



**United Nations Human Rights
Council**

Letter from the EB-

Greetings Delegates

We are delighted to serve as the executive board for the first edition of Premia MUN in 2023. The United Nations Human Rights Council plays an integral part in the international human rights movement as it is the primary and recommendatory intergovernmental body within the United Nations that deals with the topic of the safeguarding of human rights.

Freedom of speech and expression is a fundamental human right, as emphasized in Article 19 of the Universal Declaration of Human Rights. It encompasses various freedoms, including the freedom of the media and the right to conscientious objection. Upholding this right is crucial for ensuring transparency, accountability, and democracy. Organizations like the UN Human Rights Office work to protect and promote freedom of expression

This background guide is intended to brief you about the agenda and its intricacies, and to help establish a ground for your understanding. However, this is in no way a substitute for your own research and we encourage you to explore and come up with innovative solutions to the agenda. All the information and ideas here are merely to ignite a spark in your mind. The topics you can choose to discuss in committee are endless; please note that they are including but not limited to everything we have mentioned here.

With that in mind, we're looking forward to invigorating debate and fresh speeches. Relax, don't be afraid to experiment, and best of luck for the conference. We can't wait to witness your amazing ideas!

Mihir Eshan P S - Chairperson

Rida Saher and Niuv Kocheta- Vice Chairpersons

The United Nations Human Rights Council:

The Mandate:-

The United Nations Human Rights Council (UNHRC) was established by the UN General Assembly with the passing of resolution 60/251 in 2006. Over the course of 2006 and 2007, its mechanisms and functions were formed, and it was established as an “intergovernmental 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 making recommendations on them”. These human rights are defined within the Charter of the United Nations. UNHRC plays a critical role in the monitoring and implementation of the Universal Declaration of Human Rights and other human rights instruments. The main objective of the UNHRC is to draw attention to human rights issues, discuss them, and give suggestions about how to properly address them.

UNHRC’s main focus as of 2021:

The Human Rights Council recorded one of its busiest years. Under the presidency of **Ambassador Nazhat S. Khan of Fiji** – the first held by a representative from a small island developing state in the Pacific – the Council continued to introduce innovations, break boundaries and set new human rights standards. It did this against the backdrop of the COVID-19 pandemic, which continued to disrupt countless lives and livelihoods around the world.

Innovations

In a landmark decision, the Human Rights Council adopted **a resolution in which it recognized the human right to a clean, healthy and sustainable environment.**

For the first time in its 15-year history, the Council:

- decided to allow delegates to vote remotely
- hosted the **largest number of dignitaries** ever to speak at its sessions
- supported the participation of 19 delegates from least developed countries and small island developing states through its **SIDS/LDCs Trust Fund**

Also for the first time, the Council held **five special sessions** in 2021 – again demonstrating its effectiveness in responding to urgent global crises. These concerned:

- **Myanmar**
- **the Occupied Palestinian Territory, and Israel**
- **Afghanistan**
- the **Sudan**
- **Ethiopia**

Activities

In 2021, the Human Rights Council extended the mandates of 17 special procedures and investigative bodies, and established seven new mandates:

- an accountability project on **Sri Lanka**
- a monitoring mission in **Belarus**
- a commission of inquiry on **the Occupied Palestinian Territory, and Israel**
- a special rapporteur for Afghanistan
- a **racial justice body addressing systemic racism in law enforcement around the globe**
- a special rapporteur on climate change
- an investigative body for Ethiopia

International Legislation Surrounding the Agenda :

Article 19 as per the Universal Declaration of Human Rights (UDHR) states that:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

International Law and Justice

Among the greatest achievements of the United Nations is the development of a body of international law, which is central to promoting economic and social development, as well as to advancing international peace and security. The international law is enshrined in conventions, treaties and standards. Many of the treaties brought about by the United Nations form the basis of the law that governs relations among nations. While the work of the UN in this area does not always receive attention, it has a daily impact on the lives of people everywhere.

The Charter of the United Nations specifically calls on the Organization to help in the settlement of international disputes by peaceful means, including arbitration and judicial settlement (Article 33), and to encourage the progressive development of international law and its codification (Article 13).

Over the years, more than 500 multilateral treaties have been deposited with the UN Secretary-General. Many other treaties are deposited with governments or other entities. The treaties cover a broad range of subject matters such as human rights, disarmament and protection of the environment.

International Human Rights Law

International human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law—a universal and internationally protected code to which all nations can subscribe and all people aspire. The United Nations has defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. It has also established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities.

The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. Since then, the United Nations has gradually expanded human rights law to encompass specific standards for women, children, persons with disabilities, minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 by General Assembly resolution 217 A (III) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected. Since its adoption in 1948, the UDHR has been translated into more than 500 languages - the most translated document in the world - and has inspired the constitutions of many newly independent States and many new democracies. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols (on the complaints procedure and on the death penalty) and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, form the so-called International Bill of Human Rights.

What is freedom of speech and expression?

Media freedom and access to information feed into the wider development objective of empowering people. Empowerment is a multi-dimensional social and political process that helps people gain control over their own lives. This can only be achieved through access to accurate, fair and unbiased information, representing a plurality of opinions, and the means to actively communicate vertically and horizontally, thereby participating in the active life of the community.

However, in order to make freedom of expression a reality, there must be:

a legal and regulatory environment that allows for an open and pluralistic media sector to emerge;

a political will to support the sector and rule of law to protect it;

laws ensuring access to information, especially information in the public domain; and

the necessary media literacy skills among news consumers to critically analyze and synthesize the information they receive to use it in their daily lives and to hold the media accountable for its actions.

These elements, along with media professionals adhering to the highest ethical and professional standards designed by practitioners, serve as the fundamental infrastructure on which freedom of expression can prevail.

On this basis media serves as a watchdog, civil society engages with authorities and decision-makers, information flows through and between communities.

All persons, including LGBTI persons must be able to exercise their right to freedom of expression and access to information in the same conditions as the rest of the population, but unfortunately, they are often banned or invisibilized from the public discourse because of their sexual orientation, gender identity and expression. Censorship of LGBTI persons and content is justified by governments on the so-called grounds of morals and protection of children, but the evidence shows that such limited approach is discriminatory and results in more harm, because it fosters an environment of intolerance against LGBTI people, perpetuates stigmatization, and deprives LGBTI youth to access correct and accurate information regarding their rights, including sexual and reproductive health and rights.

According to the Office of the High Commissioner for Human Rights (OHCHR),

"limitations on the right to freedom of expression, association and peaceful assembly that are based on the sexual orientation or gender identity of an individual violate rights guaranteed by articles 19 and 20 of the Universal Declaration of Human Rights and articles 19, 21 and 22 of the International Covenant on Civil and Political Rights. Limitations on these rights must be compatible with the non-discrimination provisions of international law."

The right to freedom of expression entails seeking, receiving, and imparting information and ideas of all kinds through any chosen media. It is essential to the enjoyment of the rights of association and assembly.?

When states limit the ability of LGBTI persons to express their opinions supporting their communities, or censor information because it is deemed as "LGBTI content", they are unfairly and illegitimately violating the right to freedom of expression. Parallely, when any individual, including LGBTI persons, teachers, health providers or other professionals share content related to LGBTI issues and receive backlash, violence or harassment from state authorities or private individuals, their freedom of expression is limited, and their voices are silenced by the chilling effect of such actions.

Ensuring freedom for the media around the world is a priority.

Independent, free and pluralistic media are central to good governance in democracies that are young and old.

To counter hate speech, the United Nations supports more positive speech and upholds respect for freedom of expression as the norm. Therefore, any restrictions must be an exception and seek to prevent harm and ensure equality or the public participation of all. Alongside the relevant international human rights law provisions, the UN Rabat Plan of Action provides key guidance to States on the difference between freedom of expression and “incitement” (to discrimination, hostility and violence), which is prohibited under criminal law. Determining when the potential of harm is high enough to justify prohibiting speech is still the subject of much debate. But States can also use alternative tools – such as education and promoting counter-messages – to address the whole spectrum of hateful expression, both on and offline.

Case studies:

We have presented two case studies pertaining to the agenda to give you an idea of relevance of the agenda in the current scenario. As mentioned above, you are not limited to discuss only topics we mention.

1. Press Freedom

Example case 1 - Observer and The Guardian v United Kingdom [1991]

The Guardian and The Observer newspapers published excerpts from Peter Wright’s book Spycatcher, which included allegations that MI5 had acted unlawfully.

The government obtained a court order preventing the newspapers from printing further material until proceedings relating to a breach of confidence had finished.

But when the book was published, The Guardian complained that the continuation of the court order infringed the right to freedom of expression.

The European Court of Human Rights said that the court order was lawful because it was in the interests of national security.

However, it also said that that wasn't enough reason to continue the newspaper publication ban once the book had been published, because the information was no longer confidential anyway.

This case summary is taken from 'Human rights, human lives: a guide to the Human Rights Act for public authorities'.

Example case 2- GENEVA (19 June 2019) –

Saudi journalist Jamal Khashoggi was the victim of a premeditated extrajudicial execution, for which the State of Saudi Arabia is responsible, according to a report published today by the UN Special Rapporteur on extrajudicial, summary or arbitrary killings.

Following a six-month investigation, Agnes Callamard issued her findings into the killing last October of Mr Khashoggi at the Saudi consulate in Istanbul, analyzing evidence on the basis of international human rights law, and considering steps that could have prevented his murder.

“The circumstances of Mr Khashoggi’s death have led to numerous theories and allegations, but none alters the responsibility of the Saudi Arabia State,” the report reads. The Special Rapporteur also determined that there was credible evidence, warranting further investigation of high-level Saudi officials’ individual liability, including that of the Crown Prince.

Following the execution of Mr Khashoggi, the report notes that Saudi Arabia took timid steps towards addressing its obligations, but that four more violations have taken place: the responsibility to investigate, effectively, transparently, and in good faith; the duty of international cooperation in investigation of unlawful death; fair trial guarantees; and the obligation of non-repetition.

Callamard called on the Human Rights Council, the Security Council or the UN Secretary-General to conduct an international follow-up criminal investigation for the purpose of determining individual liability and identifying options towards judicial accountability.

The report stated that it was troubling that to date the execution of Mr Khashoggi had been met with so few effective international responses, whether legal, political or

diplomatic although a number of States had issued targeted sanctions against Saudi officials.

2. LGBT rights

Example 1 : The grim situation in the USA.

Oklahoma's governor has signed into law a bill making it a felony to provide gender-affirming healthcare to a minor.

Indiana has enacted a law requiring teachers to tell parents when students ask to be called by a new name or different pronoun. North Dakota has approved a law that lets public school teachers and state employees ignore using a transgender person's preferred pronoun.

And the latest such action came in Florida on Wednesday when Governor Ron DeSantis signed into law a bill that bans gender-affirming medical care such as puberty blockers or hormone therapy for transgender youths - a measure that joins the state's growing list of legislation that limits the rights of LGBTQ people.

This month's rush of bills, certain to attract court challenges, has become central to the Republican agenda in statehouses across the country and inflamed the so-called culture war in the United States that also encompasses abortion, gun rights and school curricula.

A group of Florida parents has already sued in federal court to try to stop new law there. To many political observers, these measures offer a preview of the 2024 elections, with Republicans portraying Democrats as out of touch on issues of sex and religion, and Democrats calling Republicans extremist and anti-democratic.

Republicans have introduced more than 500 bills affecting LGBTQ people in 2023, with at least 48 passing, according to the Human Rights Campaign, an LGBTQ rights group. Those numbers are up from 315 bills introduced and 29 passed in 2022.

Sourced from Reuters.

Example 2: Morality Police and the Grave Situation for the LGBT community in the Middle East:

[The police] took me to the “morality ward” and kept me until 4 a.m. in a tiny room with no food or water. They took my phone and belongings. When they came back with a police report, I was surprised to see the guy I met on Grindr is one of the officers. They beat me and cursed me until I signed papers that said I was “practicing debauchery” and publicly announcing it to fulfill my “unnatural sexual desires.”

State actors and private individuals across the Middle East and North Africa (MENA) region have entrapped lesbian, gay, bisexual, and transgender (LGBT) people on social media and dating applications, subjected them to online extortion, online harassment, and outing, and relied on illegitimately obtained digital photos, chats, and similar information in prosecutions, in violation of the right to privacy, due process, and other human rights. This report examines digital targeting in five countries: Egypt, Iraq, Jordan, Lebanon, and Tunisia.

Security forces have added these digital targeting tactics to traditional methods of targeting LGBT people, such as street-level harassment, arrests, and crackdowns, to enable the arbitrary arrest and consequent prosecution of LGBT people.

Human Rights Watch documented 20 cases of online entrapment on Grindr and Facebook by security forces in Egypt, Iraq, and Jordan. Sixteen of those entrapped were arrested by security forces and subsequently detained. In these cases, security forces apparently targeted LGBT people online for the purposes of arresting them. The immediate offline consequences of entrapment range from arbitrary arrest to torture and other ill-treatment, including sexual assault, in detention.

In most prosecution cases as a result of entrapment, individuals were acquitted. Authorities held sixteen LGBT people in pretrial detention pending investigation, ranging from four days to three months, then sentenced them to prison terms ranging from one month to two years. Appellate courts overturned the convictions and dismissed charges in fourteen cases and upheld the convictions of two people but reduced their sentences.

Extortion is another form of digital targeting that LGBT people are particularly vulnerable to because of the mostly hidden nature of LGBT identities and relationships across the region, due to social stigma and the criminalization of same-sex conduct. Across the five countries, individuals trick LGBT people on social media and dating applications and threaten to report them to the authorities or out them online if they do not pay a certain sum of money (at times more than once).

Source: Human Rights Watch

Please note that this information is merely for your information and must be taken with a neutral mindset and shall not influence your stance towards the aforementioned countries in committee beforehand. Any information from the Background Guide is strictly prohibited from being used as research in committee.

How To Research:

-What to Research:

Firstly, identify and educate yourself on the agenda. This would mean a clear understanding of the demographic of the Middle East, and their human rights circumstances, and identifying key sub-topics with regards to the agenda.

Secondly, educate yourself about your country. This would mean their stance with regards to issues pertaining to the agenda, the blocs they are part of, the measures or actions they have taken. Make sure your research is oriented with great respect to your foreign policy, and consideration for the agenda.

Thirdly, keep yourself up to date with the international response to the issues under the agenda, whether it be the actions by the international community, or the UN. This could be in the form of reports, letters from the secretary general, or dialogue.

Last but not least, make sure your research contains inventive, well-researched, and effective solutions. The solution-making process often goes hand in hand with general research, so make sure you're always noting down what comes to mind when researching.

-Where to research from

Read resolutions on both the specific agenda at hand, and also ones that touch upon the sub-themes within your agenda. At this stage, consolidate quotes, facts, and solutions from these resolutions you come across while scouring the committee website. There is no better source than the committee website itself, and once you mine these resolutions for such information - it will not only make sure you have a chunk of relevant

information with valid sources, it will also ensure you're well-versed in the perspective held by key countries involved. Including yours of course.

A simple **purview of the website** will help you understand what the committee is currently focusing on. Keep your current news restricted to the 2 years prior to your MUN, to avoid getting lost in a wormhole of information.

- Note: Refrain from using websites like Wikipedia which have no validity since they are open sourced and easily manipulated.
- We advise you to use official United Nations websites and your country's government websites as acceptable sources.

- **Questions to be asked**

1. How does the restriction of freedom of speech and expression encourage and systematically perpetuate gender inequality?
2. How do countries plan on reinforcing media freedom and the safety of journalists?
3. How do countries plan on combating misinformation, while still keeping press freedom intact?
4. What restrictions are placed to combat communal hate speech?
5. How can the international community ensure freedom of speech and expression during armed conflicts?
6. How does law making influence the freedom of expression of the LGBTQIA community?
7. Are Middle Eastern countries truly following all Human Rights related international legislation they have ratified?
8. What is the relevance of moral policing in modern society in 2023?
9. What should be the division between tradition and rationality for governance in Middle Eastern countries ?

Draft Resolution:

Please note that the draft resolution process will be explained to you in detail at the end of day 1 of committee. This will be done to reduce chances of information overload since a lot of these processes and jargon are new to you.

Refer to this link to view how a UNHRC draft resolution looks :

https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/ResS17_1.pdf