

## Advocacy Report

### Meeting attended:

UN Human Rights Council Advisory Committee, 19<sup>th</sup> session (August 7-11, 2017)

### Attended by Selena Cobian, GWI Intern

### Subject of meeting:

Throughout its session, the Advisory Committee addressed two main issues: vulture funds and their impact on human rights (Human Rights Council resolution 34/3), and the non-repatriation of illicit funds (Human Rights Council Resolution 34/11). By the request of the Human Rights Council (HRC), the Advisory Committee also discussed other relevant issues that prevent certain individuals from exercising their human rights at full capacity.

### Refers to SDG no #:

This meeting referenced all SDGs and made a particular note to “leave no one behind” in all of its work.

### Relevant treaties/conventions/resolutions:

The meeting targeted several Human Rights Council resolutions, including: 29/12; 29/5; 32/115; 33/7; 34/3; 34/8; 34/11; 35/21; and 35/32.

### Session Highlights

A prevalent topic during the Committee’s session was the issue of unaccompanied migrant children and adolescents. As migrants and minors, they are particularly vulnerable because they are more exposed to serious breaches of their fundamental rights. Since they are at an age where they should be attending school, they miss out on educational opportunities and fall behind other kids their age.

The Committee also discussed the non-repatriation of illicit funds. Illicit financial flows (IFFs) affect human rights because foreign debts and other international financial obligations of States are barriers for the full enjoyment of all human rights, particularly economic, social and cultural rights. According to the French NGO CCFD-Terre Solidaire, there are an estimated €800 billion worth of IFFs per annum, with most of that money being driven by crime, corruption, and tax abuse.

Then, the Committee discussed the issue of vulture funds and their negative impact on the enjoyment of human rights in debtor States. Previously, the HRC called upon States to consider implementing legal frameworks to curtail predatory vulture fund activities in their jurisdiction. The Committee was asked to further research vulture funds for the HRC to address in their upcoming 39<sup>th</sup> session, but the Council’s drafting group asked to extend the time to submit its final report until the 40<sup>th</sup> session, giving them more time to create a better informed work on the matter.

### Special Rapporteur Report

#### General Comments:

- Since Human Rights Council resolution 6/30 asks for the Advisory Committee to regularly and systematically integrate a gender perspective into the implementation of its mandate, the

Committee has improved the manner in which they discuss the intersection of multiple forms of discrimination against women and girls.

- Overall, drafting groups within the Advisory Committee elaborated significantly on the issues they were meant to discuss, but most asked for an extension on submitting their final report to the HRC. By extending the time to submit their reports, they hope to research more and provide a more knowledgeable and extensive piece on the matter.

### Challenges

- In some States around the world, little has been done to enforce the right to freedom of opinion and expression of children. Children, especially migrant children, should have the right to be heard, without his or her parent(s) or legal guardians being present, to make sure the child can speak freely.
- The non-repatriation of looted assets to the countries of origin contributes to the violation of human rights (including social and economic rights), especially in developing countries. Six years after the Arab Spring, the looted States (Tunisia, Egypt, Libya and Yemen) have only received 1 billion of the 165 USD billion stolen by their former dictators.
- Banks from around the world do not have the same rules or do not have any supervision to deal with IFFs. There must be a universal rule for IFFs and how to repatriate those funds to the country of origin.
- Regional and subregional human rights groups face the challenge of not having sufficient funds or staff. They are trying to do more with less, but are unable to fulfill all of their desired goals. The Inter-American Commission and the Court suffer from lack of funds because only very few members of the Organization of American States (OAS) contribute voluntary funds.

### Progress

- In Greece, new policy and legislative measures allow access to education for 80,000 refugee and migrant children. New schools and child-friendly facilities have been created, with educational facilities providing education to youth in their mother-tongue.
- Since the UN does not have an expressly defined term for “illicit financial flows (IFFs),” the Committee created one. This will aid in the discussion of illicit funds and set an international legal framework for how to deal with illicit funds.

### International cooperation

- To diminish the prevalence of IFFs, transparency and exchange of information between intelligence services from different countries must increase. The Egmont group, comprised of 152 Financial Intelligence Units, is an example of a global platform where experts share information to combat anti-money laundering and counter-terrorism. This type of global group could be formed to combat IFFs.
- Regional and subregional human rights mechanisms have been established in Europe, the Americas, Africa, the Arab states, and Asia for the preservation of human rights within those regions. These human rights institutions should cooperate by addressing region-wide thematic issues, including but not limited to, women’s rights, children’s rights, the rights of migrants, and the rights of the disabled. States should use the SDGs to guide the creation of treaties to tackle these issues.

### Education

- Migrant children are especially vulnerable to setbacks in education. Because of poor access to education in their native countries, they are not at a sufficient level of education for their age to integrate properly into new schools. This increases their chances of dropping out and living in poverty. In some cases, in the country they immigrated to, they are treated as criminals instead of children and are further deprived of education.

- Collaborative approaches at the fifth session of the African Commission on Human and Peoples' Rights determined that state parties should incorporate the teaching of human rights into their educational curricula. It is important to not just teach about human rights, but to practice human rights in educational facilities as well. States must incorporate SDG 4 (ensure inclusive and equitable quality education and promote lifelong learning opportunities for all) to ensure that children have equal access to education.

#### Health

- In Italy, migrant children are given initial health screenings to identify any physical and/or psychosocial problems that they may need support for. This is a good practice that other countries with high rates of migrant children should adopt.

#### **Educational Take Away for GWI:**

- GWI agrees with the Advisory Committees recommendation to States of origin for migrant children: they must reinforce their legislative, administrative, budgetary and political efforts to give full priority to fulfilling the rights of their children. If they improve the situations for children, then there will be less reason for children to escape their home countries. If education is prioritized for these children, they will see less reason for themselves to drop out of school and begin working at a young age.
- The repatriation of IFFs is important because this is government money that could be used for education or other important government-funded projects. Typically, developing countries are the ones deprived of their funds and the countries that are most vulnerable to human rights violations.
- Non-governmental organizations and other civil society members play a vital role in pushing governments to step up their human rights protection efforts by pressuring them to ratify international human rights treaties. NGOs also provide monitoring and reporting services for enforcement authorities of regional regimes. GWI encourages their NFAs to pressure their governments to uphold human rights treaties and provide equal access education for all.