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ATTENDEES INCLUDE

Academicians, Ambassadors, Advocates, Researchers
and Students engaged in the field of Law & Management

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UNITED NATIONS HUMAN RIGHTS COUNCIL

AGENDA

HUMAN RIGHTS SITUATION IN GAZA

LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates!

It gives me great pleasure to preside as the President for the United Nations Human Rights Council at SYM MUN 2014. Congratulations on getting the opportunity to participate in SYMMUN 2014. In this academic simulation of the UNHRC what we desire from the delegates is not how experienced or articulate they are. Rather, we want to see how you as delegates can respect disparities and differences of opinion, work around them, while extending your own foreign policy without compromising your own stand, thereby reaching a unanimously acceptable practical solution. The following pages intend to guide you with the nuances of the agenda as well as the functioning of the UNHRC. The aim of this background guide is to give you a basic gist of the committee and the agenda.

At no point in time can any statement in this background guide be used as substantial evidence in committee, although you can very well use it to frame your arguments in a structured manner. Also understand that we as the Executive Board will remain to be the mere facilitators of debate, so we expect you to use this background guide as a starter to your research and give direction to committee with fruitful debate. For any further doubts regarding the committee feel free to contact us.

With Regards

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President

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Introduction

Take this part of the background guide to be completely off grid and MOST IMPORTANT. This is simply an attempt to guide you better and get better performance out of all of you. There is only as much as we can put into a background guide because Gaza remains a biased debate when it comes to information available on media but it is also very important for delegates to know how to use this background guide and understand your agenda thoroughly. The focus of the agenda has been set out as discussing how conflicts affect the human rights of Gaza's people and how the UN is helping and can help them. Do not base the debate of this committee on simple research you find off the net but debate on principle. This guide will simply give you the present situation and be neutral on any debate on it.

Firstly, study what constitutes as the main reasons for this conflict, what rights are necessary to be upheld during conflict, how these rights are affected, who is responsible to protect these rights and answer what significance it bears. As simple as this may sound it requires exhaustive research because there are too many tangents worth discussion. It is also to be realized that you must always keep in mind the role played by the UN at every step.

Secondly, study the possible war crime outcomes and what are the consequential actions/ future course of action.

Thirdly, discuss the need for future settlement mechanism. Finally since we represent countries in council it is important to figure out the policy option and legal intricacies of the agenda. Please take care of the fact that your solutions are a balanced mix of innovation and practicality and that they are within the ambit of your council's mandate. You will find information about the aforementioned in this guide, but take this as merely a starting point. Research well and enjoy your experience. Good luck preparing for debate and look forward to meeting you all soon!

The United Nations Human Rights Council

GOVERNANCE AND SYSTEM

SUB-BODIES AND PROCEDURES

Advisory Committee:

The Sub-Commission on the Promotion and Protection of Human Rights was the main subsidiary body of the erstwhile UNCHR. The Sub-Commission was composed of 26 elected human rights experts whose mandate was to conduct studies on discriminatory practices and to make recommendations to ensure that racial, national, religious, and linguistic minorities are protected by law. In September 2007, the Human Rights Council decided to create this into an Advisory Committee to provide expert advice.

Its primary mandate is described as:

"To undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities."

COMPLAINTS PROCEDURE:

On 18 June 2007, the UNHRC adopted Resolution 5/1 to establish a Complaint Procedure. The Complaint Procedure's purpose is to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances. Two working groups make up the Complaint Procedure: the Working Group on Communications (WGC) and the Working Group on Situations (WGS).

SPECIAL RAPPORTEURS:

Special Rapporteur is a title given to individuals working on behalf of the United Nations who bear a specific mandate from the UN Human Rights Council to investigate, monitor and recommend solutions to human rights problems. They are also called "Special Procedures". Some of these experts are called Special Representatives or Independent Experts. They address either specific country situations or thematic issues in all parts of the world.

Currently, there are 31 thematic and 8 country mandates.

UNIVERSAL PERIODIC REVIEW:

The United Nations Human Rights Council Universal Periodic Review is a process which involves a review of the human rights records of all United Nations (UN) Member States once every four years. Each country's situation will be examined during a three hour debate.

TIMELINE

1948-1967

In Israel's war for independence, known as the Arab -Israeli war, Egypt gained control of Gaza. In 1967, after the six day war, also known as another Arab-Israeli war, Israel gained control of Gaza.

1993

In the Oslo Accords, which ended the first Palestinian Intifada, Israel and the Palestine Liberation Organization agreed to the withdrawal of Israeli troops from most of Gaza in 1994.

2004

Militants burned down offices of the Palestinian intelligence services in southern Gaza, protesting against then-Palestinian leader Yasser Arafat's restructuring of security services. He later agreed to "a Palestinian version of reform." Arafat died in November.

2005

After efforts to achieve peace talks failed, Israeli Prime Minister Ariel Sharon announced a plan to remove all Jewish settlements and Israeli troops from Gaza by the end of 2005. It was completed in September. Rocket attacks into Israel from Gaza continued. Palestinians say Israel maintains control over Gaza through its grip on the skies, waters and entry points. Israel says such measures are necessary for security.

2006

Hamas, which is listed by the United States, European Union and others as a terrorist group, won a landslide victory in Palestinian legislative elections.

2007

After vowing to work together in a unity government, Hamas and Fatah, the other main Palestinian faction, battled each other, carrying out kidnappings and killings. Hamas declared control of Gaza, while Fatah maintains its grip on the West Bank.

December 27, 2008

After continuous rocket attacks into southern Israel, the Israeli military launched Operation Cast Lead, which lasted three weeks and included a ground offensive into Gaza. Israel and Hamas reported different death tolls.

April 27, 2011

Hamas and Fatah again announced a unity government, which failed to materialize. The two sides made a similar announcement a year later.

October 18, 2011

In a deal brokered by Egypt, Israel agreed to release 1,027 Palestinian prisoners. Their walk to freedom drew cheers from thousands in Gaza and the West Bank.

November 14, 2012

The Israeli military killed Ahmed Jabri, head of Hamas' militant operations, in one of a series of airstrikes targeting terrorists and their infrastructure in Gaza. After eight days of violence, a cease-fire went into effect. More than 160 Palestinians were reported killed, as were six Israelis, including a soldier.

June 2, 2014

Hamas and Fatah swore in a unity government. Israel called on the United States and other nations to continue to reject Hamas.

June 12, 2014

Three Israeli teens on their way home from school in the West Bank were abducted. One was a dual U.S. citizen. Israel blamed Hamas. Their bodies were found on July 1 in the West Bank.

July 2, 2014

A Palestinian teen was abducted in the early morning. His body was found about an hour later. Palestinian and Israeli officials condemned the killing. Days later, Israel announced suspects were arrested and a "strong indication" it was a revenge killing. As clashes took place in a

usually quiet part of Jerusalem, rocket attacks from Gaza into southern Israel increased. Israel carried out airstrikes targeting militants in Gaza.

July 7, 2014

Israel declared Operation Protective Edge, which is ongoing.

July 8, 2014

Israel launches Operation Protective Edge with air strikes on Gaza to counter Rocket fire from Palestinian militants. Hamas responds by firing rockets at Tel Aviv and Jerusalem.

July 13, 2014

Palestinian president Mahmoud Abbas asks the UN to put the state of Palestine under "international protection".

July 15, 2014

Israel's security cabinet accepts an Egyptian ceasefire proposal. Hamas rejects it, and demands an end to the blockade of Gaza in effect since 2006.

Egypt, long a mediator in conflicts between Israel and Palestinians, proposed a cease-fire on July 15, and Israel announced that it would accept, surprising some as Israel's United Nations envoy had earlier said that a cease-fire was not on the cards. The proposal had called on Israel and Hamas to agree on an immediate truce without preconditions, with peace talks in Cairo launched within 48 hours. Hamas, however, said they had not been properly consulted and refused to stop fighting.

July 17, 2014

Israel launches a ground operation preceded by an intense bombardment with the aim of destroying cross-border attack tunnels. It is the first ground assault since Operation Cast Lead over New Year 2009 in which 1,440 Palestinians and 13 Israelis were killed.

July 20, 2014

More than 140 Palestinians are killed, more than half of them in Shejaiya in eastern Gaza City. Heavy fighting there also kills 13 Israeli soldiers.

July 23, 2014

The UN calls for an investigation into possible Israeli "war crimes" in Gaza and also condemns Hamas rocket attacks.

July 26, 2014

A 12-hour humanitarian truce takes effect.

July 30, 2014

World outrage after a second strike on a UN school kills 16 homeless Palestinians and, during a four-hour lull, another shell hits a packed market in Shejaiya killing more than 20. Around 120 Palestinians die throughout the day.

August 1, 2014

A 72-hour truce collapses after just 90 minutes following an attack that kills two Israeli soldiers with a third believed captured, triggering a major bombardment near the southern city of Rafah. Some 36 hours later, body parts from the missing soldier are found inside a tunnel, with the army pronouncing him dead.

August 3, 2014

A third UN school is hit triggering world outrage. "This madness must stop," UN Secretary General Ban Ki-moon says.

Washington issues a rare rebuke of Israel, calls the shelling "disgraceful".

August 5, 2014

Israel withdraws all ground troops from Gaza after destroying the tunnels, as a three-day truce goes into effect, allowing indirect Egyptian-brokered truce talks to take place in Cairo.

August 8, 2014

Attempts to extend the 72-hour ceasefire fail and the fighting resumes.

August 11, 2014

A new three-day lull takes effect, followed by another five-day truce, which is extended by 24 hours in the longest period of quiet since the war began.

August 19, 2014

Militants fire rockets at southern Israel in the last hours of the 24-hour truce extension, prompting Israel to hit back with air strikes. The Israeli team is ordered to return from Cairo, breaking off truce.

An Israeli strike kills the wife and two children of Hamas military chief Mohammed Deif, who escapes the attack, the Islamist movement says.

August 21, 2014

Hamas says three senior commanders, Mohammed Abu Shamala, Raed al-Atar and Mohammed Barhum, are killed in an Israeli air strike in southern Gaza.

August 22, 2014

A 4-year-old Israeli child is killed by rocket fire, the first minor to be killed in Israel. Hamas publicly executes 18 alleged collaborators in Gaza City.

August 25, 2014

Cairo proposes a new ceasefire initiative that would open Gaza crossings to aid and reconstruction materials. The death toll in Gaza rises above 2,130, including more than 490 children, while in Israel, the toll stands at 68 people, 64 of them soldiers.

PROTECTION CONCERNS IDENTIFIED BY THE UN IN GAZA

Due to the densely populated and urbanized nature of Gaza, virtually the whole population was exposed to conflict and affected by damage to vital electricity and water infrastructure. Palestinians residing east of Salah ad-Din Road, in northern Gaza, Rafah and certain parts of Gaza City were particularly affected. Throughout the conflict there was a real fear among the population that no person or place was safe, as evidenced by attacks on hospitals, residential buildings and schools designated as shelters. Psychosocial distress levels, already high among the population of Gaza, have worsened significantly as a result of the conflict.

The lack of protection is most evident in the high level of civilian casualties. According to preliminary data collected by the Protection Cluster, since 7 July up to 28 August, at least 2,133 Palestinians have been killed. This figure includes 362 persons who could not be yet identified or their status established. Of the initially verified cases, 1,489 are believed to be civilians, including 500 children (187 girls and 313 boys), 257 women and 282 members of armed groups. Many fatalities involved multiple family members, with at least 142 Palestinian families having three or more members killed in the same incident, for a total of 739 fatalities. According to the Palestinian Ministry of Health, over 11,100 Palestinians, including 3,374 children, 2,088 women and 410 elderly were injured. Preliminary estimates indicate that up to 1,000 of the children injured will have a permanent disability and up to 1,500 orphaned children will need sustained support from the child protection and welfare sectors.

Explosive Remnants of War (ERW), from Israeli fire, are widely dispersed in and around homes and public spaces and buildings throughout Gaza. It is estimated that some 1,900 items have to be secured, including non-exploded tank shells, missiles, aircraft bombs, rockets, bullets, shrapnel, fuses, gas canisters and flechettes. These, in addition to ERW contamination from Palestinian armed groups, pose a major risk to the population, especially to children. The main priority is the clearance of ERW and risk awareness campaigns.

In addition, an increase in the prevalence of a number of existing protection concerns was identified during the assessment. These included excessive disciplinary measures by parents/teachers against children (violence against children was identified in 16 of 25 municipalities); manifestations of gender based violence (GBV); and increased stress and domestic violence among the affected population. The crisis exacerbated existing child protection issues and undermined protective factors. Children witnessed parents and family being killed and were confronted with the added distress associated with displacement– and being separated from their families – in addition to the tense and volatile situation in shelters. An estimated 373,000 children will require specialized psychosocial support.

The assessment identified the need for legal support to address some of these protection needs, including pursuing accountability for alleged violations of international law resulting in deaths and injuries, as well as destruction of property as a result of the military operation.

INTERNALLY DISPLACED PERSONS (IDPs)

States are responsible_ for protecting the fundamental human rights of their citizens. When they are unable or unwilling to do so – often for political reasons or based on discrimination – individuals may suffer such serious violations of their human rights that they have to leave their homes, their families and their communities to find sanctuary in another place.

At the height of conflict, an estimated 500,000 people – 28 per cent of the population – were internally displaced, including in UNRWA schools designated as emergency shelters (293,000), government schools (49,000), in informal shelters such as empty buildings, churches or mosques, and with host families (170,000). It is estimated that some 108,000 people will be long-term displaced as their homes have been rendered uninhabitable. As the number of IDPs in shelters was many times more than had been anticipated in contingency plans based on previous experience of hostilities, overcrowding, a lack of dignity and privacy, lack of adequate sanitation and hygiene, insufficient access to water for drinking and for domestic use, and a lack of electricity were some of the concerns raised.

Health concerns included communicable diseases, a lack of medical staff in shelters and a lack of medication and health care for chronic diseases. Shelters also provided very limited privacy for women. IDPs with host families also put a significant strain on the already depleted resources of host families and communities.

Priorities include supporting IDPs and host families in finding more durable solutions in terms of shelter, protection and access to services and livelihoods.

DIMENSIONS OF THE PROBLEM:

Health

Gaza's health system suffers from chronic shortages in medicine, medical supplies and equipment, and there have been limited training opportunities for staff. Prior to the breakup of hostilities, 27 per cent of the essential drugs and 54 per cent of the essential medical disposable items were out of stock. The energy crisis and the lack of financial support for the Ministry of Health had negatively impacted the continuity and quality of services prior to the recent emergency.

During the conflict, at least 17 out of 32 hospitals were damaged and six closed down as a result (three remain closed). Out of 97 primary health centres (PHC) monitored for damage and closures, 45 reported damage and 17 were closed. Four are completely destroyed. The reduction in the number of operational hospitals and PHCs throughout the conflict exacerbated the pressure on the still functioning facilities, especially when receiving large numbers of casualties. Consequently, patients had to be discharged prematurely or were deprived of appropriate care for their condition, with potential long-term negative consequences. The overwhelming number of injuries and limited resources resulted in an increase in the number of patients referred for treatment outside of Gaza, including cases of multiple trauma and increased risk of complications. Complicated referral procedures led to a backlog of patient referral, with 500 patients being processed and waiting as of 28 August.

Priorities are the repair and rehabilitation of damaged facilities; maintaining supplies of fuel, medicines and medical disposables; the improvement of IDP shelters to prevent communicable disease outbreaks; and improving the referral process to hospitals outside of Gaza.

Education

The new school year, scheduled to start on 24 August, has been postponed to 14 September, impairing more than half a million children's access to education. Twenty-six schools have been completely destroyed and 122 damaged during the conflict, 75 of which are UNRWA schools. At least 11 higher education facilities have also been affected. The education sector was already overstretched prior to the crisis, suffering from a shortage of almost 200 schools, with classes running in double shifts. When schools open, children will face even more acute over-crowding and under-resourcing, as a result of the collateral damage incurred. Priorities are ERW clearance and the rehabilitation of schools from damage sustained and due to their use as emergency shelters for IDPs. Furniture, textbooks and learning materials will also need to be replaced. Additionally, with hundreds of thousands of children in need of psychosocial support, teachers and educational staff (many of whom have also experienced acute trauma) will be stretched to provide the appropriate support required to ease children back into school and to provide ongoing support throughout the school year.

Food Security

Around two thirds of the population of Gaza was receiving food assistance prior to the crisis, and food insecurity or vulnerability to food insecurity affected 72 per cent of households. At least 40,000 people employed in the agriculture/fishery sector were directly affected by the crisis.

The most frequently identified concerns regarding food security and nutrition included: loss of the source of income and livelihoods due to severe damage to agricultural lands; death/loss of animals, inability to access agricultural lands, particularly in the Israeli imposed three-kilometer buffer zone, and loss of employment. This, combined with the lack of disposable income due to livelihoods losses from the prolonged blockade, has constrained the ability of most households to purchase food from the local market and re-engage in food production for subsistence and income. In several communities, dietary diversity was highlighted as an issue of concern, particularly for children and pregnant and lactating women, due to the lack of diversity in large scale food assistance programmes and the high prices of fresh food and red meat. The lack of cooking gas, fuel, and cooking utensils, as well as the limited access to water were also highlighted as constraints to households' ability to consume cooked food.

Among the priorities are food assistance to all IDPs and food insecure families; temporary employment and in-kind assistance for repair of productive assets; emergency support to revitalize the food production sector; market monitoring and enforcement of price ceilings for basic food commodities; and livelihoods support to fishermen.

Shelter

Some 13 per cent of the entire housing stock in Gaza, comprising 44,300 housing units, is affected. Approximately five per cent of the housing stock is uninhabitable: an estimated 18,000 housing units have been either destroyed or severely damaged, leaving more than 108,000 people homeless. This is in addition to the pre-crisis housing deficit of 71,000 housing units, due to people living in overcrowded or inadequate conditions. Although people in the shelters received basic non-food items (NFIs), needs remain, particularly among host families and the homeless. There were concerns about items not being distributed equally across shelters and among IDPs. Priorities are the continued provision of Non-Food Items (NFIs) to IDPs; transition and return solutions for IDPs with a protection focus; ERW clearance and rubble removal; and the entry of construction materials for repair and reconstruction.

Water

Gaza already faced a challenging situation in regards to water and wastewater prior to the escalation. The high salinity of most of the water extracted from the aquifer and distributed through the network has forced households to purchase more expensive desalinated water for drinking and cooking purposes. Additionally, the shortage of wastewater treatment capacity resulted in the daily discharge of some 90 million litres of raw and partially treated sewage in to

the sea, raising environmental and public health concerns. Services were further hampered during the war, due to the damages incurred, the increase in electricity and fuel shortages, and the inaccessibility of many installations. Approximately half a million people were directly affected by damage to water facilities, and one million were affected due to damage to the wastewater plant and wastewater pumping stations.

Between 20 and 30 per cent of water and sewage networks remain damaged, mostly in the former Israeli-imposed three-kilometer buffer zone. Some 30 to 50 per cent of water storage capacity at the household level is damaged, putting a particular strain on host families. Water, when available, is rarely adequate because of reduced network pressure from damage and power cuts. Households with no electricity and/or supplemental pumps cannot fill rooftop storage tanks even when water is available. Damage to treatment plants and energy shortages has also resulted in an increase in the discharge of raw sewage into the environment. Although solid waste is being collected in most areas, collection is less frequent than usual and the waste is gathered in temporary sites within communities, rather than dumped in designated landfills.

Priorities included repairs to essential infrastructure and increased distribution of potable and domestic water to households, municipalities and shelters.

HUMANITARIAN CHALLENGES

Movement was restricted for all actors due to security concerns, the unpredictable nature of the conflict and challenging coordination with Israeli forces. These factors significantly impeded the ability of humanitarian organizations to conduct their work, field visits, and monitoring in a safe manner. Primary security concerns included collateral damage to UN and NGOs facilities, vehicles, and aid workers, but there have also been incidents of discontent among the local population towards the international community. Though not always successful, coordination with the Israeli forces through the Coordination and Liaison Authority (CLA) in Erez occurred regularly for areas considered as high risk, and engagement with military actors was maintained for: the opening of crossings and checkpoints; access for humanitarian personnel; the evacuation of dual-nationals and foreign residents; the functioning of humanitarian pipelines and the expedited entry of critical materials into Gaza; and the provision of coordinates of civilian installations to the Israeli authorities.