

SAI International Model United Nations Conference 2024
United Nations Human Right Council



Agenda: Debating the Balance Between National Security and Civil Liberties in Anti-terrorism Measures.

Executive Board:

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Letter from the executive board

Greetings Delegates,

It is our pleasure to welcome you all to the United Nations Human Rights Council at Sai International Model United Nations 2024. It is our distinct privilege to serve you all as the Executive Board of the Committee. Please consider that the following guide, as the name suggests, is merely to provide you with the background of the agenda and cannot serve as the only source of research. Your real research lies beyond this guide and we hope to see some strong content and debate come our way. We hope that you use the guide as a kickstart for your research and use all the hyperlinks provided. The guide covers every aspect of the functioning of the committee and focuses to provide a brief idea about the agenda.

The agenda at hand is both vast and complex, and a successful discussion on it would entail the collective participation of all of you. It shall be your prerogative to decide the direction in which you want to take this committee. The guide also provides various points for which the member states can focus upon [given at the end of the guide] if their research meets a dead end. Although the Executive Boards expects you to shine light on the given points, we also urge you to discuss and bring various other important points into your discussion from which the committee shall be benefitted. The amount each of you will grow through this particular simulation will be exponential and we are here not as Judges, but merely as Evaluators, and we shall change roles to be your Teacher, Guide, Booster and Friend as and when the situation demands.

This background guide will give you and guide you to the tools you will need to solve the problems posed by our agenda for this meeting. Contained herein is a detailed explanation of the agenda, what problems they pose. Our challenge lies in finding out how to solve and in executing that which we know is to be done to solve the problem. The purpose of this simulation focuses upon collaboration of every individual in order to find solutions to global problems, and we also look forward to the same. The Executive Board urges you to not only circle around the problems but also to negotiate and find a resolution for the given agenda.

Throughout this guide there might be keywords that are not explained herein. You ought to find them and study up on them for a more comprehensive understanding. It is important to be thorough with this document else you will not be able to act effectively because you need context and perspective to see the whole picture, which you will get only after reading everything and what is more important is that if you are not through with it, you will possess half-knowledge, which is in itself very dangerous.

The Executive Board also requires a position paper from the delegates due to the complexity of the agenda, we have also provided the format of the position paper in the google drive link and have also mentioned the steps to do the same. **The delegates have to submit their position paper in the google drive link given below.**

We urge you to keep an open mind and focus solely on learning from this experience, we will be there to guide you throughout the session.

Link to the google drive - [📁 UNHRC SAIMUN DELEGATES FILE](#)

About the United Nations Human Rights Council

The Human Rights Council is an intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the United Nations Office at Geneva (UNOG). The Council benefits from substantive, technical, and secretariat support from the Office of the High Commissioner for Human Rights (OHCHR).

OHCHR is guided in its work by the mandate provided by the general assembly in resolution [A/RES/48/141](#), the Charter of the United Nations, [Universal Declaration of Human Rights](#), International Covenant on Civil and Political rights, International Covenant on Economic and Social Rights, the Vienna Declaration and Programme of Action, 1993 World Conference on Human Rights.

The Human Rights Council holds regular and special sessions and organizes inter-sessional activities throughout the year. **The meeting schedule of the Council;** The Council meets for at least three **regular sessions**, for a minimum of 12 weeks per year. Outside of regular sessions, the Council may hold **special sessions** on demand to address urgent country-specific or thematic issues. The Council also organizes inter-sessional activities. Regular sessions take place three times annually in March, June, and September.

Member States discuss, take action and pass resolutions related to a standing agenda of 10 items:

1. Organizational and procedural matters, like adopting the calendar of regular sessions for the cycle;
2. Annual reports of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the UN Secretary-General;
3. Promotion and protection of all human rights: the majority of Council resolutions are handled under this item;
4. Human rights situations that require the Council's attention, like country-specific abuses;
5. Human rights bodies and mechanisms, such as the Advisory Committee or other subsidiary bodies;
6. The Universal Periodic Review, a unique "peer review" of the human rights records of UN Member States by other Member States;
7. Human rights situation in Palestine and other occupied Arab territories;
8. Follow-up and implementation of the **Vienna Declaration and Programme of Action**;
9. Racism, racial discrimination, xenophobia, and related forms of intolerance; follow-up and implementation of the **Durban Declaration and Programme of Action**; and
10. Technical assistance and capacity-building.

Introduction:

Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights; the rule of law; rules governing armed conflict and the protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict.

Terrorism has a direct impact on the enjoyment of a number of human rights, in particular the rights to life, liberty and physical integrity. Terrorist acts can destabilize Governments, undermine civil society, jeopardize peace and security, threaten social and economic development, and may especially negatively affect certain groups. All of these have a direct impact on the enjoyment of fundamental human rights.

The destructive impact of terrorism on human rights and security has been recognized at the highest level of the United Nations, notably by the Security Council, the General Assembly, the former Commission on Human Rights and the new Human Rights Council. Specifically, Member States have set out that terrorism:

- Threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;
- Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments;
- Has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;
- Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and
- Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.

International and regional human rights law makes clear that States have both a right and a duty to protect individuals under their jurisdiction from terrorist attacks. This stems from the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights.

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

The purpose of the mandate by the OHCHR is as follows

As incidents of terrorism continue the misuse of legislation and policies to combat terrorism have grown with an adverse impact on human rights and fundamental freedoms. This mandate was created to:

- Promote and ensure the protection of human rights and fundamental freedoms by recommending rights-compliant counter-terrorism legislation and policies;
- Offer support, technical assistance, and expertise to States, UN entities, civil society and other relevant stakeholders; and
- Be responsive to the shifting landscape of counter-terrorism and anticipating long-term needs and strategies.
- Requests the High Commissioner for Human Rights, making use of existing mechanisms, to continue:
 - To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;
 - To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;
 - To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

Decides to appoint, for a period of three years, a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, with the mandate:

To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical assistance on such matters;

To gather, request, receive and exchange information and communications from and with all relevant sources, including Governments, the individuals concerned, their families, their representatives and their organizations, including through country visits, with the consent of the State concerned, on alleged violations of human rights and fundamental freedoms while countering terrorism, with special attention to areas not covered by existing mandate holders;

To identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms;

To work in close coordination with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights, the SubCommission on the Promotion and Protection of Human Rights and other relevant United Nations bodies;

To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular with the CounterTerrorism Committee of the Security Council, the Office of the United Nations High Commissioner for Human Rights, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, human rights mandate holders and treaty bodies, the SubCommission for the Promotion and Protection of Human Rights, as well as nongovernmental organizations and other regional or sub regional international institutions, fully respecting the respective mandates of the abovementioned bodies and with a view to avoiding duplication of effort;

The mandate was extended by the Human Rights Council multiple times, most recently on 12 April 2022, for a further period of three years through resolution **49/10**.

National Security vs Civil Liberty

National security has been described as the ability of a state to cater for the protection and defense of its citizenry. United Nations Office for the Coordination of Humanitarian Affairs Expanded definition of security calls for a wide range of security areas:

- Economic: creation of employment and measures against poverty.
- Food: measures against hunger and famine.
- Health: measures against disease, unsafe food, malnutrition and lack of access to basic health care.
- Environmental: measures against environmental degradation, resource depletion, natural disasters and pollution.
- Personal: measures against physical violence, crime, terrorism, domestic violence and child labour.
- Community: measures against inter-ethnic, religious and other identity tensions.
- Political: measures against political repression and human rights abuses

As terrorism impacts on human rights and the functioning of society, so too can measures adopted by States to counter terrorism. Because terrorism has a serious impact on a range of fundamental human rights, States have not only a right but a duty to take effective counter-terrorism measures. Effective counter-terrorism measures and the protection of human

rights are complementary and mutually reinforcing objectives which must be pursued together as part of States' duty to protect individuals within their jurisdiction.

Terrorism has a direct impact on civil liberty, with consequences for the enjoyment of the right to life, liberty and physical integrity of individuals, especially victims of terrorism. It can destabilize and undermine entire societies, jeopardize peace and security and threaten social and economic development. It seeks to impose upon the majority the views of a minority and stops at nothing in the pursuit of its aims. Terrorism attacks the pillars of democracy and the rule of law upon which the respect of human rights is based.

States have a duty to protect the lives of their citizens and the integrity of the state and must be in a position to take appropriate measures to fight terrorism. There is no need for a "trade-off" between human rights and effective counter-terrorist action, as safeguards exist in human rights law itself. The European Convention on Human Rights (ETS No. 5, "the Convention"), like other international human rights instruments, can be applied in such a way as to allow states to take reasonable and proportionate action to defend democracy and the rule of law against the threat of terrorism.

The concept of "war on terror" is misleading and unhelpful and is a threat to the entire framework of international human rights. Terrorists are criminals, not soldiers, and terrorist crimes do not amount to acts of war, even though they can be frequently characterized as crimes against humanity.

There is a danger that temporary measures to combat terrorism, even if considered necessary at the time of their introduction, become permanent even when circumstances have changed. The need for any restrictions placed on individual freedoms must be assessed continuously as long as the restrictions remain in place.

In particular, they shall ensure that no exception whatsoever is made to the non-derogable rights to life and to the prohibition of torture and inhuman or degrading treatment. As for rights that are subject to restrictions under the Convention, any limitation must be strictly necessary to protect the public and be proportionate to the legitimate aim pursued, in line with the case law of the Court. In particular, administrative detention should be limited to rare exceptions and subject to appropriate control. Surveillance, interception and related measures must be available to the state, but be clearly circumscribed by law and subject to judicial or appropriate political supervision. Measures limiting human rights must be phrased clearly and interpreted narrowly, in particular when criminal liability is involved, and must be accompanied by adequate judicial and political review. The Parliamentary Assembly considers that terrorism should be dealt with primarily by the criminal justice system, with its inbuilt and well-tested fair trial safeguards to protect the presumption of innocence and the right to liberty of all. Coercive administrative measures for preventive purposes should be of limited duration, be only applied as a last resort and be subject to strict conditions, including minimum requirements regarding evidence and

judicial and appropriate political oversight. They must fully comply with the requirements of international human rights law.

Case study: Kindly refer to the hyperlinks as they provide an outline of the mentioned scenario.

1. The Israel - Palestine turmoil

- [Human rights situation in the Occupied Palestinian ...](#)
- [World Report 2024: Israel and Palestine](#)

2. Taliban ruled Afghanistan

- [World Report 2024: Afghanistan | Human Rights Watch](#)
- [Afghanistan: Amnesty violations](#)

Points to Focus on

- Thematic case study analysis on the intersection between civil liberty and human rights
- Capacity building assistance to states having dysfunctional state machinery owing to conflict or post conflict scenario
- Access to Primary And Higher Education to counteract violent extremism
- Role of state machinery to prevent radicalisation through civil and administrative measures
- Reintegration of victims of sexual violence in conflict to de radicalise the society
- Domestic policy planning for Internally Displaced Refugees to give them access to civil liberties of the state
- Ensuring public hearing and prohibiting judicial harassment by an independent and impartial tribunal, in the determination of the rights and obligations and of any criminal offenses.
- Safeguarding the right to a nationality of citizens, immigrants, victims of terrorism and prisoners during the post conflict scenario.
- Preserving the equal access to healthcare, food, housing and employment of the civilians trapped in conflict zones.[reiterating article 25 of the UDHR to ensure the right to a standard of living]
- Discriminatory actions, directed against religious, ethnic and cultural minorities, women, girls and LGBT and gender-diverse persons, indigenous communities
- Rights of the detainees such as in the Guantanamo Bay detention facility
- Reorientation of militarized approaches to counter terrorism and advancing towards peacemaking and peacebuilding alternatives with corresponding preservation of national security.
- Vicious cycle of
 - Conflict
 - Failure of State Machinery
 - Failure of access to civil liberty
 - Further conflict

Further Research Links

[Human Rights, Terrorism and Counter-terrorism](#)

[A/HRC/RES/49/10](#)

[a/78/520](#)

[A/HRC/55/28](#)

End Note:

We hope that you all would have gone through the entire guide. We have kept it crisp and brief so as to not make a huge burden for you all. The Executive Board is always there to guide you through the committee proceedings and hope to see an active participation from you all. The Executive Board does not believe in spoon feeding each and every detail in the guide, therefore the guide has been kept short just to provide a direction for your research. From this point onwards the road lies for you all to embark upon. We urge you all to have a unique journey of your own, which would not only reflect your diplomacy but also your individuality. Prepare well for the proceeding, we would like you all to take account of the points we have mentioned under the heading of “points to focus upon” and inculcate it into your research.

We wish you all the very best for the conference.