



HUMAN RIGHTS COUNCIL

DELEGATE STUDY GUIDE

INTRODUCTION

The United Nations Human Rights Council (UNHRC) is a United Nations body whose mission is to promote and protect human rights around the world. The UNHRC has 47 members elected for staggered three-year terms on a regional group basis. The 38th session of the UNHRC began June 18, 2018. It will end on July 7, 2018. The headquarters of UNHRC is in Geneva, Switzerland.

The UNHRC investigates allegations of breaches of human rights in UN member states, and addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

The UNHRC was established by the UN General Assembly on March 15, 2006 (by resolution A/RES/60/251) to replace the UN Commission on Human Rights (UNCHR, herein CHR) that had been strongly criticized for allowing countries with poor human rights records to be members.[5] UN Secretaries General Kofi Annan and Ban Ki-moon, former president of the council Doru Costea, the European Union, Canada, and the United States have accused the UNHRC of focusing disproportionately on the Israeli–Palestinian conflict, and many allege an anti-Israel bias- the Council has resolved more resolutions condemning Israel than the rest of the world combined. The UNHRC works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the UN's special procedures.

THE TOPIC

What is Transitional Justice?

To understand the concept of Transitional Justice, one must understand the key moments in the lifespan of a political entity, which are as follows;

1. Foundational Time (the initial starting stages of a nation)
2. Sustainable Time (A period where there is no conflicts or terror with the rule of law and human rights still applicable)
3. Period of Conflict (Due to war/dictatorship or other reasons)
4. Time of Reconstructure and Reconciliation (The period when Transitional Justice is applicable)

Development of the principles of transitional justice took place in the 1980's with the transition of Argentina and other South American countries:

However Transitional Justice should not be inherently mistaken for the sole purpose of

criminal justice. Criminal prosecution is a part of the concept of transitional justice, but is not the entire scope of it.

The Aims of Transitional Justice

- **Creating accountable and efficient institutions of government and re-establishing confidence in them**
- **Access to proper justice and prosecution and necessary conviction of any criminal parties.**
- **Establishment of reliable, comprehensive rule of law.**
- **Advancing the cause of reconciliation**

The Main Transitional Measures

- **Truth telling: The recognition of any and all human rights violations of the past including the gravest ones (usually done by the truth commissions)**
- **Acknowledgement: The recognition of responsibility by all parts of the government of their misdeeds and atrocities**
- **Reparations: The material or symbolic compensation provided for an individual or collective group.**
- **Criminal Justice: Prosecution of criminal groups and other perpetrators.**

The basis needed to achieve a political transition.

There are 5 factors that are needed to be considered before a transition can occur.

1. Type of Crisis

That is if the crisis is religious, ethical enmities, political tension etc.

2. Type and Entity of the Atrocities

Who and what crimes were committed.

3. The Countries Political Culture

The countries political background and general governance practice.

4. The time passed since the worst atrocities were committed.

5. The type of Political Transition

Types of Political Transitions

1. Complete military victory

- 2. Military humiliation of a military dictator**
- 3. Electoral defeat of a dictator**
- 4. The end of superpower support**
- 5. End of Apartheid**
- 6. Reform of a political system to accustom to human rights without the integration of the principles of democracy**
- 7. Peaceful/Armed revolution ends dictatorial rule but without past democratic tradition.**

Most transitions, transition over from a dictatorial type of rule to a democracy but it is always not the core.

There are 2 main considerations when transitioning to a democracy.

- 1. Specific measures that are to be applied sequentially in the near future.**
- 2. That which is unchangeable within that particular time frame of a nation but with the possibility of change later on.**