



CHETTINAD VIDYASHRAM MODEL UNITED NATIONS-
2020

UNITED NATIONS HUMAN RIGHTS COUNCIL

BACKGROUND GUIDE

LETTER FROM THE EXECUTIVE BOARD

Greetings delegates! Welcome to UNHRC. As an organisation committed to promoting, preserving, and strengthening human rights, the UNHRC has played a key role since its establishment in 2006 to actively bring to light the appalling and horrendous state of human rights around the world. A committee under the UNGA, it has strategically played a crucial role in changing the dynamics of human rights in the international community. The world that we live in currently is a world pervaded and marked by inequity where the state of human rights, especially after the pandemic, is one that is inexplicably rueful and dismantled.

The UNHRC is a committee known to explore sensitive and timely issues systematically yet unconventionally. This paradoxical approach is the primary reason why one might be so fascinated to be a delegate in a committee of this regard. For this edition of CVMUN, the UNHRC will be deliberating on the agenda:

“Discussing the right to life with a special emphasis on the East African Humanitarian Crisis.”

This Background Guide, as the name suggests, will merely act as an ingress to your research, and will therefore not act as the latter's substitute. While this document has been carefully curated by the executive board members to make sure all the information mentioned is factually accurate, we don't hold this guide to the standard of a verified document containing the objective truth. It is therefore imperative for me to state

that the contents of this guide cannot be cited as a valid source of proof.

Delegates are expected to acquaint themselves with the UNA-USA rules of procedure as this format will be followed throughout the conference. However, a short briefing session on the rules and format will be held on the day of the conference to ensure that all the delegates are well adept with the rules and to avoid any hindrances. The delegates are also expected to be well researched and prepared on the topic. The executive board highly appreciates innovation, and also holds high regard for those delegates who are solution-oriented.

For further queries, please feel free to contact one of us on any of our social media handles. Looking forward to a productive conference with you all!

Regards,

Arya Tiwari- Guest Chairperson

Arunachalam Rahraman- Chairperson

Tejas Kannan- Chairperson

Mustafa M Topiwala- Moderator

UNITED NATION HUMAN RIGHTS COUNCIL

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

MANDATE OF THE UNHRC

- (a) Promote human rights education and learning as well as advisory services, technical assistance, and capacity-building, to be provided in consultation with and with the consent of Member States concerned;
- (b) Serve as a forum for dialogue on thematic issues on all human rights;
- (c) Make recommendations to the General Assembly for the further development of international law in the field of human rights;
- (d) Promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits;

- (e) Undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session;
- (f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;
- (g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;
- (h) Work in close cooperation in the field of human rights with Governments, regional organisations, national human rights institutions, and civil society;
- (i) Make recommendations with regard to the promotion and protection of human rights; (j) submit an annual report to the General Assembly;

RIGHT TO LIFE

The right to life is enshrined in Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Civil and Political Rights, and several other international legal instruments. The right to life is undoubtedly the most fundamental of all rights. All other rights add quality to the life in question and depend on the pre-existence of life itself for their operation. As human rights can only attach to living beings, one might expect the right to life itself to be in some sense primary, since none of the other rights would have any value or utility without it. This means that nobody, including the Government, can try to end an individual's life. It also means the Government should take appropriate measures to safeguard life by making laws to protect one and, in some circumstances, by taking steps to protect one if one's life is at risk. Violations of this right may include law enforcement killings, abortion, euthanasia, capital punishment, police brutality, justifiable homicide, etc. If there is any core area of agreement about protecting human life, it is our disapproval of intentional killing, particularly of conscious persons capable of independent existence. But even this norm admits of exceptions. But there exists a controversial thought. It is sometimes right, or at least permissible to kill another when necessary to save the lives of a greater number of persons. Others claim that it is permissible to kill whenever the victim consents to euthanasia. On the other hand, Anglo-American law rejects both of these possible

exceptions. But one exception that all Western legal systems recognize, is killing in self-defence.

The right to life in International Human Rights Law constitutes both a negative and a positive obligation, for the state towards the individuals. Besides the prohibition to arbitrarily deprive a person of his life, the right to life also refers to the obligation of a state to safeguard the lives of persons under its jurisdiction and in that context to investigate the killing of a person. For the killing of a person by state authorities to not violate the guarantee, there are very strict requirements as to the necessity and proportionality. The boundaries for the killing of a person to be legitimate are much wider in the law of armed conflict. In fact, speaking about a right to life in situations of armed conflict might sound like a contradiction in terms:- Armed conflict is generally characterized by the occurrence of violent and often fatal acts of force, and the right to life is certainly hard to maintain in absolute terms. Nonetheless, in order to examine the right to life in both IHL and IHRL, it makes sense to describe rules such as rules pertaining to combatancy and the containment of war, protection of civilians, and prohibition of human shields.

The right to life is an imperative norm, a peremptory right, that is, *jus cogens*. Precisely, the "right to life" is a norm of customary international law or a general principle of international law that transcends particular positions, as this right is codified in specific international conventions. As a result of this interpretation of existing customary law, countries are "not necessarily limited by the provisions of particular conventions or declarations, but must have recourse to the totality of the evidence

and the practice available within the international community. Simultaneously, the "right to living" mandates that a minimum quality of life be maintained.

Governments have a legal duty to provide minimum subsistence levels. Obviously, the problem of setting such levels must, necessarily, be determined in each case; yet the significant consideration is that governments are required "to pursue policies which are designed to ensure access to the means of survival for every individual within its country."

Related subject matter areas, such as the right to peace, the right to survival, and the right to a safe environment are applicable.

TREATISES AND CLAUSES REGARDING RIGHT TO LIFE IN INTERNATIONAL LAW AND VARIOUS CONVENTIONS

- Article 3 of the Universal Declaration on Human Rights - Everyone has the right to life, liberty, and security of person.
- Article 6 of the International Covenant on Civil and Political Rights
- Article 4 of the African Charter on Human and Peoples' Rights (Banjul Charter) - Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.
- Article 5 of the African Charter on the Rights and Welfare of the Child – Every child has the right to live.
- Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- Articles 5 and 6 of the Arab Charter on Human Rights
- Article 4 of the American Convention: Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
- Article 2 of the European Convention on Human Rights - Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of

a court following his conviction of a crime for which this penalty is provided by law.

- Article 6 of the Convention on the Rights of the Child
- Article 9 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - The right to life of migrant workers and members of their families shall be protected by law.

EAST AFRICAN HUMANITARIAN CRISIS

Eastern Africa comprises Kenya, Uganda, Tanzania, Djibouti, Eritrea, Ethiopia, and Somalia. It is part of Sub-Saharan Africa and is marked by its rapidly and alarmingly developing humanitarian crisis.

If one were to easily explain the state of governance in East Africa, it is one percolated with tension and conflict. Filled with politically radical and extremist groups trying to overthrow both democratic and fascist regimes, the situation has risked the lives of millions and millions of people.

As of today, most organisations state that the number of deaths as a result of conflict remains inconclusive as most deaths are widely undocumented. Some estimates state that nearly more than 2 million have died as a result of this conflict and as the concept of identity politics continues to grow in countries like Ethiopia the rights of minorities, primarily their right to life, is majorly at stake. It is appalling to note that along with civil war, the people of East Africa also have to deal with a major food and water crisis with nearly 1 million people dying as a result of famine and drought. Several nations refuse to comply with international standards of human rights and very rarely comply with the UN. For example, HRW reports infamously state that the information pertaining to human rights violations in Eritrea are primarily from individuals who have fled the nation due to the country's strong non-compliance policy to let the United Nations Special Rapporteur into the nation

through tactics like denying their application for a visa. Autocratic regimes like these make it extremely hard to protect the right to life of individuals. Stakeholders most affected in Eastern Africa range from religious and cultural minorities to women and children to migrants to the LGBTQAI+ community and even the elderly. No one remains safe unless they are part of oppressive regimes or a part of oppressive forces.

In Kenya, the government has been widely known to unlawfully and arbitrarily detain and kill individuals who are “suspected of criminal and perverse activity”. Most of these acts carried by the state are alongside numerous other incidents that cause grave danger to an individual’s life including sexual violence, physical violence, and even torture.

The issues pertaining to the right to life include but are not limited to the following:

1. Civil war
2. State orchestrated genocide
3. Unlawful and arbitrary detention
4. Extremist activity
5. State neglecting to react to famine and drought
6. Lack of legislation/ effective implementation of legislation
7. Unsafe abortions
8. Female Genital Mutilation
9. Racial tensions
10. Large scale availability of weaponry

CASE STUDY:

ETHIOPIA:

Right to life in the Ethiopian constitution is outlined in Article 15 The Right to Life. Every human being has the right to life. No one shall be deprived of his life except because of his conviction in accordance with the law for a serious crime committed by him. Everyone shall have the right to security of person.

In 2015, there were mass protests, largely peaceful, in the country. Ethiopian authorities responded to legitimate and largely peaceful expressions of dissent with excessive and unnecessary force. As a result, thousands of protesters, human rights activists, and defenders were killed; Journalists and other protesters were arrested and jailed. This change of events led to another nation-wide state of emergency wherein all fundamental and basic rights were suspended.

This allowed any and all government officials to take full charge and have unchecked powers. There were many instances of shooting at un-cooperating citizens which further endangered the right to life in the nation. Moreover, any and all agreed clauses in the international bill had been suspended and so were non-derogable rights in the nation.

SOMALIA:

Right to life in the Somalian constitution is guaranteed under article 16 which states:

1. Every person shall have the right to life and to personal integrity.
2. Arbitrary limits to such rights may not be established.
3. The law may prescribe the death penalty only for the most serious crimes against human life or the personality of the State.

The state of Somalian human rights is under crisis. Fighting, insecurity, and lack of state protection, and recurring humanitarian crises had a devastating impact on Somali civilians in 2018. These effects continue to ripple through Somali lives. This happens in the form of Al-shabab. The United Nations Assistance Mission in Somalia (UNSOM) reported 982 civilian casualties by October, over half from Al-Shabab attacks.

Not only do attacks by Al-shabab still exist, but security forces have also unlawfully killed and wounded civilians during infighting over land, control of roadblocks, and disarmament operations, particularly in Mogadishu and Lower Shabelle. Dozens of government and security officials and former electoral delegates have been assassinated; Al-Shabab claimed responsibility for some of the killings. Intelligence agencies at the federal level,

in Puntland and Jubaland, have arbitrarily arrested and detained many individuals for prolonged periods without charge or access to legal counsel or family members.

In such cases, the right to life continues to be under crisis in the countries of Ethiopia and Somalia.

UN AID TO EAST AFRICA

Conflict, rapid population growth, limited government response capacity, and a variety of natural hazards—including cyclical drought, environmental degradation, and floods—have compounded humanitarian needs over the last decade in the East and Central Africa (ECA) region. Between FY 2010 and FY 2019, USAID's Office of Food for Peace (USAID/FFP) and Office of U.S. Foreign Disaster Assistance (USAID/OFDA) provided assistance in response to a diverse range of humanitarian events, including complex emergencies in CAR, the DRC, Ethiopia, Kenya, RoC, Somalia, South Sudan, and Sudan; drought and food insecurity in the Horn of Africa; disease outbreaks and flooding in multiple countries; and displacement crises across the region. Between FY 2010 and FY 2019, USAID provided more than \$15.1 billion to respond to disasters in the ECA region.

USAID/FFP emergency support included nearly \$11.3 billion for food and nutrition assistance through U.S. in-kind food aid; local, regional, and international food procurement; cash transfers for food; food vouchers; specialized nutrition products; and related activities, such as asset-building assistance, livelihood support, and early-recovery agricultural assistance. USAID/OFDA assistance included nearly \$3.9 billion for programs in agriculture and food security; economic recovery and market systems; health; humanitarian coordination and information management; logistics support and relief commodities; nutrition; protection; shelter and settlements; and water, sanitation, and hygiene (WASH).

The African Union Mission in Somalia (AMISOM) is an active, regional peacekeeping mission operated by the African Union with the approval of the United Nations Security Council. It is mandated to support transitional governmental structures, implement a national security plan, train the Somali security forces, and to assist in creating a secure environment for the delivery of humanitarian aid.

The Africa operations illustrate how U.N. peacekeeping has significantly evolved since the first mission was established in the Middle East in 1948.³ U.N. peacekeeping once involved implementing cease-fire or peace agreements (as is the case for MINURSO, the oldest of the current Africa operations).

CONCLUSION:

In conclusion, the right to life as a whole, especially in the East African region is under threat. Ranging from Ethiopia to Somalia, the situation is still not under control. Existing clauses in international treaties seem to not affect the military atmosphere of East Africa and UN aid hasn't improved the situation yet