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INTRODUCTION TO THE CHAIRS

Director: Estelle Briot
Hello delegates! I’m Estelle, a 4th year student at the French Ecole Polytechnique, currently pursuing an additional MA in Conflict, Security and Development at King’s College, London. I started Model UN in 2015, first as a delegate, then as President of my university’s MUN association.

I really enjoy working with high-school students because of the refreshing perspective you can bring on the topics at hand! I am looking forward to chairing UNHRC together with Karina, and I expect fruitful and mind-blowing sessions. See you all at the conference!

Assistant Director: Karina Valieva
Dear Delegates, my name is Karina, I am a 2nd Year Student at King’s College University of London currently studying BA History and International Relations. I am mostly interested in Human Rights and War Law which formed my dream of becoming Human Rights Lawyer in the future. My first MUN Conference was LIMUN in 2016 and since then I have attended around 10 conferences as a Delegate. It will be the first time for me as a Chair and I am excited to try a new role!

As Estelle mentioned, we look forward to meeting all of you and I hope that you will enjoy the conference!
INTRODUCTION TO THE COMMITTEE

The United Nations Human Rights Council (UNHRC) represents and protects the Human Rights of all persons in the world. The Council was founded in 2006 and have 47 seats, where the members are elected every three years.¹

The Council is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international laws and treaties.² UNHRC is guided in its work by the UN Resolutions, Declarations and Treaties.

The mandate includes: preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights.³

UNHRC works closely with the Office of the High Commissioner for Human Rights and acts as the principal Human Rights Official in the United Nations.⁴

The Council promotes the right to development, coordinate United Nations human rights education and public information activities.⁵ Its main priority is to strengthen Human Rights across the United Nations system and in the world. UNHRC works with determination to ensure the enforcement of universally recognized Human Rights norms, including through promoting both the universal ratification and implementation of the major human rights treaties and respect for the rule of law.

² "Who We Are Mandate." OHCHR | Mandate, UN OHCHR, accessed via: http://www.ohchr.org/EN/AboutUs/Pages/Mandate.aspx. (last accessed: 22.08.2017)
³ Ibid.
⁵ Ibid.
**TOPIC: PROTECTION OF HUMAN RIGHTS IN WAR AND CONFLICT ZONES**

**INTRODUCTION**

Armed conflict has long been associated with human rights violations. It is often during armed conflicts and in war zones that human rights are infringed upon the most. In certain circumstances, some of these violations may even constitute genocide, war crimes, or crimes against humanity. International society, however, has always been trying to protect those who are affected by conflicts and preserve humanity. The United Nations alongside with governments and international organisations implemented a legal framework aiming to protect the Human Rights when they are particularly vulnerable. Conversely, implemented measures have been challenged and in certain circumstances were seen to be ineffective. States often undermine the obligations that have been placed upon them by international treaties. The United Nation bodies face difficulties while attempting to protect the Human Rights of those who were affected by the war. The topic is quite complex and during the debates the delegates will have a number of themes for discussion.
**IMPORTANT TERMS**

**Human Rights**\(^6\) are the rights that are entitled to all persons regardless of their race, gender, religion, language or any other status. Human Rights are usually guaranteed by law.

According to the Geneva Convention of 1949\(^7\), International humanitarian law distinguishes two types of **Armed Conflicts**, namely:
- international armed conflicts, opposing two or more States;
- non-international armed conflicts, between governmental forces and nongovernmental armed groups, or between such groups only.

Every person, regardless of race, gender and other factors is entitled to **Human Rights**, **International Human Rights Law** is a set of norms that aim to safeguard and preserve the Human Rights of all persons. The human rights can be guaranteed via treaties, law and other principles. Mostly the international human rights are outlined in the Human Rights Charter and can be applied even to those states that have not previously entered treaties that solidify the principles of human rights law. Some rights have a special status and can not be broken under any circumstances and they prevail over international obligations. The prohibition of torture, slavery, genocide, racial discrimination and crimes against humanity, the rights of self-determination are some of those rights. They are reflected in the International Law Commission’s draft articles and are applicable to all states.

**Humanitarian Law** is known to be a set of principles which aim to limit the damaging effects of armed conflicts, restrict the means of warfare and protect persons who are not part of the conflict or no longer participate in it. Humanitarian law is rooted in treaties and customary international law. The rules of humanitarian laws are outlined in protocols and conventions. For instance, the Geneva Convention.

Two bodies of laws - international human rights law and humanitarian - are complimentary and the states are required to preserve and follow the principles outlined in both bodies of law. **The sources** of two bodies of law can be found in treaties that have been reinforced by International Law and bodies such as the UN.

**The violation** of laws is considered as a criminal offence and the prosecution can be issued by the International Criminal Court or other bodies of international law. States who violate

\(^6\) For more information, see the following website: http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx

\(^7\) Available at: https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm
the principles of international human rights law and humanitarian law in the conflict zones can be prosecuted and restrained by other states. I.e. The United States and the European Union issued economic and diplomatic sanctions against Russian Federation condemning Russian actions in Syria. The behaviour of the states and the status of International Human Rights Law during the conflicts are regulated by the International Court of Justice. Furthermore, the implementation and preservation of Human Rights during the conflict are monitored by some UN Committees including Human Rights Council.

(Taken from: http://www.europewatchdog.info/en/council-of-europe/core-values/)
DISCUSSION

Syria

Recently the Syrian conflict has been characterized by a significant reduction of human rights and humanitarian law. According to the UN Office for the Coordination of Humanitarian Affairs around 2 million people lived in besieged areas and were denied humanitarian aid.8 Thousands of civilians have been subjected to torture, ill-treatment, kidnapping and execution. It is estimated that non-state armed groups opposing the government use child soldiers, block humanitarian aid and violate the human rights.9 The Joint Investigative Mechanism between the Organisations for the Prohibition of Chemical Weapons (OPCW) and the UN in their reports stated that the government used chemical weapons during their attack in Idlib in March 2015.10 The ISIS was also accused of using sulphur mustard gas in their attacks. In October 2015 Russia Federation lost its seat at the Human Rights Council and several human rights organisations accused Russia of their involvement in war crimes.11 Human Rights Watch accused the Russian-Syrian coalition of targeting civilians and use internationally banned cluster munitions.12 In 2016 the UN alleged that the Syrian government created obstacles for the supply of the Humanitarian Aid to be delivered to the civilians.13 While the UN and the International Community work with determination to protect the human rights of civilians, the human rights violations still occur. The conflict resulted in displacement and death of thousands of persons. Some Syrian citizens seek refuge and support abroad but often they face challenges during their journeys. Thus, at the present moment Syrian Conflict is considered one of the most dangerous and requires immediate resolution.


8 Ibid

9 Ibid.

10 Ibid.

Ukraine

The political upheaval of 2014 saw then President Yanukoyvch flee Ukraine, the annexation of the Crimea by Russia and a war in Ukraine’s East between the Ukrainian government and pro-Russian forces. In 2015 the leaders of Russian Federation, Germany, Republic of Belarus and Ukraine signed the agreement in Minsk aiming to alleviate the hostilities in the Donbass region of Ukraine. Conversely, the effect of this agreement was limited.\textsuperscript{14} The UN Human Rights Monitoring Mission estimated that there were more than 9,700 conflict-related deaths, of which around 2,000 were civilians.\textsuperscript{15} There were around 22,500 conflict-related injuries since the beginning of the conflict in 2014.\textsuperscript{16} The UN Subcommittee on Prevention of Torture (SPT) suspended its visit to Ukraine on 25 May after the Security Service of Ukraine (SBU) denied it access to some of its facilities in eastern Ukraine where secret prisoners were reportedly held as well as tortured and otherwise ill-treated.\textsuperscript{17} Various human rights organisations, alongside with the UN reported the violation of Human Rights in Ukraine including ill-treatment, rape, enforced disappearances and detentions.\textsuperscript{18} UNESCO reported the violation of the freedom of expression and safety of journalists and urged for actions.\textsuperscript{19} In the light of increasing numbers of attacks on journalists, UNESCO hosted the conference were the Ukrainian authorities and international specialists discussed how to improve the safety of journalists who are working in the conflict zones.\textsuperscript{20} The fighting has also led to widespread damage and destruction of schools, nurseries, hospitals. As a result of the destruction of vital educational infrastructure, children were forced to interrupt their studies and many of them were left without medical assistance.\textsuperscript{21}

\begin{enumerate}
  \item \textsuperscript{16} Ibid.
  \item \textsuperscript{18} Ibid.
  \item \textsuperscript{20} Ibid.
\end{enumerate}
Yemen

For now, the United Nations envoy’s attempts at bringing the different sides to the table have failed. The UN estimates more than 10,000 civilians have been killed and 3 million displaced from their homes since 2015. In addition, UNICEF\textsuperscript{22} states that more than 2 million Yemeni children suffer from acute malnutrition. What is unfolding there is a huge humanitarian disaster that every member state should feel the need to address urgently.

The humanitarian crisis in Yemen is now the largest in the world, with more than 18 million people in need of assistance and 7 million already at risk of famine. These figures come on top of 50,000 casualties due to armed conflict\textsuperscript{23}. The disaster created by the protracted civil war will weaken state institutions and the Yemeni population for many years to come. Among other horrors unfolding in the country is a large-scale cholera outbreak that must represent a public health priority, giving a new sense of urgency to an already acute situation.

Yet, even if Yemenis receive aid from the international community, the armed conflict cannot be solved with aid alone: it requires a political solution. That is why it is now crucial that countries which are fuelling the conflict by supplying arms to the parties cease doing so as soon as possible. NGOs among which Human Rights Watch and Amnesty International reported that the Saudi-led coalition launched attacks into populated civilian areas\textsuperscript{24} near the Saudi-Yemeni border. In a series of investigations undertaken between 2015 and 2017, a UN panel of experts concluded that the coalition had breached international law and intentionally targeted civilians and residential areas.

\textsuperscript{22} See the most recent UNICEF reports at : https://www.unicef.org/yemen/resources_11732.html
\textsuperscript{23} See more specific figures on Human Rights Watch website : https://www.hrw.org/world-report/2017/country-chapters/yemen
Who is responsible for safeguarding International Human Rights during conflicts?

➢ **The State.** Under the treaties and conventions, the States are held responsible for the implementation of the International Human Rights Law and Humanitarian Law, States are obligated to provide the training in humanitarian law to their armies in order to prevent potential abuse.

➢ **The United Nations:** The committees of the UN are responsible for monitoring the violations of Human Rights and implement strategies to prevent them with punishing the wrongdoers.

➢ **The UN Peacekeepers** is provided by the member-states of the UN is responsible for safeguarding the Human Rights of the civilians.

➢ **Non-Governmental Organisations** such as Human Rights Watch or Amnesty International are expected to record and highlight violations of human rights and sometimes use their resources to prevent them.

➢ In some conflicts other actors might intervene
MEASURES TAKEN BY THE UN AND THE INTERNATIONAL COMMUNITY

There are three main areas of modern international law that are aimed at dealing with protection of victims of war: human rights law, refugee law and humanitarian law. International human rights law and international humanitarian law share the goal of preserving the dignity and humanity of all. Over the years, the General Assembly, the Commission on Human Rights and the Human Rights Council have agreed that, in situations of armed conflict, parties to the conflict have legally binding obligations concerning the rights of persons affected by the conflict. These rights, which are inherent in all human beings, are interdependent and indivisible.

The international community has thus adopted a comprehensive legislative and normative framework so as to deal with violations of human rights in armed conflicts and war zones. International humanitarian law seeks to limit the effects of armed conflict and protects persons who are not (or no longer) participating in the hostilities, and restricts the means of warfare. It has to be applied equally by all sides of every armed conflict.

In particular, Protocol I to the 1949 Geneva Conventions (1977) relates to international armed conflicts. Broadly speaking, international armed conflicts involve different nation-states whereas national conflicts involve only governments and rebel forces operating within the borders of one country; yet, as this distinction is not always applicable, the
international community has since recognized that some “internal” conflicts should be considered as international armed conflicts, thus being included under abovementioned Protocol I.

Another pillar of this framework is the Rome Statute of the International Criminal Court (entered into force in 2002) which is the treaty that established the ICC and four core international crimes: genocide, crimes against humanity, war crimes and the crime of aggression. Under the Rome Statute, the ICC can prosecute such crimes in situations where states cannot or do not want to do so themselves. If the crime is committed in a state which is not party to the Statute, the ICC has to receive an authorization from the UNSC before proceeding to any investigation. There are also a number of Security Council Resolutions on the protection of civilians during times of conflict.

**Points a Resolution Must Address**

Delegates from this committee will be asked to elaborate a draft resolution specifically focusing on the protection of human rights in times of armed conflict and political turmoil. We would like you to do some research in order to identify the key challenges and vulnerabilities arising in war zones, particularly in relation to preventing human rights violations from happening in the critical conditions brought about by conflict (collapse of political institutions, break up of public order, conditions of displacement, widespread disregard for human dignity...).

- How can the UNHRC better fight human rights abuses?
- Which actors (national or international) should this committee work with in order to be more efficient?
- What is to be done in current war zones where the situation is extremely urgent? (short-term aspect)
- What long-term solutions can the UNHRC consider?
- Why have previous efforts failed?

This list is provided so as to facilitate discussions in the committee and individual research. Delegates are of course strongly encouraged to go beyond those questions!
BIBLIOGRAPHY AND FURTHER READING


Protecting civilians in conflict: Human rights and humanitarian law

Non-paper on Protecting Human Rights in armed Conflict, *UNICEF engagement with the protection of civilians agenda*: