



PelotasMUN

Challenge yourself

UNHRC

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Letter from the Chair

Dearest delegates,

Firstly let us welcome you to the First United Nations Human Rights Council (UNHRC) of Pelotas Model United Nations! We are so glad you have chosen the UNHRC as your committee and we are absolutely sure we will experience together the richest and most rewarding discussions concerning the most recent Human Rights violations.

It is an immense pleasure to be part of the Director's board of the Human Rights Council. We have worked a lot, willing to expose satisfactorily the issues raised in this committee and we hope that at the end of this reading you are provided with information to base your studies and have a good use of the future Council meetings.

This welcome letter precedes a briefing packet with information on concerning Human Rights and Humanitarian Law violations, its histories and a few of the past attempts at its resolutions. Hoping to allow a fruitful debate on these recent evolutions, we have chosen to bring to discussion two particular situations in the Human Rights Council's agenda: "The Conflict in the Syrian Arab Republic and the Situation of the Civilian and Non-Combatant Population" and "The Challenge of Women Empowerment and Human Rights Violations in South Asia and Adjacent Areas". Hopefully, all of us, directors and delegates, will be up to the challenge and able to extract the best of it.

The Human Rights Council of the 1st Pelotas MUN is organized by 5th semester and 7th semester International Relations students at the Federal University of Pelotas: Arthur Blois Villela, Giulia Georg and Marília Lima Santos. We are very thankful to Prof. Daniel Carvalho, who lent us some of his experience and guidance throughout the construction of this Study Guide. So as to allow this discussion to happen, we are fully available to solve any doubts and questions that may appear during your preparation process. Our every effort is directed to the production of an enjoyable discussion and unique experience to all.

Best Regards,

Arthur Blois Villela, Giulia Georg & Marília Lima Santos

UNHRC Directors

Introduction

The United Nations Human Rights Council (UNHRC) is an inter-governmental body created by the United Nations General Assembly that replaced the United Nations Commission on Human Rights, on 15 March 2006 through resolution 60/251.

The Council is responsible for all human rights issues, specially strengthening the promotion and protection of human rights violations and making recommendations on them. The human rights were made to all human beings, regardless of their nationality, sex, national or ethnic origin, color, religion, language, place of residence or any status.

There are 47 Member States in the Council, which are elected by the UN General Assembly. Working along with the Council are the Universal Periodic Review that assess the human rights situations in all UN Member States; the Advisory Committee that provides expertise and advice to the Council on thematic human rights issues; and the Complaint Procedure where individuals and organizations can bring human rights violation to the Council assistance. There is also the UN Special Procedures, which has experts to monitor, examine, advise and publicly reports about human rights issue from specific countries.

The Council membership is based on equitable geographical distribution: 13 members are from Asia, 13 from Africa, 6 from Eastern Europe, 8 from Latin America and the Caribbean, and 7 from Western Europe and other states. (UNHRC, 2013)

Topic A: The conflict in the Syrian Arab Republic and the situation of the Civilian and Non-Combatant Population

1. BACKGROUND

Marília Lima Santos

The conflict in the Syrian Arab Republic started from an influence by the Arab Spring, in 2011. The uprisings arose from the southern city of Daraa, in March, starting as pacific protests which were harshly repressed by president Bashar al-Assad's regime.

The protests began in Daraa, in March 2011, when a few students, aged from 10-15 were arrested, accused of painting graffiti against the government and calling for its downfall. Their families' pleaded for their release, but nothing was done. By then the population of Daraa decided to take the streets and began protesting, calling for the release of the children/students and greater political freedom. Government security forces proceeded to repress the protests, first attempting to beat the protesters back with stones and batons, but later they used water cannons and teargas, finally opening fire on demonstrators using live ammunition (HRW, 2011). When the students were released, visibly injured from torture in prison, protests continued, and started growing everyday with people from neighboring cities joining the manifestations. And as the manifestations increased, so did the violence from the security forces (TIME, 2011).

When Syrian authorities realized their measures weren't diminishing the protests, they moved to a large-scale military operation and put the city of Daraa under a siege, preventing anyone from getting in or out, and also controlling the movement within the city, through checkpoints between the neighborhoods, depriving the residents of basic needs.

The rebels are largely supported by the international community, mostly by the United States and the European Union. Assad's regime, on the other hand, is mostly supported by Russia and China, two permanent members of the United Nations Security Council (UNSC) that remain against the resolutions condemning the crimes and other abuses in Syria.

The importance of social media is crucial for the world to know about the Syrian situation, since the Syrian government is blocking the international media and persecuting journalists inside its territory. Syrian activists started to record the atrocities with their smart phones, uploading everything on YouTube, as well as using Twitter, Facebook and Skype to try to show the world the atrocities that were being committed by their government against their own people. Since travelling to Syria is unsafe for journalists, they frequently rely on these activists to summarize the news. Frequently, for purposes of verifying the information, they check the testimonies of several activists against each other, to confirm if they match (Middle East Voices, 2012). Interviewees for Human Rights Watch have stated that mobile phones were amid the first items confiscated during protests and on house searches – government forces were looking specifically for footage of the attacks (HRW, 2011).

Situation of the Civilian and Non-Combatant Population

From the outset of the protests, there have been reports of attacks targeting directly the civilian population by regime forces, despite the fact that the manifestations were mostly pacific, and the population unarmed. As the governments' repression became more severe, the opposition also turned to the use of arms, leading to some reports of violations towards the civilian population by the opposition as well.

According to Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, “the parties had become increasingly entrenched in the rhetoric and reality of war with a total disregard for the impact of peoples' lives” (UNSC press, 2013).

When the protests started, there have been reports of the government forces targeting directly the protesters, no matter how pacific the demonstration was. They also would prohibit the proper assistance to the wounded, not letting any medical personnel get to them and not letting anyone remove the wounded from the streets. There have been reports of government personnel taking control over hospitals and preventing the wounded from getting proper assistance there too, so eventually protestors wouldn't even go to the hospitals (HRW, 2011).

The crackdown in the city of Homs increased sectarian tensions between Sunni Muslims and Alawites. The Sunni residents claim that the Alawites were joining the *shabeeha* ('individuals who are not officially members of the security forces but who are assisting the authorities in cracking down on protests by beating or shooting protesters'). On the other hand, Alawite residents claimed that anti-government protesters have shouted sectarian chants against them during the protests and killed Alawite officers and citizens. Sectarian tensions increased on July 16th, 2011, with the discovery of three Alawites' dismembered bodies, government supporters, and the subsequent retaliation towards the Sunni population by setting fire to Sunni-owned shops on the street.

Syria has been through an enormous destruction of essential infrastructure, including schools and hospitals, apart from currency devaluation. The latest figures showed 6.8 million people in need, 4.25 million displaced, and another 1.3 million having sought refuge in neighboring countries (UNOCHA, 2013). Syria's main cities have been devastated: Deir Az Zor, Hama, Homs, and Idlib, including others. There's waste piling up in the cities, raising fears that diseases would multiply as the summer heat approaches. There are growing concerns about outbreaks of diarrhea and potentially even cholera, if the basic services are not urgently restored. Some hospitals do not have blood banks, doctors are performing surgeries at times without anesthetic or even suture thread, and hospitals, as well as their staff, were regularly hit during fighting. Besides schools being occupied by warring parties, damaged or destroyed, teachers were reportedly being killed, threatened and forced to flee, which leads to some areas where children have not been able to attend school in more than 18 months (UNSC Press, 2013).

Attacks targeting the civilian population

According to UN estimates, more than 70.000 civilians have been killed since the beginning of the conflict. From the beginning of the conflict, there has been a government's escalation of weapons – from mortars, tanks and artillery to helicopter gunships, then to fixed-wing attack jets, shelling, Scud missiles and air strikes. There is also an increasingly use of cluster munitions, and suspicion on use of chemical weapons.

Many of the witnesses interviewed by the Human Rights Watch team reported seeing snipers on government buildings during the manifestations, and consistently the victims' wounds who died in those protests were in the head, neck and chest, suggesting they were indeed targeted (HRW, 2011).

On March 23-25th, security forces opened fire at the Daraa's al Omari mosque, around midnight, when there were about 60 people inside of it. While the population started to approach the mosque, the forces started shooting them too. There were 8 people killed that day, 2 inside the building, 6 trying to approach it. The next day, the funeral procession grew into another protest, and security forces deliberately opened fire again without warning, killing 11 people. On March 25th, there was another protest with Daraa residents and people coming to the city from neighboring towns. Witnesses say there were snipers on the governor's headquarters, and whoever tried to rescue the wounded would get shot at. In that protest, at least 31 people were killed (AI, 2011).

On April 25th, the siege was imposed in Daraa. According to activists, the first nine days of it were the deadliest. They estimated at least 200 killed, from which they managed to identify 115, whereas some of the other bodies have not been identified, and there are some other families looking for their relatives whom they believe are possibly dead since the first days of the siege. The security forces were opening fire on those who try to defy the ban on movement or gatherings, or simply leave their homes to go after food and medication.

Syrian authorities claimed that the violence in Daraa was perpetrated by 'armed terrorist gangs, incited and sponsored from abroad' (HRW, 2011). Witnesses' testimonials stated that Daraa residents resorted to violence after the use of lethal force against the protestors.

Preventing medical assistance

There have been many reports regarding the denial of medical assistance for the wounded. They claim that civilians trying to remove the wounded from the streets are targeted by snipers located on top of buildings, but also medical personnel are being targeted, such as volunteers for the Red Crescent.

Also, there have been reports of Syrian security forces forcibly removing wounded protestors from the hospitals. On September 7th, 2011, they removed 18

wounded from one hospital in the central city of Homs, including 5 that were in the operating room. Many families started to withdraw their relatives from the hospital then, fearing that they would also be detained. A few doctors started to operate in improvised field hospitals, but the number of wounded kept increasing (HRW, 2011).

Arbitrary prison and torture

Syrian authorities began to arrest people arbitrarily all over the country, targeting specially activists, organizers of the protests, medical personnel, and people who tried to document the events, as well as their family members. Some witnesses claimed, according to the HRW, there were a lot of children along with the detainees. The majority of the arrests occurred with no formal charges ever brought against the detainees. People were held up in several ad hoc detention facilities, ‘including a stadium, a football field, a customs department building, two local schools, and several big yards in private houses occupied by the security forces’ (HRW, 2011). Security forces entered the houses, most of times breaking doors, and smashed everything inside, looking for weapons, mobile phones, and people who took part in the manifestations.

Once detained, there are reports of various forms of torture and degrading treatment. Among the methods of torture, there were: ‘prolonged beatings with sticks, twisted wires, and other devices; electric shocks administered with tasers; use of improvised metal and wooden “racks,”’. There were also various forms of humiliating treatment towards the detainees, including urinating on them, stepping on their faces, making them kiss their shoes, and constantly threatening with imminent execution. The cells were described as overcrowded, and at times the detainees could only sleep in turns (HRW, 2011). Witnesses also told they were forced to sign confessions “admitting” their membership in terrorist groups, along with other fabricated charges.

Frequently, people related to the ones who are arrested obtain no information regarding their location. ‘A person’s arrest or detention followed by refusal to acknowledge the arrest or detention, or to provide on the fate or whereabouts of the detained person, constitutes an enforced disappearance’ (HRW, 2011).

Assassination

Witnesses have reported mass killings of detainees. On May 16th, 2011, the discovery of mass graves in a southern cemetery of Daraa, where at least seven bodies were found, unsettled the community. It was widely reported with a video footage posted on YouTube¹ showing a number of men pulling the bodies from the ground.

One of the reasons for the intensifying protests in Syria has been the growing number of custodial deaths that have been reported in various parts of the country. Several deaths have happened in custody, and those were also victims from enforced disappearances, with their families not knowing their relatives' fate or whereabouts after their detainment (HRW, 2011).

1.1. Sieges

The first of the sieges was in the city of Daraa, but others cities suffered from this occurrence as well. During the sieges, the population experienced critical shortages of food, water, medicine, as well as other necessary supplies. In the city of Daraa, the electricity and all communications were cut off for at least 15 days, although it lasted longer in some parts of the city. People who tried to leave town to try to get bread in the neighboring towns were turned away at the checkpoints; and there have been reports of people from these neighboring towns being shot at while trying to bring bread to Daraa (HRW, 2011).

1.2. Violence against women

As the conflict became more sectarian and violations more militarized with the presence of foreign fighters, the possibility of "revenge rapes" has increased, said the Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura (UNSC press, 2013). Government and opposition forces were also abducting women and children to extract intelligence or use them as leverage for prisoners' release.

In a report launched on April, 2013, "Breaking the Silence", refugees from camps in Jordan talk about violence against women in Syria. Witnesses told about attacks by government forces during house searches, following arrest at checkpoints and in detention, but also attacks by antigovernment armed groups (International Federation

¹ Available at: <http://www.youtube.com/watch?v=l75kPWa-fpk>

for Human Rights, 2013). Survivors of rape are sometimes forced into marriage, as to “save the family honor”.

1.3. Cluster Munitions

Human Rights Watch said Syrian forces were using cluster munitions in residential areas, causing mounting civilian casualties. There have been reports in at least 119 locations, of around 156 cluster bombs in the past six months. There were two reports on March 2013, one in Deir Jamal, near Aleppo, and another in Talbiseh, near Homs. The attacks killed eleven civilians, including two women and five children, and injured 27 others (HRW, 2013).

Cluster munitions often leave unexploded bomblets that kill and maim long afterward, leading towards a humanitarian problem specially regarding children unaware of the danger it represents. It is a banned weapon by the international society (HRW, 2013).

HRW have documented government use of cluster munitions, both air-dropped and ground-delivered, but it has seen no evidence of cluster munitions use by opposition rebel groups. An analysis of the markings of these bombs and submunitions indicates that they were manufactured at Soviet state munitions factories in the 1970s, but no information on how or when Syria acquired them was available (HRW, 2013).

2. International Law Violation

Syria is party to the following human rights treaties: the International Covenant on Civil and Political Human Rights, the International Covenant of Economic, Social and Cultural Human Rights, the Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Even though Syria is not party to the International Convention for the Protection of All Persons from Enforced Disappearance, it is bound by the provisions of the ICCPR, which also prohibit enforced disappearances (AI, 2012).

2.1. Crimes Against Humanity

Government forces have been accused of using lethal and other excessive forces against peaceful protesters. The pattern and scale of state abuses may have constituted

crimes against humanity. Also, tanks were used in military operations in civilian residential areas (AI, 2012).

On August 2011, the UNHRC launched a report for the ‘Fact-finding Mission on Syria to HRC resolution S-16/1’ (OHCHR, 2011), which concluded that crimes against humanity may have been committed in Syria. The report also states that, despite the non-ratification of the Rome Statute, Syria is still obliged to refrain from acts that would ‘defeat the objects and purposes of [the] treaty’ according to the Vienna Convention, acceded to by Syria in 1970.

Also, the UNHRC has established an Independent International Commission of Inquiry that has expressed grave concern that Syria’s military and security forces had committed crimes against humanity, including “killings, torture, rape and other forms of sexual violence, imprisonment, or other forms of severe deprivation of liberty and enforced disappearances”.

Crimes against humanity are defined in the Rome Statute², article 7, paragraph 1 as:

any of the following acts when committed as part of a widespread or *systematic attack directed against any civilian population, with knowledge of the attack*: (a) *murder*; (b) *extermination*; (c) *enslavement*; (d) *deportation or forcible transfer of population*; (e) *imprisonment of severe deprivation of physical liberty in violation of fundamental rules of international law*; (f) *torture*; (g) *rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity* (h) *persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the court*; (i) *enforced disappearance of persons*; (j) *the crime of apartheid*; (k) *other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health*.

It also defines, in the paragraph 2 of the same article:

(a) “*attack directed against any civilian population*” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack; (b) “*extermination*” includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population; (c) “*enslavement*” (...); (d) “*deportation*” (...); (e) “*torture*” means the intentional infliction of severe

² Syria signed but did not ratify the Rome Statute for the International Criminal Court.

pain or suffering, whether physical or mental, upon a person in custody or under control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions; (f) “forced pregnancy” (...); (g) “*persecution*” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity; (h) “the crime of apartheid” (...); (i) “*enforced disappearance of persons*” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

2.2. War crimes

During armed conflict situations international human rights law should remain in effect. Furthermore, the laws of war aim to minimize unnecessary pain and suffering during wartime, and are addressed to all sides of the conflict. One of the fundamental principles is that 'parties must distinguish at all times between combatants and civilians', and civilians must not to be object of attacks (HRW, 2012). Deliberately killing injured, surrendered, or captured soldiers would constitute a war crime.

Abuses and violation of international humanitarian law are being committed by anti-Government armed groups, but studies sustain that they do not reach the intensity and scale of those committed by Government forces (OHCHR, 2013).

3. *Other countries' positions*

Lebanon and **Jordan** are the ones with the most Syrian refugees in their territories. The population of refugees in Lebanon is almost a quarter of its total population. The Lebanese Ambassador, although saying it would never close its borders for people running from these atrocities, is asking for attention from the international community, since the fighting had reached its borders, threatening its security, and the massive presence of refugees is starting to affect its society and economy (UNSC press, 2013).

The **United States** have headed the pledges to resolutions condemning the crimes and other abuses in Syria in the UNSC, which have been blocked by China and Russia. Nonetheless, on April 2011 the US government extended sanctions against Syria in place since 2004, followed by sanctions imposed by the **European Union** targeting Syria's leaders and later expanded (AI, 2012).

Also, the United States, in a statement by president Obama, claimed that it would have no other choice than to act directly if there was any proof of chemical weapons use in the conflict (NY Times, 2013). Other than that, the country is managing to stay outside the conflict, due to its involvement in other conflicts.

The **League of Arab States** (Arab League) first suspended Syria from the League. When the Syrian government reneged the pledge to withdraw its armed forces from Syria's cities, halt the violence and release people imprisoned in connection with protests, they imposed economic sanctions (AI, 2012).

China and **Russia** vetoed the resolutions by the UNSC towards Syria, due to their strict relations with the Syrian government, especially Russia.

Questions to ponder

1. Considering International Humanitarian Law and the given situation, what are the plausible solutions to guarantee human rights in Syria?
2. Since the conflict has already achieved civil war proportions, what measures could the HRC suggest?
3. In which ways can the international community enforce a quality health care access considering, *inter alia*, the presence of NGOs in Syrian territory?
4. How can UN members safeguard the civil rights for the country's population when it comes to a long-term solution scoping the post-conflict?
5. What are the possible responses to the humanitarian effects, especially regarding refugees, women and children in the neighboring countries, considering the Syrian situation has overflowed its borders?

References

AMNESTY INTERNATIONAL, "Protesters killed in Syria mosque attack amid wave of detentions", 2011. Available at: <http://www.amnesty.org/en/news-and-updates/protesters-killed-syria-mosque-attack-amid-wave-detentions-2011-03-23>

AMNESTY INTERNATIONAL, "Amnesty International Report 2012 - the state of the world's human rights", 2012. Available at: <http://www.amnesty.org/en/annual-report/2012>

FIDH (International Federation for Human Rights), “Violence against women in Syria: Breaking the silence”, 2013. Available at: <http://www.fidh.org/Violence-against-women-in-Syria-Breaking-the-silence-13134>

HUMAN RIGHTS WATCH, “Syria: Security forces remove wounded from hospital”, 2011. Available at: <http://www.hrw.org/news/2011/09/08/syria-security-forces-remove-wounded-hospital>

HUMAN RIGHTS WATCH, “We live as in war” – Crackdown on protesters in the Governorate of Homs, 2011.

HUMAN RIGHTS WATCH, “Mounting Casualties from Cluster Munitions”, 2013. Available at: <http://www.hrw.org/news/2013/03/16/syria-mounting-casualties-cluster-munitions>

HUMAN RIGHTS WATCH, “Q&A on Laws of War Issues in Syria”, 2012. Available at: <http://www.hrw.org/news/2012/08/09/q-laws-war-issues-syria#1>

HUMAN RIGHTS WATCH, “We’ve never seen such horror” – Crimes Against Humanity by Syrian Security Forces, 2011.

MIDDLE EAST VOICES, “Syria: a war reported by citizen-journalists, social media”, 2012. Available at: <http://middleeastvoices.voanews.com/2012/06/syria-a-war-reported-by-citizen-journalists-social-media-41863/>

NYTIMES, “Chemicals would be a ‘game changer’ in Syria, Obama says”, 2013. Available at: <http://www.nytimes.com/2013/03/21/world/middleeast/syria-developments.html?pagewanted=all&r=0>

OHCHR (Office of the High Commissioner for Human Rights), “Report of the Fact-Finding Mission on Syria pursuant to Human Rights Council resolution S-16/1”, 2011. Available at: <http://www.refworld.org/docid/4e4e2ba72.html>

OHCHR, “Report of the Independent International Commission of Inquiry on the Syrian Arab Republic”, 2013. Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-23-58_en.pdf

TIME, “Syria’s revolt: How graffiti stirred an uprising”, 2011. Available at: <http://www.time.com/time/world/article/0,8599,2060788,00.html>

UN Press?, “Top UN official says situation in Syria ‘humanitarian catastrophe’, calls on Security Council to take actions needed to end ‘brutal conflict’”, 2013. Available at: <http://www.un.org/News/Press/docs/2013/sc10981.doc.htm>

UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs), “Syria: situation overview”. Available at: <http://syria.unocha.org/>