



**KIIT**  
INTERNATIONAL  
**MODEL 20**  
UNITED  
NATIONS **22**

**9TH-11TH SEPTEMBER 2022**



**UNITED NATIONS  
HUMAN RIGHTS COUNCIL**



**KIIT Model United Nations'2022**

**UNITED NATIONS HUMAN RIGHTS COUNCIL**

**BACKGROUND GUIDE**

**AGENDA-**

*“Deliberation on the violation of human rights during crisis with emphasis on Ukraine and Afghanistan”*



## **A LETTER FROM THE EXECUTIVE BOARD**

Dear Delegates,

Welcome to the simulation of the United Nations Human Rights Council at KIIT MUN'22. We have envisioned this simulation to be one of the most productive and thoughtful simulation of the committee and for that vision to be actualized, the impetus falls on your shoulders to work harder, think more critically, and adapt instantly.

This guide is the primary resource material released by us. In this preliminary part, we have dealt with a broad range of aspects including: preparatory (about the committee, research suggestions, basic things relating to the committee) and Substantive (agenda specific). This part is an effort to provide all of your basic guidelines upon which you can base research.

You may only treat the guides as introductory documents, which build an insight into the concepts that the agenda deals with.

Beyond this, you are required to dig deep and do your own research, but more importantly, we want you to take the information you've researched and sit down with it to analyze the core issues there, possibly forecast what the debate on this will entail, and then form logical arguments and efficient solutions on it.

Even though this is rather usual advice, it is imperative in this committee to be followed; otherwise you will not be able to keep up with the fast-paced committee.

We wish you all the best.

May the Force be with you!

Best Regards,

### **EXECUTIVE BOARD**

**Aryan Singh-**[aryanofficial5411@gmail.com](mailto:aryanofficial5411@gmail.com)

**Shrusti Nanda-** [nandapooja0987@gmail.com](mailto:nandapooja0987@gmail.com)



## POINTS TO REMEMBER

A few aspects that delegates should keep in mind while preparing:

Research is to be done in three parts, and stepwise:

- About the committee
- About the country
- About the agenda

Background guide is an independent document, made after researching through different sources, by the executive board, and shall not be used as a proof for POIs or POOs.

The verified sources include:

- Reuters, BCC, AL JAZEERA, and the regional verified sites of respective countries.
- All the official UN sites.
- Government surveys and reports.

Some documents to read for reference:

- UN charter
- Universal Declaration of Human Rights
- Treaties, conventions, and resolutions formed in regards to this agenda



## **RULES OF PROCEDURE**

### **ROLL CALL**

1. It refers to attendance in simplified terms. Chairpersons shall call in an alphabetical order or in a round table manner, on all Member States in order to state their status of attendance. Member States may reply “present” or “present and voting”, but observer countries can only reply with “present”, with no right to vote on substantial matters.
2. The quorum is met when at least one-third of all delegates registered are present at the committee session. The quorum shall be verified at the beginning of each session by the Roll Call.

### **DEBATE**

The three modes of Debate can be introduced:

1. Formal Debate (General Speaker's List)
2. Moderated Caucus
3. Un-Moderated Caucus

The Speaker's List is open- either in the discretion of Chairs or by delegates proposing a Motion to Open Speaker's List.

### **SPEAKER'S LIST**

1. The General Speaker's List shows the order of speakers for the agenda.
2. Once the Speaker's List is open, any delegate can be added to the Speaker's List by being recognized by raising their placard during the call made by Chairs.
3. Speaking time for the General Speaker's List is set to 90 seconds. However, the time limit can be altered by a Motion to Change the Speaker's Time.

### **MODERATED CAUCUS**

1. The moderated caucus is aimed to facilitate and accelerate the discussion on the issues deemed as essential and critical for the topic on agenda. Instead of being added to the general Speaker's List, delegates wishing to speak shall raise their placards and be called upon at the discretion of the Chairs.
2. The motion for the moderated caucus can be introduced by any of the delegates once the Floor is open for Points and Motions. The delegate shall specify the total time of the Motion (not exceeding 20 minutes), individual speaker's time for each of the delegates (not exceeding the speaker's time set for the general Speaker's List) and the purpose of the Motion. The purpose, i.e. the topic of the Motion shall be connected to the issue currently being discussed on the agenda and shall be more particular than the general topic of the discussion.
3. The Motion can be ruled out of order at the discretion of the Chairs- such decision is not a subject to appeal.



### **UNMODERATED CAUCUS (INFORMAL DEBATE)**

1. The Unmoderated Caucus is the most informal out of all forms of debate, during which delegates are able to freely discuss all issues with other delegations, lobby for their interests, resolve difficult questions about the topic on the agenda and create working papers and resolutions.
2. The motion for Un-moderated caucus can be introduced by any of the delegates once the Floor is open for Points and Motions. The delegate shall specify the purpose of the motion and shall state the total time of the motion (not exceeding 30 minutes).

### **SUSPENSION AND ADJOURNMENT OF THE MEETING**

1. The Suspension of the Meeting is the postponement of all functions of the Committee till the next session.
2. The Adjournment of the Meeting is the postponement of all functions of the Committee till the next edition of MUN. Such Motion postpones all its work for the rest of the Sessions and conference overall.
3. Both Motions can be raised by a delegate any time when the Floor is open and requires a second. The house is required to vote on such motion immediately; a simple majority of the quorum is needed for any of these two motions to pass.

### **YIELDS**

A delegate who was granted the permission to speak by the Chairpersons shall have the right to yield his time- if remaining- to:

1. Yield to another delegate- the remaining time will be offered to another delegate as allotted by the former speaker. The delegate, if accepting the yield, cannot yield the floor to any other person with the exception of Chairpersons.
2. Yield to inquiries- If the delegate is open to questions, it is at the discretion of the Chairpersons to grant this right to any delegate willing to pose an inquiry to the delegate within the remaining time allocated to the delegate.
3. Yield back to the Chairs- if there is remaining time left, but the delegate is not wishing to answer any questions or give his allocated time to another delegate, he /she can yield his time back to the Chairpersons, who will proceed with another delegate on the Speaker's List/ wishing to speak afterwards.

### **POINTS**

1. Point of Personal Privilege- A delegate may raise the Point of Personal Privilege in case of whichever kind of personal discomfort which prevents him from full participation in the debate. Such things can be for example audibility of other speakers, switching of air-conditioning etc. A Point of Personal Privilege can interrupt a speaker only in the case of bad audibility.
2. Point of Parliamentary Inquiry- A delegate may raise the Point of Parliamentary Inquiry in order to clarify certain aspects of the Rules of Procedure by the Chairpersons.



3. Point of Order- A delegate may raise the Point of Order if there is a factual inaccuracy in a fellow delegate's speech.

### **RIGHT OF REPLY**

1. Delegates, whose country's national integrity or sovereignty has been contested, may require Right of Reply. The Chairpersons may decide to give a certain time limit to the Delegate to respond and to rule whether the Right of Reply is in order. The decision of the Chairs is not subject to appeal.

### **WORKING PAPERS**

1. Working papers are the precursors to the Draft Resolution,
2. Any delegate can introduce a Working Paper for the consideration of the Committee. The Working Paper has to be approved by the Chairpersons before its distribution.
3. Working paper does not require any Signatories or Sponsors. However, it should bear the name of the delegate or delegates who proposed it.
4. There is no set format for the Working Paper, i.e. the working paper does not have to be introduced in the resolution format. The Working Paper is referred to by its designated number.

### **DRAFT RESOLUTIONS**

1. Draft Resolution means a document drafted in the official format of the resolution.
2. The ones recognized as the writers of the Draft Resolution are called "Sponsors". Chairpersons will set the required minimum number of Sponsors according to each Committee.
3. "Signatories" are the ones supporting the discussion regarding the Draft Resolution on the Floor and bear no further obligation. Chairpersons will set the required minimum number of Signatories according to each Committee.
4. One Member State cannot be "Sponsor" and "Signatory" at the same time.
5. Once the Draft Resolution has been introduced delegates cannot add themselves to the list of Sponsors anymore. However, they can be removed from the list by passing a request in written form to the Chairs. If the Draft Resolution does not have the number of Sponsors required, the document will be removed from the Floor immediately.
6. Delegates wishing to be added or removed from the list of Signatories can do so at any time. The request to do so should be passed to the Chairs in written form.
7. More than one Draft Resolution can be on the Floor at once.



## AN INTRODUCTION TO THE COMMITTEE

The United Nations Human Right Council (henceforth UN HRC) is an intergovernmental body within the United Nations system and one of the key bodies responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations. It has the ability to discuss all human rights issues and situations that require its attention and make recommendations on them. It meets at the UN Office in Geneva. The Council was established by the UN General Assembly (UN GA) on 15 March 2006 by Resolution 60/251 and as such replaced the UN Commission on Human Rights. All 47 Member States are elected by the UNGA for a term of three years.

There are five regional groups in the UNHRC, each of which has a certain number of seats in the committee:

1. African States (13 seats)
2. Asia-Pacific States (13 seats)
3. Latin American and Caribbean States (8 seats)
4. Western European and other States (7 seats)
5. Eastern European States (6 seats)

Provided with a comprehensive mandate, the UN HRC “shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind in a fair and equal manner”. Besides that, it “should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon” (UNGA 2006, art. 3). This means that the work of the UNHRC is largely of advisory nature. Its resolutions could be called firm suggestions to the UN Member States since it is ultimately up to the countries’ governments to adopt legislation in line with said recommendations.



## **INTRODUCTION TO THE AGENDA**

The dramatic reality of contemporary conflicts and related violent crisis is the heavy toll of armed violence on civilians. The changing nature of conflict have brought about strategies and tactics that have made vulnerable groups in society the specific target of attack, as the evidence compiled in databases and reports suggests. In a context of evolving forms of ‘war’ and other forms of violent conflict, the protection of human rights faces unprecedented challenges and poses essential dilemmas. It is often during armed conflicts that human rights are infringed upon the most. Therefore, over the years, experts have focused much attention on the formulation of instruments aimed at alleviating human suffering during war and conflict. Today, three areas of modern international law attempt to provide protection to victims of war: human rights law, refugee law and humanitarian law. While these fields are closely linked, they need to be distinguished systematically.

A state commits human rights violations either directly or indirectly. Violations can either be intentionally performed by the state and or come as a result of the state failing to prevent the violation. When a state engages in human rights violations, various actors can be involved such as police, judges, prosecutors, government officials, and more. The violation can be physically violent in nature, such as police brutality, while rights such as the right to a fair trial can also be violated, where no physical violence is involved.

The second type of violation – failure by the state to protect – occurs when there’s a conflict between individuals or groups within a society. If the state does nothing to intervene and protect vulnerable people and groups, it’s participating in the violations. In the United States, the state failed to protect black Americans when lynchings frequently occurred around the country. Since many of those responsible for the lynchings were also state actors (like the police), this is an example of both types of violations occurring at the same time.

### **Plight of Afghanistan**

The diaspora of Afghan refugees across much of the world has been a nonstop subject in the news and political scene since the fall of the Islamic Republic of Afghanistan. They are called refugees for a reason, since they come from a nation which not only wishes to kill or suppress



them, but also face exceptional barriers in their acceptance as refugees abroad due to their homeland being under new rule.

Since the Taliban's outset in the 1990s, it has been enjoying a period of governance, a period of near extinction, and recently a renewed fire in their determination to spread their religious extremism. The Taliban have perpetuated large numbers of crimes against minorities and civilians, and as such a large number of people have fled.

Women and girls have progressively had their rights to fully participate in education, the workplace and other aspects of public and daily life severely restricted and in many cases completely taken away.

The U.N. identified more than 100 instances of “excessive use of force” and 217 instances of “cruel, inhuman and degrading punishments” as well as extrajudicial killings of individuals accused of “religious” or “moral” crimes under the Taliban’s own interpretation of Sharia, or Islamic law.

UNAMA documented Taliban abuses against 163 members of the media during the 10-month period leading up to June 15. Among these were 122 instances of arbitrary arrest and detention, 58 instances of ill-treatment, 33 instances of threats and intimidation and 12 instances of incommunicado detention. Six journalists were also killed during this period, five by the Islamic State group and another by unknown perpetrators.

### ***Current Situation***

As the current situation stands in Afghanistan, the Universal Declaration for Human Rights seems like a checkbook for what the government has stripped away from the Afghan people. Currently, it has been months since the last legitimate government forces have fled or surrendered, and that has led to an uneasy diplomatic standoff. The Taliban continues to establish their governance and, while maintaining some modern aspects of life that had been promulgated by American-aligned forces, have begun to reintroduce government activities to suppress and kill dissidents. There is no scale known of the damages being caused, but already women are being barred from schooling and a reign of terror is coming about over Afghanistan. Some 6 million people since 2002 have been forced from their homes, with an additional 600,000 fleeing the nation since January of 2021. Large numbers of these refugees have ended up in their neighboring countries, but these nations can only support so many refugees, and often have issues of what to do with all of these peoples.

### **Past UN Action and Resolution**

There has been a wide range of actions taken in the past thirty years in response to the Taliban and the prior governments of Afghanistan’s treatment of women, minorities, and dissidents among other things. In order to truncate the incredibly long list of motions on these issues, there are only a few which are selected here.



The UNHRC and many other agencies have responded to the resurgence of the Taliban in recent months most recently with an emergency session in late August. This emergency session covered the serious human rights concerns and situation in Afghanistan. The issues covered primarily were related to the violations and abuses of human rights, as well as the protections for women, children, and minorities. The UN also begged for an immediate ceasefire and for the protection of the free movement of peoples. This most recent session was criticized by many groups who saw it as a failure to actually address the issues, and has been disregarded by the Taliban somewhat, though the extent to which it has been ignored is unknown currently. The Security Council also affirmed that the UN would stay in Afghanistan even with the Taliban's takeover, and keep the different groups that advocate for political rights as well as those that provide for basic needs in place for an additional six months. For the purpose of this committee, this is something that can be under discussion, and whether or not to pursue extending this even more, or changing it altogether.

#### **Questions to Address**

1. Should the international community recognize the Taliban as the legitimate government of Afghanistan? What is the status of those who fled the nation?
2. What can the international community do to protect Afghan refugees outside of the nation at the moment and provide for them?
3. How should topics such as protection of women's rights and minorities be brought up while working with the Taliban?



### **Plight of Ukraine**

Some progress was reported in prosecutions relating to deaths during the EuroMaidan protests in 2014, including the trial of several *titushki* (agents working for the police) and of a handful of former police officers (some in absentia). However, justice remained elusive for most victims of police abuses during these events.

Impunity for torture and other ill-treatment in general remained endemic. Investigations into more recent allegations remained slow and often ineffective. The Prosecutor General's Office (PGO) reported opening 79 new cases of alleged torture and 1,918 of alleged abuse of authority by law enforcement officers, from January to December, resulting in 51 individuals being charged with relevant crimes.

In January, two young men were assaulted in Zhytomyr Region by a mob who accused them of car theft. A police officer arrived at the scene and joined the assailants, subjecting one of the victims to a mock execution with his pistol. In July, prosecutors submitted to court charges of torture against the police officer and three other persons; another police officer was charged with false testimony.

In March, the PGO reported that the European Court of Human Rights (ECtHR) had to date ruled in the applicants' favour, and against Ukraine, in 115 cases regarding conditions of detention amounting to torture or other ill-treatment, of which 71 under the supervision of the Committee of Ministers of the Council of Europe remained unaddressed; 120 cases were awaiting a decision.

In May, in the case of *Debelyy and Others v. Ukraine*, the ECtHR found that police in Ukraine had subjected the three applicants – Andrey Debelyy, Roman Korolev, and Oleksandr Rafalsky – to inhuman and degrading treatment.

### ***Gender-based violence***

Gender-based violence and discrimination – particularly against women – and domestic violence remained widespread. Support services for the survivors as well as legislative and policy measures intended to combat domestic violence, although improved in recent years, remained insufficient. No progress was made in ratification of the Council of Europe Convention on combating and preventing violence against women and domestic violence (Istanbul Convention).



From January to December, the authorities opened 2,432 criminal investigations into domestic violence, designated 2,176 individuals criminal suspects and submitted 2,136 cases to court. Administrative proceedings were opened against 54,890 individuals for domestic violence from January to June.

In July, a new law was enacted, which removed the legal obstacles that had effectively exempted military personnel and police officers from administrative and criminal prosecution for domestic violence; it also strengthened the provisions underpinning emergency protection orders. The law extended to six months the statute of limitation for domestic violence as an administrative offence, and introduced new penalties including compulsory labour and detention for up to 10 days.

However, an investigation into allegations by Lieutenant Valeria Sikal – who in 2018 was the first Ukrainian ex-servicewoman to report sexual harassment by a commanding officer in the Armed Forces – was ineffective, and further delayed by its referral to the State Investigation Bureau of Khmelnytsky Region where no further investigative activities took place.

### *LGBTI people's rights*

A draft bill tabled in parliament in May proposed expanding the definition of hate crimes to cover those motivated by sexual orientation and gender identity. However, homophobic attacks by groups advocating discrimination and violence continued throughout the year with the perpetrators rarely held accountable.

In March, four individuals daubed the community centre of the NGO Sphere with mud; in August, the centre's façade was vandalized with homophobic graffiti.

At least four such attacks took place in May alone. On 27 May, a mob smashed the window of the venue where the KyivPride group had organized a film screening, and threw a flare and a gas canister inside. Police opened a criminal investigation into "hooliganism" but failed to qualify the incident as hate crime.

On 29 May, a mob attacked the community centre of the LGBTI group Insight in the capital, Kyiv. The same day in Odessa, a mob disrupted and ended a feminist lecture by Insight's leader Olena Shevchenko; elsewhere in the city, seven masked men in black threw stones at the office of the LGBTI association LIGA and damaged one of its CCTV cameras. Police refused to open a criminal investigation into either incident until activists filed a complaint about police inaction.



The six perpetrators of the 2018 attack against human rights defender Vitalina Koval – in which she was doused with red paint causing chemical burns to her eyes – continued to enjoy impunity. In March, a court ruled that the statute of limitation had expired on the charge of “causing minor bodily harm” against two female attackers, and closed the relevant proceedings. A parallel investigation into a hate crime (“violation of citizens’ equality”) was pending but apparently stalled. No charges were ever brought against four male co-attackers.

### **Freedom of expression**

The media were generally free and diverse, although a handful of outlets were selectively targeted by the authorities in connection with their perceived pro-Russian editorial policies, and accused by the Security Service of Ukraine (SBU) of waging an “information war” against Ukraine.

The National Security and Defence Council (an advisory state body) introduced so-called “personal sanctions” against parliamentarian Taras Kozak, which targeted his commercial assets including three TV channels that were stripped of broadcasting licences. The decision, approved by the President, drew criticism over its extrajudicial nature and arbitrary focus on media enterprises – as well as its application, against a Ukrainian national and his Ukraine-based businesses, of a law intended for sanctioning foreign commercial entities.

Unfounded criminal proceedings against former prisoner of conscience, journalist Vasil Muravitskyi, were ongoing. The risk of imprisonment and physical harm by groups advocating discrimination and violence forced him to leave Ukraine.

In November, the owner of the independent *Kyiv Post* newspaper suspended its publication with immediate effect. The staff announced that they had thereby been fired for their independent journalism. Commentators alleged that pressure on the owner by the Presidential Administration had led to his decision.

The investigation of attacks – including killings – against journalists and human rights defenders was slow and often ineffective. Court hearings continued in the high-profile case against three persons accused of planting a car bomb that killed Belarusian-Russian-Ukrainian journalist Pavlo Sheremet (Pavel Sharamet) in July 2016. Commentators and journalists raised doubts over the credibility of the investigation. The defendants denied the charges, insisting that they were politically motivated. In January, evidence was published suggesting that the killing had been planned by the Belarusian authorities.

Prominent Belarusian exile Vital Shyshou, head of the Belarusian House in Ukraine, was found hanged in a park in Kyiv on the morning of 3 August. He had previously complained to his



colleagues of being followed and threatened with reprisals by Belarusian security services.<sup>1</sup> The Ukrainian authorities investigated his death as suspicious, although no outcome was reported by year's end.

### **Past Actions Taken**

Action on Resolution on the Deteriorating Human Rights Situation in Ukraine Stemming from the Russian Aggression. In a resolution (A/HRC/S-34/L.1) as orally revised, on the deteriorating human rights situation in Ukraine stemming from the Russian aggression.

On 1 March 2022, the UN and humanitarian partners launched coordinated [Flash Appeals](#) for a combined \$1.7 billion to urgently deliver humanitarian support to people in Ukraine and refugees in neighboring countries.

Within Ukraine, the plan requires \$1.1 billion to meet the escalating humanitarian needs of more than six million people affected and displaced by military operations over the next three months. Outside the country, the UN requested \$551 million to help Ukrainians who have fled across borders, principally to Poland, Hungary, Romania and Moldova.

While there were numerous resolutions drafted by the member nations regarding the removal of military forces from Ukraine, Russia kept on using their Veto power in the security council.

### **Questions to Address**

1. What measures can the Ukrainian government take in order to protect civilians and guarantee their rights?
2. Will a UN peacekeeping force help end violence and find a peaceful settlement of the conflict?
3. Beyond the security and military situation, how can the UN system improve the humanitarian situation of civilians affected by the conflict?

**\*THE MATERIAL IN THIS GUIDE ARE SOLELY FOR READING PURPOSES, AND THE DATA IS COMPILED FROM VARIOUS SOURCES QUOTING THE ABOVE INFORMATION.\***

**AT NO POINT IN TIME SHOULD THIS GUIDE BE TAKEN FOR RAISING QUESTIONS IN THE COMMITTEE OR AS A PROOF FOR ANY SORT OF ALLEGATIONS.**



