

MUN

UNHRC BACKGROUND GUIDE

AUSMUN 2021



AMERICAN UNIVERSITY OF SHARJAH

DIRECTOR OF RESEARCH WELCOME LETTER



Dear Delegates and Faculty Advisors,

It is my utmost pleasure to welcome you to the American University of Sharjah Model United Nations (AUSMUN) 2021. As an organization led by the students of AUS, AUSMUN has had the privilege of hosting some of the biggest and most diverse MUN conferences in this region. Our 2020 conference saw over 1000 delegate registrations from more than 45 national and international institutions!

Adapting to a New Normal, Promoting Resilience: given the turbulent year of 2020, there was no other theme which could have fit our present conditions better. A small outbreak in Wuhan exactly a year back has now trickled down into a global catastrophe which has two million dead, leaving a trail of broken lives in its wake. Looking at the severely distorted life that has become our 'new normal', some may question whether it could all have been avoided. Whether we could have been better prepared. And the broader goal of our conference is to do exactly that: teach the upcoming generation to question current policies in the hopes of preventing another similar global catastrophe.

This background guide has been formulated by your chairs along with the research team to provide you with a concise overview of the topics chosen.

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The guide is initially divided into two sections based on the two topics and is further split into logical components. Firstly, the Summary and History section acts as an introduction to the issue. Secondly, the Discourse on the Issue section establishes a link between the issue, its implications, significance, and the United Nations Charter. Lastly, the Past International Organization (IO) Actions and Latest Developments section elaborates on the previous actions that have been taken, which can be used by delegates as a stepping stone to come up with their own solutions to the issues. At the end of each topic, delegates will find sections of questions and suggestions that aim to guide the process of research.

Delegates are greatly encouraged to expand beyond the guide and research about their country and topics in order to construct well founded arguments during debate. The delegate handbook contains a number of tips on how to research and addresses a vast array of common concerns. Finally, let me use this opportunity to extend my gratitude to all those who have helped create the document you are reading right now: Your wonderful moderators, the AUSMUN Research Team, and not to mention the AUSMUN Media team who have done an incredible job in designing and formatting the Background Guides.

I wish you the very best in preparing for the conference. If you have any queries at all, or need any specific help in researching for your topics, do not hesitate to contact research@ausmun.com

Sincerely,
Julia Jose
Director of Research
AUSMUN 2021

MODERATORS



Samrin Saleem

Leen Belal Othman



Mueez Khan

Junaid

WELCOME DELEGATES!

We are in unprecedented times, and AUSMUN is something that brings us a sense of normalcy.

Greetings delegates of the Human Rights Council,

It is our pleasure to welcome you to the 14th annual American University of Sharjah Model United Nations 2021 (AUSMUN) conference. Just as we have always aimed at doing, this year, the AUSMUN United Nations Human Rights Council committee works on tackling and resolving critical issues through your interaction, cooperation, and communication during the online debate.

The UNHRC has always been a unique committee, especially in terms of the topics discussed by delegates participating in it. They are topics that relate to everyone, which is why we expect all delegates to come prepared to the conference, in order to live the interactive experience of a competitive discussion, while enjoying the conference at the same time.

Carrying from there, we are looking forward to meeting all of you but, even more eager to chair the heated debates that you, the delegates, will be forming throughout the duration of the conference. Thus, make sure you attend the conference in a competitive and positive spirit!

Also, feel free to contact the chairing committee for any inquiries by email.

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OVERVIEW OF THE COMMITTEE

The United Nations Human Rights Council was formed by the United Nations General Assembly on March 15, 2006. Its first session was held from 19th of June till 30th of June 2016. The council was formed to replace the Commission on Human Rights as the primary intergovernmental body in the UN that addresses human rights worldwide. Also, the Commission on Human Rights was criticized for its inability and ineffectiveness in addressing human rights abuses and abusers that served as its members. The UNHRC is liable to promote protection and respect of human rights and freedom for all. Its major aims are to prevent any kind of human rights violations, and to integrate and promote the mainstreaming of human rights within the UN. Being a branch taken off the General Assembly, it is responsible to report directly to the Assembly's 193 members. The councils' resolutions, and decisions are not legally binding. However, their actions affirm political weight and represent the councils' perspectives and priorities.

Summary and History of issue

For years now, there has been accumulated evidence over the mistreatment of the Chinese government towards ethnic minorities living in its western region, Xinjiang, especially including Uighur Muslims, who are Turkic ethnic groups that follow the Islamic faith predominantly. (Shiel, 2019) Journalists, researchers, and refugees described the mass surveillance, arbitrary arrest, forced labor, sprawling detention camps, torture and murder that Muslims of Xinjiang have to live through. In addition to that, the government has taken specific aim being responsible for destroying numerous mosques, confiscating Qurans, forbidding Halal food, and banning fasting during the month of Ramadan; the 9th month of the Islamic calendar in which Muslims fast from sunrise to sunset (History.com, 2010). Presently, it is estimated that around 2 million Uighurs have been held captive in detention centers in Xinjiang, where they have been subject to political indoctrination and abuse (Dewan, 2020). This has raised global discussions, specifically in regards to the human rights violations that are believed to be conducted against this minority of citizens.

The problem traces back to the early stages of the 20th century, when Uighurs declared independence, only for Xinjiang to fall under the complete control of communist China in 1949. It is believed that ever since then, Uighurs faced a gradual erosion of their rights as the government progressively curtailed their religious, commercial, and cultural activities. Beijing has been accused of intensifying its crackdown since the 1990s protests, as well as those of the runner up to the Beijing Olympics in 2008 (Griffiths, 2020; Maizland, n.d.). After the 9/11 attacks, it is also believed that the Chinese government has increasingly tried portraying its Uighur separatists as auxiliaries of al-Qaeda. In 2017,

however, Chinese president, Xi Jinping, issued a directive clearly stating that “religions in China must be Chinese in orientation” and “adapt themselves to socialist society”, only to lead to a renewed crackdown on religious practices that particularly affected the Uighurs. The Chinese government says that the measures are crucial to preventing terrorism and rooting out Islamic extremism. Nonetheless, opponents of this decision have accused the government of exaggerating the described threat imposed on them by Uighurs and other ethnic minorities, in order to justify the repression of these groups, particularly the Uighurs (BBC News, 2020.).

In July 2020, the UK warned that it would sanction China for their abuse of human rights in Xinjiang. Moreover, in 2018, the UN Human Rights committee found credible reports that proved China’s detaining of a million Uighurs in “counter extremism” camps. (BBC News, 2020)

Discourse on the issue

China stopped all trails of drafting a resolution on Uighur Muslims by saying that it is an internal affair. Although some resolutions were drafted, China vetoed all of them, which poses an international injustice towards Uighur Muslims. China is a state party to the 1984 Convention on the Prevention and Punishment of Crime of Genocide which condemns genocide under international law. Also, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). All of which provide safeguard against religious discrimination and provides rights to parents to educate their children in accordance with their religious beliefs (Rizvi, 2020).

China is not only violating international treaties, but its own constitution too with the extensive policies they follow to dehumanize the Uighur Muslims population in Xinjiang through the suppression of religious freedom and forced assimilation (O'Connell, 2020). Alongside the previously mentioned documents and conventions, China has violated the Universal Declaration of Human Rights (UDHR), the

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Chaudhry, 2020).

Globally, as a way of condemning the Chinese government acts, the US has imposed visa restriction on certain Chinese officials who are complicit in the detention of Muslims. Also, the US has blacklisted numerous Chinese companies associated to the genocide in the region. The law ensured that US businesses or individuals operating in Xinjiang are not violating human rights and the use of forced labor of Uighur Muslims.

According to (Maizland, 2020): “Much of the world has condemned China’s detention of Uighurs in Xinjiang. The UN human rights chief and other UN officials have demanded access to the camps.” Also, attempts by the European Union and human rights organizations are ongoing to induce China to respect religious freedom and shutdown the camps.

Past Actions by UN, International Organizations (IO) and NGOs

The International Criminal Court (ICC) is a body that tries and charges individuals, institutions, countries and other entities with four major crimes that affect the international community: genocide, crimes against humanity, war crimes, and crimes of aggression. Under international law, the decisions of the ICC, as well as resolutions passed in the United Nations Security Council (UNSC) are legally binding, provided that the charged State recognises the jurisdiction of the ICC. The only special case under which the ICC can exercise its jurisdiction even without the State recognising it is if the case was referred to the ICC by the UNSC in accordance with any resolution that was passed under the UN Charter’s Chapter VII (Rizvi, 2020).

China does not recognise the jurisdiction of the ICC. Moreover, as China is a permanent member of the UNSC, no resolution can be

passed in the UNSC if even one of the five permanent members (P5) veto it. Exploiting this power, China continually puts an end to all talks of a resolution on the matter of the Uighurs, claiming it is an “internal matter.” Furthermore, the UNSC is the only body of the UN that passes resolutions that are legally binding under international law (Rizvi, 2020).

Therefore, the very structure of the UN has prevented action against China on the matter of the Uighurs, beyond verbal condemnations. This does not, however, stop individual member states from making statements condemning China’s actions. Notably, in October 2019, 24 countries - Albania, Australia, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, The Netherlands, New Zealand, Norway, Sweden, United Kingdom, and United States - called on China to comply with international and national laws on human rights. This was countered by more than 50 countries who were allied with China who “commend China’s remarkable achievements in the field of human rights.” The foremost of these allies were Belarus, Russia, and Egypt (Charbonneau, 2020).

In June of this year, the United States enacted the first ever law that ensures the rights of Uighurs and other Muslims in China - the Uyghur Human Rights Policy Act of 2020. The bill seeks to impose sanctions on a constantly reviewed list of individuals and entities responsible for the violation of human rights in the Xinjiang Uyghur Autonomous region. The effectiveness of the bill is yet to be evaluated (Rubio, 2020).

Continuing their efforts to put an end to the situation, in September 2019, several NGOs asked Secretary General, Antonio Guterres, to publicly condemn China for its actions. Human Rights Watch, Amnesty International, International Federation for Human Rights (FIDH), International Commission of Jurists, and the World Uyghur Congress called on the Secretary General to urge China to allow the UN high commissioner for human rights access to the camps (Human Rights Watch, 2020). However, these and other requests from both NGOs and States have led to no change, because, as detailed previously, the UNSC cannot take any real action against a permanent member.

Care International works towards Adaptation, Advocacy, Gender, Ecosystems and Natural Resources, Food and Nutrition and Resilience for climate change.

Questions and suggestions for further research

1. What psychological impact do detention camps have on Uighur Muslims?
2. Which international brands have been accused of sourcing their labour from unpaid Uighur detainees?
3. Why or why not are petitions effective in contributing to an end to the problem?
4. What is the likelihood that China's claims refuting these allegations are true?
5. Statements made at the UN or elsewhere by survivors and refugees.
6. The national and international laws that China is breaking in its treatment of the Uighurs.
7. Deportation of Uighur refugees.
8. Possible ways the UN can, within its powers, put an end to the mistreatment of the Uighurs.

Summary and History of issue

Democracy was never granted for all. Over the course of history, ethnic and racial minorities, in particular, have faced denial by what could be referred to as the “white supremacy”, which has provided a climate in which the different types of violence ranging from genocide to racial attacks were brought into light and in which concepts like racial prejudice; which is defined as discrimination and antagonism that is directed towards people of different color, as well as racial discrimination have been encountered by racial minorities, a term that refers to a group of people with a race that is lesser in number than the dominating group of people living in the same community.

Historically, the victims of racial violence were Jewish people; whereby, the identification of Jewish people with the devil or witchcraft in the popular mind of the thirteenth and fourteenth centuries first came, to create the early traces of racism back then. Following that, during the Renaissance and Reformation period, Europeans came into increasing contact with people from Africa, Asia, and the Americas, only for a culture of African slave ownership to develop based on a variety of obsolete rationales. In the seventeenth century, laws in English north America were passed to forbid marriage between partners of different races. Implicitly, these laws aimed at portraying African Americans as “alien” or “inferior” in comparison to the “white supremacy”. In the 19th century, emancipation, nationalism, and imperialism all contributed to the increase of ideological racism. The climax, however, of racism in history came in the twentieth century, a period where racist regimes were continuously passed to encourage racial segregation, and a period when racist ideologies were brought to an extreme in Nazi Germany.

Currently, the world continues to see the violent results of racial discrimination as crime rates against people of color continue to be on the rise. Recently, in the United States, the murder of George Floyd, suffocated by a police officer, sparked awareness in regards to the longstanding history of racial terror. Thus, in the US alone, from April to November, some 30 riots broke out to fight against racial injustice after a series of high profile incidents of African Americans being killed at the hand of police officers, and former law enforcement.

Discourse on the issue

Systemic racism is the institutional bias that puts people of color at a disadvantage against White people. The root cause of racism longs back to slavery and the faulty belief of the superiority of white people on black people. For example, this segregation between races gave birth to hatred and violence towards African Americans. It commenced a global racial violence, not only to African Americans, but to all people of color. The UNHRC is moving toward terminating systemic racism and racial violence in the US. Given the recent incident of George Floyd, a resolution by 47 members council members was passed mandating a global report on excessive use of force against POC by law enforcement. The resolution aimed to establish accountability and compensation for the victims or just repudiate the structural racism in the US only, but globally as well (Marina Reira, 2020). Furthermore, the resolution asked for the high commissioner to assess the government acts' against anti-racism peaceful protests against protestors, spectators, and journalists. At the United Nations Office in Geneva, it has been addressed that racism is a "flagrant contradiction" to the UN Charter that aims to ensure basic human rights and value to humans (UN News, 2020).

The effect of racial violence and segregation clearly benefits a party and hurts the other. The issue does not hold any logical explanation for victimizing young black people and placing them at a disadvantage their entire lives, which further affects their future opportunities. Not only that,

but statistics show that police violence towards Black Americans is more prominent and intended in comparison to White Americans across police arrests and unnecessary violence. This has caused numerous attempts to alter government programs and educate people in regard to this matter. According to (Marina Reira, 2020): “Together with partner groups, we have also worked to change government programs, from education to health care, that deepen rather than remedy racial and ethnic inequality and leave far too many people mired in destitution and despair.”

Past Actions by UN, International Organizations (IO) and NGOs

On 21st December, 1965, the General Assembly passed resolution 2106 (XX), which adopted the International Convention on the Elimination of All Forms of Racial Discrimination, and opened it for signature and ratification. The Convention entered into force on 4th January, 1969, under Article 19 (“International Convention,” n.d.). As of November 2020, the Convention has 88 signatories and 182 parties (Secretariat of the United Nations, 1969). It binds signatories and parties to eliminate racial discrimination and promote racial harmony, as well as to make hate speech illegal and criminalize membership in racist organizations. The individual complaint mechanism makes the Convention enforceable against its parties (“International Convention,” n.d.).

The Convention defined racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” Articles 4 and 5 respectively call for the punishment of racial violence, and State protection from violence, even if inflicted by the government itself (“International Convention,” n.d.).

The impact of any resolution or treaty can be assessed by examining its acceptance and implementation. As stated previously, the Convention is nearly universally accepted, including its individual complaints mechanism. However, there have been problems with parties submitting incomplete reports, or none at all (CERD, 1973, 1982).

Under Article 8 of the Convention, the Committee on the Elimination of Racial Discrimination (CERD) was established in 1970, which monitors the implementation of the Convention by State parties. States must submit regular reports to CERD, first one year after agreeing to the Convention, then every two years. CERD reviews the reports and provides recommendations to the party. They also monitor via the early-warning procedure, inter-state complaints, and individual complaints (“Committee on the Elimination,” n.d.).

Several NGOs have also dealt with the issue of racial violence. Amnesty International has published detailed guidelines on police brutality (“What is police brutality?”, n.d.), and a handbook on using international human rights systems (other than CERD) to combat racial discrimination (Amnesty International, 2001). They also review and provide recommendations on the CERD’s General Recommendations. In 2010, Amnesty attended a CERD session on strengthening the interaction between the Committee and NGOs (“Strengthening the interaction,” 2010).

The Human Rights Watch frequently submits recommendations to CERD on the periodic reports of State parties of the International Convention on the Elimination of All Forms of Racial Discrimination, and also to conferences like the U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In addition, they issue reports on racial violence in different countries worldwide, like police brutality, racial profiling, and larger issues that are aggravated by racist motives. In these cases, HRW also issues a recommendation to the States on what legislation must be passed, or how existing laws must be modified.

Questions and suggestions for further research

1. Which countries have the highest and lowest rates of racial violence, and why?
2. What are some racial biases localized to certain countries or regions?
3. How often are perpetrators of racial violence sentenced appropriately, and why?
4. How can existing laws and treaties be modified to bring actual change?
5. Historical cases of racial violence.
6. Psychological impact on victims and witnesses.
7. Recent surges in cases around the world.
8. Overall trend of number of cases over the years globally.



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