

# HUMAN RIGHTS COUNCIL



## DELEGATION GUIDE

Model United Nations  
Quilmes University

## Human Rights Council

Prepared by the committee chairs: Felicitas Repetto Alcorta, Francisco Mareglia, Catalina Puy and Martín Nicolás Sanchez Ferreyra.

### **1. Mandate of the Human Rights Council**

The Human Rights Council is an intergovernmental committee within the United Nations. It is in charge of promoting the respect for human rights around the world by discussing human rights issues. In addition, it can review specific situations of human rights violations in a country and make recommendations on them.

Moreover, this committee can appoint independent human rights experts as Special Procedures in order to monitor situations in specific countries and examine specific topics. Lastly, it can authorize commissions of inquiry and fact-finding missions to gather evidence on war crimes and crimes against humanity.

The Council receives support from the Office of the High Commissioner for Human Rights (OHCHR).

The Council has different mechanisms and entities:

- The Universal Periodic Review (UPR), which is a State-led mechanism that examines the human rights situations of all Member States.
- The Special Procedures, which are independent individuals or groups who advocate on education, health, free speech, and human trafficking, as well as on country situations including Ukraine, DPRK, Eritrea, Iran, and others.
- The Advisory Committee, which provides the Council with expertise and advice on thematic human rights issues.
- The Complaint Procedure, which allows people and organizations to bring human rights violations to the attention of the Council.
- Open-ended intergovernmental working groups, which are bodies that focus on discussing specific human rights themes (example: “open-ended

intergovernmental working group on the regulatory framework of activities of private military and security companies”).

## 2. Composition of the committee and voting procedures

The Human Rights Council is composed of 47 Member States elected individually by a majority of the 193 States of the UN General Assembly.

Every Member State has one vote. Seats are equitably distributed among the five UN regional groups: group of African States (13), group of Asia-Pacific States (13), group of Eastern European States (6), group of Latin American and Caribbean States (8) and group of Western European and other States (7). Each year, one-third of the members are renewed, so each member serves a three-year term. Membership is limited to two consecutive terms.

Members of the Council have the responsibility to respect high human rights standards. The UN General Assembly can vote to suspend a Human Rights Council membership in the case of gross and systematic human rights violations.

Although the Council is formed by Member States, UN officials, experts, civil society, and others may participate in the discussions.

## 3. What are Human Rights?

Human rights “...are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status”<sup>1</sup>. Human rights are universal and inalienable, which means that everyone is entitled to these rights without discrimination, as they are inherent to human dignity, and they cannot be taken away.

Under International Human Rights Law, governments have a legal and international obligation to protect human rights and refrain from violating them. The Universal Declaration of Human Rights (UDHR) first set out, in 1948, a list of human rights that must be universally protected, such as the right to life (article 1), the right to education (article 26) and the right to a standard of living adequate for the health and well-being of

---

<sup>1</sup> United Nations. *Human rights*. United Nations. <https://www.un.org/en/global-issues/human-rights>

himself and of his family (article 25)<sup>2</sup>. Even though numerous international treaties on human rights have been adopted since 1945, other important documents include the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The *2030 Agenda for Sustainable Development* (2015), adopted by the General Assembly, sets out 17 Sustainable Development Goals (SDGs)<sup>3</sup>, which are a number of objectives that the international community agreed to achieve by 2030 in order to address the most urgent global challenges. The SDGs directly link the right to development to human rights protection. These include good health and well-being (SDG 3), clean water and sanitation (SDG 6), climate action (SDG 13) and peace, justice and strong institutions (SDG 16). Every SDG has a list of specific targets that represent the international community's objectives regarding a certain goal. For example, target 3.9, under SDG 3 (good health and well-being), is to “(b)y 2030, substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination”<sup>4</sup>.

Human rights must always be respected, even during armed conflict.

#### 4. Environmental justice

This concept is defined as everyone's right to access a safe and clean environment in an equitable manner, regardless of the ethnicity, culture, origin or social status. The human right to a clean, healthy and sustainable environment was recognized by the Human Rights Council in resolution 48/13 (2021)<sup>5</sup> and the General Assembly in resolution 76/300 (2022)<sup>6</sup>. Taking into account that all parties must coordinate efforts in order to ensure that this human right is respected, this recognition was also accompanied by the General

---

<sup>2</sup> United Nations. *Universal Declaration of Human Rights*. United Nations.

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>3</sup> United Nations. *The 17 goals*. United Nations.

<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

<sup>4</sup> United Nations. *Goal 3: Ensure healthy lives and promote well-being for all at all ages*. United Nations.

<https://www.un.org/sustainabledevelopment/health/>

<sup>5</sup> Resolution 48/13, titled “The human right to a clean, healthy and sustainable environment”, adopted by the Human Rights Council on 8 October 2021. <https://digitallibrary.un.org/record/3945636?ln=en&v=pdf>

<sup>6</sup> Resolution 76/300, titled “The human right to a clean, healthy and sustainable environment”, adopted by the General Assembly on 28 July 2022. <https://digitallibrary.un.org/record/3983329?ln=en&v=pdf>

Assembly calling upon “...States, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all.” Environmental justice also means that governments, big polluters and all those responsible for environmental harm must be held accountable.

As highlighted by the General Assembly<sup>7</sup>, “...while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by women and girls and those segments of the population that are already in vulnerable situations, including indigenous peoples, children, older persons and persons with disabilities”. Moreover, environmental justice is particularly relevant to individuals and communities living near natural resources. Guaranteeing environmental justice to vulnerable groups, such as indigenous peoples, is of the utmost importance for their survival.

Finally, there are three concepts derived from environmental justice:

1. Distributive justice, which is the duty to grant equitable distribution of environmental risks and benefits.
2. Procedural justice, which refers to the fair and open access to decision-making processes.
3. Recognition justice, based on the acknowledgement of the cultural and historical experiences of marginalized groups.

## **5. The right to a healthy and safe environment in the context of armed conflict**

During armed conflict, the environment is subjected to continued damage. Member States have to comply with their obligations under International Humanitarian Law (IHL), which regulates the conduct of parties engaged in an armed conflict. IHL comprises international treaties, such as the Geneva Conventions and their Additional Protocols,

---

<sup>7</sup> Resolution 76/300, titled “The human right to a clean, healthy and sustainable environment”, adopted by the General Assembly on 28 July 2022. <https://digitallibrary.un.org/record/3983329?ln=en&v=pdf>

international customary law and general principles of IHL. It must be noted that “...IHL does not stipulate whether the commencement of an armed conflict was legitimate or not, but rather seeks to regulate the behaviour of parties once it has started.”<sup>8</sup>

All in all, States have obligations under IHL. If States do not comply with these, a violation of IHL takes place. Furthermore, if this violation can be attributed to an individual’s conduct, this person may have committed a war crime. A war crime is a human conduct that involves serious violations of IHL. Hence, the difference between a violation of IHL and a war crime lies in the subject: States can commit IHL violations and only people can commit war crimes (not States), but war crimes are defined by IHL. As damaging the environment during armed conflict is considered a serious violation of IHL, it is also considered a war crime when committed by a person. Ensuring accountability for this conduct is also a way of upholding environmental justice and human rights.

Countries struck by armed conflict are among the most vulnerable to the effects of climate change and environmental hazards, as investing in adaptation and capacity-building becomes a challenge. Furthermore, armed conflict contributes to pollution, biodiversity loss, food insecurity and water contamination. In addition, refugees who were forced to flee their countries to escape armed conflict are extremely vulnerable to environmental hazards and often see their human right to a safe and healthy environment restricted.

### **5.1 Protection of the Environment in Areas Affected by Armed Conflict**

Besides granting protection to hospitals, wounded people, civilians and schools, IHL also recognizes that the environment must be protected during armed conflict. In this sense, Additional Protocol I to the Geneva Conventions stipulates in its article 55 that:

“1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be

---

<sup>8</sup> International Committee of the Red Cross. (2022, July 5). *What is international humanitarian law?* <https://www.icrc.org/en/document/what-international-humanitarian-law>

expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.”

This means that States, when taking part in an armed conflict, must not damage the environment or prejudice the health of the population living in it. However, for it to constitute a violation of IHL, the damage to the natural environment must meet three requirements: it must simultaneously be 1) widespread, 2) long-term and 3) severe. IHL jurists, human rights experts and environmental activists have raised concerns on what these categories mean. They have also acknowledged that meeting this triple standard is not easy, which may lead to impunity in cases where environmental damage only satisfies one or two of these requirements, but not all three of them.

The United Nations has repeatedly reported cases in which armed conflict has threatened the integrity of the environment by contaminating water sources, causing soil erosion and altering biodiversity, as stated in General Assembly resolution 46/216. Different UN entities have submitted reports on this matter, such as the United Nations Environment Programme (UNEP)'s Preliminary Assessment of the environmental impact of the conflict in Gaza (2024).

## **5.2 Protection of Natural Resources in Areas Affected by Armed Conflict**

Every society depends on natural resources for survival, especially those communities struck by an armed conflict. At the same time, water resources, agricultural land, biodiversity, oil, gas and minerals, among others, are vital for the enjoyment of human rights. However, when these natural resources are destroyed, environmental damage becomes a way of restricting human rights. Water and air pollution resulting from the conduct of hostilities have become a threat to life and well-being. The contamination of agricultural lands and the loss of biodiversity exponentially increase hunger. These practices deprive civilians of access to food, clean water and health. Moreover, provoking damage to natural resources that are essential for survival triggers national and international displacement. This way, the civilian population, which does not take

part in hostilities, directly suffers from long-term consequences during armed conflicts and even in post-conflict scenarios.

Simultaneously, it has been reported that armed groups tend to carry out extractive management of natural resources in order to obtain economic benefits, such as minerals, diamonds, coltan and others. Therefore, illegal exploitation and trade of natural resources also fuels conflict and never-ending violence.

In addition, not only is sustainable management of natural resources a way to protect the environment, but also a necessary condition for peacebuilding and national reconciliation. This is because local disputes over access and ownership of natural resources can become an obstacle to putting an end to conflict. In this sense, post-conflict policies that focus on environmental recovery, especially on sustainable management and equitable access to natural resources, are of the utmost importance for achieving peace.

## **6. Some useful insight on how the United Nations works**

The United Nations was created through the adoption of the Charter of the United Nations, in San Francisco, 1945. It has six main organs: the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the Secretariat, the International Court of Justice and the Trusteeship Council. The General Assembly has numerous subsidiary organs which can be: intergovernmental and expert bodies, such as the Human Rights Council; funds and programmes, such as the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP); research and training; and other entities. As these subsidiary organs were created by and depend on the General Assembly, the latter can require different tasks from them. Even though the Human Rights Council and other committees have a relationship of collaboration, they can only make recommendations to one another, rather than impose binding requirements. The same happens with other international organizations that are not part of the United Nations system, but are related to it. Some examples include the International Organization for Migration (IOM), the World Health Organization (WHO) and the World Bank Group.

For this reason, delegates must carry out research on which existing UN bodies, programmes and funds may be useful to address issues related to the topic, rather than deciding to create new ones, in order to avoid duplication of efforts.

For more information, see the annex below.

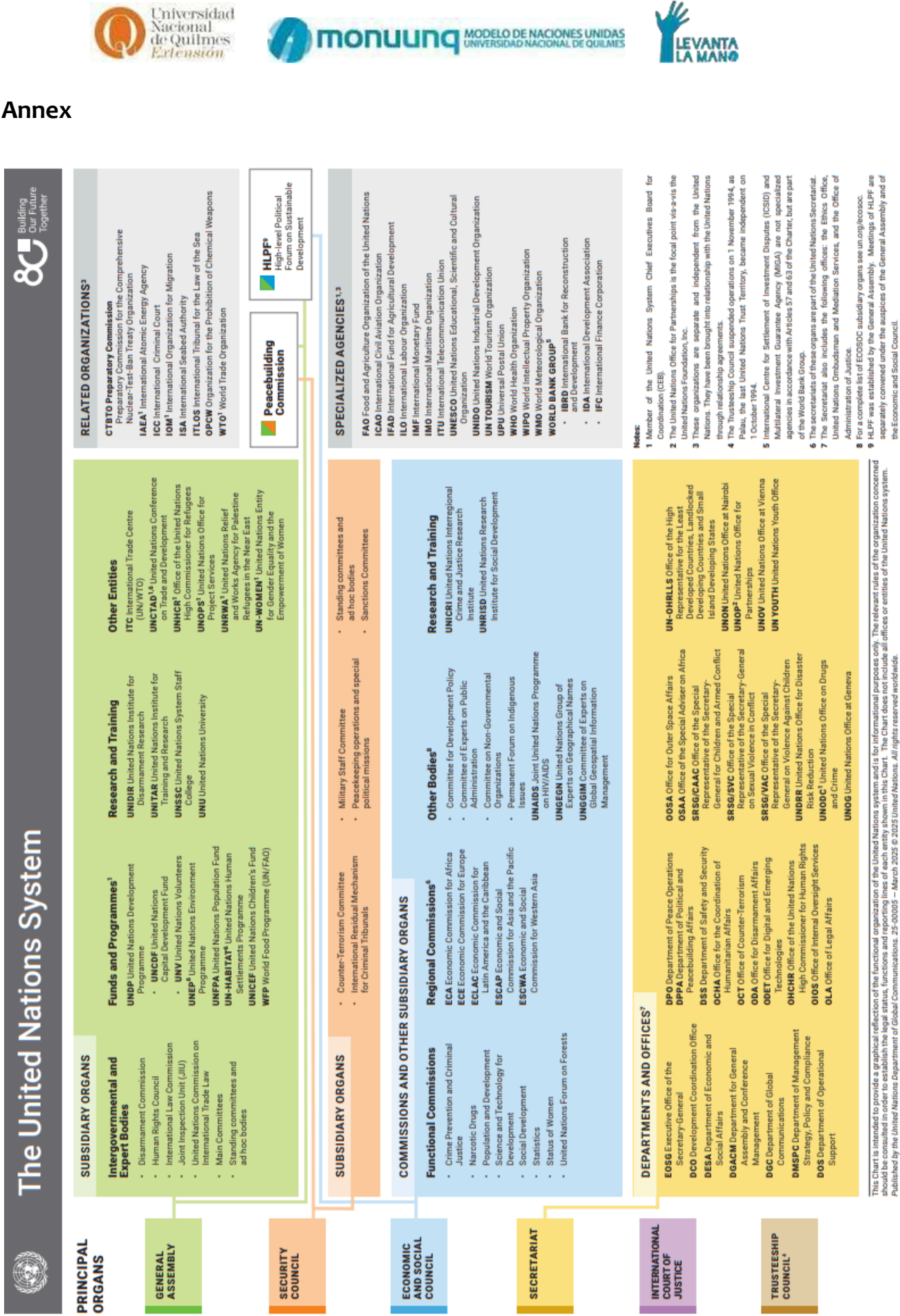
## **7. To keep thinking and debating at MONUUNQ**

As delegates do further research, they should consider:

1. Does the exercise of human rights depend on a healthy and safe environment?
2. How does armed conflict affect the environment and, therefore, the exercise of human rights?
3. What role should Member States and international organizations play during armed conflict to prevent the destruction of the environment?
4. Which new policies and regulations would be useful in the context of an environment endangered by armed conflict?
5. To what extent are Member States willing to allocate resources to environmental rights protection?
6. Which mechanisms might encourage States part of an armed conflict to preserve natural resources?

Feel free to add more interesting questions to address the topic.

# Annex



## Bibliography

United Nations. *United Nations Charter*. United Nations.  
<https://www.un.org/en/about-us/un-charter>

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Welcome to the Human Rights Council*. OHCHR. <https://www.ohchr.org/en/hr-bodies/hrc/about-council>

United Nations. *Human rights*. United Nations.  
<https://www.un.org/en/global-issues/human-rights>

United Nations. *Universal Declaration of Human Rights*. United Nations.  
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

United Nations. *The 17 goals*. United Nations.  
<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

United Nations. *Goal 3: Ensure healthy lives and promote well-being for all at all ages*. United Nations. <https://www.un.org/sustainabledevelopment/health/>

Resolution 48/13, titled “The human right to a clean, healthy and sustainable environment”, adopted by the Human Rights Council on 8 October 2021.  
<https://digitallibrary.un.org/record/3945636?ln=en&v=pdf>

Resolution 76/300, titled “The human right to a clean, healthy and sustainable environment”, adopted by the General Assembly on 28 July 2022.  
<https://digitallibrary.un.org/record/3983329?ln=en&v=pdf>

Office of the United Nations High Commissioner for Human Rights. *Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies relating to the activities*. OHCHR.  
<https://www.ohchr.org/en/hr-bodies/hrc/wg-military/oeiwg-military-index>

United Nations Development Programme. (2022, June 17). *Environmental justice: Securing our right to a clean, healthy and sustainable environment*. <https://www.undp.org/publications/environmental-justice-securing-our-right-clean-health-y-and-sustainable-environment>

United Nations Development Programme. (2023, January 5). *What is the right to a healthy environment?* <https://www.undp.org/publications/what-right-healthy-environment>

International Committee of the Red Cross. (2022, July 5). *What is international humanitarian law?* <https://www.icrc.org/en/document/what-international-humanitarian-law>

United Nations. *UN system chart*. United Nations. <https://www.un.org/en/delegate/page/un-system-chart>