

RENMUN VII

Peace in Permanence



March 5-6, 2022

Chair Report

Chair Introduction

Dear delegates,

Welcome to the Human Rights Council! We are your chairs, Harsha and Ian. The United Nations Human Rights Council was first established on March 15, 2006, through the UN General Assembly. It seeks to uphold all human rights and eradicate all violations or restrictions of human rights.

The topic of forms of violence and torture as a means of coercion is one that is very relevant today. Despite being internationally condemned, this inhumane act is still being practised. The United Nations has repeatedly acknowledged the need for this issue to be permanently resolved and works with many NGOs and individuals to ensure no more future instances of such inhumane actions continuing.

Please read the chair report carefully and use the links provided in the bibliography. The chair report has all the information you need to prepare for the conference, but we always encourage delegates to do additional research.

Human Rights Council is labelled as a beginner committee for MUNers, but believe in yourself and do your best. Do sufficient research and preparation to the topics, write fascinating speeches, ask POIs with depth and you will do well. With that said, please do not refrain from contacting either one of us provided you have any questions or concerns regarding the council. We hope that all delegates gain an educational experience, allowing them to better understand the United Nations and international affairs. Best of luck, delegates!

We look forward to seeing you at RENMUN VII.

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The issue of torture and other forms of ill-treatment as a means of coercion

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

— UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948, art. 5) INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1976, art. 7)

[T]he term "torture "means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

— CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984, art. 1, para. 1)

Key Terms

Term	Definition
Warehousing	The act of confining long-term patients who have mental health disorders to large institutions, often patients who will have lifetime, custodial care. This is a colloquial term which implies that there is a lack of proper care beyond housing and provision of food.
Coercion	The act of using threats or violence as a means of persuading another individual to comply.
National Human Rights Institutions (NHRI)	National Human Rights Institutions (NHRIs) play a critical role in promoting and monitoring national implementation of international human rights norms. NHRIs are increasingly being formed as part of a

	state's constitution. This is seen to provide a better assurance of independence than legislation-based establishment.
Direct prevention	By minimizing risk factors and removing potential causes, direct prevention (mitigation) seeks to prevent torture from occurring. This intervention takes place before torture occurs and tries to address the fundamental causes of torture and ill-treatment via training, education, and continuous monitoring of detention facilities. Direct prevention is proactive and tries to create an atmosphere where torture is unlikely to occur in the long run.
Indirect prevention	After incidents of torture or ill-treatment have happened, indirect prevention (deterrence) is utilized to prevent similar actions from occurring again. Indirect prevention tries to persuade future torturers that the "costs" of torturing outweigh any possible "benefits" through investigation and documenting of prior incidents, denunciation, lawsuit, prosecution and penalty of offenders, as well as compensation for victims.

Background Information

Torture and ill-treatment are nearly always the result of a systemic problem, yet scapegoating people permits governments to deny the existence of structural or systemic patterns and avoid taking effective preventative and remedial actions. Many governments blame individual officials for torture, deny systematic patterns of torture, and fail to prosecute torturers. The ultimate ban of torture and other forms of ill-treatment requires states to prevent, investigate, punish, and rectify any such abuse that occurs inside their borders, yet governments continue to hinder genuine accountability via blatant denial and legal and structural obstacles.

As a result, the great majority of people who commit, instigate, consent to, or acquiesce to torture or ill-treatment are never held accountable. This widespread denial and trivialization betrays not just millions of individual victims and their families, but also undermines the legitimacy of nations' commitment to the whole international human rights protection system. To ensure justice, reconciliation, the

rule of law, and the avoidance of future abuses, accountability for torture and ill-treatment is required. In accordance with their responsibility to prevent, investigate, prosecute, punish, and redress such crimes, the Human Rights Council must take immediate steps – supported by sufficient resources – to ensure extensive implementation and enforcement of the complete prohibition of torture and ill-treatment.

States must reject any type of facade and show the political bravery and commitment necessary to end systematic patterns of concealment, cooperation, and impunity for torture and ill-treatment, as well as to secure institutional and individual responsibility for such abuse.

Torture has since long been a method used to destruct a victim's personality and degrade them of their humanity. Under all aspects of customary international law, it is considered a crime and condemned by the United Nations as one of the most unjustifiable, cruellest actions humankind can do. Therefore, it has been prohibited for all members of the international community regardless of whether States have ratified international treaties wherein torture is explicitly forbidden. There is a high threshold regarding the severity for there to be a violation of this right. Therefore, terminology such as "cruel", "degrading", and "inhuman" must be used with caution.

UN monitoring bodies such as the Convention of Torture, and other UN bodies such as the Special Rapporteur on torture and the Special Rapporteur on torture against women also heavily rely on the information given by NGOs and other individuals to combat torture.

The Human Rights Council's 46th session (HRC46) gave special emphasis to the distinctive role of police and law enforcement officers. This was contained in the yearly thematic Resolution on torture and other cruel, inhuman, or degrading treatment or punishment, which was spearheaded by Denmark. More than 60 UN Member States, including that of the CTI Core States of Chile, Fiji, and Morocco, co-sponsored the resolution.

The Resolution acknowledges the critical role that police and law enforcement officers play in serving their communities, and that they are required to treat all people with dignity and without prejudice. The Resolution emphasises how separating and specialising the tasks and duties of police and other law enforcement officials may increase professionalism and efficiency, and encourages states to explore designating particular officers for arrest, investigation, and detention. To decrease the possibility of torture and ill-treatment, the Resolution emphasizes the need of supporting evidence, including the use of current technology and science, interviewing approaches that encourage truth, and sufficient selection, training, compensation, and equipment.

Every day, people are isolated from society, locked up in institutions and ostracised from their communities. They can be subject to sexual, emotional and physical abuse and deprived of fundamental needs. In the status quo, coercion through violence and ill-treatment can be observed towards people with psychosocial disabilities and other mental health conditions as they are more susceptible. This may be through the form of overmedication, forced medication, locked inpatient units, seclusion, and institutional warehousing. The WHO QualityRights programme, based on the United Nations CRPD, aims to address this issue and combat such instances of coercion in care services and reinstate the rights of people with severe or recurring mental health issues.

Potential Clashes

Balancing sovereignty vs Upholding Commitment Against Torture

By ratifying the Convention, a state accepts that torture is always absolutely prohibited and never justified. However, in status quo there are many nations that still engage in torture and condone such ill-treatment as a form of coercion. Therefore, involvement from other nations are obviously crucial to halt such actions, but a nation must also consider the extent of their intervention given the UN's respect for sovereignty. Article 2 of the Charter calls on states to honour the sovereignty of other members and to settle disputes peacefully using the processes set forth in the Charter, rather than by threatening or employing force against any state (member or non-member).

As nations with high influence and power continue to become involved in this issue, relations between nations may become strained due to unclear boundaries regarding infringing on sovereignty. Therefore, delegates must consider the extent to which they are allowed to involve themselves in the matters of other nations which still abide by the United Nations regulations.

Key Stakeholders

Stakeholder	Involvement with the Issue
China	China has previously (April 1990) admitted to the UN that the nation has yet to fully abolish the use of torture and other ill-treatments as means of coercion, but they are in the process of doing so and strongly stand against the practice.

	<p>However, organisations such as Amnesty International have uncovered through investigations that such practises continue to operate even after official reports say otherwise. Chinese methods of torture and ill-treatment continue to operate systematically and widespread, making it hard to contain and eradicate. As patterns of violence continue to be unquestioned and overlooked across against detainees without any government intervention, this may be a reflection of official policy or institutionalised practises.</p>
Islamic Republic of Iran	<p>The practice of incommunicado solitary confinement is referred to as "white torture" in Iran by intellectuals, authors, activists, and even inmates themselves (enferadi). Solitary confinement used against political prisoners is intended to shatter detainees' fortitude, forcing them to succumb and consent to be recorded, sign confessions, and provide intelligence regarding their political ties and connections.</p> <p>Prisoners are housed in isolated cell blocks, with many being confined in covert detention cells which are typically underground and have artificial lighting 24 hours a day. They are forbidden contact with other inmates as well as access to lawyers, family members, and medical professionals.</p> <p>Solitary confinement for an extended period of time may possibly be considered torture under international law. Human Rights Watch interviewed people from Evin Prison, in the hills of northern Tehran, who revealed that their time in total solitude was significantly harsher than any physical or verbal abuse they had undergone. They discussed potentially losing their sanity, and how having to experience another day without human interaction might have shattered their will powers.</p>

USA	<p>USA has a strong determination to uphold their national values and therefore does not engage in torture or other forms of ill-treatment as a way to interrogate or coerce.</p> <p>In 2005, Senator John McCain passed the Detainee Treatment Act, which dictated that cruel treatment of detainees would be prohibited. From experience, the US is of firm belief that such means of extorting information and persuasion most likely results in failure, and that rapport-based interrogation methods and abiding by lawful methods would reap more fruitful results.</p>
Russia	<p>For years, human rights activists have documented cases of torture and sexual abuse in Russian prisons, mostly through eyewitness reports or a rare leak of security film.</p> <p>Currently, the issue of torture and ill-treatment within prisons seem to be especially relevant in Russia. Ex-inmate Sergey Savelyev has been collecting data for over three years of the injustices which happen within the prison walls of Russia. Sayelyev labeled Russia's official response "weak," claiming that the judicial and jail systems were "built upon torture" and that reforming them might be difficult to nearly impossible because of the deeprooted behaviours that have been instilled.</p> <p>Regarding the allegations of prison torture, Russia has yet to confirm nor deny anything. Kremlin spokesman Dmitry Peskov had stated that "if the authenticity of this material is confirmed, it would be grounds for a serious investigation".</p>
France	<p>In a new report (June 2021) on its periodic visit to France in December 2019, the Council of Europe Committee for the Prevention of Torture</p>

(CPT) expresses grave concern about the material treatment of prisoners in police facilities, prison overcrowding, the circumstances in which imprisoned persons were relocated to and treated in hospital, and the absence of adequate psychiatric places for individuals in care without consent.

Ultimately, the necessary precautions have been taken to safeguard employees and those who have been stripped of their liberty, although there is still room for improvement in relation to the latter's care.

Past Actions

The Special Rapporteur on Violence against Women

The Commission on Human Rights established the role of the Special Rapporteur on Violence Against Women in 1994. The Special Rapporteur on Violence Against Women's working procedures is comparable to that of the Special Rapporteur on Torture, consisting of immediate petitions and accusations, fact-finding investigations, and yearly findings to the Commission on Human Rights unique subset of gender-based violence.

Use of Force and Firearms by Law Enforcement Officials

On September 7, 1990, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba, approved the Basic Principles. They cover the use of force and guns in the line of duty, the policing of unlawful assemblies and individuals in prison or detention, and the reporting and review processes for the use of force and firearms in the course of duty. Power and guns should only be used if all other approaches have failed or no other method to realise the ultimate objectives (principle 4).

Officials in charge of law enforcement should react according to the gravity of the offence and the legitimate goal at hand. Damage and damage should be minimised, medical aid should be provided to wounded individuals, and families or close friends should be notified as soon as feasible (principle 5).

The unjustified or inappropriate use of force and guns by law enforcement authorities should be condemned as a misdemeanour under domestic law, according to Principle 7. Principle 8 emphasises that unusual circumstances, such as

internal political unrest or any other type of public emergency, may not be used to justify any deviation from the standards.

Basic Conditions for Treatment of all Persons Under Imprisonment or Detention

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners in 1955, and the Economic and Social Council recognised them in resolutions 663 C (XXIV) of July 31, 1957, and 2076 (LXII) of May 13 1977.

The Body of Principles, which the United Nations General Assembly approved on December 9, 1988, stipulates the rights of people arrested or detained, including legal help, medical care, and access to records of their detention, arrest, questioning, and medical treatment. States should deem any act which violates the Principles unlawful, subject such actions to appropriate consequences and undertake unbiased investigations into complaints (Principle 7).

Resolution 45/111 of the United Nations General Assembly, dated December 14, 1990, established the Basic Principles for the Treatment of Prisoners. In summary, it demands that prisoners be treated with dignity due to their fundamental humanity. They should not be unfairly treated, and their religious and cultural values should be respected. They should have complete access to cultural and educational activities that promote comprehensive development of the human personality, meaningful remunerated employment that aids their reintegration into society, and health services. Solitary confinement should be abolished, and efforts to do so should be supported.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The General Assembly enacted the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on December 10, 1984, and it went into effect on June 26, 1987.

It requires States Parties to include the crime of torture in their domestic legislation and to punish acts of torture with appropriate penalties; to conduct a prompt and impartial investigation into any alleged act of torture; to ensure that statements made as a result of torture are not used as evidence in proceedings (except against a person accused of torture as evidence that the statement was made); to establish an enforceable right to a fair and impartial hearing.

Torture will not be justified in extreme situations such as a state of war or danger of war, internal political instability, or any other public emergency. An order from a higher officer or a public authority has the same effect on an individual criminal.

States parties are forbidden from returning a person to a country where they may be tortured (principle of non-refoulement). On the other hand, they must ensure that any accused torturer found in any region under their authority is prosecuted or extradited to another country for prosecution.

Principles of Medical Ethics

The Principles of Medical Ethics were established by the United Nations General Assembly on December 18, 1982, in resolution 37/194. States, professional groups, and other organisations are urged to take action against any effort to threaten or retaliate against health care workers or their families for refusing to condone torture or other inhumane or humiliating treatment or punishment. Medical staff, notable physicians, should, on the other hand, be held accountable for breaches of medical ethics.

Guiding Questions

- What role can NHRIs play in the prevention of torture?
- When violence is clandestine, especially in high-security prisons, what steps can be taken for it to be uncovered?
- To what extent should nations who do not engage in such practices be allowed to interfere with the national policies of nations who do?
- Does the UN too broadly classify terms used to define torture and other forms of ill-treatment as a means of coercion? (Usage of criteria such as “inhumane”, “degrading”, and “cruel”) How could this criteria possibly be redefined?
- How can delegates address the needs of patients in institutional warehousing?
- How can governments cooperate with individuals and NGOs in an effective manner to uncover instances of violence and ill-treatment?

Possible Solutions

In order to find long-term solutions to the issues of violence against women, the Special Rapporteur has founded procedures for obtaining specifics and details from

governments on accusations made of particular cases of violence against women or overall scenarios conducive to the perpetration of such violence, in a humanitarian manner. Responding to individual complaints, conducting research, offering technical cooperation advice, and performing country visits to examine specific human rights conditions are all tasks of Special Rapporteurs. Immediate pleas alleging urgent harm to a female's right to life or personal protection, or the risk of such a threat, may also be addressed to the Special Rapporteur.

Any individual, group, non-governmental organisation, an intergovernmental agency, or government with knowledge of the occurrence of acts of brutality or other inhumane acts (**allegations**) or anxieties that such ill-treatment could arise or is occurring (**urgent appeals**) can bring the relevant information to the attention of the Special Rapporteurs.

NHRIs can help to build an effective legal framework by:

- Pushing the State to ratify key international human rights treaties
- Campaigning for legislation reforms that make torture a criminal offense and prohibit its use by public officials

NHRIs can help with the legislative framework's implementation by assessing detention processes, investigating claims of torture, and providing to training programs for relevant government authorities. By working with international agencies, monitoring detention centres, and spreading public awareness, NHRIs can contribute to and function as control mechanisms.

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