

## **MelbMUN 2018 UNHRC BRIEFING PAPER**

Dear Delegates,

We are delighted to welcome you to the 2018 Melbourne University Model United Nations Conference and its United Nations Human Rights Council (UNHRC).

The considered topics for discussion in UNHRC are:

1. The protections of individuals currently seeking refuge from the Rohingya crisis in Myanmar.
2. Addressing the issue of childhood malnourishment in Yemen and in West African countries.
3. Ensuring the ethical treatment of prisoners in developing nations.

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 was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms. The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

We hope you find this Briefing Paper useful as its purpose is to introduce you to the topic for this committee; however, it is not meant to replace your own further research. We would highly recommend you take some time to research your Member State's position in full detail and use the information given here to then further develop your preparation on the topic and prepare to discuss solutions with your fellow delegates. Prior to the commencement of the Conference, each delegate will submit a position paper based on this preparation. If you have questions regarding your preparation for this committee or the Conference, you are very welcome to contact us through the UNHRC Facebook group. We wish all of you the very best during your preparation and are looking forward to seeing you all at Conference!

Sincerely,

Ayushi Panjwani and Faraz Haider

## **Topic 1: The protections of individuals currently seeking refuge from the Rohingya crisis in Myanmar.**

### **Introduction**

The Rohingya crisis has been of pressing concern for the UNHRC. The result being an international fact-finding mission established by the UN Human Rights Council in which it dispatched a team to Bangladesh. A Human Rights Council resolution in March 2017 called on the international fact-finding mission to establish the facts and circumstances of alleged human rights violations and abuses in Myanmar, particularly in Rakhine State.

It pointed towards human rights violations of the most serious kind, such as killings of civilians, torture, rape and other forms of sexual violence, and the burning and destruction of entire villages. Myanmar authorities say the military operation is a response to attacks by Rohingya militants on 30 police posts. The operation has driven a large proportion of the original Rohingya population across the border into Bangladesh joining the tens of thousands already there from earlier rounds of violence.

The Advisory Commission on Rakhine, led by former UN Secretary-General Kofi Annan, noted in a report issued in August 2017 that successive Myanmar governments have since 1962 progressively stripped the Rohingya population of their political and civil rights, including citizenship rights, rendering many of them stateless. While the Rohingya have inhabited Myanmar's western coastal state of Rakhine for generations, the predominantly Muslim minority is not recognised officially as one of the country's 135 ethnic groups. Over the last several decades, ongoing violence and persecution have driven hundreds of thousands of Rohingya to neighbouring countries.

Most Rohingya have sought refuge in Bangladesh, among other nearby states like Thailand, Indonesia and Malaysia, which has limited resources and land to host refugees. The World Health Organization projects the birth of sixty thousand babies in Bangladesh's crowded camps in 2018. Meanwhile, the risk of disease outbreak in camps is high, with health organizations warning of possible outbreaks of measles, tetanus, diphtheria, and acute jaundice syndrome. Moreover, more than 60 percent of the available water supply in refugee camps is contaminated, increasing the risk of spread of communicable and water-borne diseases.

Vulnerable refugees have turned to smugglers, paying for transport out of Bangladesh and

Myanmar and risking exploitation, including sexual enslavement.

### **Brief History of Myanmar and the Rohingya people**



Myanmar, also known as Burma, has a population of 53 million and its major religion is Buddhism. It was long considered a pariah state while under the rule of an oppressive military junta from 1962 to 2011. A gradual liberalisation began in 2010, leading to free elections in 2015 and the installation of a government led by veteran opposition leader Aung San Suu Kyi the following year. But an army operation against alleged terrorists in Rakhine State since August 2017 has driven more than half a million Muslim Rohingyas to flee to neighbouring Bangladesh, in what the United Nations called a "textbook example of ethnic cleansing". This has damaged the new government's international reputation and highlighted the continuing grip of the military in Myanmar.

More than 1 million Rohingya are estimated to live in the country, mostly in the northern part of Rakhine state along the border with Bangladesh and India, and almost as many live outside of it. Four years ago, religious and ethnic tensions between the Rohingya Muslims and the Rakhine Buddhists (who make up the majority of the population in Myanmar) escalated into widespread, deadly rioting. Hundreds of thousands were forced to flee.

Since then, ongoing violent attacks have forced even more people to leave their homes. Hundreds of thousands of Rohingya people are now living in limbo as refugees across Southeast Asia. The Myanmar Government says that Rohingya people are not Burmese citizens.

### **Who are the Rohingya?**

The Rohingya are an ethnic Muslim minority who practice a Sufi-inflected variation of Sunni Islam. There are an estimated 3.5 million Rohingya dispersed worldwide. Before August 2017, the majority of the estimated one million Rohingya in Myanmar resided in Rakhine State, where they accounted for nearly a third of the population. They differ from Myanmar's dominant Buddhist groups ethnically, linguistically, and religiously.

The Rohingya trace their origins in the region to the fifteenth century, when thousands of Muslims came to the former Arakan Kingdom. Many others arrived during the nineteenth and early twentieth centuries, when Rakhine was governed by colonial rule as part of British India. Since independence in 1948, successive governments in Burma, renamed Myanmar in 1989, have refuted the Rohingya's historical claims and denied the group recognition as one of the country's 135 ethnic groups. The Rohingya are largely considered illegal immigrants from Bangladesh, even though many trace their roots in Myanmar back centuries.

### **Questions A Resolution Must Address (QARMA):**

1. Should regionally relevant member states commit to increased international intervention/collaboration based on human right conditions in Myanmar.
2. Can member states do this by using or building on existing UN framework?
3. If so, how would that be structured, and its implementation and adherence ensured?
4. Are there alternative actions that should be taken by the international community?
5. Should the Rohingya have political representation within the international community and the relevant local communities? If so, how could this be implemented?

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## **Topic 2: Addressing the issue of childhood malnourishment in Yemen and West African Countries**

### **Introduction**

The Human Rights Council has called on all States and other relevant organizations to bring a human rights perspective into their activities to reduce and prevent hunger. In addition, it is imperative to consider and discuss the necessity of looking at the issue in terms of results that can be durable in the long-run. The UNHRC Convention on the Rights of the Child provides a starting point in terms of UN literature on the topic; particularly article 24 of the convention. In its resolution 7/14, the Council requested its Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards. At its 16th session, in its resolution 16/27, the Human Rights Council requested the Advisory Committee to undertake a comprehensive study on the relationship between severe malnutrition and childhood diseases. It also requested OHCHR to collect the views and comments of all Member States, all relevant UN special agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and all other relevant stakeholders on the preliminary study, so that the Advisory Committee could take them into account in the preparation of the study. The Advisory Committee examined a preliminary study at its 7th session, and at its 8th session endorsed a comprehensive study, including the human rights principles and guidelines annexed thereto, and decided to submit it to the Council at its 19th session. At its 19th session, in its resolution 19/7, the Human Rights Council took note of the study A/HRC/19/73. In the same resolution the Council also encouraged States to implement the human rights principles and guidelines to improve the protection of children at risk or affected by malnutrition.

## Yemen



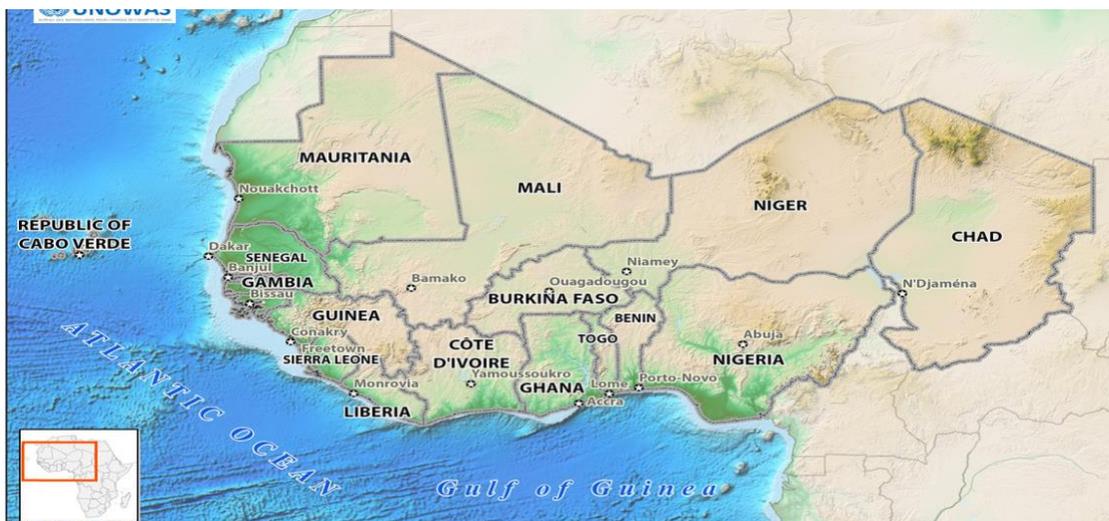
Yemen lies at the crossroads of Africa, the Middle East and Asia, with a population of 27.5 million. Although it has ancient roots the state of Yemen is relatively new, having been established in 1990 following the merge of traditional North Yemen and communist South Yemen. Following the unification of the north and the south, military officer Ali Abdullah Saleh assumed leadership over the nation as President, a role he would hold for over two decades.

Despite the formation of the Republic of Yemen, strong tensions remained as the politics of both the north and south had long been marked by attempted assassinations, infighting and military coups. Tensions peaked in 1994 with disputes over political power leading to a short civil war. Since then, conflicts have continued to re-emerge with government military forces and rebels clashing in the north in 2009 and protests inspired by the Arab Spring uprisings in 2011. Additionally, militant groups such as Al-Qaeda and Islamic State have formed bases in Yemen only adding to the instability of the nation.

The conflict in Yemen has caused the country's health system to crumble, leaving children vulnerable to food insecurity and disease. Yemen has witnessed the collapse of its health system because of this. Almost half of Yemen's population is food insecure and many have fled their homes to areas with no functioning health facilities. Nearly 2.2 million Yemeni children are acutely malnourished, and an estimated 462,000 children suffer from severe acute malnutrition – almost a three-fold rise over 2014 levels. If not treated on time, these children are 11 times more at risk of dying than healthy children. Even if they survive, they risk not fulfilling their developmental potentials, posing a serious threat to an entire generation, and keeping the

country mired in the vicious cycle of poverty and underdevelopment. Even before the outbreak of conflict in March 2015, Yemen faced challenges from widespread poverty, food insecurity and lack of health services. But now, more than 22 million people – and nearly all children – are in desperate need of humanitarian assistance. The country’s infrastructure has been destroyed and its health services crippled. The country’s water and sanitation infrastructure has also been ravaged, posing serious health risks. Restrictions on the importation of fuel have disrupted the delivery of water to millions of people in one of the most water-scarce countries on Earth. Fuel shortages have also curtailed access to health care, as hospitals are unable to power the generators they need to function. On 6 October 2016, health authorities in Yemen confirmed a cholera outbreak, posing a major health risk to the population. Suspected cholera and acute watery diarrhoea have affected over 1 million people, with children under 5 years old accounting for a quarter of all cases. On top of this, a diphtheria outbreak in early 2018 has now reached over 1,200 cases.

## West Africa



In a letter to the UN Secretary-General dated of 28 January, the Security Council requested the Office of the Special Envoy for the Sahel (OSES) and the United Nations Office for West Africa (UNOWA) to merge into a single entity, UNOWAS: the United Nations Office for West Africa and the Sahel. UNOWAS assists regional institutions and member states to enhance their capacities to promote good governance and respect for the rule of law, human rights and the mainstreaming of gender in conflict prevention.

Africa is a continent where poverty and malnutrition are on the rise. Between 1990 and 2014, the number of stunted children increased by 14 percent in East and southern Africa, and 41 percent in West and Central Africa. Of the 34 countries in the world with the most children suffering from malnutrition, 22 are in Africa. In addition, African governments are losing up to 16.5 percent of their gross domestic products annually as a result of poor nutrition. Without due and effective action, by 2030 a majority of the continent's projected 200 million children under the age of five are estimated to be malnourished.

### **Questions A Resolution Must Address (QARMA):**

1. How can mechanisms to ensure the improvement of nourishment be established on regional, national and international scales?
2. Can this be accomplished by existing UN framework?
3. Are there alternative actions (more or less severe) that should be taken by the international community?
4. Does the overall situation call for direct intervention (humanitarian); consider issues regarding access?
5. What immediate role should regional and international states play

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## **Topic 3: Ensuring the ethical treatment of prisoners in developing nations.**

### **Introduction**

There are roughly 10.1 million people formally imprisoned worldwide, according to the latest estimates by the International Centre for Prison Studies' World Prison Brief. The majority of the world's prison systems do not function at the level of the United Nations Minimum Rules for the treatment of Prisoners, and human rights abuses of these prisoners are frequent and devastating. Issues such as overcrowding, mistreatment, and inadequate legal processes can harm a prisoners mental and physical health.

### **Current Global Conditions**

#### **Prison Overcrowding**

Overcrowding is a central problem in prison management around the globe. In Ukraine, for instance, overcrowded conditions in at least one detention facility compelled detainees to sleep in shifts in 2012. In Eritrea, severe overcrowding in regular prisons resulted in people being held in irregular facilities, including unventilated shipping containers or crowded basements without ventilation or sanitation. And in Sri Lanka, it is estimated that the prison system routinely houses approximately three times its capacity.

The acute and widespread challenges posed by overcrowded prisons around the world often lead to other serious problems. Overcrowded prisons are more likely to be unsanitary, violent, difficult to control, and difficult to administer. In South Sudan, despite efforts by the prison service, limited resources and judicial capacity led to harsh, overcrowded, and life-threatening prison and detention centre conditions that resulted in illness and death. Lack of water reportedly led to riots in Juba Prison in August 2012, and many detention centres in rural areas consisted of uncovered spaces where detainees were chained to a wall, fence, or tree, often unsheltered from the sun.

#### **Mistreatment of Prisoners**

The deliberate physical, psychological, and sexual mistreatment of inmates by prison officials is also a persistent and pervasive issue of concern. In many cases, these abuses occur in police stations, on military bases, or in pretrial detention facilities.

Political prisoners and prisoners of conscience are particularly vulnerable to deliberate mistreatment. In Iran, trials often feature coerced confessions that are used to secure convictions against prisoners of conscience. In Iraq in 2012, a number of Vice President Tariq al-Hashemi's bodyguards were arrested and allegedly tortured by security officials to obtain forced confessions against the vice president.

In addition, abusive authorities often intimidate or degrade prisoners as a technique to exert control over or punish political prisoners. In North Korea, political detainees are routinely subjected to systematic physical and psychological mistreatment. According to numerous defector accounts and NGO reports, prisoners experience severe beatings, electric shock, public nakedness, confinement in small immobile cells, and the coercion of mothers to watch infanticide of their newborns. In Syria, activists cited hundreds of credible cases of security forces allegedly abusing and torturing prisoners and detainees during 2012. Human Rights Watch reported the government held tens of thousands of protesters and activists on whom it inflicted beatings, electric shocks, and other abuse.

### **Inadequate Legal Process**

Prisoners are often denied the minimum legal protections and legal process guarantees in the three phases of their detention or imprisonment: in the pre-trial phase; at trial; and in the post-conviction stage while they serve their sentences.

A significant number of countries deny fair and adequate process to detainees before they reach trial. Throughout the Americas, for example, between 10-40 percent of the entire incarcerated population is behind bars without a conviction. In Panama, the government regularly imprisons inmates for more than a year before a judge's pretrial hearing, and in some cases pretrial detention exceeds the minimum sentence for the alleged crime. In China, pretrial detention periods of a year or longer are common and police often deny detainees the ability to meet with a defence counsel. Moreover, while Chinese law requires notification of family members within 24 hours of detention, individuals are often held without notification for significantly longer periods, especially in politically sensitive cases.

Globally, detainees also experience a wide range of due process shortcomings during trial. In Cuba, for instance, despite the fact that the law presumes defendants to be innocent until proven guilty, authorities often place the burden on the defendant to prove innocence rather than

on the prosecution to prove guilt. Once convicted, many prisoners have limited access to counsel or others who can monitor or defend their rights.

### **Current Standards**

The revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) were adopted unanimously in December 2015 by the UN General Assembly and set out the minimum standards for good prison management, including to ensure the rights of prisoners are respected.

The rules outline basic principles to ensure the safety, social rehabilitation, and health of prisoners. The UN calls for a set of minimum standards of how a prisoner should be treated, and to ensure that each and every prisoner is treated with respect for their inherent dignity and value as human beings.

A full list of the rules are outlined in the UN's 'Mandela Rules' which can be seen [here](#), while a revised version can be seen [here](#).

### **Questions a Resolution Must Answer**

1. Are the minimum standards outlined by the Mandela Rules enough?
2. How can these standards be enforced in the wider global community?
3. Should there be consequences to those nations that do not adhere to these standards?
4. Are there alternative actions that should be taken by the international community?

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