

10-14 April 2022

Documentation of the Work of the United Nations Human Rights Council (HRC) NMUN Simulation*



Conference B

* National Model United Nations (nmun.org) organizes simulations of the UN. The resolutions in this document were the work of dedicated college and university students attending our conference. They are not official UN documents and their contents are not the actual work of the UN entity simulated.

Human Rights Council (HRC)

Committee Staff

Director
Assistant Director
Chair

Yasmine Sabek
Tobias Willms
Samuel Weinmann

Agenda

- I. The Impact of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights
- II. Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity

Resolutions adopted by the Committee

CODE	TOPIC	VOTE (FOR-AGAINST-ABSTAIN)
HRC/1/1	The Impact of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights	16-0-0

Summary Report for the Human Rights Council

The Human Rights Council held its annual session to consider the following agenda items:

- I. Advancing International Human Rights to Protect against Discrimination Based on Sexual Orientation and Gender Identity
- II. The Impact of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights

The session was attended by representatives of 18 Member States. On Sunday, the committee adopted the agenda of II, I, beginning the discussion on the topic of The Impacts of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights.

By Tuesday, the Dais received a total of two proposals. Both proposals focused on defining Unilateral Coercive Measures (UCMs), collecting data on UCMs, and fostering dialogue between Member States, with one having an extra emphasis on imploring the Security Council to reconsider coercive measures that infringe upon human rights. The committee collaborated to discuss the ethical usage of UCMs and Multilateral Coercive Measures (MCMs). There were divergent national interests on the topic, but the atmosphere was diplomatic throughout. After recommendation from the Dais, the two groups met up again to officially merge their papers. The body worked diplomatically and productively to merge the clauses of their working papers. To speed up the merging process, delegations split up into subgroups to work on different sections of the paper.

On Wednesday, the body finalized their merger and submitted a single merged working paper draft in the morning, which was then accepted as a draft resolution in the afternoon. The paper, in a broad sense, focused on urging the UN Security Council to condemn unauthorized UCMs, and to focus on issues such as defining and collecting data on UCMs, creating educational initiatives about the impacts of UCMs, and creating a forum through which Member States may discuss and better understand the issue. In the afternoon, the committee adopted the draft resolution through a recorded vote. Overall, the body worked diplomatically throughout the week to create a timely draft resolution in the spirit of consensus.



Code: HRC/1/1

Committee: Human Rights Council

Topic: The Impacts of Unilateral Coercive Measures on the Protection and Enjoyment of Human Rights

The Human Rights Council,

Acknowledging the Charter of the United Nations (the Charter), particularly Articles 55 and 56, which establish the right to self-determination and promote development and respect for human rights, as well as international cooperation,

Reaffirming the right to self-determination and state sovereignty as fundamental principles guiding the interaction between nations as well as the crucial role of national governments in protecting human rights domestically,

Fully alarmed by the devastating impacts that coercive measures can have on human rights such as development, in violation of the 1986 Declaration on the Right to Development, and health, adequate living standards, and family, as outlined in Articles 16 and 25 of the Universal Declaration of Human Rights,

Taking note of the absence of any official definition of coercive measures in international law,

Bearing in mind the Human Rights Council (HRC) resolutions 15/24, HRC resolution 19/32, 24/14, all on "Human Rights and unilateral coercive measures," as well as the Report of the Human Rights Council on its thirtieth session, the Report of the Working Group on the Universal Periodic Review on South Sudan, General Assembly resolutions 69/180, 70/151, and 71/193, all on "Human rights and unilateral coercive measures," which all state that all Unilateral Coercive Measures (UCMs) are illegal and that they are a violation of international law,

Emphasizing that Chapter VII of the Charter identifies the role of the United Nations (UN) Security Council in taking action with respect to threats to the peace and includes a basic standard of the implementation of coercive measures,

Affirming that the only legitimate coercive measures are those levied via the Security Council under Article 41 of the Charter,

Underlining the prevalence of unilateral coercive measures despite their illegal status and the need to compel their immediate disbandment,

Stressing the need for pacific settlements of disputes that could endanger the maintenance of international peace and security, as stated in Article 33 of the Charter,

Recalling Article 33 of the Charter, which allows the Security Council to address disputes to maintain international peace and security,

Noting with deep concern the threat prolonged coercive measures pose to the Sustainable Development Goals that are laid out in General Assembly resolution 70/1 (2015),

Directs the attention of the Security Council to the biases of involved member states during voting procedures on coercive measures,

Having received the 2015 Report of the Special Rapporteur on the negative impact of UCMs on the enjoyment of Human Rights, which condemns the use of UCMs and highlights their potential and real impacts,

Recognizing the role of the HRC as a body that is tasked with accounting for violations of human rights around the globe due to the use of coercive measures,

Drawing attention to the negative effects coercive measures can have on the human rights of the affected States' population, but also acknowledging how these effects are disproportionately exacerbated for vulnerable groups such as women, children, people with disabilities, as well as low-income groups,

Recalling the Committee on Economic, Social and Cultural Rights' General Comment No. 8 (1997) on the obligation for Member States to take steps both individually and internationally to facilitate cooperation on the economic and technical levels in order to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country,

Reiterating that coercive measures that affect medical access and equipment completely disregard the rights to prevention, treatment, and control of epidemics, as are protected in Article 12 paragraph 2(c) of the 1966 *International Covenant on Economic, Social, and Cultural Rights* (1966),

Aware of the necessity for education on human rights violations and the impacts of coercive measures based on the experience of experts in the field, affected nations, and civil society actors,

Acknowledging that awareness and education can inform about and improve the dangerous effects on vulnerable and marginalized groups,

Remembering General Assembly resolution 46/182 on "Strengthening of the coordination of humanitarian emergency assistance of the United Nations," which establishes new arrangements for humanitarian coordination, and General Assembly resolution 48/141 on "High Commissioner for the promotion and protection of all human rights," which mandates the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide financial assistance to regional human rights organizations that support HRC actions and programmes,

1. *Calls upon* the Security Council to develop a clear definition of coercive measures to encompass:
 - a. People, especially the movement of individuals both domestically and internationally, and legal entities;
 - b. Transfer of legitimates, assets, or capital between entities and people;
 - c. Interactions in the digital space, including, but not limited to, nefarious cyber activities and intrusions;
 - d. Intellectual property, including withholding scientific developments pertaining to medical research and treatment development;
 - e. Goods, services, and natural resources or the implementation of embargoes and trade sanctions in general;
2. *Suggests* the Security Council condemn all current unauthorized coercive measures;
3. *Strongly encourages* the Security Council to actively assess the possibility of the implementation of unilateral coercive measures if they have the potential to improve the humanitarian situation in Member States of ongoing military aggressions by another party;
4. *Calls for* judicial settlement, negotiation, arbitration, and mediation between the state affected by coercive measures, the state levying the coercive measures, and other involved states by:
 - a. *Engaging* in investigations of disputes and carrying out fact finding missions to inform the Security Council's recommendations regarding dispute settlement;
 - b. *Collaborating* with the HRC through commissions and investigative bodies employed in the Pacific Settlement of Disputes Process to incorporate a human rights focus into Security Council dispute recommendations;
5. *Requests* the Security Council to respect state sovereignty and the functioning of the respective national governments in particular, as well as the right to development by:
 - a. Condemning various coercive measures that sanction indispensable government functions such as impeding on human rights and the right to intrinsic continuance of the targeted state;

- b. Deploring the obstruction of the flow of essential goods and services, as such an impedance would harm the rights of marginalized populations including the right to development, including but not limited to:
 - i. Humanitarian aid;
 - ii. Medical supplies;
 - iii. Energy sources;
 - iv. Foods, drinking water and commodities;
6. *Asks* that coercive measures include sunset clauses imposed by Member States and the Security Council to reduce the temporal aspect of negative effects on human rights and prevent the unnecessary persistence of ineffective coercive measures;
7. *Suggests* that the state affected by coercive measures, the state levying the coercive measures, and other involved states have the chance to testify before the Security Council's vote on legality;
8. *Resolves* to reduce the complexity of the reporting system on coercive measures by increasing transparency to facilitate the exposure of harmful coercive measures by:
 - a. Making all claims of harmful and discriminatory coercive measures public;
 - b. Strongly advising that all current coercive measures be immediately brought before the Security Council for review and multilateral discussion;
9. *Further recommends* setting standards of coercive measures placed and their effect on populations by:
 - a. Advocating that these measures are specific rather than targeted on entire economies and follow a purpose meant to achieve a defined goal with minimal harm on human rights;
 - b. Excluding goods that are essential to the enjoyment of economic and social human rights from all types of coercive measures under any circumstances;
10. *Expands* the role of the Special Rapporteur on Unilateral Coercive Measures to inform the Security Council by:
 - a. Creating a database to track the impact coercive measures have on mortality rates, educational attainment, vaccination rates, the spread of disease, economic development, among other factors;
 - b. Tracking, recording, sharing, and publishing data concerning the effects of various coercive measures on human rights after their adoption;
 - c. Monitoring the number of coercive measures in existence to encourage their disbandment;
 - d. Calling upon the Special Rapporteur of the Human Rights Council, within 90 to 180 days of the initial data report, to advise regional deliberative bodies and the Security Council on the usage of coercive measures;
11. *Expresses* the necessity to collect exhaustive data on the disproportionate impacts of coercive measures on the enjoyment of all categories of economic, social, and cultural rights outlined by the *International Covenant on Economic, Social, and Cultural Rights*, more specifically, Articles 11, 12, and 13 referring to the right to life and health, the right to food, the right to an adequate standard of living and the right to education by acknowledging that marginalized and vulnerable groups are adversely affected including but not limited to:
 - a. Women and children;

- b. Refugees and immigrants;
 - c. Individuals with diverse sexual orientations and gender identities;
 - d. The elderly and the disabled;
 - e. Religious and ethnic minorities;
 - f. Individuals living in lower socioeconomic conditions and poverty;
12. *Proposes* an annual conference to highlight intricate issues presented by coercive measures, where Member States can:
- a. Listen to experts in the field such as, but not limited to:
 - i. The Special Rapporteur, guided by the annual data report, on the Negative Impact of UCMs on the enjoyment of Human Rights;
 - ii. The High Commissioner for Refugees;
 - iii. Organization for Defending Victims of Violence;
 - b. Discuss issues and experiences of affected Member States and their populations;
 - c. Provide a platform for human rights organizations, national human rights institutes, and civil society actors to:
 - i. Coordinate efforts to mitigate the detrimental effects of coercive measures on human rights with respective national governments and regional organizations;
 - ii. Engage in information sharing with national governments to better allow both parties to delegate resources aimed towards alleviating the harms caused by coercive measures;
13. *Encourages* the use of educational resources to inform on the infringement of human rights due to the use of coercive measures by:
- a. Keeping in mind the education of marginalized groups and making the necessary adjustments to target education to vulnerable groups;
 - b. Implementing workshops, optimally by:
 - i. Including interactive activities that will allow the members of the world to further understand coercive measures;
 - ii. Providing information on various coercive measures;
 - iii. Allocating more information on the effects of coercive measures on basic human rights;
 - iv. Explaining the need for certain coercive measures and why they are necessary;
 - v. Providing necessary training for non-governmental organizations (NGOs) as well as private sectors who work closely with vulnerable groups;
 - vi. Targeting formal as well as informal meetings, such as Arria Formula meetings, that encourage discussion and collaboration between the Member States in addition to workshops for the Member States;
 - vii. Targeting meetings also in civilian settings such as early education schools and universities which would be more informal workshops to allow for more citizens to be aware of coercive measures and how to take action;
14. *Recommends* to the OHCHR the creation of a pilot voluntary specialized fund, that is:
- a. Financed by:

- i. Member States willing to minimize the negative effects of coercive measures;
 - ii. Private sector partners who may receive incentives from state governments;
 - iii. And donations from civil society organizations related to food, education, and human rights;
- b. Allocated at the request of Member States negatively affected by coercive measures for a duration of five years;
- c. Reported on annually by the OHCHR and sent to the General Assembly;
- d. Supporting NGO, National Human Rights Institutions, and civil society activities that benefit vulnerable communities affected by coercive measures by:
 - i. Ensuring access to food and drinking water;
 - ii. Providing medical supplies and services;
 - iii. Promoting political and economic participation;
 - iv. Promoting greater awareness of the unintended consequences of coercive measures;
- e. Subject to continuation, especially in cases of prolonged coercive measures.