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Protecting Human Rights At Border Crossings



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Introduction

Borders are political boundaries. They allow for a separation between governments as a government can only enforce laws within its borders. Throughout history borders changed frequently. Today some borders continue to shift and disagreements about the exact location of certain borders have resulted in dangerous tensions between countries. These tense situations can often mean the border area becomes more dangerous and border crossings become risky leading to the violation of human rights, such as the right to food and shelter. Borders also heavily impact travel and migration and that's why many affected by the conflicts in border crossings are refugees and immigrants. There are cases where countries work together in order to create a united front to prevent crime, or they have similar wealth and political systems that working together is simply easier for all parties involved. Such an example can be seen with the Schengen Agreement. This agreement was made between 27 European countries and created an open border policy between all countries participating in the agreement. The European agreement allowed for closer cooperation between countries in preventing and fighting terrorism and crime. On the other hand, there are extreme cases such as the Korean Demilitarized Zone, the border between North and South Korea. It is a 4-kilometer-wide border with barbed wire fences, land mines and armed guards protecting this border. Due to the fact the human rights violations at borders are often seen as smaller issues, they are often overlooked allowing for the violations to continue without consequence but more importantly, without change.

General Overview

Lack of adequate health care

Since the US government feels that too many immigrants in the USA will risk job opportunities for Americans there is a lot of tension at the border between Mexico and the USA. People from South America often try to go to the US in hopes for a better life with more

opportunities, but US president Donald Trump has stated he is ready to detain and deport many people, which causes detention centers to be overpopulated. It is said that there are over 400,000 people a year in detention centers. The Human Rights Watch (HRW) has looked into detainees' deaths and it is often shown that the medical staff is unqualified and understaffed. Requests for care were repeatedly refused, ignored or delayed. Many detainees died from very treatable diseases. A case was found where a woman attempted to commit suicide, and there was no help provided other than being given some medication and being put in solitary confinement where she was unsupervised. Later that day she committed suicide, simply because no one was there to help her, and she was alone.

Protecting resources

Borders are also created in order to protect the resources available in a certain geographical location. The South China Sea has been an issue that created tension between Brunei, China, Taiwan, Malaysia, the Philippines and Vietnam for quite some time now. The South China sea offers a perfect trading route for all these countries as it currently carries 3 trillion dollars in trade per year. It is also believed that there are huge oil and gas reserves lying beneath the sea.

Border Disputes

The biggest reason behind the violation of human rights at border crossings is disputes over land. There are many examples when it comes to this one, such as Israel and Palestine or Venezuela and Colombia or North and South Korea. In Israel and Palestine there is a restriction of movement between Israel and the Gaza strip although there has never been an official agreement of the border in that area. 'Israeli forces stationed on the Israeli side of the fences separating Gaza and Israel responded to demonstrations for Palestinian rights on the Gaza side with excessive lethal force. Between March 30 and November 19, security forces killed 189 Palestinian demonstrators, including 31 children and 3 medical workers, and wounded more than 5,800 with live fire.'

Colonialism

When Belgium withdrew from Central Africa in 1961 two tribes began fighting over the land, the Hutus and the Tutsis'. The Hutus then became what is now known as Rwanda while the Tutsis' became what is now known as Burundi. The colonialism in this area results in a major conflict between the two parties and the border in between the two became known as

a very dangerous place. If one were to cross the border into the other, it was common that they would be tortured and abused by the other country.

Outcomes

Many of these border tensions have led to the development of places such as detention centers around the border. In these areas the quality of life tends to be quite low, seeing kids sleeping on concrete floors and eating minimal and unhealthy food for months at a time is not uncommon. The health care in these detention centers is additionally inadequate, again violating human rights. Another possible outcome of border tensions is a demilitarized zone such as the Korea Demilitarized Zone, which is only accessible to North Korea officials and the U.N. command.

Major Parties Involved and Their Views

United States of America (USA)

The US border with Mexico is home to many detention centers with more than inadequate conditions. Despite being a very known issue the US government continues to clearly disregard the importance and severity of the human rights violations in these centres. They claim the sacrifice has to be made if it is “for the better” of their country.

Mexico

Being on the other side of the USA, Mexico doesn't directly violate human rights in this aspect, but they end up doing so indirectly by not putting stronger safety measures at the border, allowing citizens to attempt to go across the border and end up in detention centers in the US. By solving the root problems in South America, there wouldn't be this big of an issue by the border.

Frontex

The European Border and Coastguard Agency, more commonly referred to as Frontex, is an agency of the European Union. With headquarters in Warsaw, Poland they coordinate border control of the European Schengen Area which is comprised of the twenty six member states.

Israel and Palestine

Along the West Bank there are 455 physical obstructions throughout the roads along the West Bank, 47 being Israel Defense Forces checkpoints. They were initially put in place twenty years ago as a response to 'specific security threats'. Since then, an ulterior purpose has come in place with these checkpoints as they 'facilitate the safe passage of settlers on roads restricted to Palestinians'. B'Tselem, an Israeli Rights Group, called out this ulterior interest and therefore confirming that under international law these roadblocks are illegal. The Justice Ministry defended these roadblocks and said they prevented the death of many Israeli civilians.

Rwanda and Uganda

As tensions remain high between Rwanda and Uganda, in recent times Rwanda has decided to close the border between the two nations due to security and economic disagreements. In 2010 Uganda had forcefully sent over 1700 refugees back to Rwanda which the director of Human Rights Watch's Refugee Program responded to with "Mass forcible return of refugees and asylum seekers fundamentally violates Uganda's international obligations. The Ugandan government is supposed to protect people seeking asylum in Uganda, not endanger them".

Burundi and Democratic Republic of Congo (DRC)

In Burundi, human rights are constantly being violated due to politically motivated attacks. During 2018 and 2019 there were many isolated armed attacks at borders between Burundi and DRC. At least 26 people were killed in an attack in May of 2018 which was believed to be carried out by rebels based in DRC.

UN involvement, Relevant Resolutions, Treaties and Events

The UN has written the 'Recommended Principles and Guidelines at International Borders' in 2014. (appendix I). The Security Councils Counter Terrorism Committee executive Directorate (CTED) have also written a fact sheet about border crossings with information as well as possible root causes. (appendix II)

Evaluation of Previous Attempts to Resolve the Issue

Although it is a well written document (appendix I) with good and realistic ideas, it didn't work out so well as it was written in 2014, and yet there are still many violations of human rights at international borders and not much is being done about it. As the document was a guideline rather than a plan with actionable solutions, some nations haven't taken it as seriously as they should. Possible solutions should entail more actions rather than ideas and suggestions because then it gives more defined things that nations can do to combat this issue. Although the fact sheet has limited concrete solutions, it gives insight to the root causes which can be very beneficial when writing future resolutions.

Possible Solutions

It is important to consider that the following suggested solutions are the larger main ideas. They serve as guidelines most likely needing to be adjusted based on the situation in a certain area.

More funding for immigration judges. Allowing for more funding for immigration judges will speed up the process of cases and will ensure that people don't have to spend months in detention centers that violate people's rights every day.

More funding for medical staff. As there are many people dying in these detention centers due to unqualified medical staff, allowing for more funding ensures that all medical staff are qualified and capable of helping the people as everyone has the right to adequate care, even when being detained.

More funding for basic needs at detention centers. Oftentimes detention centers are overcrowded and do not provide basic necessities for people. In many cases women don't even receive feminine hygiene products. There are also not many opportunities for others to donate and help out as governments do not want to encourage people ending up in these detention centers, and although the main goal is to prevent people from having to end up there anyways, something should be done to help those that are stuck there.

Passing legislation to ban the separation of families. It has been proven that the separation of families at borders causes trauma to the younger kids. Separating the families directly



causes harm to the kids. The UN rights of the child has been in place to stop this from happening but some countries like the US have yet to implement this.

If a family has already been separated, then they deserve compensation, whether it be for the care of the child or the family. Finding ways to ensure that the compensation is well spent and fairly distributed is also essential, whether that be by forming an organization within the judicial system of a country or an NGO.

Cease all plans such as the Remain in Mexico plan. This plan presented by US congress violates asylum provision and the Immigration and Nationality Act as well as the US treaty obligations to protect refugees. Many asylum seekers have been returned to Mexico. This plan was initiated to increase 'efficiency' but instead created disorder and has caused people to cross the border even more unsafe ways. This plan has also put people back into dangerous situations in Mexico instead of helping them.

Initiate border protection programs. This allows for safer interaction at the border as there is some structure. Finding a way to ensure that these programs don't become corrupted by the government is a key step for these programs to work.

Implement more Demilitarized Zones (like in North and South Korea). Although not the ideal solution as tension is still present and the funding for that could be used towards something more productive. But if countries are incapable of creating that peace between themselves, having the intervention of the UN has proven to work.

Clarifying the difference from protecting human rights and legal obligations. Rescue at sea is a prime example. They serve to protect human rights, more specifically the right to life and freedom from bodily harm of those affected. Under the law Rescue at sea helped shipwrecked persons however, the important question of where to bring these people for a place of safety also must be taken into account.

There can be multiple reasons as to why many boats come across distress at sea and are not rescued on time. This could be because the boats are poorly equipped and are not suitable for such a large number of people or such long travel distances. The migration routes have also become even more risky as there are more and more controls and checkpoints. Finding a way to maintain check points while ensuring that migration routes are as safe as possible is very crucial to maintaining human rights at borders.

In the long run, one of the best solutions would be solving the conflicts in the countries that people are fleeing. The reason there are so many people at the borders and in detention centers in the first place is because people are fleeing their countries of origin for a better life.



Appendix or Appendices

I

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https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf.

II

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