

## **United Nations Human Rights Committee (UNHRC)**

### **Introduction to the Council**

*The United Nations Human Rights Council is a United Nations body whose mission is to promote and protect human rights around the world. The UNHRC investigates allegations of breaches of human rights in UN member states and addresses important thematic human rights issues.*

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## **TOPIC A: ADDRESSING POLICE BRUTALITY AND IMPUNITY**

### **Introduction to The Topic**

“We loathe mass incarceration. We loathe police brutality. But most of us have absolutely no idea how to address the critical flaws in our justice system.” – Shaun King

Police brutality can be defined as the use of unnecessary, or excessive force by police officers when handling civilians. For example, the use of pepper spray, batons or nerve guns. In some cases, this form of aggression can lead to major injuries and even death.

### **History of The Issue**

Police brutality is described as the unwarranted or excessive and often illegal use of force against civilians by police officers. Forms of police brutality have ranged from assault and battery (e.g., beatings) to mayhem, torture, and murder. Some broader definitions of police brutality also encompass harassment (including false arrest), intimidation, and verbal abuse, among other forms of mistreatment. All these being human rights violations committed by the police, these actions may also include racial abuse or the indiscriminate use of riot control agents at protests.

Across the world, individuals in lower socioeconomic levels and the socially marginalized have been perpetrated against with the use of police brutality. Police brutality was permitted against citizens who challenged big industries and was used to oppress labor strikes. Police brutality was also a common occurrence during the Civil Rights Era when activists would be sprayed down with water hoses and attacked by police dogs. In the

developing world, where issues like the drug trade and gang violence are common, the police would often use any means at their disposal to eradicate these problems, sometimes at the expense of innocent lives. In such countries, the governments tend to turn a blind eye to police brutality as the public is generally supportive of these actions, seeing that crime rates are driven down. Today, these problems remain prevalent, and in need of a solution.

### **Why Police Brutality is an Issue**

Generally speaking, the police is seen as an institution that maintains public order and keeps crime rates low. In other words, the police are supposed to protect law-abiding citizens by maintaining the Rule of Law. However, incidents of police brutality cast some doubt on this idea. Simply put, if the police are supposed to protect the public, then why do so many people find their human rights violated by the police? To add to this, the police are an institution with vast powers granted by governments to enforce the law. The police may detain people, investigate crimes, and use a wide range of methods to both conduct these activities and solve crimes in general. It is because of this that police brutality is such an important issue. These acts of brutality are being conducted by an institution that is supported by governments, and are granted investigative powers that, if abused, can endanger the public, doing the opposite of what the police are expected to be doing. Because of this potential for danger, the prevalence of police brutality proves to us that the dangers exist, and so it needs to be addressed before the factors causing them lead to more serious issues. In the context of race, the danger that some minorities already find themselves in could be exacerbated.

With all this in mind, police brutality is a complex issue with various factors that require some understanding to effectively combat. Understanding the relationship between the police, the state, and the public, and even between groups of people (race, class etc.) is key to getting the full picture. As such, this research report will try to give you a brief understanding of the various causes of the issue, some of the solutions that have been proposed, and some historical context within which the causes and solutions can be analysed. As always, this research report is only the tip of the iceberg, and independent reading will be required to develop your own perspectives and a broader understanding of the issue.

## **Key Terms**

1. **Racism**- prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalized.
2. **Institutional racism (systemic racism)**- a form of racism that is embedded as normal practice within society or an organization.
3. **Police**- a constituted body of persons empowered by a state, with the aim to enforce the law, to ensure the safety, health and possessions of citizens, and to prevent crime and civil disorder.
4. **Brutality**- savage physical violence; great cruelty
5. **Impunity**- exemption from punishment or freedom from the injurious consequences of an action

## **Causes**

1. Systemic racism
  - a. Systemic racism, also known as institutionalised racism, is a form of racism that is embedded as normal practice within society or an organization. This form of racism fuels police brutality, especially when racial bias and prejudice, typically towards minority groups, is present in the police force.
  - b. A 2019 study has found that “about 1 in every 1,000 black men can expect to be killed by police” when “the average lifetime odds of being killed by police are about 1 in 2,000 for men” and that “Black women and men and American Indian and Alaska Native women and men are significantly more likely than white women and men to be killed by police. Latino men are also more likely to be killed by police than are white men.”. These examples and findings give us an idea of what could be causing police brutality, and that race could be one of the key motivators.
2. Police Militarisation

- a. Police militarisation refers to the use of military equipment and tactics by law enforcement officers. Militarisation may manifest in two forms: equipment-wise and tactics-wise.
  - b. Equipment-wise, militarisation manifests via the transfer of military-grade equipment to local law enforcement. For instance, in the United States, the 1033 programme created in 1997 has allowed the Department of Defense to get rid of excess equipment by passing it off to local authorities. A 2017 study by the University of Tampa suggested that officers with military hardware and mindsets tend to resort to violence more quickly and often, drawing a link between this transfer of equipment and police brutality.
  - c. Tactics-wise, militarisation manifests itself more clearly in cases of riot control. In the 2001 Quebec City Protests, riot police fired tear gas canisters, water cannons and rubber bullets towards the crowd, dispensing groups of both violent and peaceful protestors, as well as teams of medics providing first aid to other protestors. This was also widely observed during nationwide protests in the United States surrounding the murder of George Floyd. Rubber bullets were intentionally fired at protestors' heads or groins, causing injuries.
3. Entrenched Impunity
- a. Impunity refers to the exemption from punishment for the injurious consequences of an action. In the case of the police, governments often provide the police this impunity, allowing some officers to engage in illegal conduct but face no consequences for their action, essentially facing no accountability. In the United States, a legal doctrine called "qualified immunity" provides this impunity.
  - b. In many developing countries, this impunity is often derived from public support, government support. This is most often observed where the drug trade, gang violence and terrorism are a major cause of crime. For example, in the Philippines and Thailand, the public often applauds the police's use of force in the drug war. This backing from the public means that many cases of unlawful killings by the police often go unnoticed, and are assumed to be part of the police's anti-drug operations. This allows the police to escape accountability.
  - c. This is also observed in countries with authoritarian governments, where the police are used to suppress dissent. In these cases, the government is sometimes involved in promoting police brutality as a means to maintain public

order, using rhetoric to justify and excuse the police of their actions, and in others, the government may commit to protecting and assisting the police in cover-ups, essentially ensuring that the police would not be held accountable for their actions.

### **Proposed Solutions**

1. Abolishing the death penalty
  - a. Capital punishment, also known as the death penalty, is state-sanctioned homicide as punishment for a crime. It is carried out by execution such as hanging, electric chair or lethal injection. However, it has been proven to be applied arbitrarily and inconsistently. Furthermore, wrongly convicted, innocent people have received death penalty sentences, and tragically, were killed by the state.
2. Defunding the police
  - a. Defunding the police means taking out money out of police budgets to fund other necessities such as education and public healthcare. Defunding them could reduce violence against people of color and overall crime. Currently, the police deal with calls about mental illness, homelessness, domestic disputes, barking dogs, neighbors playing loud music, and various non-criminal activities, on top of actual violations of the law. Thus, defunding the police also allows experts such as mental health professionals and social workers to step in.

### **Important Countries**

1. Sudan
2. Myanmar
3. Brazil
4. Iran
5. Venezuela
6. Nicaragua
7. Afghanistan
8. Nigeria
9. United States
10. Philippines

## **Past UN Actions**

The UNHRC passed a resolution titled 'Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent against Excessive Use of Force and Other Human Rights Violations by Law Enforcement Officials' in 2020. Actions include:

- a. Establishing an independent international commission of inquiry, to establish the facts and circumstances relating to the systemic racism, alleged violations of international human rights law and abuses against Africans and people of African descent in the United States of America and other parts of the world recently affected by law enforcement agencies, especially those incidents that resulted in the deaths of Africans and of people of African descent, with a view to bringing perpetrators to justice
- b. Calls for this commission to examine federal, state and local government responses to peaceful protests, including the alleged use of excessive force against protesters, bystanders and journalists.

## **Questions to Consider**

1. What role should the police play in modern society?
2. Is police militarisation necessarily a problem and how should it be addressed?
3. How should the UNHRC address the issue of bias present in police forces and how it could incite violence?
4. How should the UNHRC tackle entrenched impunity and approach the issue of police accountability?
5. What are the effects of taking actions such as defunding the police, and possibly abolishing the police force?

## **Links to Further Research**

1. [Oral update by the High Commissioner for Human Rights on implementation of A/HRC/RES/43/1: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers](#)
2. [A/HRC/43/L.50](#)
3. [Former Cop Has A Lot To Say On Police Brutality & Racism](#)

4. [Police | Definition, History, Organizations, & Facts](#)
5. [police brutality in the United States | Definition, History, Causes, & Examples](#)
6. [Can police kill with impunity? The 'qualified immunity' doctrine](#)
7. [What Are Police Like in Other Countries?](#)
8. [At least 23 children in Iran killed by security forces in November protests](#)
9. [Defund or abolish? US debate about police reform continues](#)
10. [What the data say about police brutality and racial bias — and which reforms might work](#)

### **Bibliography**

1. [17 Solutions To Tackle Police Brutality In America](#)
2. [These Countries Reformed Their Brutal, Biased Police. The U.S. Can, Too.](#)
3. [The Pentagon's Hand-Me-Downs Helped Militarize Police. Here's How](#)
4. [Philippines drugs war: UN report criticises 'permission to kill'](#)

## **TOPIC B: PROTECTING THE RIGHTS OF INDIVIDUALS WITH DISABILITIES**

### **History of The Issue**

The history of ableism can date all the way back to 500BCE, with the legal requirement of abandonment of "deformed and sickly" infants. In Rome, children with disabilities were treated as objects of scorn. Children who were blind, deaf, or mentally retarded were publicly persecuted and reported to have been thrown in the Tiber river by their parents. Some children born with disabilities were mutilated to increase their value as beggars.

As an aside to this history, discrimination against disabled persons occurs almost universally throughout all modern states in the world. This type of discrimination is often reflected in individual, societal, and institutional attitudes and norms that are shaped by beliefs and preconceived notions of what constitutes normal ability. Thus it is important to note that there is no homogeneous understanding or definition of what a 'disabled person' might be (LGBTQ persons, for instance, are still held in some regard as being 'disabled' in this country, with consequences reaching from the inability to navigate employment markets to forceful 'treatment' in religious conversion camps against their will) - though measures and efforts to consolidate this knowledge through medicalisation have borne some form of fruition. Regardless of this progress, those affected by physical, mental, or emotional impairments will find themselves to be in a minority that is treated differently from their normal counterparts.

### **Key Terms**

1. Disability- any condition which makes it more difficult for a person to do certain activities or interact with the world around them
2. Rights- legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people according to some legal system, social convention, or ethical theory.



## **Causes**

### **1. Ableism**

- a. Ableism can be defined as discrimination and social prejudice against people with disabilities and/or people who are perceived to be disabled. Ableism can be seen with the and inaccessibility and unwelcoming environment in schools and the workplace. It can be seen in the inherently negative view on disability in the sports sector. Inaccurate portrayals and underrepresentation of people with disabilities (95% of the time, disabled characters are played by actors and actresses who are not disabled) are also a form of ableism.

### **2. Over-medicalisation**

- a. Over-zealous effort to medicalise all forms and symptoms related to disabilities can be construed as an extension to our understanding of ableism, yet it is far more apropos to consider it as a standalone issue given the scale of harm exclusively perpetuated by it. Unwanted labeling, altered expectations, and discrimination from the context of eugenics serve to construct additional barriers for disabled persons to participate in a community. The idea that disabled people must be made to 'fit in society' rather than have society be responsible to make their communities more accessible to disabled peoples is an exclusionary philosophy that underlies most medical solutions. While the identification and provision of additional healthcare is almost a universally positive development, it is important to note that ableism can still manifest itself through this. Rising costs of treatment for disabilities, increased complexity in navigating healthcare markets and greater structural barriers for disabled persons to seek the healthcare that they need are all variants of the above.
- b. Since this is a philosophical debate rather than a substantive one, it is unlikely that the UN will address it in any capacity in the near future but it is still an important piece of context and nuance that must be kept in mind whilst we are debating the topic.

3. The lack of will for states to fulfill their legal obligations towards disabled citizens
  - a. This is a simple issue with incredibly complicated repercussions. While prior UN actions such as the Convention on the Rights of Persons with Disabilities might be legally binding, the degree of how legal repercussions are acted upon states that breach the convention are dependent on how the states themselves submit their reports to the UN Committee (the Committee on the Rights of Persons with Disabilities) responsible for the monitoring of the convention.
  - b. Additionally, the UN's power to enforce legal obligations onto states are if anything, lacking in coercive power and substance. Enforcement of obligations are usually mediated through a third party that is specifically related to UN Resolutions (such as the Convention mentioned above) rather than the imposition of sanctions that may instill a degree of resolve in states to fulfill their legal responsibilities.
  - c. Questions of UN enforcement and the instilling of legal obligations onto member states come into conflict with one of the key pillars of the establishment of the United Nations - the right of states to the freedom of self-determination and independence.

## **Problems**

1. Psychological and social challenges
  - a. A few of the many social challenges individuals with disability face are disproportionate societal exclusion, violence, unemployment. Psychologically, various factors result in effects such as lower self esteem, difficulty with relationships, chronic stress, insomnia, higher levels of depression, and suicidal thoughts.
2. Challenges in educational and vocational training
  - a. Children with disabilities often require specialized educational resources and teaching practices largely unavailable, especially in developing countries. This acts as a barrier in allowing them to pursue their dreams, with the help of formal training and tutelage.

### 3. Lack of accessibility

- a. Assistive devices are able to make life easier for people with disabilities. Usage of hearing aids, walking canes, wheelchairs and crèches are very helpful for active and full participation of individuals with disabilities in all aspects of their life. However, a lack of access to these facilities complicates their experiences and instead, leads to more suffering.

### 4. Increased sensitivity to crises and emergencies - especially important during the COVID-19 Pandemic

- a. As mentioned above, people with disabilities are not a homogenous group, each disabled person has different capacities and needs. The very nature of the very individual needs of disabled peoples means that in times crisis, they are at heightened risk of discrimination, neglect, exploitation and violence. This is substantiated by the fact that the already numerous barriers to accessing humanitarian assistance are greatly multiplied during trying times. Crises act to increase the difficulties that disabled peoples face and an issue of access to vital services becomes a pertinent question for the council to address.

## **Solutions**

### 1. Education on neurodiversity

- a. Including helpful definitions of neurodiversity and its core concepts, as well as a brief history of the movement in the school syllabus plays its part in raising a more impartial community and helps protect the rights of people with disabilities.

### 2. Public awareness on ableism

- a. Holding seminars and campaigns to rally for the rights of people with disabilities is the first step towards understanding and challenging ableism. Public awareness is of utmost importance, safe environments for people with disabilities are created when people in cities work together to eliminate bigotry.

### 3. Accessibility

- a. Creating accessibility for those with disabilities needs to be enforced. This basically just means intentionally designing the world to include everyone,

regardless of disability. It helps ensure that people with disabilities are able to perform everyday duties to the best of their abilities.

### **Important Countries**

1. Ghana
2. United states
3. Canada
4. Germany
5. Japan
6. Korea

### **Past UN Actions**

The keystone act of the UN with regards to the topic is unequivocally the *Convention on the Rights of Persons with Disabilities*. The Convention is the first human rights convention of the 21st century and the first legally binding instrument with comprehensive protection of the rights of persons with disabilities. While the Convention does not establish new human rights, it does set out with much greater clarity the obligations on States to promote, protect and ensure the rights of persons with disabilities. Thus, the Convention not only clarifies that States should not discriminate against persons with disabilities, it also sets out the many steps that States must take to create an enabling environment so that persons with disabilities can enjoy real equality in society.

Additionally, in June of 2019, the United Nations introduced The *United Nations Disability Inclusion Strategy*, with the intent of providing the foundation for sustainable and transformative progress on disability inclusion through all pillars of the work of the United Nations: peace and security, human rights, and development.

### **Questions to Consider**

1. In what ways do we contribute to ableism in our day to day life?
2. What are the effects of the Covid-19 pandemic on individuals with disabilities?

### **Links to Further Research**

1. [UN Disability Inclusion Strategy](#)
2. [Civil protests in the Middle East sparked a movement among disabled Arab women like me](#)
3. [An interactive version of The Convention on the Rights of Persons with Disabilities](#)

4. [A journal article detailing the systemic implications of over-medicalisation towards disabled persons](#)
5. [A document illustrating the greater challenges faced by disabled peoples during forced displacement, the principles outlined in this document may be applied to other emergencies as well](#)

## **Bibliography**

1. [Psychosocial Challenges of Women with Disabilities in Some Selected Districts of Geddo Zone, Southern Ethiopia](#)
2. [Ableism: The Causes and Consequences of Disability Prejudice](#)
3. <https://www.bing.com/search?q=history+of+ableism&FORM=AWRE>
4. [The Committee on the Rights of Persons with Disabilities](#)
5. [The United Nation Department of Economics and Social Affairs: Disability](#)
6. [Disabilities among refugees and conflict-affected populations](#)