs and the extent to which it is permitted? What are the steps to take to fully ensure that the minority are instrumental to the fight against violent extremism? What training can be given to the military to heighten their effectiveness while countering terrorism? In what ways can employment opportunities be made available to youths exposed to terrorism

²⁸⁸ Christina Pazzanese, "Probing the Roots and Rise of White Supremacy" (2019).

²⁸⁹ Anti-Defamation League, "Hate Beyond Borders: The Internalization of White Supremacy".

²⁹⁰ Weiyi Cai and Others, "White Extremist Ideology Drives Many Deadly Shootings" The New York Times (2019).

²⁹¹ Anti-Defamation League, "Hate Beyond Borders: The Internalization of White Supremacy".

²⁹² *Ibid.*

²⁹³ SMART, The effectiveness of counter-terrorism strategies, (2006).

ideologies that would ensure they are not recruited and are more involved in the affairs of the society? What policies can be implemented by Member States to ensure the legal sale of weapons to only licensed individuals? In what ways can the UN, international bodies and Member States partner with smaller tech platforms in countering the use of the internet for terrorism purposes? What national policies could be implemented to ensure that only military personnel are in control of war weapons? What control measures and punishment for non-compliance could be enforced to ensure the legal use of these weapons?

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This document spells out the obligations of States in respecting international human rights law in the process of countering terrorism. It requires States to make available remedies and reparations for victims of gross violations of international humanitarian law, as well as legal and diplomatic grounds for victims to seek justice. States are encouraged to adopt preventive measures that would control the acts of the military and security forces while countering terrorism.

General Assembly, “The United Nations Global Counter-Terrorism Strategy” (2006) Sixtieth session A/RES/60/288, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement> (accessed 10 January 2021)

This resolution discusses effective strategies that could be adopted against terrorism recognizing the need for international cooperation between Member States in the fight against terrorism. The resolution provides for measures to be adopted in addressing conditions conducive to terrorism, such as violent extremism, measures to prevent and combat terrorism and the role of the UN and other international specialized agencies in this regard as well as measures to ensure the promotion and protection of human rights while countering terrorism.

Human Rights Council, “Promotion and Protection of all Human Rights, Civil, political, Economic, Social and Cultural rights Including the Right to development” (2009) 10th session A/HR/10/3, available at https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Terrorism%20A_HRC_10_3.pdf (accessed 10 January 2021)

Delegates would find this document helpful in understanding the role of intelligence agencies in the fight against terrorism. It provides reasons as to why intelligence agencies should be held legally accountable for their conducts since they could seriously interfere with individual rights. This document also provides measures through which States could be a check on these bodies in their nations.

United Nations Development Programme, “Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and respect for Diversity” (2016) available at <https://www.undp.org/content/dam/norway/undp-ogc/documents/Discussion%2520Paper%2520-%2520Preventing%2520Violent%2520Extremism%2520by%2520Promoting%2520Inclusive%2520%2520Development.pdf> (accessed 10 January 2021)

This document spells out the importance of inclusivity and tolerance in the world. It provides data and statistics on terrorist attacks and explains how intolerance is a precursor to radicalization which in turn stems into extremism. It gives detailed examples of terrorist attacks perpetrated against certain groups because of radicalized ideologies and recommends ways of ensuring tolerance and strengthening inclusivity in the world.

United Nations, "Guidance for Effective Mediation" (2012) available at https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UN_DPA2012%28english%29_0.pdf (accessed 10 January 2021)

This document focuses on mediation as an effective strategy the needs to be adopted by Member States in the fight against terrorism. It discusses the need for coherent support for mediation efforts from international bodies, regional and sub-regional, national and local actors in creating an environment receptive of mediation results. It also states the characteristics of mediation and the need to balance it with a more coercive approach in resolving conflicts.

United Nations Office of Counter-terrorism, "Handbook of Good Practices to Support Victims' Associations in Africa and Middle East" available at https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/oct-uncc-t-handbook_of_good_practices_to_support_victim27s_associations_-web.pdf (accessed 10 January 2021)

Delegates would find this document useful in understanding the plights of victims of terrorism and how they could be assisted. It provides for means through which the rights of victims could be advocated and the need to grant them opportunities in making policies that prevents violent extremism. This document also discusses the need for the involvement of individuals, NGOs, and civil society in providing financial and non-financial services to ensure rehabilitation of citizens into the society.

United Nations Office on Drugs and Crime, "The Use of Internet for Terrorist Purposes" (2012) available at https://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf (accessed 10 January 2021)

This document provides information on the various ways terrorists use ICT to further their agendas. It provides insight on the international frameworks available on the subject matter and also outlines the various ways ICT can be used as a tool for countering terrorism. It lists and explains the challenges encountered in successfully prosecuting cases on the use of the internet for terrorism purposes and concludes by providing solutions to the obstacles in our technology based world.

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Ensuring the Rights of Persons with Disabilities in Conflict Areas

“The structure of supports that people with disabilities rely on, is broken down during conflict, leaving us at higher risk of violence and with more difficulties in getting assistance – especially for women.” - Nujeen Mustafa, wheelchair-bound Syrian refugee and advocate²⁹⁴

Introduction

Article 1 of the *UN Convention on the Rights of Persons with Disabilities* (CRPD) defines persons with disabilities to include:²⁹⁵

Those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), more than 1 billion people in the world are living with disabilities, 16 per cent of which are attributable to armed conflict.²⁹⁶ There is no doubt that people living in conflict areas face several challenges in striving to protect themselves and their families. These challenges are even more perturbing for persons with disabilities. Women and girls with disabilities, in particular, are physically unable to flee violence and many are vulnerable to human rights violations, violence and abuse, including sexual abuse.²⁹⁷ The Committee on the Rights of Persons with Disabilities observed that persons with disabilities “may have difficulty reaching safe areas, become separated from family and friends, have trouble accessing vital emergency information, or lose assistive devices such as wheelchairs, crutches, prostheses, white canes or hearing aids.”²⁹⁸ They are therefore at greater risk of violence and discrimination in conflict and displacement situations, particularly refugees and internally displaced persons with disabilities.²⁹⁹ International humanitarian, human rights and refugee law therefore require States to protect and assist persons with disabilities living in conflict afflicted areas.

²⁹⁴ “You can and should do more’ to include people with disabilities, wheelchair-bound Syrian advocate tells Security Council in searing speech” *UN News* 24 April, 2019.

²⁹⁵ General Assembly, *Convention on the Rights of Persons with Disabilities* (adopted 13 December 2006, entered into force 3 May, 2008) 2515 UNTS 3.

²⁹⁶ UNOCHA, “Persons with disabilities in armed conflict: Inclusive protection”.

²⁹⁷ *Ibid.*

²⁹⁸ Committee on the Rights of Persons with Disabilities, “Statement of the on disability inclusion for the World Humanitarian Summit”.

²⁹⁹ *Ibid.*

International and Regional Framework

The *UDHR* is one of the most comprehensive international frameworks on human rights.³⁰⁰ *Article 2 of the UDHR* provides that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”. This provision ensures that everyone, including persons with disabilities, enjoy all the rights stated in the *UDHR* irrespective of their race, origin, and status, and it generously protects and ensures the rights of persons with disabilities.³⁰¹ Also, the *ICCPR* ensures and protects the rights of people with disabilities.³⁰² *Article 2(1) of the ICCPR* states that “each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This provision ensures that all individuals, persons with disabilities included, have their rights protected and respected.³⁰³

The *CRPD* regulates the rights of persons with disabilities, especially those in conflict-affected areas.³⁰⁴ *Article 11 of the CRPD* provides that “State parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters”.³⁰⁵ This provision protects the rights of persons with disabilities in conflict areas by taking all necessary steps and measures. The *Declaration on the Rights of Disabled Persons (1975)*³⁰⁶ also protects the rights of persons with disabilities including those in conflict areas. The declaration ensures persons with disabilities’ rights to security,

³⁰⁰ General Assembly, *Universal Declaration of Human Rights*, (adopted 10 December 1948) UNGA Res 217 A(III).

³⁰¹ *Ibid.*

³⁰² General Assembly, *International Covenant on Civil and Political Rights*, (16 December 1966) 999 UNTS 171.

³⁰³ *Ibid.*

³⁰⁴ General Assembly, *Convention on the Rights of Persons with Disabilities* (adopted 13 December 2006, entered into force 3 May, 2008) 2515 UNTS 3.

³⁰⁵ *Ibid.*

³⁰⁶ General Assembly, *Declaration on the Rights of Disabled Persons*, (9 December 1975) A/RES/3447 (XXX).

employment and job opportunities, to be protected against all forms of violence and abuse, to proper education, health services and protection against discriminating or degrading behaviour.³⁰⁷ Similarly, *the Declaration on the Rights of Mentally Retarded Persons* (1971)³⁰⁸ ensures that people with intellectual disabilities have the right to proper education, health care services, security and to be protected from all forms of violence. *The UNESCO Convention against Discrimination in Education* (1960)³⁰⁹ is the first legally binding international instrument or framework fully dedicated to the right to education including the right of persons with disabilities to proper and adequate education. Over 106 countries have ratified it and they are to conform to all the objectives stated in it. The Convention provides for free and compulsory primary education for children including children with disabilities and also provides parents, including parents with disabled children, the liberty to choose for their children what conforms with their religions as regards the child's education.³¹⁰

In 1976, the General Assembly adopted *Resolution 31/123*,³¹¹ where it announced the year 1981 as the International Year of Disabled Persons. This resolution recognizes and ensures the rights of persons with disabilities to fully participate in societal issues and also reiterates the need for World Peace due to the fact that most disabled people are victims of war, reside in conflict areas and are vulnerable to all forms of violence. In September 2015, the 17 Sustainable Development Goals (SDGs) was adopted by the General Assembly. These goals seek to "leave no one behind" and also provide for the inclusion of people with disabilities so as to achieve sustainable development. Goals 3 (good health and wellbeing),³¹² 4 (quality education),³¹³ 8 (Decent work and economic growth,³¹⁴ 10 (reduced inequality),³¹⁵ 16 (peace and justice strong institutions),³¹⁶ 17 (partnerships to

³⁰⁷ *Ibid.*

³⁰⁸ General Assembly, *Declaration on the Rights of Mentally Retarded Persons*, (20 December 1971) A/RES/2856(XXVI).

³⁰⁹ UNESCO, *Convention Against Discrimination in Education*, (14 December 1960).

³¹⁰ *Ibid.*

³¹¹ General Assembly, "International Year of Disabled Persons" (17 December 1979) Thirty-first session, A/RES/34/154.

³¹² United Nations Department of Economic and Social Affairs Disability, "#Envision2030 Goal 3: Good Health and Well-being".

³¹³ United Nations Department of Economic and Social Affairs Disability, "#Envision2030 Goal 4: Quality Education".

³¹⁴ United Nations Department of Economic and Social Affairs Disability, "#Envision2030 Goal 8: Decent Work and Economic Growth".

³¹⁵ United Nations Department of Economic and Social Affairs Disability, "#Envision2030 Goal 10: Reduce Inequalities".

³¹⁶ United Nations Department of Economic and Social Affairs Disability, "#Envision2030 Goal 16: Peace, Justice and Strong Institutions".

achieve the goal)³¹⁷ explicitly references and protects the rights of people with disabilities including those in conflict areas. In the year 2018, the United Nations launched a flagship report on disability as well as the Sustainable Development Goals which is a report on the 'Realization of the Sustainable Development Goals by, for and with Persons with Disabilities'.³¹⁸ This particular report shows that people living with disabilities are at a higher and greater disadvantage as regards most SDGs. It calls for action to be taken in order to include the world's one billion persons with disabilities which is 15% of the world's population.³¹⁹ The importance of this report is to protect and advance the rights of people with disabilities through the implementation and evaluation of the SDGs. The HRC adopted *Resolution 7/9, the Human Rights of People with Disabilities*³²⁰ which protects the rights of people with disabilities and reaffirms the need to promote the enjoyment of their human rights. It further calls for Member states to raise awareness as regards the rights of people with disabilities through public campaigns and training programs.³²¹

Regionally, the *Inter-American Convention on the Elimination of All forms of Discrimination against Persons with Disabilities* (ICEADPD) (1999)³²² emphasizes the need for the rights of persons with disabilities to be properly protected. The Convention provides for the integration of persons with disabilities into the society fully and urges State Parties to cooperate with one another so as to achieve the elimination of discrimination against persons with disabilities. In addition, the *Pacific Framework for the Rights of Persons with Disabilities* (2016)³²³ ensures an inclusive society for all Pacific people free from discrimination and violence. It seeks to provide employment opportunities and decent work for people with disabilities including those in conflict affected areas and also provides more statistics on disability researches.³²⁴

Studies have shown that over the years, the development of disability rights in Africa is really slow and lacks improvement.³²⁵ Nevertheless, the African human rights system has

³¹⁷ United Nations Department of Economic and Social Affairs Disability, "#Envision2030 Goal 17: Partnerships for the Goals".

³¹⁸ United Nations, "UN Flagship Report on Disability and Sustainable Development Goals".

³¹⁹ *Ibid.*

³²⁰ United Nations, "Human Rights Council – Resolution 7/9. Human rights of persons with disabilities".

³²¹ *Ibid.*

³²² OAS, *Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities*, (7 June 1999), AG/RES. 1608 (XXIX-O/99).

³²³ Pacific Islands Forum, "Pacific Framework for the Rights of Persons with Disabilities 2016 - 2025".

³²⁴ *Ibid.*

³²⁵ Tobias Pieter, "The UN convention on the Rights of Persons with Disabilities in Africa".

taken considerable steps to protect the rights of disabled persons. *Article 8 of the African Charter on Democracy, Elections and Governance*³²⁶ asks State Parties to eliminate all forms of discrimination against persons with disabilities and also adopt legislations that protects their rights. The Charter also seeks to promote the participation of persons with disabilities in governmental issues and also grant them access to basic education as entrenched in *Article 41 and 43* respectively.³²⁷ In addition, *Article 22 of the African Charter on the Rights and Welfare of the Child (1990)*³²⁸ provides that measures should be taken by Member States to protect and assist children, including children with disabilities who are affected by conflict. *Article 23* also ensures the protection of refugee children, including refugee children with disabilities with the aim of reuniting them with their families and parents.

Role of the International System

The UN is upgrading its system-wide policies to become more inclusive of persons with disabilities. In June 2019, it launched the *United Nations Disability Inclusion Strategy*,³²⁹ which supported the implementation of the *CRPD* and other international human rights instrument as well as the achievement of the *SDGs*, the *Agenda for Humanity*³³⁰ and the *Sendai Framework for Disaster Risk Reduction (2015-2030)*.³³¹ The Strategy provides a foundation for sustainable and transformative change towards disability inclusion throughout all pillars of the UN's work.³³² The Security Council adopted its very first resolution on persons with disabilities, *resolution 2475 (2019)*,³³³ calling upon Member States and parties to armed conflict to protect persons with disabilities in conflict situations and to ensure they have access to justice, basic services and unimpeded humanitarian assistance.³³⁴ The resolution urges States to enable the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action and in conflict prevention, resolution, reconciliation, reconstruction and peacebuilding.³³⁵ The Council further urged Member States to take steps to eliminate discrimination and marginalization on the

³²⁶ African Union, *African Charter on Democracy, Elections and Governance*, (30 January 2007).

³²⁷ *Ibid.*

³²⁸ OAU, *African Charter on the Rights and Welfare of the Child*, 11 July 1990, CAB/LEG/24.9/49 (1990).

³²⁹ UN, "United Nations Disability Inclusion Strategy" (2019).

³³⁰ OCHA, "Agenda for Humanity".

³³¹ UNDRR, *Sendai Framework for Disaster Risk Reduction 2015-2030*, (2015).

³³² United Nations, "United Nations Disability Inclusion Strategy" (2019).

³³³ Security Council, "Resolution 2475 (2019)" (2019) 8556th session S/RES/2475.

³³⁴ *Ibid*, para 3.

³³⁵ *Ibid*, para 6.

basis of disability in situations of armed conflict³³⁶ and to comply with their obligations under the *CRPD*.³³⁷

In 2016, participants to the World Humanitarian Summit adopted a *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*.³³⁸ The Charter recognizes the urgent need for humanitarian action that includes children and adults with disabilities, acknowledging the disproportionate risks and the multiple, intersecting forms of discrimination they face.³³⁹ Among other measures, the Charter's signatories commit themselves to eliminate discrimination in humanitarian policy, to promote the participation of persons with disabilities and of their representative organizations, and to develop inclusive policies and inclusive services.³⁴⁰ Following the World Humanitarian Summit and the launch of the Charter, the Inter-Agency Standing Committee (IASC) formed a task team to develop guidelines on inclusion of persons with disabilities in humanitarian action.³⁴¹ The guidelines set out essential actions that humanitarian actors must take in order to effectively identify the needs and rights of persons with disabilities who are most at risk of being left behind in humanitarian settings.³⁴² The recommended actions in each chapter place persons with disabilities at the centre of humanitarian actions, both as actors and members of affected populations.³⁴³ Based on the outcomes of a comprehensive global and regional multi-stakeholder consultation process, the guidelines are designed to promote the implementation of quality humanitarian programmes in all contexts and across all regions, and to establish both the inclusion of persons with disabilities and their meaningful participation in all decisions that concerns them.³⁴⁴

Addressing Discrimination against Refugees and IDPs with Disabilities

The World Health Organization (WHO) estimates that about 15 per cent of the world's population have a disability.³⁴⁵ Applying this estimate to the 45.7 million persons internally displaced worldwide by conflict and violence at the end of 2019 suggests that

³³⁶ *Ibid*, para 8.

³³⁷ *Ibid*, para 11.

³³⁸ World Humanitarian Summit, *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*, (2016).

³³⁹ *Ibid*.

³⁴⁰ *Ibid*.

³⁴¹ IASC, *Guidelines: Inclusion of Persons with Disabilities in Humanitarian Action*, (2019).

³⁴² *Ibid*.

³⁴³ IASC, "IASC Guidelines, Inclusion of Persons with Disabilities in Humanitarian Action 2019" (2019).

³⁴⁴ *Ibid*.

³⁴⁵ World Health Organization, "Disability and health" 1 December 2020.

about 6.8 million of them could have a disability.³⁴⁶In forced displacement contexts, a higher percentage of persons are expected to have a disability owing to increased risks of injuries, lack of access to quality medical services and the creation of new barriers in the environment.³⁴⁷

Refugees with disabilities include those who fled their country of origin due to the severe discrimination they faced on account of their disability, as well as those whose refugee claim is based on other grounds, and have a disability acquired before or after their refugee flight.³⁴⁸ Refugees and other displaced people with disabilities face physical, environmental and societal barriers to accessing specific displacement-related information, humanitarian assistance and services, including education, employment, health care and social protection, and barriers more generally to the full enjoyment of their human rights, including the right to participate in society on an equal basis with others and without discrimination.³⁴⁹ They often face multiple forms of discrimination based on other grounds, such as gender, age, ethnicity, religion, group affiliation and displacement itself.³⁵⁰ Among the millions of refugees and internally displaced persons with disabilities, some groups are particularly at risk of violence, isolation or neglect, especially those with high support needs, such as persons with psychosocial or intellectual disabilities, unaccompanied, separated and orphaned children with disabilities or survivors of severe traumatic events.³⁵¹ According to a study by Handicap International, these groups amount to 30% of all refugees. The conditions in the refugee camps further lead to an increased amount of the population being at risk of impairment due to poor nutrition and illnesses.³⁵² The COVID-19 pandemic has exacerbated the already difficult situation of refugees and internally displaced people with disabilities in fragile contexts and humanitarian settings. According to protection assessment on the COVID-19 impact on refugees in Lebanon in April 2020, carried out by the UN High Commissioner for Refugees (UNHCR), 84 per cent of refugees with a disability in Lebanon cited food insecurity as their foremost concern.³⁵³ A report published by Human Rights Watch shows that asylum seekers and refugees with

³⁴⁶ IDMC, "Global Report on Internal Displacement 2020 (GRID 2020)" 28 April 2020.

³⁴⁷ Handicap International, "Disability in humanitarian contexts: Views from affected people and field organisations" (2015); IASC, *Guidelines: Inclusion of Persons with Disabilities in Humanitarian Action* (July 2019).

³⁴⁸ UNHCR, "Resettlement Assessment Tool: Refugees with Disabilities" (2018).

³⁴⁹ General Assembly, "Persons with disabilities in the context of internal displacement, Report of the Special Rapporteur on the human rights of internally displaced persons" (2020) Forty-fourth session A/HRC/44/41.

³⁵⁰ *Ibid.*

³⁵¹ *Ibid.*

³⁵² Light for the World, "Refugees with disabilities".

³⁵³ OCHA, "UN: Strengthen humanitarian aid for people with disabilities" (9 June 2020).

disabilities are not properly identified in Greece, as they have difficulties getting basic services such as shelter and medical care, and have limited access to mental health services.³⁵⁴ The inability to practice effective hygiene or get healthcare services ultimately puts refugees with disabilities at increased risk of infection and illness from COVID-19.³⁵⁵

In situations of international or non-international armed conflict, internally displaced persons are also entitled to the protections guaranteed to civilians under international humanitarian law, except insofar as an individual directly participates in hostilities.³⁵⁶ This is pursuant to *Article 11 of the CRPD* which provides that States Parties shall “take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”³⁵⁷ According to a 2015 thematic study carried out on the rights of persons with disabilities under *Article 11 of the CRPD*,³⁵⁸ the Office of the UN High Commissioner for Human Rights (OHCHR) sets out the standards on the human rights of persons with disabilities in situations of risk and humanitarian emergencies, and presents a harmonized understanding of existing international humanitarian law under *Article 11 of the CRPD*. The study shows that the Committee on the Rights of Persons with Disabilities has developed several standards in its concluding observations under *Article 11*. States parties are required to mainstream disability in their migration and refugee policies³⁵⁹ and in all humanitarian aid channels.³⁶⁰ The Committee urged the systematic registration of internally displaced persons with disabilities,³⁶¹ and called for their situation as well as of those in refugee camps to be monitored, with the purpose of ensuring they have access to all services available, including accessible shelters, water

³⁵⁴ Human Rights Watch, “Greece: Refugees With Disabilities Overlooked, Underserved” (2017).

³⁵⁵ OCHA, “UN: Strengthen humanitarian aid for people with disabilities” (9 June 2020).

³⁵⁶ International Committee of the Red Cross, “Internally displaced persons and international humanitarian law” 20 March 2018.

³⁵⁷ General Assembly, *Convention on the Rights of Persons with Disabilities* (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³⁵⁸ General Assembly, “Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies” (2015) Thirty-first session A/HRC/31/30.

³⁵⁹ Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of the European Union” (2015) CRPD/C/EU/CO/1.

³⁶⁰ Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of Ukraine” (2015) CRPD/C/UKR/CO/1, para 23.

³⁶¹ *Ibid*, para 25.

and sanitation, education and health.³⁶² Furthermore, it states that the administrative detention of persons with disabilities in migration and asylum-seeking contexts is not consistent with the Convention when it is applied without the provision of adequate support and reasonable accommodation.³⁶³

In 2020, the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, submitted a report pursuant to the mandate given to her by the HRC in *Resolution 41/15* (2019).³⁶⁴ The Special Rapporteur examined the specific experiences of persons with disabilities in the context of internal displacement, their ongoing challenges and the necessary actions to be taken by States, the UN and other humanitarian, human rights and development actors to remove the obstacles to the equal enjoyment of their rights.³⁶⁵ In the report, the Special Rapporteur urges States and all relevant humanitarian and development actors to ensure that their “legal, policy and strategy frameworks related to internal displacement are inclusive and address the specific rights of persons with disabilities”³⁶⁶ and that “all their services, programmes and activities aimed at preventing forced displacement and protecting and assisting internally displaced persons are accessible to those with disabilities, without discrimination, by identifying and removing attitudinal, environmental and communications barriers, and by providing reasonable accommodation when required.”³⁶⁷

Principle 4 of the Guiding Principles on Internal Displacement (1998), which reflect international human rights and humanitarian law, provides that the Principles should be applied without discrimination of any kind, including on the basis of disability.³⁶⁸ The Guiding Principles entitle internally displaced persons with disabilities to safe and dignified access to the protection and assistance they might require, as well as durable solutions.³⁶⁹ *The 2030 Development Agenda* also recognizes the importance of

³⁶² Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of Kenya” (2015) CRPD/C/KEN/CO/1, para 22(c).

³⁶³ Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of the European Union” (2015) CRPD/C/EU/CO/1, para 34-35.

³⁶⁴ General Assembly, “Mandate of the Special Rapporteur on the human rights of internally displaced persons” (2019) Forty-first session A/HRC/RES/41/15.

³⁶⁵ General Assembly, “Persons with disabilities in the context of internal displacement, Report of the Special Rapporteur on the human rights of internally displaced persons” (2020) Forty-fourth session A/HRC/44/41.

³⁶⁶ *Ibid*, para 89(a).

³⁶⁷ *Ibid*, 89(b).

³⁶⁸ UNHCR, *Guiding Principles on Internal Displacement*, (22 July 1998) ADM 1.1, PRL 12.1, PRO0/98/109.

³⁶⁹ *Ibid*.

empowering people in vulnerable situations, including persons with disabilities, refugees and internally displaced persons.³⁷⁰ In particular, Goal 8 on decent work and economic growth includes a specific target to protect labour rights and promote safe and secure working environments for migrant workers.³⁷¹ Goal 10 on reducing inequalities embraces two separate targets to empower persons with disabilities, and to facilitate orderly, safe, regular and responsible migration and mobility of people.³⁷²

The UN has made several policy commitments recently regarding persons with disabilities in humanitarian crises, including with regard to the COVID-19 pandemic. In June 2019, it launched the UN Disability Inclusion Strategy, where the entire United Nations system, including country and humanitarian teams committed to measuring and tracking their performance with respect to disability inclusion. The UN Secretary-General published a policy brief on COVID-19 and migration that recognized the disproportionate obstacles faced by people on the move who live with a disability during the COVID-19 pandemic.³⁷³ The Policy Brief recognizes the disproportionate impact of the COVID-19 pandemic on refugees and internally displaced persons and proposes four basic tenets to ensure that the responsibility for protecting the world's refugees is equitably shared and that human mobility remains safe, inclusive, and respects international human rights and refugee law.³⁷⁴ The response to COVID-19 has the potential to strengthen efforts to end protracted displacement and support durable solutions, through economic and social integration, and to inclusion of displaced persons in national development plans.³⁷⁵ In 2020, the Secretary-General launched a High Level Panel on Internal Displacement to bring visibility to the issue and to elaborate recommendations for improving the response and achievement of durable solutions for IDPs, which have become all the more pressing in light of the current pandemic.³⁷⁶

Sexual and Gender-Based Violence against Women and Girls with Disabilities

Research shows that women and girls living with disabilities may face up to ten times more violence than women and girls without disabilities.³⁷⁷ Women with disabilities are

³⁷⁰ UN Department of Economic and Social Affairs Disability, “#Envision2030: 17 goals to transform the world for persons with disabilities”.

³⁷¹ UN Department of Economic and Social Affairs Disability, “#Envision2030 Goal 8: Decent Work and Economic Growth”.

³⁷² UN Department of Economic and Social Affairs Disability, “#Envision2030 Goal 10: Reduce Inequalities”.

³⁷³ UN Secretary General, “Policy Brief: COVID-19 and People on the Move” (June 2020).

³⁷⁴ *Ibid.*

³⁷⁵ *Ibid.*

³⁷⁶ *Ibid.*

³⁷⁷ Mari Koistinen, “Five facts to know about violence against women and girls with disabilities” (5 December 2019).

at a higher risk of being sexually violated during wartime at conflicted areas. The 2030 *Agenda* calls to “eliminate all forms of violence against all women and girls in the public and private spheres.”³⁷⁸ *The Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) (1979)³⁷⁹ in its General Recommendation 18, asks State Parties to provide information on disabled women in their periodic reports.³⁸⁰

The Committee also asks all *CEDAW* State Parties to give reports on the measures they have taken to ensure that disabled women and girls have equal access to employment and education, health services and social security, and to also ensure that they can participate in all areas of cultural and social life.³⁸¹

The CRPD recognizes in *Preamble 17* that “women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.”

The *UN Declaration on Violence Against Women* (1993)³⁸² defines Sexual and Gender based violence (SGBV) as the “battering, sexual abuse of children, marital rape, trafficking in women, forced prostitution and other violent acts against women perpetrated or condoned by the state.” A particular study by the African Child Policy Forum of violence against children with disabilities showed that almost every young child with a disability between ages 18 and 24, had been at least sexually abused.³⁸³ Another study in Australia shows 62 per cent of women with disabilities under age 50 have experienced different forms of violence while they were only 15 years of age.³⁸⁴ They also go through sexual violence, three times its prevalence to those with no disability at all. Research also has it that 40 to 70 per cent of women and girls with disabilities were sexually abused even before they turn 18 years of age.³⁸⁵

In the Gaza strip, Palestine, SGBV is still very prevalent and challenging due to increased and recurring Israeli conflict, wars as well as the lockdown during the global pandemic

³⁷⁸ UN Women, "UNITE to end violence against women campaign".

³⁷⁹ General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

³⁸⁰ Global Disability Rights, "Human Rights Instruments for Women with Disabilities".

³⁸¹ *Ibid*

³⁸² General Assembly, *Declaration on the Elimination of Violence against Women*, (1993) A/RES/48/104, Articles 1 and 2.

³⁸³ UNFPA, "Young persons with Disabilities" (July 2018).

³⁸⁴ *Ibid*.

³⁸⁵ *Ibid*.

which has forced women and girls with disabilities to stay home.³⁸⁶ Research has it that around 45 percent of violence survivors in Gaza strip were subjected to psychological abuse, 25 percent to physical abuse, four to sexual abuse and about seven percent attributed to rape.³⁸⁷ In Yemen, an estimate of three million women and girls are at a greater risk of various forms of violence.³⁸⁸ There has been an increase on violence against women to 63 percent since the conflict worsened in 2015.³⁸⁹ Marital rape is not a crime in Yemen and there is no specific law expressly criminalizing gender based violence or protecting women and girls with disabilities from it except the provisions which were made in their penal code which abolishes physical abuse.³⁹⁰ UNFPA has provided protection and assistance to women and girls with disabilities who are victims of gender based violence in response to the crisis in Yemen.³⁹¹

The 2017 report of the Special Rapporteur on violence against women underlined the fact that the rate of unemployment and lack of occupation have a very strong impact on the lives of women and girls with disabilities in Gaza and this makes them more prone to violence.³⁹² On 14th July 2020, a joint statement was made by the United Nations Special Rapporteur and the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW) on tackling gender based violence perpetrated against women amidst the COVID-19 pandemic.³⁹³ The EDVAW Platform jointly calls upon all States and stakeholders to take necessary steps in combatting gender based violence against women, ensuring there is peace in homes during the lockdown amidst the COVID-19 pandemic and even after.³⁹⁴ REDRESS, an organization which seeks justice for survivors of sexual and gender based violence in conflict areas, partners with other NGOs in Sudan, Uganda, Nepal for proper collation and documentation of violence perpetrated against women and girls especially those with disabilities in order to file

³⁸⁶ UNFPA, "Report on key issues and concerns, achievements, and challenges. GBV Sub Cluster Palestine" (January- June 2017).

³⁸⁷ *Ibid.*

³⁸⁸ Human Rights Watch, "Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women on Yemen 77th Pre-Session" (7 February 2020).

³⁸⁹ *Ibid.*

³⁹⁰ *Ibid.*

³⁹¹ UNFPA, "Women and Young Persons with Disabilities, Guidelines for Providing rights-based and Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights".

³⁹² Human Rights Council, "Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective".

³⁹³ *Ibid.*

³⁹⁴ *Ibid.*

lawsuits against the perpetrators and also ensure litigation for the victims.³⁹⁵ UNHCR also partners with Governments, other UN agencies, NGOs so as to respond to cases of SGBV and provide support to victims of SGBV including women and girls with disabilities in conflict areas.³⁹⁶

Providing Inclusive Humanitarian Responses to Persons with Disabilities during Conflict

Armed conflicts and emergency situations increase the number of barriers faced by persons with disabilities, impact their access to essential services and heighten the risks faced by persons with disabilities as they seek out assistance, support and protection.³⁹⁷

The stark reality of these challenges has been laid bare in conflict affected countries like Iraq, Syria, Yemen, and South Sudan.³⁹⁸ Persons with disabilities often do not have equal access to humanitarian and emergency services, including the distribution of humanitarian assistance such as shelters, centres and other facilities.³⁹⁹ Seventy-five per cent of persons with disabilities living in emergency contexts reported lack of adequate access to essential basic services such as water, shelter or food.⁴⁰⁰ A report carried out by Light for the World, a Global disability and development organisation, indicates that water and sanitation infrastructures are not designed in a manner that allows persons with disabilities to use them in a safe and dignified manner.⁴⁰¹ There are no systems in place to support persons with disabilities, including older persons, to fetch their own water. Latrines lack ramps, wide doorways, seats and handrails, obliging wheelchair users to crawl on their hands on unclean and unsanitary floors. Some toilets and bathrooms do not provide enough privacy and security, particularly for women with disabilities.⁴⁰² Furthermore, sanitary and incontinence products may not be available, requiring increased access to water and sanitation facilities.⁴⁰³ The situation of the population in conflict and crisis situations is further exacerbated by the low level of priority given to persons with disabilities by the humanitarian community. Scant data, poor identification and registration and lack of provision of reasonable accommodation compound the

³⁹⁵ REDRESS, "Sexual Violence in Conflict".

³⁹⁶ UNHCR, "Sexual and Gender based Violence Prevention and response".

³⁹⁷ International Disability Alliance, "Inclusion of persons with disabilities in humanitarian action - consortium project led by HI".

³⁹⁸ Centre for Civilians in Conflict, "The Hidden Harm: Acquired Disability During Conflict".

³⁹⁹ Committee on the Rights of Persons with Disabilities, "Concluding observations on the initial report of Haiti" (2018) CRPD/C/HTI/CO.

⁴⁰⁰ Handicap International, "Disability in humanitarian contexts: Views from affected people and field organisations" (2015).

⁴⁰¹ Light for the World, "Input to the Report of the Special Rapporteur on Protection of Internally Displaced Persons with Disabilities" (14 February 2020).

⁴⁰² *Ibid.*

⁴⁰³ *Ibid.*

exclusion of persons with disabilities in crisis needs-assessments and response.⁴⁰⁴ Ninety-two per cent of humanitarian actors estimate that persons with disabilities are not properly taken into account during a response,⁴⁰⁵ a figure supported by studies that illustrate the low rate of funding (in some cases, approximately 1% of the budget) given to humanitarian projects inclusive of persons with disabilities.⁴⁰⁶

Persons with disabilities require the same general healthcare needs as everyone else, and therefore need access to mainstream healthcare services.⁴⁰⁷ *Article 25 of the CRPD* reinforces the right of persons with disability to attain the highest standard of healthcare, without discrimination. However, the reality is that few countries provide adequate quality services for people with disability.⁴⁰⁸ The negative societal effects COVID-19 has wrought all over the world have been even more profound when viewed through the lens of persons with disabilities and these impacts have been aggravated even further in countries dealing with armed conflict.⁴⁰⁹ By adding pressure on health systems that already have limited capacity like those in conflict- or crisis-affected countries, COVID-19 is increasing morbidity and mortality from other health conditions.⁴¹⁰ The pandemic has disrupted the provision of some essential services and medical responses through closures, limited allocation of needed resources and re-deployment of critical staff. There are significant and valid concerns that persons with disabilities may be disqualified from receiving care by the pressure to prioritize limited resources.⁴¹¹

The need to improve the extent to which people with disabilities are included in humanitarian response is increasingly documented and broadly recognised by humanitarian actors, including governments, donors, United Nations agencies, local and international NGOs, and Organisations of Persons with Disabilities (OPDs).⁴¹² The 2016 World Humanitarian Summit (WHS) represented a turning point in directing the international community's attention to the fact that persons with disabilities often fall

⁴⁰⁴ United Nations Office for Disaster Risk Reduction, *Sendai Framework for Disaster Risk Reduction 2015-2030* (2015).

⁴⁰⁵ Handicap International, "Disability in humanitarian contexts: Views from affected people and field organisations" (2015).

⁴⁰⁶ HelpAge International and Handicap International, "A study of humanitarian financing for older people and people with disabilities, 2010–2011" (2012).

⁴⁰⁷ World Health Organization, "Disability and health" 1 December 2020.

⁴⁰⁸ *Ibid.*

⁴⁰⁹ Jess Markt, "COVID-19 and its impact on persons with disabilities" (17 September 2020).

⁴¹⁰ Humanitarian Disarmament, "A Principled and Inclusive Response to COVID-19" (2020).

⁴¹¹ *Ibid.*

⁴¹² CBM International, "Policy Brief: Involving people with disabilities in humanitarian response" (2019)

through the cracks of humanitarian response.⁴¹³ *The Charter on Inclusion of Persons with Disabilities in Humanitarian Action* (2016)⁴¹⁴ launched on that occasion, gathered the interest of a broad range of humanitarian stakeholders who joined forces “to take all steps to meet the essential needs and promote the protection, safety and respect for the dignity of persons with disabilities in situations of risk.”⁴¹⁵ The Charter states that “progress towards principled and effective humanitarian action will only be realized if humanitarian preparedness and response becomes inclusive of persons with disabilities.”⁴¹⁶ This inclusive approach is grounded on the humanitarian principles of humanity and impartiality, and the human-rights principles of inherent dignity, equality and non-discrimination.⁴¹⁷

In line with the commitments taken at the WHS and by endorsing the Charter, the IASC established a Task Team co-chaired by UNICEF, the International Disability Alliance (IDA), and Humanity & Inclusion (HI), to develop *Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action* (2019).⁴¹⁸ The Guidelines, designed for use by national, regional and international humanitarian actors, set out essential actions to take in order to effectively identify and respond to the needs and rights of persons with disabilities who are most at risk of being left behind in humanitarian settings.⁴¹⁹ As one of the few global initiatives where the persons concerned have been directly involved in the drafting of a tool serving intervention at their benefit, the Guidelines are a crucial step forward to achieve disability-inclusive humanitarian action. They serve to provide practical guidance on including persons with disabilities in humanitarian programming and coordination;⁴²⁰ to increase capacity among humanitarian stakeholders to develop and implement quality programs that are inclusive of persons with disabilities;⁴²¹ to describe the roles and responsibilities of humanitarian stakeholders to include persons with disabilities in humanitarian action,⁴²² and to increase and improve the participation

⁴¹³ General Assembly, “One Humanity: Shared Responsibility, Report of the Secretary-General for the World Humanitarian Summit” (2016) Seventieth session A/70/90.

⁴¹⁴ WHS, *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*, (2016).

⁴¹⁵ *Ibid*, para 1.1.

⁴¹⁶ *Ibid*, para 1.5.

⁴¹⁷ *Ibid*.

⁴¹⁸ IASC, *Guidelines: Inclusion of Persons with Disabilities in Humanitarian Action*, (2019).

⁴¹⁹ *Ibid*; Handicap International, CBM International and International Disability Alliance, “Case Studies Collection 2019: Inclusion of persons with disabilities in humanitarian action” (2019).

⁴²⁰ IASC, *Guidelines: Inclusion of Persons with Disabilities in Humanitarian Action*, (2019).

⁴²¹ *Ibid*.

⁴²² *Ibid*.

of persons with disabilities and organization of persons with disabilities in preparedness, response and recovery.⁴²³

Additional efforts to make humanitarian response more disability-inclusive include the current revision of the *Sphere Standards and the Child Protection Minimum Standards (2019)*⁴²⁴ and the *Humanitarian Inclusion Standards for older people and people with disabilities*.⁴²⁵ The latter calls for a modest additional allocation of resources of about 4%. This would allow for critical service provision, such as accessible latrines, appropriate assistive technologies and transport.⁴²⁶ The standards also identify an important, often overlooked means for promoting disability-inclusive humanitarian action: hiring staff and volunteers with disabilities in front-line humanitarian posts.⁴²⁷

With respect to addressing the impact of COVID-19 pandemic on persons with disabilities, the UN Secretary General published a Policy Brief in May 2020 which highlights how the pandemic is affecting the world's 1 billion people with disabilities and recommends a disability-inclusive response and recovery for everyone.⁴²⁸ While the brief contains specific recommendations focusing on key sectors, it identifies four overarching areas of action that are applicable for all. It suggests the mainstreaming of disability in all COVID-19 responses and recovery together with targeted actions; accessibility of information, facilities, services and programmes in the COVID-19 response and recovery; meaningful consultation with and active participation of persons with disabilities and their representative organizations in all stages of the COVID-19 response and recovery; and the establishment of accountability mechanisms to ensure disability inclusion in the COVID-19 response.⁴²⁹ Inclusion of persons with disabilities in the COVID-19 response and recovery is a vital part of achieving the pledge to leave no one behind, and a critical test of the global commitments of the *CRPD*; the *2030 Agenda for Sustainable Development*, the *Agenda for Humanity* and the *UN Disability Inclusion Strategy*. It is also central to the UN's commitment to achieve transformative and lasting change on disability inclusion.⁴³⁰

⁴²³ *Ibid.*

⁴²⁴ The Alliance for Child Protection in Humanitarian Action, "Minimum Standards for Child Protection in Humanitarian Action" (2019).

⁴²⁵ CBM International, HelpAge International and Handicap International, "Humanitarian inclusion standards for older people and people with disabilities" (2018).

⁴²⁶ *Ibid.*

⁴²⁷ *Ibid.*

⁴²⁸ United Nations, "Policy Brief: A Disability-Inclusive Response to COVID-19" (2020).

⁴²⁹ *Ibid.*

⁴³⁰ OCHA, "Policy Brief: A Disability-Inclusive Response to COVID-19 (May 2020)" (2020)

Providing Inclusive Education for Children with Disabilities

Education is essential for strengthening all other human rights, promotes individual wellbeing and empowerment, and is a basis for important economic and social benefits.⁴³¹ Education as a fundamental human right, lies at the heart of UNESCO's mission and is enshrined in various international frameworks like *Article 28 of the Convention of on the Rights of the Child (CRC) (1989)*⁴³² and *Article 1 of the UNESCO Convention against Discrimination in Education (1960)*,⁴³³ which reaffirm the right to equal treatment and education of children at all levels. The right to education is one of the key principles underpinning the Education 2030 Agenda⁴³⁴ and SDG 4 which is rights-based and seeks to ensure the full enjoyment of the right to education as fundamental to achieving sustainable development.⁴³⁵ Yet millions of children remain deprived of educational opportunities, many as a result of social, cultural and economic factors.⁴³⁶ Education in itself is an empowering right and one of the most powerful tools by which economically and socially marginalized children can lift themselves out of poverty and participate fully in society.⁴³⁷

With the erosion of human rights during conflict, children with disabilities are left further marginalized and excluded from basic services such as health care and education.⁴³⁸ Children with disabilities often face barriers to accessing education in conflict situations. According to a 2018 report by Syria Relief, four out of five children living with disabilities in Syria reported of not having access to education.⁴³⁹ A 2018 survey of Syrian refugees living in Jordan and Lebanon noted that among children 13 years of age and above, refugees with disabilities were more likely to be illiterate and to have never been enrolled in school.⁴⁴⁰ Among children 6-12 years of age, children with disabilities were more likely to have never been enrolled or to have dropped out of school.⁴⁴¹ A 2013 study in Iraq found that only 16 per cent of displaced children with disabilities living in camps and 10

⁴³¹ Ruth Naylor, "The right to education for refugees and internally displaced persons" (2016).

⁴³² General Assembly, *Convention on the Rights of the Child*, (20 November 1989) 1577 UNTS 3.

⁴³³ UNESCO, *Convention Against Discrimination in Education*, (14 December 1960).

⁴³⁴ UNESCO, "Leading SDG 4 - Education 2030".

⁴³⁵ UN Department of Economic and Social Affairs Disability, "#Envision2030 Goal 4: Quality Education".

⁴³⁶ UNESCO, "Global education monitoring report, 2019: Migration, displacement and education: building bridges, not walls" (2019).

⁴³⁷ UNESCO, "Right to education".

⁴³⁸ Gopal Mitra, "Children with disabilities affected by armed conflict" (3 December 2018).

⁴³⁹ Syria Relief, "Children Living with Disabilities inside Syria Policy Brief".

⁴⁴⁰ A. Tiltnes, H. Zhang and J. Pedersen, "The living conditions of Syrian refugees in Jordan: Results from the 2017-2018 survey of Syrian refugees inside and outside camps".

⁴⁴¹ *Ibid.*

per cent living in urban areas were attending schools around Domiz, Northern Iraq.⁴⁴² Prior to displacement, 29 per cent of children with disabilities living in camps and 27 per cent living in urban areas were attending school.⁴⁴³

Several significant efforts are under way to make humanitarian assistance for children with disabilities more inclusive. In 2017, UNICEF released guidance on including children with as a series of booklets providing concrete recommendations for the development of disability-inclusive programming in the areas of education,⁴⁴⁴ child protection, health/HIV, nutrition, and water, sanitation and hygiene. The UN Security Council has started to address disability through its protection framework. In 2018, it adopted *Resolution 2427* which called for addressing the needs of all children, including children with disabilities in areas such as access to health care, psychosocial support and education programmes.⁴⁴⁵ It recognizes that quality education provided in a safe environment in conflict areas is essential in halting and preventing recruitment and re-recruitment of children contrary to the obligations of parties to conflict and further urges Member States, United Nations bodies and civil society to take specifically into account girls' equal access to education.⁴⁴⁶

Addressing the Employment Needs of Persons with Disabilities in Conflict Areas

The issue of unemployment affiliated with people living with disabilities remains a very pertinent issue in the world today. Jobs with fair pay are rarely an option for people living with disabilities in conflict areas and this greatly violates their right to employment. The *CRPD* protects the work and employment rights of people living with disabilities as provided in *Article 27*. People with disabilities are more likely to be affected during conflict, as they are forced to remain in these areas with no jobs to do in order to earn a living. In June 2019, the International Committee of the Red Cross (ICRC) in partnership with the Adecco Group Foundation launched its *Career Development Programme* (CDP) in a bid to support the economic inclusion of persons with disabilities and this programme's focus is on employment and also self-employment of persons with disabilities. Its main aim is to promote the economic welfare and security of people with disabilities in conflict zones.⁴⁴⁷ The Harkin International Disability Employment Summit

⁴⁴² UNICEF and Handicap International, "Rapid Needs Assessment: Situation of children, youth and adults with disabilities, within and around Domiz, Northern Iraq" (2013).

⁴⁴³ *Ibid.*

⁴⁴⁴ UNICEF, *Guidance on Including Children with Disabilities in Humanitarian Action: Education*, (2017).

⁴⁴⁵ UN Security Council, "Resolution 2427 (2018)" (2018) 8305th session S/RES/2427.

⁴⁴⁶ *Ibid.*

⁴⁴⁷ International Committee of the Red Cross, "Career Development Programme delivered with the Adecco Group Foundation".

was also launched to help solve the issue of unemployment faced by people with disabilities in conflict areas.⁴⁴⁸ The Handicap International being a member of the Harkin International Disability Employment Summit's planning committee brought about the paper for the first annual Harkin International Disability Employment summit, where more than 180 government officials, professionals with disabilities, society leaders, and activists from 30 countries met with the aim of discussing effective laws, policies, programs and ways to provide more job opportunities for persons with disabilities especially those in conflict affected zones and areas.⁴⁴⁹

Studies show that in developing countries globally, 80 percent to 90 percent of people with disabilities who are of working age lack jobs and are mainly unemployed, while in well developed countries, the percentage is between 50 percent to 70 percent.⁴⁵⁰ Research also has it that an increase in the employment rate of people with disabilities would boost the economy greatly by €13 billion pounds which is similar to an economic growth during the span of approximately 6 months.⁴⁵¹ In 2015, the Director- General of International Labour Organization (ILO) developed the 'Jobs for Peace and Resilience' programme in conflicted areas or countries to provide more job opportunities for unemployed youths including youths with disabilities.⁴⁵² ILO's *Employment and Decent Work for Peace and Resilience, Recommendation no. 205* brought about the Jobs for Peace and Resilience programme to ensure the provision of various employment opportunities and decent work in conflict affected countries like Yemen, Sudan to mention but a few.⁴⁵³

Conclusion

The UDHR, ICCPR, and other international documents have emphasized the importance of fundamental human rights and the HRC is particularly focused on addressing issues related to these rights. The rights of persons with disabilities are recognized in these various international frameworks but nonetheless, it is pertinent that the effects of the rights of persons with disabilities in conflict areas are properly understood and the rights are promoted and protected so as to be free from violations of any sort. There is no doubt that persons with disabilities face several challenges in their daily lives. Women and girls with disabilities are prone to violence and all forms of abuse, persons with

⁴⁴⁸ Humanity and Inclusion, "Numerous Barriers to Jobs for People with Disabilities in developing countries" (7 December 2016).

⁴⁴⁹ *Ibid.*

⁴⁵⁰ UN Department of Economic and Social Affairs, "Disability and Employment".

⁴⁵¹ *Ibid.*

⁴⁵² International Labour Organization, "Introduction to ILO's programme on Jobs for Peace and resilience"

⁴⁵³ *Ibid.*

disabilities lack sustainable jobs with good pay and are more prone to violence in conflict affected areas, they are also often marginalized and they lack adequate health care and educational facilities. The United Nations and other regional bodies have worked non-stop in providing measures to tackle the issue. Member States should as well therefore take exemplary steps in providing solutions to tackle these human rights challenges.

Further Research

Considering the topic and the subtopics within it, delegates are required to consider the following questions: In what ways can Member States of the UN partner with one another towards the protection of the rights of persons with disabilities residing in conflict affected countries? In what ways can the HRC collaborate with other UN bodies like UNICEF towards the provision of education to children with disabilities living in conflict areas? What further steps can Member States take to address the issue of discrimination against refugees and other displaced persons with disabilities during armed conflict? How can employment opportunities be made available to persons with disabilities residing in conflict affected countries? What are the possible solutions to gender-based violence faced by disabled women and girls during armed conflict? What are the factors hindering access to quality medical and health care services for persons with disabilities and how can these factors be tackled or solved? What are the impacts of the COVID-19 pandemic on persons with disabilities residing in conflict affected areas and what exemplary measures can be taken by Member States to ensure that these persons live safely as well as secure during these times?

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General Assembly, "International Year of Disabled Persons" (17 December 1979) Thirty-first session, A/RES/34/154, available at <https://undocs.org/pdf?symbol=en/A/RES/31/123> (accessed 10 January 2021)

This resolution proclaims the year 1981 as the "international year of disabled persons" and also provides rehabilitation for persons with disabilities. It further calls on all Member States to implement the objectives and measures provided by the international year of disabled persons. This resolution also creates awareness and informs the public on the rights of disabled people to participate fully in the economic, political and social life.

General Assembly, "Persons with disabilities in the context of internal displacement, Report of the Special Rapporteur on the human rights of internally displaced persons" (2020) Forty-fourth session A/HRC/44/41, available at <https://undocs.org/en/A/HRC/44/41> (accessed 10 January 2021)

This resolution, adopted by the HRC, provides for the protection of the rights of IDPs with disabilities and also provides measures which to address the perturbing issues that IDPs with disabilities face globally. It also provides applicable legal and policy frameworks which secures and ensures the

rights of IDPs with disabilities. The final chapter provides recommendations on how IDPs with disabilities can be included in humanitarian actions and how their rights can be protected better.

Humanitarian Disarmament, "A Principled and Inclusive Response to COVID-19" (2020) available at <https://humanitariandisarmament.org/covid-19-2/a-principled-and-inclusive-response-to-covid-19/> (accessed 10 January 2021)

This document highlights the consequences of the global pandemic on persons with disabilities and how it adversely affects them which then increases discrimination and marginalization perpetrated towards them. It also gives recommendations which ensures non-discrimination towards persons with disabilities on the basis of gender, race, health and other aspects and also supports the call of the UN Secretary General for a global ceasefire to stop fights and conflicts globally.

Inter-Agency Standing Committee, "IASC Guidelines, Inclusion of Persons with Disabilities in Humanitarian Action 2019" (2019) available at <https://interagencystandingcommittee.org/iasc-task-team-inclusion-persons-disabilities-humanitarian-action/documents/iasc-guidelines#:~:text=The%20guidelines%20set%20out%20essential,left%20in%20humanitarian%20settings.> (accessed 10 January 2021)

This document sets out important actions that humanitarians must take so as to respond effectively to the needs and rights of persons with disabilities who are often marginalized. The guidelines were developed by persons with disabilities alongside their organizations to help promote the rights of people with disabilities, increase their inclusion as well as encourage their participation in all aspects of life that affects them.

Mari Koistinen, "Five facts to know about violence against women and girls with disabilities" (5 December 2019) available at <https://blogs.worldbank.org/sustainablecities/five-facts-know-about-violence-against-women-and-girls-disabilities> (accessed 10 January 2021)

In this document, delegates will have an insight to the challenges of gender-based violence faced by women and girls living with disabilities as well as the statistics of women and girls with disabilities that go through gender-based violence. It will also help delegates know what the government and society should do in order to eradicate violence against women and girls with disabilities.

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