The United Nations Human Rights Council (UNHRC) was created by the United Nations General Assembly in 2006 with the goal of strengthening the promotion and protection of human rights around the globe. The UNHRC replaced the United Nations Commission on Human Rights and serves as an intergovernmental body where human rights defenders, non-governmental bodies, and countries large and small can voice their concerns on human rights and the status of individual rights around the world. Comprised of 47 member states, the UNHRC adopted its “Institution-building package” to aid in the establishment of its procedures and mechanisms. Chief among them is the Advisory Committee, which provides the Council with advice on human rights issues, and the Complaint Procedure, which enables organizations to bring human rights violations to the Council’s attention.¹

I. Persecution of Journalists and Independent Media in Russia

Statement of the Issue:

Journalists and the independent media are persecuted in countless countries every year. From high-profile cases such as the murder of Jamal Khashoggi in Turkey, to the lesser-known but equally important harassment of journalists in Africa², authoritarian administrations use all means available to eliminate the spread of ideas that contradict and put the status of their own regime at risk. The United Nations should understand the serious consequences that arise from oppressive governments limiting the freedom of speech in their own countries and that these limitations of freedoms of consequences on an international scale.

A prime example of the prosecutions of journalists can be viewed when analyzing the case of Russia. Following the 76 year anniversary of Stalin deporting Crimean Tatars from their
homeland, journalists, writers, and others have been silenced when trying to raise awareness towards Russia's illegal annexation of the peninsula in 2014. During the first week of May 2020, journalist Tatiana Voltskaya faced criminal charges for an interview she conducted with an emergency room doctor that exposed the lack of medical personnel and necessary equipment in St. Petersburg hospitals. Those who questioned official statistics on how Russia has handled the pandemic have been detained and accused of fake news and distortion. This is just one example of many around the world where the independent media suffer for attempting to hold their government accountable. The international community should use their power and influence in this ongoing issue to ensure that freedom of speech and the protection of journalists is a reality for all.

History:

The suppression of independent media in Russia represents a significant challenge to human rights in the 21st century. Currently in 2020, Russia ranked at number 149 out of 180 countries in the World Press Freedom Index, largely due to the extent of control the state exercises over mass media. Offenses to freedom of the press are certainly not limited to one geographic region; other notable offenders include Turkey, Venezuela, and Ethiopia, all of which have experienced restrictions on media within the context of political and social unrest. For instance, the 2016 attempted coup against President Recep Tayyip Erdoğan provided an impetus for the heightened persecution of independent media. In December 2016, Turkey had 81 journalists behind bars, the highest number in the world at the time.

Others have paid the highest price for their profession. In the early 2000s, a number of high profile murders in Russia confirmed the death sentence that reporting on issues sensitive to the government had become. Anna Politkovskaya was a journalist who reported critically on the human rights abuses committed by the Russian military in the Chechen war. Throughout her career, she had been threatened and attacked by opponents of her work. In 2006, she was murdered in her apartment in Moscow; her murder was believed to be a contracted assassination. A series of trials and a murky investigation ultimately resulted in the sentencing of 5 men, although many aspects of the case remained unresolved. This case followed shortly after the 2004 murder of Paul Klebnikov, an American journalist who worked as chief editor of the Russian language Forbes at the time of his assassination for what is believed to be linked to his investigation into the murky business world of Russia.

Russian authorities also employ a number of more discrete tactics to censor and undermine a range of information from independent journalism to children’s literature.
Representing one significant assault on human rights is the use of excessive and unfair fines imposed upon independent media, NGOs, and human rights defenders. The fines are used to essentially drive independent organizations out of existence and business. In October 2018, the magistrate court #367 of Moscow’s Tverskoy fined The New Times 22.25 million rubles for allegedly failing to provide information on the organization’s income. Prior to being confronted with this fine, the magazine had already been struggling due to a reputation for being disloyal to the regime, which caused advertisers to abandon the magazine.

According to a report by PEN America, vague laws aimed at countering terrorism and protecting children currently contribute to an environment in which broadcasting television, publishing fiction, or creating theatrical scores is increasingly under assault. Anti-extremism legislation in Russia allows officials to suppress a wide array of speech and groups that are subjectively deemed “extremist.” Furthermore, the 2010 Law on Protection of Children from Information Harmful to Their Health and Development and subsequent amendments, which mandates the establishment of unified standards for media products intended for children, is used to stifle expression of ideological and culturally ‘subversive’ ideas. A related set of laws exist to regulate the privacy and security of internet users. For instance, a new law introduced under Putin requires internet service providers to install network equipment that is capable of identifying the source of traffic and filter content. This requirement routes the country’s web traffic and data through state-controlled points. The array of laws that exist provide legal footing for prosecuting individuals and blocking access to information. Limiting access to information is used by many authoritarian countries as a means of controlling the narrative. China’s infamous firewall blocks web traffic as it enters or exits China, in order to limit the transmission of ideas that are deemed subversive to Chinese values. The total number of people employed across government agencies, private corporations, and media outlets to monitor and censor content on the internet is estimated at 2 million in 2013. Such concerted efforts to restrict the free flow of information are clearly indicative of a larger threat to global media freedom.

Several international bodies have incorporated freedom of information into their constitutional framework. For one, the European Union’s Charter of Fundamental Rights Article 11 notably describes ‘freedom of expression and information’ as, “freedom to... impart information and ideas without interference by public authority.” Similarly, the United Nations recognizes the importance of freedom of information in a strong rule of law. Freedom of information is recognized in Resolution 59 of the UN General Assembly adopted in 1946 and in Article 19 of the Universal Declaration of Human Rights (1948).
Analysis:

An independent media and a guaranteed right of speech and expression are necessary for a nation’s progress toward democracy and overall development. The belief that freedom of expression is a basic human right is embodied in the United Nations’ Universal Declaration of Human Rights. A basic guarantee of freedom of an independent media is also important in providing the public with access to information and knowledge. Communication and engagement with the media also supports a robust civil society that should be viewed as paramount in societal cohesion and social development.

In Russia, the Kremlin has made it a top priority to assert control over its domestic media. To combat the rise of the digital age, the Russian government is finding ways to use state-controlled media to help them stay in power. This goal is achieved through selective censorship of political expression (aided by the persecution of journalists) and by using state media to influence the public. Most authoritarian regimes seek “effective media control,” where they can display their legitimacy and feature pro-government narratives, while at the same time limiting editorial criticisms of government policies.

The international community recognizes the importance of free media and has taken steps to respond to this threat on democracy and development. In 2010, the United Nations began the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The goal of this program was to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations. Inter-agency mechanisms have been established to strengthen cooperation with States to develop legislation aimed at safeguarding the freedom of expression and information.

In 2014, a review of the implementation of the UN Plan was completed and three years later, OHCHR and UNESCO brought together all of the actors involved in this issue- UN agencies, Member States, media, intergovernmental organizations, civil society, and academia- to discuss ways of strengthening this plan. A detailed report was formed that summarized the achievements, challenges, and proposals on how to move forward.

Despite attempts by the UN to promote a free and safe media worldwide, the persecution of journalists is still a very real threat today. In the last ten years, more than 1,000 journalists have been killed and in nine out of ten cases, no one was held accountable. In 2018, UNESCO reported that at least 99 journalists were killed with thousands more being harassed, attacked, or imprisoned for carrying out their work.
Conclusion:

All around the world, investigative journalists face persecution and pushback in their missions to uncover truth and inform the public. In many countries, opposition to the independent media has been deadly, resulting in the loss of life for many. While several international bodies incorporate freedom of expression and information into their framework, the international community should continue to play an instrumental role in holding all states accountable for upholding a commitment to basic protection of journalistic freedom. It is important for states in the international community to ensure a fair and conclusive investigation and trial of matters related to violence against the media. An international consensus should be reached on the universal value of independent media, which should in turn, pave the way for discussion on appropriate measures needed to ensure freedom of expression and protection from state-directed violence.

Questions:

1. How can states address legitimate security concerns while also upholding a commitment to universally-held human rights?
2. What role does social media and the increase of citizen journalism play in the state’s ability to censor information?
3. What can the international community use as leverage to dissuade states from persecuting the media?
Resources


6 “Anna Politkovskaya.” Committee to Protect Journalists, cpj.org/data/people/anna-politkovskaya/.


II. Human Rights in Palestine and the Relationship with Israel

Statement of the Issue:

Currently, the state of Palestine is recognized as a state by the General Assembly of the United Nations. However, it is not an official member of the United Nations (UN) because UN membership is contingent upon a Security Council decision. This non-member observer state status prevents Palestine from formally taking any action at the UN because they are not a full member.

As a result of the complex and protracted history of the Palestinian/Israeli conflict and the history of the internationally brokered negotiations, the state of Palestine is basically broken up between Gaza and the West Bank. The outcome of the 1993 Oslo Accords left the West Bank divided into three areas of control: A, B, and C, where the Palestinian Authority and the Israeli Defense Forces (the Israeli military) share varying levels of control. Meanwhile, Israel has imposed movement restrictions on the Gaza strip since the early 1990’s. Israel and Egypt currently control Gaza’s borders, allegedly intending on preventing Hamas, a group that militantly governs Gaza, from acquiring weapons. This unique set of arrangements makes security in the West Bank and access to Gaza problematic, resulting in a de facto humanitarian crisis.

The border restrictions have prevented a functioning economy for the nearly 2 million Palestinians who live in Gaza. In addition to being unable to engage in trade, access to educational opportunities, medical assistance, and clean water are just some of the necessities that are severely limited. The blockade imposed by Israel and Egypt makes it nearly impossible for residents to import construction materials needed to rebuild infrastructure and homes that have been decimated by years of warfare. Because of the lack of jobs in particular, it is estimated that 80 percent of Gaza’s population relies on humanitarian aid to survive. Thousands of people, including many children, risk their lives daily to smuggle goods through the tunnels that run under the border with Egypt.

Discriminatory burdens have made it nearly impossible for Palestinians to obtain building permits in East Jerusalem and in the 60 percent of the West Bank under exclusive Israeli control (Area C). As a result, Palestinians have been forced to leave their homes or see their “unauthorized” structures demolished. Furthermore, a separate and unequal system of laws is applied in occupied territories, with Israel affording Israeli settlers legal protections, rights, and benefits- including in some instances access to basic water and electricity services- that are not extended to Palestinians living in the same territory who are subjected to Israeli military law.
Palestinians are frequently subject to arbitrary detention by Israeli authorities based on unclear evidence without trial or charge. Palestinian children are also detained on ‘criminal offenses,’ while being denied the legal protections that stand for Israeli children.

Despite a security arrangement existing between the Palestinian Authority and the Government of Israel, Israeli settlements in the West Bank have been growing under Israeli Prime Minister Benjamin Netanyahu. The UN has made official statements calling upon Israel to halt the settlement expansions. However, during the early months of 2020, the Israeli Government expressed an intent to annex these settlements. These actions have been met with strong pushback. Michelle Bachelet, the UN High Commissioner for Human Rights, warned that “the shock waves of annexation will last for decades, and will be extremely damaging for Israel, as well as the Palestinians.” Bachelet urged Israel to “listen to its own former security officials and generals, as well as the multitude of voices around the world, warning it not to proceed along this dangerous path.”

History:

Israel and Palestine are both located in the Middle East, a region that has been the main source to centuries of religious conflicts dating back to Biblical times. Religious control has historically been centered around Jerusalem, a city in Israel deemed the third holiest city in the Muslim world after Mecca and Medina. It is home to both the Western Wall, the holiest site for Judaism, and the Dome of the Rock, which serves as the origin for Islam.

For over a half-century, Israel and Palestine have fought over control of land, including Gaza and the West Bank, and over the demarcation of borders between those lands. The root of this shift can be traced back to the British mandate period. From 1517 to 1918, the Turks under the Ottoman Empire controlled Palestine. Towards the end of the First World War, they were defeated by the British, marking a transition of power under a League of Nations mandate. The Arab population that already lived there saw this as an invasion of their homeland, while the Balfour Declaration of 1917 promised the same land to the Jews. Arabs and Jews would continue to live together under the common rule of the British for the next two decades.

After the Second World War, following United States President Truman’s public support for a Jewish state, the United Nations Special Commission adopted Resolution 181 which partitioned Palestine into two states: one Jewish and one Arab. Despite the Arabs rejecting this resolution, the State of Israel was officially recognized on May 14th, 1948. Immediately following its creation, Israelis were subject to attempted invasions by five Arab nations. Israeli victory in 1948 caused 700,000 Palestinians to flee their homes- a mass exodus known as ‘Nakba,’ or
In 1967, following a Syrian-Egyptian military pact and the expulsion of the UN Emergency Force from the Sinai Peninsula, a six-day war ensued where Israel was once again attacked and victorious, this time over Egyptian, Syrian, and Jordanian forces. After 1967, the primary focus of efforts to achieve peace centered around a two-state solution: whereby Palestinian territories could become an independent state after years of violence involving the Israeli occupation of the West Bank, the partial Israeli blockade of Gaza, and Palestinian violence against Israelis. In 1978, the Camp David Accord occurred in an effort to resolve the “Palestinian problem”. The plan focused on establishing a self-governing authority in the West Bank and Gaza. However, the Palestinians were not party to the agreement. The Madrid Conference in 1991 involved Jordan, Lebanon, Syria, Egypt, and Israel. The Palestinians were also represented, but as part of a joint delegation with Jordan and not by the Palestinian Liberation Organization (PLO) or other leading Palestinian figures. Peace was achieved with Israel and Jordan, but no progress was made with Palestine. The Oslo Agreements in 1993 was close to “putting an end to decades of confrontation and conflict” but Hamas and other Palestinian rejectionist groups did not accept Oslo and launched suicide bomb attacks on the Israelis.

It is important to note that the territorial dispute between Israel and Palestine is not the present subject of focus. Rather, the topic of discussion is to be centered around human rights. The information above is solely meant to provide context on one of the most complicated issues in world history.

In 1993, the same year of the failed Oslo Accords, the UN Commission on Human Rights issued a mandate to establish the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967. The Special Rapporteurs are part of the Special Procedures of the Human Rights Council (HRC), the largest body of Independent Experts in the UN Human Rights system. However, to preserve their independence, Special Rapporteurs are not official UN staff members and do not work for any government or interest group. In the context of Palestine, the task of the Special Rapporteur is to assess the human rights situation in the Occupied Palestinian Territory, report publicly on it, and work with governments, civil society, and others to foster international cooperation.

In 2009, the HRC created the United Nations Fact-Finding Mission on the Gaza conflict to investigate all violations of international human rights law and international humanitarian law...
by Israel against the Palestinian people. This mission culminated in meetings with victims, witnesses, NGOs, human rights defenders, legal and military experts, and others. Three years later, the HRC created the International Fact-Finding Mission (FMM) on Israeli settlements in the Occupied Palestinian Territory to investigate the effect of Israeli settlements on the civil, political, economic, social, and cultural rights of the Palestinian people. The FMM listened and collected information from those affected by Israeli settlements, individuals working in the occupied territory, UN agencies, and Jordanian and Palestinian authorities.

The current Special Rapporteur on the situation of human rights in Palestine is Michael Lynk. In 2019, he expressed his concern about lack of human rights accountability in the region, referencing the actions of “an occupying power seemingly bent on further territorial annexation.” After meeting with human rights organizations and UN representatives, he heard about the shrinking civic space and the difficulties faced by human rights organizations in carrying out their work in Palestine. He cited the danger in states curtailing the organizations’ ability to perform legitimate and essential work.

In January of 2020, the Trump administration unveiled its “deal of the century” in another attempt by the United States to broker peace between the two states. The deal further complicated a path to Palestinian statehood, and laid groundwork for potential Israeli annexation of occupied territories. A few months later in June of 2020, UN human rights experts called on the International Community to ensure accountability, stating that Israeli annexation of the Palestinian West Bank would break international law. The UN already asserts that the 53-year-old Israeli occupation is the source of profound human rights violations and warns these would only intensify after annexation.

Analysis:

The United Nations Committee on the Exercise of the Unalienable Rights of the Palestinian People was established in 1975 with a mandate to “advise the General Assembly on a program to enable Palestinian people to exercise their inalienable rights, including the right to self-determination without external interference, national independence and sovereignty; and to return to their homes and property from which they had been displaced.” The UN has suggested a “two-state solution,” which would recognize the right to self-determination (statehood) for both Israeli and Palestinian people. Many diplomatic efforts have been made to manifest the proposed two-state solution; however, many onlookers agree that Israel has jeopardized this prospect by continuing to build Jewish settlements on occupied Palestinian territory. It will be up to states in the International Community to hold others accountable for their
role in progress toward any iteration of a peace agreement and to uphold a commitment to safeguarding the basic human right to self-determination.

The on-going territorial dispute has far reaching consequences for the future of the Palestinians. Israel’s policy of allowing its citizens to settle in occupied Palestinian territory, thereby displacing the local population, undermines fundamental aspects of international humanitarian law. The Fourth Geneva Convention lays out specific rules governing the action of states, confirming that an “Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” International institutions including the UN Security Council and the European Union have condemned Israel’s violation of international law in this regard. Outside of the framework of the Geneva Convention, the settlement policy infringes on a host of fundamental human rights including a right to adequate housing, freedom of movement, water, and equal treatment before the law, among many others. If the International Community does not take stronger measures to oppose Israel’s institutionalized discrimination against Palestinians, the cycle of poverty that has befallen generations of Palestinians will continue unchecked.

The Ad Hoc Liaison Committee, a transnational body comprising 15 members, plays a large role in coordinating the delivery of aid to Palestinians. Such a committee is one example of international cooperation for the sake of humanitarian assistance. States, international organizations, and civil society organizations certainly have the capacity to alleviate hardship from the Palestinians. The International Community, however, has recognized that sustainable development in the Palestinian territories cannot be based solely on humanitarian assistance; ultimately Palestinians need to have access to adequate educational and economic opportunities in order to break the cycle of inequality and dependency that plagues them.

The International Community should also address the role that widespread discrimination against Palestinians throughout the Middle East plays in radicalizing certain groups to be more inclined to use violence against injustices. If the International Community continues to allow for the neglect of the rights of Palestinians, it is likely that instability will persist in the region. When mediating tensions between Israel and Palestine, the International Community should remain sensitive to opposing political sentiments, while also holding states accountable for respecting international law and upholding human rights for all peoples, as embodied in the United Nations Universal Declaration of Human Rights.
Conclusion:

The Israeli-Palestinian conflict has affected the lives of millions of people. Thousands on both sides have been killed or displaced. While this conflict does not have a clear-cut political solution and is riddled in history and religion, there are serious human rights abuses happening to Palestinians. These violations are of particular importance following the increased presence of Israeli settlements on Palestinian territories. Israeli annexation in the West Bank threatens human rights of Palestinians along with the overall push for peace. The UN Human Rights Council should continue to advocate for the human rights of the Palestinian in an attempt to enforce international law and maintain the prospect of long-lasting peace in the region.

Questions:

1. How can one isolate the current humanitarian crisis in Palestine from political and historical grievances when addressing the conflict?
2. How can the international community best hold other states accountable for upholding international law?
3. What can the international community do to facilitate the successful work of human rights organizations in the region?
Resources:


