



# **MiddMUNC 2020**

## **United Nations Human Rights Council Background Guide**



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## Letter from the Secretary General

Dear Delegates,

On behalf of the Secretariat and staff of MiddMUNC 2020, I would like to formally welcome you to the first iteration of MiddMUNC. As a free Model United Nations conference, we are thrilled that MiddMUNC will provide an opportunity to engage in MUN for students from across our beautiful state and surrounding areas. We are very excited to welcome you to our campus this March for a day of debate, sabotage, policy drafting, and more as you explore the world of Model United Nations with us.

For some of you this may be just one conference on a long list that you have attended throughout your academic career and others this will be your first foray into the world of Model UN. Regardless of your experience, we have designed MiddMUNC and all of our committees to offer every student an accessible and engaging day of MUN.

Throughout the past year we have carefully selected the topics each of you will participate in to create engaging, topical, and unique committees that will challenge both new and experienced delegates. In the United Nations Human Rights Council, delegates will be tasked with protecting freedom of the press in a world that is constantly threatening that basic right. Some delegates will be able to champion a free press while others will have to stay true to their country's views and argue against unrestricted free speech. Delegates in the United Nations Office on Drugs and Crime will have to work together to combat radicalism in cyberspace as extremists are increasingly using the internet and social media to recruit for, train for, and plan attacks around the world. While tackling radicalism is an admirable goal delegates will have to make sure that they neither restrict freedom of speech in the process nor infringe on member states' national sovereignty. Each delegate in our joint crisis committee, the War of the Three Henry's, can expect to be transported to sixteenth century France as they vie for the crown. Representing a member of King Henry III de Valois of France (Les Politiques), King Henry of Navarre (French Huguenots), or Henry Lorraine's (Catholic League) cabinet, delegates will collaborate, backstab, spy, murder, and more in an effort to gain power and victory in the war. Suffice it to say, regardless of which committee you are in, you can expect a day of excitement thanks to the hard work of your chairs or crisis director in writing your background guides.

While our team has been a consistent force on the competitive collegiate circuit, this will be our first conference that we have ever hosted and, as such, we're just as nervous as many of you were for your conference. In preparation for your arrival, our team has spent months and countless hours writing background guides, training in the proper usage of parliamentary procedure, booking committee rooms, and all the other little details that have gone into this conference. After nearly a year of planning we are beyond excited to welcome all of you to our campus on March 14, 2020.

If you have any questions or concerns about the conference please do not hesitate to reach out to me at [svanrajah@middlebury.edu](mailto:svanrajah@middlebury.edu). Good luck with your preparation, I look forward to meeting all of you and seeing the work you do in committee.

Sincerely,

Suria Vanrajah  
Secretary General of MiddMUNC 2020



## Letter from the Chairs

Dear Delegates,

Welcome to MiddMUNC 2020! My name is Jack Carew, and I will be serving as your Chair for this session of the United Nations Human Rights Council focusing on freedom of the press.

I am so excited to have the honor of directing this committee for you all. Today, you will either be introduced to the world of crisis committees, GAs, moderated caucuses, and so on for the first time, or be able to build on your past experiences. As your chairs, we will do our best to help and guide you in the process, however, this conference, this committee, and its debates will be what you make of them!

This Spring marks my seventh year of involvement with Model UN; after beginning to attend meetings the Fall of my sophomore year of high school, I have continued my participation to the present. Model UN truly feels like a home away from home. I have debated in numerous committees, both crises and general assemblies, and portrayed energy secretaries, nuclear physicists, Soviet Premiers, Vice Presidents, and countries including Argentina, Yemen, and Germany.

Outside of Model UN, I dabble in numerous aspects of the sacrosanct “liberal arts” by studying Comparative Literature and Global Health. My passions are languages, and consequently I have been fortunate enough to study Arabic, Spanish, and Mandarin at Middlebury and during semesters in Jordan, Chile, and Palestine. While not in class, I work as coordinating several community engagement groups, including Page One Literacy Project and Middlebury Alternative Breaks, serve as a waiter at weekly language tables, and perform research in an Organic Chemistry lab.

I am honored to have the experience to chair this committee at the inaugural MiddMUNC, and hope that you all enjoy a worthwhile and inspiring experience serving as delegates to the United Nations Human Rights Council. Have an excellent conference!

Sincerely,  
Jack Carew  
Chair of UNHRC

Dear Delegates,

My name is Rachel Flatt and I will be serving as Vice Chair for the Middlebury College 2020 Model United Nations conference’s UNHRC committee on freedom of the press. I am a junior at Middlebury, majoring in International and Global Studies with a focus on East Asia and minoring in Linguistics. I love the Model United Nations team here at Middlebury, but I also play the flute in the Middlebury College Orchestra and spend a lot of my time on activities with the Japanese department.

I am very much looking forward to taking this role in our first Middlebury Model UN High School conference. Freedom of the press is an important issue of great relevance to our current political moment, and has far-reaching implications for human rights and democracy throughout the world. It is also a multifaceted issue with many perspectives to consider, and I look forward to hearing all of your ideas and creative solutions. Remember to read this background guide carefully as well as research the issue on your own so that you are well-prepared to represent your country’s perspective well in debate. Stay attuned to the convictions of your country, but enter committee ready to persuade, collaborate, and compromise with your fellow delegates. This is a wonderful chance to consider this important issue from a variety of viewpoints, exercise your debate skills, and imagine solutions to global problems. I encourage you to make the best of it. Good luck, and have fun!

Sincerely,  
Rachel Flatt  
Vice-Chair of UNHRC



## Background on the United Nations Human Rights Council

As a subsidiary of the UN General Assembly, the United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations and is based in Geneva. All member states are responsible to cooperate on the promotion and protection of Human Rights (HR). The UNHRC and its Member States utilize the Charter of the UN, the Universal Declaration of Human Rights (UDHR) and other human rights instruments, with a primary focus on humanitarian law. The Committee was created by the General Assembly by Resolution 60/251 in 2006, in order to replace the 53-member United Nations Commission on Human Rights. This earlier body deteriorated as Member States with dubious human rights records were given membership; in 2003, for example, Libya was elected chair of the group and Sudan was given membership. Paragraph 7 of resolution 60/251 reads:

*“The Council shall consist of forty-seven Member States, which shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly; the membership shall be based on equitable geographical distribution, and seats shall be distributed as follows among regional groups: Group of African States, thirteen; Group of Asian States, thirteen; Group of Eastern European States, six; Group of Latin American and Caribbean States, eight; and Group of Western European and other States, seven; the members of the Council shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms.”*

The primary human rights instruments available to the committee are the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965), the International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), and the Convention on the Rights of the Child (CRC, 1989). The mandate of the UNHRC includes the examination of human rights in nations around the world; these abuses may occur among or within member states, ethnicities, work spaces, or individuals. Every four to five years, each member state undergoes the Universal Periodic Review, a centerpiece of membership in the committee. In this process, the Council reviews the human rights record of each member state with the cooperation of the specific state. An integral aspect of this process is the interactive dialogue, wherein all United Nations member states have the opportunity to question and offer recommendations to other member states (Brown and Kumar, 2016, p.5). Not only does the committee evaluate member states, but it also especially focuses on non-governmental organizations operating within and between countries, and on national human rights institutions. The council’s mission is “to work for the protection of all human rights for all people; to help empower people to realize their rights; and to assist those responsible for upholding such rights in ensuring that they are implemented” (UNHRC). Inherent to this aim is the focus on ensuring universal, inalienable, and indivisible human rights and promoting cooperation between governments.



Attached to the Human Rights Council is the Advisory Committee, a body comprised of 18 independent experts that serves as the Council's thinktank by providing advice on the most salient topics occurring around the world. The members of this Committee are chosen by secret ballot and serve for three years. This committee meets twice annually, for a maximum of ten working days per year, and conducts studies in order to present research-based advice to the Council; it essentially functioning as the Council's consulting arm. The Committee is barred from adopting any resolutions or decisions, and is tasked with creating implementation-oriented suggestions and strategies for the adoption of the Council. The current membership of the Advisory Committee is

*Ibrahim Abdulaziz Alsheddi\* (Saudi Arabia, 2021); Mohamed Bennani\* (Morocco, 2020); Lazhari Bouzid\* (Algeria, 2022); Alessio Bruni (Italy, 2021); Milena Costas Trascasas (Spain, 2022); Ion Diaconu\* (Romania, 2020); Ludovic Hennebel (Belgium, 2020); Yuriy Alexandrovich Kolesnikov (Russian Federation, 2022); José Augusto Lindgren Alves (Brazil, 2021); Xinsheng Liu\* (China, 2022); Ajai Malhotra (India, 2020); Itsuko Nakai (Japan, 2022); Mona Omar\* (Egypt, 2022); Javier Palummo (Uruguay, 2022); Elizabeth Salmón (Peru, 2020); Dbeerujlall Baramlall Seetulsingh (Mauritius, 2020); Changrok Soh\* (Republic of Korea, 2020); and Cheikh Tidiane Thiam (Senegal, 2021).*

The Complaint Procedure is the term for the confidential procedure in which a member state or non-governmental organization can report a specific breach of human rights. After a complaint is lodged, rather than investigate and rule on that specific abuse, the Committee investigates the comprehensive human rights landscape of the state in which the abuse is alleged to have been taking place. The individuals or non-governmental organization who initially brought the complaint will not be notified by specific steps taken, as a single complaint does not automatically set off an investigation. In order for the Council to take steps, it must first receive multiple complaints that show a consistent pattern of gross systematic human rights violations which can be reliably proven to have occurred or be occurring. It is only after this process that the Human Rights Committee can even begin to examine the human rights situation of the specific country. In doing so, the Committee works hand-in-hand with the UN Special Procedures; these individuals are independent experts with mandates to report and advise on human rights from a thematic or country-specific perspective. These individuals include rapporteurs, special representatives, and independent experts. Overall, the Human Rights Council's work is inclusive of all human rights issues, whether they may be cultural, civil, political, economic, or social.

## Mandate, Functions, and Powers of the UNHRC

The United Nations Human Rights Council holds a unique and encompassing mandate outlined in General Assembly resolution 60/251 of 2006 on the "Human Rights Council". Paragraph 5 of that resolution reads:



*“The Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development;”*

Further in this resolution is the statement that the Human Rights Council shall also address and provide recommendations on all--in particular, grave and systematic--violations of human rights and work in coordination with all other components of the United Nations organization, especially in regards to streamlining mechanisms for human rights issues. Furthermore, the General Assembly designates here that the Human Rights Council shall serve as a forum for debate and dialogue on all human rights issues, including addressing violations and responding to emergencies, promoting cooperation and education on human rights, reviewing Member States’ history and performance, and preventing abuses from occurring in the first place.

In addition to the wording put forth in resolution 60/251, the International Bill of Human Rights further clarifies the mission of the United Nations Human Rights Council. The Bill is made up of the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols (Fact Sheet No. 2, p. 1). These three documents lay out the framework that guides the Human Rights Council in making its recommendations primarily through identifying the fundamental obligations and commitments of Member States in international human rights law. Finally, the 2030 Agenda for Sustainable Development (2015) and the 17 Sustainable Development Goals--themselves an evolution of the Millenium Development Goals--also provide guidance to the Human Rights Council.

In 2007, the Human Rights Council adopted resolution 5/1, titled “Institution Building of the United Nations Human Rights Council” and based strongly on the aforementioned guiding documents of the International Bill of Human Rights. This resolution primarily establishes the process of the Universal Periodic Review, the Human Rights Council Advisory Committee, the Complaint Procedure, and a formal agenda of priorities and methodology of the work of the Committee. The resolution also establishes so-called Special Procedures, or the framework with which the review will be carried out; included in these procedures are criteria for the selection of mandate-holders and those for the rationalization and improvement of mandates. Essential to every review that is carried out in the Council is both the mandate--the topic under advisement--and a mandate holder, who is usually a Special Rapporteur, an independent expert, or a working group, to carry out the investigation. The Special Procedures lay out the mechanisms through which entities can undertake country or field visits, with the support of the OHCHR, and to bring specific cases and concerns to the attention of Member States. The procedures also state that entities can send communications detailing accusations of violations or abuses of human rights, engage in advocacy efforts, and offer technical assistance when possible (OHCHR, Special Procedures).

Of the mechanisms laid out in resolution 5/1, the Universal Periodic Review is perhaps the most essential



to the function of the institution. Through the Human Rights Council, each United Nations Member State submits a periodic review in order to assess the fulfillment of its human rights obligations and the current state of human rights on the ground. Each review is based on the following three documents:

1. Information prepared by the Member State, which can take the form of a national report; the Council advises that this report be prepared through a broad consultation process at the national level with all relevant stakeholders;
2. A compilation prepared by the Office of the High Commissioner for Human Rights of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the Member State concerned;
3. Additional, credible, and reliable information provided by other relevant stakeholders.

After the above information is collected, the review is conducted by one working group, chaired by the President of the Council and composed of the 47 Member States of the Council. From these participants, a group of three rapporteurs will be randomly selected to facilitate each review. As the review is a cooperative process, rather than an indictment, the review should be seen as a chance for the Member State under review to improve; thus, the outcome of the review may include sharing of best practices, an emphasis on enhancing cooperation for the promotion and protection of human rights, and the provision of technical assistance and capacity-building in consultation with the country concerned.

## Voting and Drafting Procedures of the UNHRC

The 47 member states of the United Nations Human Rights Council are selected to serve a term of two years each. Under these circumstances, there will only be a maximum of 47 affirmative votes on any draft resolution. Should the situation arise where there are more than 47 states, the additional countries will be recognized as observer states. While they will take part in all procedural matters, observer states are barred from taking part in the voting procedure of a draft resolution. They are also barred from taking part in the draft resolution amendment session. Thus, the 50%+1 for the draft resolution voting and the 2/3rd majority for the amendment voting will be calculated based on the 47 member states; 24 votes will be required to pass a draft resolution and 32 votes will be required to pass an amendment.

## History of Freedom of the Press

Lawyer and free press advocate Trevor Timm states that “an independent press is one of the essential pillars of a democracy” (Timm). He continues to state that “an independent press ensures that citizens stay informed about the actions of their government, creating a forum for debate and the open exchange of ideas (Timm). Brookings Institution Fellow James Kirchick notes that the “free press is important because it is the freedom upon which all our other freedoms





are contingent” (Kirchick). Finally, Freedom House, a non-governmental organization dealing with issues related to a free press notes that “[a] free and independent media sector that can keep the population informed and hold leaders to account is as crucial for a strong and sustainable democracy as free and fair elections” (Repucci). This Freedom House report continues to state that without a free press, “citizens cannot make informed decisions about how they are ruled, and abuse of power, which is all but inevitable in any society, cannot be exposed and corrected” (Repucci).

## Recent Developments to Freedom of the Press

Freedom of the Press is increasingly shrinking worldwide. In a February 26, 2019 speech, the Secretary-General of the United Nations, António Guterres, stated that “civic space has been shrinking worldwide at an alarming rate.”<sup>[1]</sup> He continued to call on governments and the international community to protect journalists and other media workers at a time when attacks on the media and information industry have become “the new normal.”<sup>[1]</sup> The Secretary-General noted that more than a thousand journalists have been killed while carrying out their work in the past decade, and more than nine out of ten cases remain unresolved. The United Nations clearly and firmly stands against this persecution. Key to note is that many journalists and media workers killed, injured, and detained in their work were covering stories related to politics, crime, corruption, and human rights, not conflict.

## Existing UN Framework

The Universal Declaration of Human Rights of 1948 establishes freedom of the press in Article 19, which states, all humans possess “[f]reedom of opinion and [e]xpression, freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers” (UNDHR).

## General Information

While some nations enshrine a free press in their constitution or other founding documents, there does not exist a worldwide consensus on the issue; furthermore, countries whose citizens enjoy a constitutionally-protected press to the law do not always see these laws enforced. It is unlikely that debate will not stem from delegates defending complete censorship of the press, rather the sources of disagreement will likely stem from differing perspectives on permissible electronic and print media, free speech rights, rights of foreign journalists, rights to publicize confidential or otherwise covert information, and other issues of that nature. Delegates should research not only their own country’s positions and perspectives on those issues but also those of countries that are likely to agree and/or disagree with those positions. This will allow delegates to be aware of potential allies. To this end, a list is included below of the countries that will be represented in the MiddMUNC UNHRC simulation to give delegates a reference for countries to be aware of and potentially research.

*Afghanistan, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, China, Croatia, Cuba, Democratic Republic of the Congo, Denmark, Egypt, Eritrea, Hungary, Iceland, India, Iraq, Italy, Japan, Mexico, Nepal, Nigeria,*



*Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Slovakia, Somalia, South Africa, Spain, Togo, Tunisia, Ukraine, & United Kingdom of Great Britain and Ireland.*

When formulating resolutions to answer the issue of the freedom of the press, delegates should remember to accurately represent the views of their respective countries in order to ensure a valuable and realistic simulation. Please conduct research ahead of time to ensure that each country's views are represented with as much accuracy as possible.

## Issues

The topic of freedom of the press is beset by several controversies and contested questions that a meeting of the Human Rights Council may choose to resolve. When discussing the topic of freedom of the press, there are several central issues of which delegates should be aware. Namely, this section will mention several potential avenues that may be debated during the Human Rights Council at MiddMUNC. Addressing these issues is key for drafting a resolution that effectively promotes and protects freedom of the press.

The rise of authoritarian and populist leaders across the globe has threatened the freedom of the press through direct and indirect threats to the physical safety of journalists and those who consume media. Leaders, in efforts to protect themselves, their families, and their business networks, have cracked down on journalists attempting to expose corruption and other nefarious dealings within the realms of political power. The wide disparities between the relative strength of nations' laws concerning a free press means that there is no consistency in the treatment of journalists. The obvious tension between journalists seeking to expose abuses of power and leaders of anti-democratic regimes will need to be addressed, especially as we transition to an ever more globalized and ever more digital world.

Furthermore, the question of what a journalist or media outlet should publish may also be taken up by the Human Rights Council. As made clear in publications over the past half century, including that of the Pentagon Papers and numerous articles by Wikileaks, there exists tension between even democratic nations and would-be leakers of state secrets. Currently, the journalistic standard follows that one should take into consideration the principle of least-harm when deciding to publish an article; thus, if one becomes privy to confidential or leaked information, one should only publish it if in doing so, more people are helped than are hurt or put in danger. Clearly, this principle is inherently subjective and will vary from individual to individual. Do more stringent policies need to be put in place measuring when governments are free to punish those who publish sensitive information?

Delegates to the United Nations Human Rights Council should take into special consideration the concerns and the rights of women and those persecuted for reporting on minority religious and ethnic groups. In previous sessions, the Council has suffered from serious flaws, including a significant hesitancy to adopt strong and encompassing resolutions. Delegates are challenged to balance economic, social, cultural, civil, and political rights in debate and in the writing of resolutions.

## Questions Any Resolution Must Answer

Listed below are some questions that any resolutions presented to the chair must answer. This means that these questions are essential to the development of an effective resolutions, so please keep these in mind when drafting



resolutions in committee.

1. What is an appropriate definition of freedom of the press?
2. What is an appropriate definition of censorship?
3. When is government censorship admissible/appropriate?
4. What distinctions are to be made between print and electronic journalism? How will countries tackle the differences and difficulties between these?

### Additional Questions to Consider

1. What are the goals of the UNHRC?
2. How can the UNHRC best utilize the Universal Periodic Review process to ensure the rights of the press?
3. Are press rights universal and inalienable, or are they culturally-determined?
4. What is the role of the UNHRC or Member States to prevent fake news?

### Suggestions for Further Research

“On World Press Freedom Day, Brookings Experts Reflect on the Importance of a Free Press.” Brookings Institution. (2018). <https://www.brookings.edu/blog/up-front/2018/05/02/on-world-press-freedom-day-brookings-experts-reflect-on-the-importance-of-a-free-press/>.

This article provides a series of reflections from Brookings Institute fellows on the freedom of the press as found in the United States in 2018.

“The Importance of Freedom of the Press in a Democracy.” Democracy and Me. (2019). <https://www.democracyandme.org/the-importance-of-freedom-of-the-press-in-a-democracy/>.

In this article, a doctor of journalism describes the journalistic challenges that the media face in the United States in 2019. Topics discussed include attacks on journalists and the press and the theoretical background for the importance of press in a democracy.

“Why it Shouldn't be Criminal to Report Government Secrets.” Conor Friedersdorf. (2014). <https://www.theatlantic.com/politics/archive/2014/06/the-pointlessness-of-prosecuting-journalists-who-publish-leaks/372381/>.

This article lays out the argument for journalistic freedom to print or otherwise publish leaked and classified information.

“Citizen Journalism is Reshaping the World.” Brian Conley. TEDxMidAtlantic. (2012). <https://www.youtube.com/watch?v=kY-l9UQpf0Y>.

This video shows Brian Conley, the Director of Small World News, as he tells the story about citizen journalists around the world. He profiles several associates who have begun their own grassroots journalism cooperatives in various countries.

“Data-Journalists are the New Punks.” Simon Rogers. TEDxPantheonSorbonne. (2012). <https://www.youtube.com/watch?v=h2zbvmXskSE&feature=youtu.be>.



This video describes journalists working with big data to tell digestible stories to a data-wary, and data-weary populace.

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