



CHAPTER EIGHT

THE HUMAN RIGHTS COUNCIL (HRC)

Along with simulating the General Assembly Plenary and its First, Second, Third and Fourth Committees, AMUN will be simulating the Human Rights Council (HRC). HRC will meet all four days of the Conference, and will report on its findings to the Combined General Assembly Plenary on Tuesday afternoon. HRC's membership is open to all Member States, and as such, participation is open to one Representative from each delegation represented at the Conference. Requests for a second seat on this simulation should be directed to the AMUN Executive Office.

ABOUT HRC

HRC is the United Nations body responsible for strengthening the protection of human rights around the globe. The Council replaced the former UN Commission on Human Rights in 2006. It is comprised of 47 Member States elected by the General Assembly. The Council reports to the General Assembly's Third Committee. While its resolutions are non-binding, the Council serves as a moral authority within the UN system.

PURVIEW OF THE HUMAN RIGHTS COUNCIL

The Council serves two primary functions: it sets human rights standards and it attempts to bring non-compliant countries into compliance through persuasion, capacity building, and – if necessary – highlighting human rights abuses on the world stage. The Council also deploys Special Rapporteurs to monitor human rights and study topics of interest. While the Security Council, General Assembly and HRC often address similar issues, the HRC is limited to addressing the human rights aspect of a problem, not broader security and development issues.

Website: www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx

THE HUMAN RIGHT TO SAFE DRINKING WATER AND SANITATION

Access to safe and clean drinking water is necessary for the most basic levels of human development. Despite this, more than 1 billion people live without access to safe drinking water and 2.6 billion lack access to adequate levels of sanitation. On 3 August 2010, the General Assembly affirmed the crucial importance of access to safe drinking water and sanitation with Resolution 64/292, which declares that water and sanitation are a basic human right. Furthermore, on 30 September 2010, the United Nations Human Rights Council (HRC) confirmed that all individuals have the right to an adequate standard of living that includes safe drinking water and sanitation.

These actions came at a time of new and ongoing issues that continue to create challenges for water management. In extremely underdeveloped regions, just securing water supplies and the most basic levels of sanitation has proven challenging. In Asia and the Pacific, rapid urbanization has made freshwater scarce, increased the levels of pollution, and resulted in inadequate sanitary conditions. Additionally, questions have arisen on how to deal with changes in weather patterns and water allocation.

The United Nations has long considered drinking water and sanitation to be of high importance, holding the United Nations Water Conference in 1977, the International Conference on Water and the Environment, and the Earth Summit in 1992, which all focused on water. The United Nations declared 1981 through 1990 as the International Drinking Water Supply and Sanitation Decade. Over those ten years, the efforts of the United Nations and Member States resulted in 1.3 billion people receiving better access to drinking water.

One region where drinking water is becoming of increased concern is Asia and the Pacific. Asia is home to 60 percent of the world's population, but only 38 percent of the world's available freshwater. With this ratio, the region faces uncertainties regarding access to water, which is crucial for continued human development. Furthermore, it is estimated that 50 percent of the population in Asia and the Pacific will live in urban areas by 2025. Much of this urbanization is expected to take place in slums, where the sanitary conditions that are essential to maintaining a healthy population are poor.

Another result of rapid urbanization is increasingly high levels of pollution, which further threaten access to water. 70 percent of China's rivers and lakes are now polluted, and 60 percent of lakes in Malaysia are eutrophic due to pollution. The rising levels of pollution are also taking a growing financial toll. The cost of cleaning up water pollution in Jakarta alone is expected to exceed one billion dollars. High levels of sewage from poor sanitation systems are the primary cause of water contamination, but industrial waste is also a factor. Surface water is especially vulnerable, given that 32 percent of the region's population receives its drinking water from these sources. The 2006 United Nations Environmental Program (UNEP) Global International Water Assessment estimated that over half of Asian sub-regions have ground water that is severely polluted. Addressing these problems within the context of Asia's booming growth remains a problem for Member States.

In extremely underdeveloped regions, access to sanitation hinders economic growth. Lack of adequate sanitation is linked to dramatically increased levels of diarrhea, the second leading cause of death for children under five in underdeveloped regions. Additionally, poor sanitation facilities harm immune systems and increase the spread of communicable diseases. The practice of open defecation is common in certain regions of sub-Saharan Africa, which creates sanitation challenges.

There is also significant concern over water allocation. Agriculture accounts for the vast majority of global water usage, taking up as much as 80 percent of the available groundwater in some areas. However, water is becoming more scarce in many regions that rely on it for drinking, sanitation and food production. Observed changes in the climate, including increased atmospheric water vapor content, more extreme drought/non-drought cycles and reduced snow and ice runoff are causing a larger percentage of available water to go towards agricultural usage.

Recently, the General Assembly has recognized these challenges and named 2005-2015 as the International Decade for Action, Water for Life. The goal of the Water for Life Decade is to meet the Millennium



Development Goals' target that the proportion of people without sustainable access to safe drinking water and sanitation is halved by 2015. Furthermore, 2003 was declared the International Year of Water and 2008 the International Year of Sanitation.

In addition to the declaration that water is a legal human right, Resolution 64/292 calls upon Member States to provide financial resources, capacity building, and technology transfer to developing countries to provide safe and cheap drinking water and sanitation for all. Resolution 64/292 is the strongest statement that the United Nations has made on the need for safe drinking water and sanitation.

Following Resolution 64/292, HRC has passed Resolution 7/22 in September 2010. The Resolution adds that safe drinking water is a part of the agreed upon international law. The Resolution codifies that Member States have the main responsibility of assuring that all human rights, including the right to water, have been met. HRC recommends that governments adopt effective regulatory frameworks that cover vulnerable groups. In addition, HRC recommends creating an accountability systems for governments that violate water and sanitation related human rights.

Even though Member States have agreed to support the universal rights to clean and sanitary drinking water, decisions must be made regarding the level of central planning necessary for areas with booming populations. In addition, Member States must also decide how to effectively and efficiently deal with the increased water needs in different regions, while realizing that these decisions will have serious economic, social and political dimensions.

Questions to consider from your government's perspective on this issue include the following:

- How can Member States manage the allocation of water for agriculture without harming agricultural yields?
- Given the right to clean water and sanitation, what role does the international community have in managing rapid urbanization?
- Given the lack of existing infrastructure, what can be done to provide proper sanitation to underdeveloped regions?
- What role should the United Nations have in clean-up for nations with polluted water supplies?

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 E/ESCAP/CED(2)/5
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 A/HRC/18/33/

ADDITIONAL WEB RESOURCES

www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx – Special Rapporteur on the human right to safe drinking water and sanitation www.un.org/en/globalissues/water/ – United Nations Global Issues: Water www.un.org/waterforlifedecade/human_right_to_water.shtml – International Decade for Action "Water for Life" www.unwater.org – UN Water

PROTECTION OF THE HUMAN RIGHTS OF CIVILIANS IN ARMED CONFLICT

Armed conflicts have been increasing on a global level for decades, especially in developing countries. Civilians are often caught in the middle of these conflicts and may face daily threats of violence and death. Although the maintenance of peace and protection of human



rights are fundamental principles of the United Nations, civilians continue to be victims of armed conflicts and deliberate violence. These deliberate attacks are often used to instill fear and to obtain compliance from the local population. The United Nations regards the attacks as crimes against humanity and therefore are in violation of the Universal Declaration of Human Rights adopted by the General Assembly in 1948.

The United Nations and the Human Rights Council (HRC) play an important role in promoting human rights of civilians in situations of armed conflicts. The HRC recognizes the urgency of addressing violations to international law and core universal human rights treaties including but not limited to: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 1949, the Additional Protocols of 1977 and the Vienna Declaration and Programme of Action of 1993.

In September 2008, the HRC passed Resolution A/HRC/9/9 to reaffirm its commitment to protecting human rights during conflicts. In that Resolution, HRC stated its concern with the violations of international humanitarian laws, specifically those violations impacting vulnerable groups. Additionally, the Resolution urged Member States to renew their commitment of following the law and bringing perpetrators of such crimes to justice. Finally, the Resolution recommended creating a framework to ensure the protection of civilians that are under foreign occupation. The Council recommended that the new framework should include effective measures to guarantee and monitor the implementation of the international humanitarian law.

In 2010, High Commissioner for Human Rights Navi Pillay addressed the United Nations Security Council on the protection of civilians in armed conflict. During her address, she emphasized the importance of monitoring situations where violence appears imminent. Despite past recommendations of the HRC on taking a proactive role in protecting civilians prior to a widespread outbreak of violent activities, Pillay noted that this continues to be a major concern and more should be done by the Council. In addition, Pillay named several conflicts where the protection of citizens is of particular concern, including in Afghanistan, the Democratic Republic of the Congo, Kyrgyzstan, and Israel and the Occupied Palestinian Territories. In Afghanistan, civilian casualties leveled off in 2012, after increasing every year since 2001, but the conflict continues to take a heavy toll on the civilian population. Pillay also discussed the violence shaking Sub-Saharan Africa and the escalating number of civilian casualties, citing at least 2,500 civilian deaths in the Sudan in 2009 alone.

Following the 2010 session, an expert consultation on the protection of human rights of civilians during conflict was created. The advisory committee consisted of ten experts that studied the current conditions and made recommendations on the subject. The experts noted that despite the effectiveness of national justice systems as the first line of protection of civilians, there needs to be alternative international system to protect civilians during conflicts. Furthermore, the experts recommended the creation of a permanent sub-commission to more efficiently respond to inquiries on serious allegations of human rights violations. They argued that this mechanism would prevent investigations from becoming politicized.

Currently, HRC is focusing on three thematic issues related to the subject of the protection of human rights of civilians during conflict. The three themes are: the legal framework of international human rights law in situations of armed conflict; the relationship between international human rights law and international humanitarian law, and the implementation and monitoring of human rights obligations in situations of armed conflict and accountability for violations.

International humanitarian and human rights law offers certain protections to civilians caught in armed conflict, and parties to the conflict have legally binding obligations to those civilians affected. The legal aspect of human rights during armed conflict is framed around the Report of the Office of the High Commissioner on the outcome of the expert consultation on the issue of protecting the human rights of civilians in armed conflict. The Report suggests that increased accountability of human rights violators at the national and international levels could aid in the protection of civilians involved in armed conflict. The Report recommends greater involvement by the International Court of Justice (ICJ) on human rights issues. Currently, the ICJ maintains that there are three possible situations regarding international humanitarian law and human rights law: certain matters pertain exclusively to humanitarian law, certain matters pertain exclusively to human rights law and certain matters pertain to both.

Monitoring human rights obligations creates accountability for violations and encourages compliance with international law. Effective monitoring would strongly encourage Member States to bring violators of international humanitarian and human rights law to justice, as well as prevent armed conflicts from escalating to the point where they violate the rights of civilians.

Questions to consider from your government's perspective on this issue include the following:

- How can the HRC take a more proactive role in responding to protecting human rights of civilians where violence appears imminent?
- How can the HRC address the three thematic issues of the rights of citizens in armed conflict?
- What kind of monitoring systems would be most effective in assuring accountability regarding armed conflict and civilians?
- What special considerations, if any, should be given to armed conflicts where women and children are especially vulnerable?

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ST/HR/3/Add.1

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A/HRC/9/9
A/HRC/9/26

ADDITIONAL WEB RESOURCES

www.ohchr.org/EN/Pages/WelcomePage.aspx – Office of High Commissioner for Human Rights

www.icrc.org/customary-ihl/eng/docs/home – Customary International Humanitarian Law, International Committee of the Red Cross