

GUÍA DE ESTUDIO

HUMAN RIGHTS COUNCIL

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“To deny people their human rights is to challenge their very humanity.”

Nelson Mandela

Dear delegates,

It is our outmost pleasure to welcome you to the 2019 edition of MIMUN and more specially, to the Human Rights Council.

Last year was marked by the 70th anniversary of the Universal Declaration of Human Rights, which inspires the work of this committee. Its promise of respect for human rights “for all people and all nations” opened an era in which great progress was made, however, each day new challenges arise and protecting all peoples from human rights abuses becomes more and more difficult as time passes.

The two topics chosen for this year’s edition represent two of the many human rights crises happening at the moment. On the one hand, the struggle of bringing access to water and sanitation around the world, one of the most basic human rights, still threatens the lives of billions of people in the 21st century. Secondly, the Venezuelan crisis is a constant reminder of the vulnerability of human rights when freedom is denied by governments. We encourage you to read the study guide we have prepared carefully and try and do as much research as possible in order to truly enjoy the MIMUN experience.

Lastly, we look forward to seeing you all during three days of intense debate, which we hope will be more enriching than ever. We are confident that you will leave MIMUN 2019 with a more extensive perspective on the current HR issues and with memorable moments you will cherish for a lifetime.

All the best,

Blanca Romero and Maria Er-Rahali
President and Vice-president of the HRC

ABOUT THE HUMAN RIGHTS COUNCIL

The United Nations (UN) is an organization that rests on three pillars: human rights, peace and security, and development. The Human Rights Council (HRC) is one of the principal human rights institutions, along with the Office of the High Commissioner for Human Rights and the bodies that monitor implementation of human rights treaties. All these entities have their headquarters in Geneva.

The Human Rights Council (HRC) was officially created by resolution 60/251 of the United Nations General Assembly (GA) on 15 March 2006 as a subsidiary body of the GA to replace the defunct Commission on Human Rights of 1946. On 18 June 2007, the Human Rights Council adopted its key resolution 5/1, entitled *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, which provides the framework for the functioning of the institution and its subsidiary bodies, and includes the Council's agenda, program of work and rules of procedure. Above all, it enabled the creation of a new mechanism known as the Universal Periodic Review (UPR). This HRC peer review mechanism involves examining the human rights record of each UN member state according to a fixed and predictable schedule, and then delivering recommendations to those States for the better protection of human rights in their countries. Conducting a periodic review of this kind at the universal level is one of the foremost innovations brought about by the creation of the Council, although its effectiveness is often criticized.

The HRC is the principal inter-governmental forum within the United Nations for questions relating to human rights. Its resolutions and decisions are not legally binding but do contain strong political commitments. The HRC's function is to ensure the effective implementation of human rights as guaranteed by international law, and in particular by the various instruments of the United Nations.

Specifically, some of the HRC functions are:

- addressing situations of violations of human rights around the world and in relation to specific countries or thematic issues (e.g. discrimination against women), adopts a position and makes recommendations;
- establishing international 'standards' in the field of human rights (e.g. guidelines on human rights and private enterprises);
- developing instruments which are legally binding (e.g. protocol providing for a complaints procedure for the Convention on the Rights of the Child);

- promoting human rights through dialogue, by reinforcing capacity-building and by providing technical assistance.

The HRC consists of 47 member states, which are elected by the absolute majority of UN member states. Seats are allocated in accordance with a geographical distribution (corresponding to the UN regional groups): 13 seats for the African states, 13 for the Asia-Pacific states, eight for the Latin American and Caribbean states (GRULAC), seven for the Western European and other states (WEOG) and six for the Eastern European states. HRC members are elected by secret ballot by the members of the GA for a three-year term of office. After two consecutive terms, they are no longer eligible for immediate re-election. The GA may, by a two-thirds majority of the members present and voting, suspend a member of the Council if it has committed gross and systematic violations of human rights

TOPIC A: HUMAN RIGHT TO SAFE DRINKING WATER AND SANITATION

1. Introduction to the topic

Water is a limited natural resource and a public good fundamental for life and health. Having access to safe drinking water and sanitation is essential to living a life in dignity and upholding human rights. However there is still a great part of the world's population that does not enjoy these fundamental rights, for example, 701 million people still practice open defecation, there are 3 billion people without basic handwashing facilities at home (United Nations Statistics Division, 2019). In order to address this crisis, the international community has increasingly recognized that access to safe drinking water and sanitation is considered within the human rights framework.

The concept of basic water requirements was first established at the 1977 United Nations Water Conference in Mar del Plata, Argentina. Its Action Plan asserted that all peoples, whatever their stage of development and their social and economic conditions, had the right to have access to drinking water in quantities and of a quality equal to their basic needs (Habib, 2015). However, the right to water and sanitation was not institutionalized into the human rights framework until 2002, when the Committee on Economic, Social and Cultural Rights (CESCR) adopted the General Comment 15 on the International Covenant on Economic, Social and Cultural Rights. It explained how the right to water was considered implicit in two of its articles (Art. 11 and 12) tackling the topics of adequate standard of living and the right to health respectively.

A few years later, in 2006, the Sub-Commission on the Promotion and Protection of Human Rights adopted a set of Guidelines for the Realization of the Right to Drinking Water and Sanitation (OHCHR, 2010). It offered further explanation on what these rights really meant and how they were to be achieved by the member states. In September 2007, the then High Commissioner for Human Rights presented a study to the Human Rights Council where the first official definition of water and sanitation as a human right was provided: "the right to equal and non-discriminatory access to a sufficient amount of safe drinking water for personal and domestic uses - drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene - to sustain life and health" (OHCHR, 2015). On 28 July 2010, through Resolution 64/292, the United Nations General Assembly finally explicitly recognized the human right to water and sanitation and acknowledged that "clean drinking water and sanitation are essential to the realization of all human rights" (UN General Assembly, 2019).

Moreover, in the Millennium Development Goals, it was included in target 7 as Target 7.C which read "Halve, by 2015, the proportion of the population

without sustainable access to safe drinking water and basic sanitation". The world did meet the target of halving the proportion of people without access to improved sources of water. In fact, between 1990 and 2015, 2.6 billion people gained access to improved drinking water sources (American Water Works Association, 2019). Nevertheless, despite the progress, 2.4 billion people still used unimproved sanitation facilities by the end of 2015. In the new Sustainable Development Goals (SDGs), Goal 6 aims at ensuring availability and sustainable management of water and sanitation, this time, for all.

The lack of access to safe, sufficient and affordable water, sanitation and hygiene facilities has a devastating effect on the health, on dignity and prosperity of billions of people, and has significant consequences for the realization of other human rights and development. As a human right, States have the duty to ensure all its citizens are able to enjoy these rights and it is the council's highest priority to make sure they do.

2. Definitions

The right to sanitation:

The right to sanitation entitles everyone to have physical and affordable access to sanitation (toilets), in all spheres of life, that is safe, hygienic, secure, and socially and culturally acceptable and that provides privacy and ensures dignity.

The right to water:

The right to water entitles everyone to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.

What do we mean by ...?

"Sufficient": The water supply for each person must be sufficient and continuous for personal and domestic uses. These uses include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene.

"Safe": The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health. Measures of drinking-water safety are usually defined by national and/or local standards for drinking-water quality. Drinking-water safety is usually defined through national and/or local standards for drinking-water quality. The WHO Guidelines for Drinking water Quality provide a basis for the development of national standards,

“Acceptable”: Water should be of an acceptable color, odor and taste for each personal or domestic use. All water facilities and services must be culturally appropriate and sensitive to gender, lifecycle and privacy requirements.

“Physically accessible”: Everyone has the right to a water and sanitation service that is physically accessible within, or in the immediate vicinity of the household, educational institution, workplace or health institution. While the right to water does not imply that everyone should have access to water and sanitation at home, it requires such facilities to be in close proximity to, or at a reasonable distance from, each house. Water and sanitation should also be provided in schools and hospitals, at the workplace, in detention centers, as well as in camps for refugees and IDPs (Internally Displaced Persons).

“Affordable”: Water, and water facilities and services, must be affordable for all. This doesn’t mean States are obliged to provide free water. However, States are in fact required to ensure that all the direct and indirect costs related to water and sanitation do not prevent anyone from accessing these services and should not compromise their ability to enjoy other human rights, such as the rights to food, education, adequate housing or health.

(OHCHR, 2010)

3. International legal framework

A. GENERAL COMMENT NO. 15 (2002) - The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)

** General Comments: A General Comment clarifies the content of certain rights in any of the Human Rights Treaties. Sometimes it outlines potential violations of those rights and offer advice to states parties to the treaties on how best to comply with their obligations. The GC is published by the Committee in charge of monitoring the treaty, it is not a new treaty and it has not been on.*

General Comment No. 15 was adopted by the UN Committee on Economic, Social and Cultural Rights in the 51st meeting of the 29th session, in November 2002. The 18-page-long document provides guidelines for states on the interpretation of the right to water. This right to water is deducted from two articles of the ICESCR – Article 11 (the right to an adequate standard of living) and Article 12 (the right to health) (UN CESCR, 2003). General Comment No. 15 affirms the legal base of the right, namely that “the human right to water entitles everyone to sufficient, safe, acceptable, physically

accessible and affordable water for personal and domestic uses". This had a big impact on international law and the recognition of water at the international level.

The General Comment lays out the obligations of the state parties to the treaty. There are three types of specific legal obligations: a) an obligation to respect the right to water by refraining from interfering; b) an obligation to protect the right to water by preventing third parties from interfering; c) an obligation to fulfil the right to water by adopting necessary measures for the full realization of this right. It also calls on States parties, and other actors in a position to assist, to provide international assistance and cooperation, especially economic and technical, to developing nations. These core obligations are non-negotiable (UN CESCR, 2003). The Committee distinguishes between the inability of a state to comply with the obligations and its unwillingness. If a state is unwilling to use the maximum of its available resources for the realization of the right to water, this constitutes a violation.

B. GUIDELINES FOR THE REALIZATION OF THE RIGHT TO DRINKING WATER AND SANITATION (2005) by Mr. El Hadji Guissé

At its fifty-sixth session, the Sub-Commission on the Promotion and Protection of Human Rights (Economic and Social Council), in its decision 2004/107, dated 9 August 2004, decided to request Special Rapporteur Mr. El Hadji Guissé to prepare a set of draft guidelines in order to help states achieve the realization of the right to drinking water supply and sanitation. The draft guidelines are intended to assist government policymakers, international agencies and members of civil society working in the water and sanitation sector to implement the right to drinking water and sanitation (Guissé, 2005). These draft guidelines highlight the main and most urgent components of the right to water and sanitation, but they do not attempt to provide an exhaustive legal definition of the right to water and sanitation. It includes, among others, instructions on how states can move towards the full realization of the rights, how to prevent discrimination and address the most vulnerable, how to make water and sanitation available and equal for all, improving the access and its quality, addressing the issue of "affordability" and the principle of solidarity between nations (Guissé, 2005).

C. ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (2007)

In 2006, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to develop a study on everything relevant regarding the right to water and sanitation. The study was published in 2007. It is a very complete document addressing the pertaining legal framework, the scope and content of human rights obligations, the nature of these obligations, relevant mechanisms for the monitoring of such human rights obligations and other issues that arose throughout the consultation process. In conducting the study, the OHCHR received written submissions from various stakeholders, including States, intergovernmental organizations, national human rights institutions, non-governmental organizations (NGOs), experts, and representatives of the private sector.

It made important comments on the issue of privatization of water and sanitation services. It pointed out that while the human rights framework does not dictate a particular form of service delivery or pricing policy, it requires States to adopt adequate measures and to put in place effective regulations to ensure the access of individuals to sufficient, affordable and physically accessible and safe drinking water and sanitation. And that effective judicial or other appropriate remedies should be available to individuals who have been denied this access (UN High Commissioner for Human Rights, 2007).

D. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 28 JULY 2010 (UN General Assembly, 2010)

This is the first time the General Assembly pronounced itself on the issue. It explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. The was resolution tabled by the Governments of Germany and Spain.

This resolution from the GA implicates the general consensus of the UN Member States in the recognition of the right to water and sanitation. “This means that for the UN, the right to water and sanitation, is contained in existing human rights treaties and is therefore legally binding” stated Catarina Albuquerque (UN News, 2010). Before, the right to water was not explicitly mentioned in any treaty, only implicit, as declared in the GC 15. However, this resolution finally recognized it as human right, equal to all other human rights, “which implies that it is justiciable and enforceable” (UN News, 2010)

E. Sustainable Development Goals - SDG 6: Ensure availability and sustainable management of water and sanitation for all

In 2000 the Millennium Development Declaration called for the world to halve by 2015 the proportion of people without access to safe drinking water as well as the proportion of people who do not have access to basic sanitation. In September 2015 the 2030 Agenda for Sustainable Development was adopted at the UN Summit, which includes Sustainable Development Goal (SDG) 6 on water and sanitation.

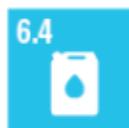
SDG 6 seeks to ensure safe drinking water and sanitation for all, focusing on the sustainable management of water resources, wastewater and ecosystems, and acknowledging the importance of an enabling environment (UN Water, 2019). There are 11 global indicators to track progress towards SDG 6: drinking water, sanitation, hygiene, wastewater, water quality, efficiency, water stress, water management, transboundary water cooperation, water-related ecosystems and International cooperation.

SDG 6 Targets Summarized By 2030...



6.1

All have access to safe and affordable drinking water



6.4

Increase water efficiency across all sectors and ensure sustainable supply of water to reduce the number of people suffering from water scarcity.



6.2

All have access to adequate sanitation and hygiene, and open defecation is eliminated



6.5

Fully implement integrated water resources management—which looks at water resources holistically.



6.3

Improve water quality by reducing pollution, minimizing release of hazardous chemicals, and halving the proportion of untreated wastewater



6.6

Protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes.

Source: United Nations

 WORLD RESOURCES INSTITUTE

4. Past efforts and current challenges

In 2003, the General Assembly passed the Resolution A/RES/58/217 proclaiming 2005-2015 the International Decade for Action: 'Water for Life' 2005-2015. It came hand in hand with the Millennium Declaration in 2000, which led to the Millennium Development Goals. Within the 2015 Agenda, the Target 10 addressed the right to WASH (Water, sanitation and hygiene). The goal was to halve the number of people without access to safe drinking water in the world. The 2013 Millennium Development Goal Report (MDG) showed that the MDG drinking water target was met five years ahead of schedule despite significant population growth. However, despite meeting the target, there were still 663 million people drawing water from an unimproved source in the world (Maestu, 2015).

During the "Water for life Decade", the aim consisted on raising the profile of water in the global agenda, and to focus the world's attention on the groundbreaking, lifesaving, empowering work done by those implementing water programs and projects (Maestu, 2015). The UN acted as a bridge to further cooperation between governments and other stakeholders, between nations and diverse communities, and between economic interests and the needs of ecosystems and the poor. However, the biggest achievement was establishing access to water as a priority in the global agenda.

Despite the severe financial crisis faced by many "high-income" countries, the total amount of development aid for sanitation and water increased by 5% from 2005 to 2010, and in the second part of the Decade, the amount of aid commitments for sanitation and water increased from USD 8.3 billion in 2010 to USD 15 billion in 2012.

Some of the lessons learned from the Water for life Decade included the idea that "one size doesn't fit all", and the best technology is not always the one that is technically the most viable, but the one that is both acceptable for and applicable by the local population (Maestu, 2015). Poor capacities to operate rural water supplies and expensive technologies typically have resulted in low functionality/low operational sustainability services. So, It is always better to analyze the effectiveness of all the possible solutions and implicate the local community in the decision-making process.

Another lesson learned during the Water for life Decade had to do with the essential participation of women. Originally, the resolution called for the participation and involvement of women in water related development efforts, and women's civil society rose to the challenge with the implementation of a great many different initiatives, engaging women in water projects and programs across the globe. For example, the development of Gender & Water Alliance (GWA) emphasizing gender mainstreaming; the

Women for Water Partnership (WfWP), uniting women's civil society organizations worldwide, or the Global Women's Water Initiative (GWWI) that geared towards training of local women water experts and entrepreneurship (Maestu, 2015). Women proved to be essential activists for the implementation of water access since they are the ones that use it the most: in Sub-Saharan countries overall women spend 16 million hours a day collecting the water for their households; in over 70% of households where water has to be fetched, women do the fetching; women's bodies are the most affected by carrying the water and doing the work of the pipes (Maestu, 2015).

However, despite all the progress accomplished during the 2005-2015 decade, billions of people still lack safe water, sanitation and handwashing facilities, and data suggests that in order to achieve universal access to only basic sanitation services by 2030, would require doubling the current annual rate of progress (Sustainable Development Goals , 2019). Over the coming decades, water scarcity will present a significant socio-political challenge to many countries more countries than we can even expect, and this is mainly due to Climate change.

According to UN-Water's 'SDG 6 Synthesis Report 2018,' water pollution is worsening, water resource governance is weak and fragmented, and agriculture places enormous and increasing stress on freshwater supplies. The proportion of population using safely managed drinking water services has not improved since 2015, as a result, 785 million people still lacked even a basic drinking water service (Sustainable Development Goals , 2019). Moreover, the global population using safely managed sanitation services increased from 43% in 2015 to 45% in 2017 with the greatest increases occurring in Latin America and the Caribbean, sub-Saharan Africa and East and South-East Asia, yet 701 million people still practiced open defecation in 2017 and in 2016, one third of all primary schools lacked basic drinking water, sanitation and hygiene services (Sustainable Development Goals , 2019).

To make matters worse, international cooperation has decreased in the last couple of years reversing the improvements made during the previous decade. After reaching \$9 billion in 2016, ODA (Official Development Assistance) disbursements to the water sector declined by 2 per cent from 2016 to 2017 (Sustainable Development Goals , 2019). Financial investments are essential for the implementation of national policies and the improvement of monitoring. On this note, country-monitoring systems need strengthening, for instance, more financial resources to hire staff skilled in data collection, analysis and communication. Data collection and monitoring is essential for progress in this area, it is the only way of measuring progress and knowing what measures should be implemented.

It is undeniable water will play even a more important role in the future as it will be central in adapting to the worst effects of climate change and reducing greenhouse gases. Climate change increases variability in the water cycle and makes extreme weather events more frequent, threatening billions of people's access to water and sanitation services and placing huge stress on ecosystems. However, at the same time, growing demand for water is leading to an increase in energy-intensive pumping, treatment and transportation, thereby raising carbon emissions and exacerbating climate change (UN Water, 2019).

On this topic, when asked about how to manage water resources, Mr Gilbert F. Hounbo, Chair of UN-Water and President of the International Fund for Agricultural Development (IFAD) stated that "First, by coordinating across sectors we can reduce the impacts of floods and droughts, adapt to the expected increase in unpredictability and ensure communities and businesses have the water they need to thrive. And second, we can reduce harmful emissions by making water supply more sustainable." (UN Water, 2019). Hence, coordination and sustainability will be key in addressing the water challenges in the coming future or more damage will be caused.

The impacts of climate change are being felt everywhere and are having real consequences on people's lives. Water is the primary medium through which we will feel these impacts since 90% of global disasters are caused by floods, storms, droughts and other weather-related events (UN Water, 2019). The global water situation will likely worsen as population growth, rapid urbanization and industrialization increase demand for water and intensify the negative effects of climate change on water quality and quantity.

Therefore, climate change will be the main hurdle in trying to achieve availability and sustainable management of water and sanitation for all. It is necessary to find ways to adapt to the expected changes and to cope with the new conditions and extreme weather patterns in order to make water infrastructure and services more resilient, without slowing down progress.

Lastly, apart from the normal water domain, decision-makers in other spheres (finance, trade, energy, housing, regional planning, agriculture, etc.) must also account for water, since water is essential in every aspect of life and society (UN Water, 2019). Therefore, as mentioned, sustainable management and development of water resources will play a pivotal role in preparing societies' ability to adapt to climate change in order to increase resilience and achieve all the other development goals.

5. Questions to be resolved in the resolution

Ensuring universal access to water and sanitation is a human right for which no one should be left behind. Countries must find a way to overcome the current challenges and guarantee the protection of such a basic human right like water, not only in their countries, but in the world.

Delegates will have to discuss some of the following issues in order to elaborate a resolution that tackles today's worst challenges when addressing access to water and sanitation:

- What are the main challenges in the countries where access to water and sanitation is not universal?
- How can we ensure every country includes the right to water in their national constitutions? What can be the consequences of not doing so?
- Should privatization of water supply be allowed?
- How can we manage water supplies in order to mitigate the effects of climate change?
- How can we include sustainable practices in the implementation of water supplies and sanitation utilities?
- Should we invest in more research? What would be the aim of this investigations?
- What kind of cooperation should be pursued? Multilateral, bilateral, triangular, private-public partnerships ...
- How can we improve the actual monitoring systems?
- Is there discrimination in the access to water and sanitation? What groups are discriminated against? What can be done in order to eliminate discrimination?

TOPIC B: PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE BOLIVARIAN REPUBLIC OF VENEZUELA

1. Historical antecedents

For the past 20 years, the Bolivarian Republic of Venezuela has been ruled by the PSUV (Partido Socialista Unido de Venezuela). Firstly, by Hugo Chávez (from 1999 until his death in 2013) and then he was succeeded by Nicolás Maduro, after defeating the opposition in the elections. During his mandate, the opposition gained a majority in the National Assembly (legislative body) so, to counteract the newly acquired power by his opponents, Maduro created a new body with similar powers to those of the National Assembly and formed by government supporters.¹

In this period, since 2013, Venezuela suffered a social and economical collapse known around the globe due to the high levels of inflation and serious shortage in food and medicines.²

The last elections were held in May 2018, when Maduro achieved a new victory and was re-elected for a second term of six years. Nevertheless, as the Venezuelan Constitution maintains, he didn't swear office until the 10th January. Faced with 6 more years of Maduro's office, the head of the National Assembly, Juan Guaidó, in a desperate movement, declared himself interim president on 22 January. Guaidó argues that Maduro did not win the elections but instead committed fraud, therefore, the presidency is vacant *de iuris* and according to the article 233 of the Venezuelan Constitution, in the case of absence the presidency should be granted to the head of the National Assembly.³

However, the situation was not only a domestic issue but instead had great international impact. Guaidó was recognised as President by the US and more than 50 other countries while Maduro had the support of its traditional allies, China and Russia, causing a huge diplomatic conflict. Moreover, the Venezuelan issue has important implications in the new balances inside Latin America, a region per se unstable and troubled, and even in the global geopolitical board.

Since the proclamation until today, the situation has been locked in a stand-off.

¹ BBC News. *Venezuela crisis in 300 words*. 1 May 2019 [online]. [ref. of 07-10-2019]. Available in: <https://www.bbc.com/news/world-latin-america-48121148>

² *Ibid.*

³ *Ibid.*

2. Geopolitical impact and international actors

Maduro has many important international allies. Together with historical or traditional Latin American allies, as Bolivia, Nicaragua and Cuba, we find international actors such as Iran and Turkey, traditional supports of so-call causes against imperialism, or China and Russia. China relies on the Venezuelan oil to accomplish its objective in its new strategy of expansion, known as OBOR or the New Silk Road, while for Russia; Venezuela represents another piece in its game against USA, in order to erode its hegemony in the global board.

Even though, this could be seen as the main reasons to support Maduro, there are other interests of all sorts, such as economical, financial or geopolitical interests, as the Chinese and Russian investments that are involved in the Venezuelan economy. This alliance bond has been demonstrated in practice in the United Nations Security Council, when China and Russia, together with South Africa and Equatorial Guinea, vetoed a US draft resolution that pledge support to the Venezuelan National Assembly, and therefore to Juan Guaidó.⁴

Moreover, Maduro also counts on other actors that are not States, such as the Colombian guerrilla group Ejército de Liberación Nacional (ELN) and dissents of FARC.

On the other hand, supporters of Juan Guaidó, such as the United States, Canada, Switzerland or the European Union carried out pressure measures, including the imposition of sanctions on high Venezuelan officials allegedly implicated in human rights abuses. The main sanctions were the freezing of assets and the cancellation of visas. Concurrently, the European Parliament adopted a sequence of resolutions condemning the situation and calling for free and fair elections and effective response to the humanitarian crisis, while recognizing the democratic deficiencies in the 2018 elections.

3. Lima group

The Lima Group is a multilateral body created in 2017, with the Lima Declaration, in order to contribute to solve the Venezuelan crisis composed by 14 States: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay, Peru and Saint Lucia. Since then, it has played a crucial role. During the first moments, the Lima Group followed the traditional approach of non-interference; however, it soon changed its position and announced that no country of the

⁴ MALAMUD, Carlos; NÚÑEZ, Rogelio. Real Instituto Elcano. *La crisis de Venezuela y el tablero geopolítico internacional*. 25 February 2019 [online] [ref. 07-10-2019] Available in: <http://www.realinstitutoelcano.org/wps/wcm/connect/fc8bb7f4-7ced-4429-bd94-7e7de52ea2f2/ARI24-2019-Malamud-Nunez-crisis-Venezuela-tablero-geopolitico-internacional.pdf?MOD=AJPERES&CACHEID=fc8bb7f4-7ced-4429-bd94-7e7de52ea2f2>

organization will recognize the results of the 2018 elections as it was not legitimate because it did not comply with international standards.

4. Human rights abuses

Since the mandate of Hugo Chávez, a sequence of steps were taken in order to get rid of the opposition to the *chavist* government, such as fill the courts with judges who are not independent, repressing street protests through violence, judging civilians before military courts or jailing opponents⁵. Nowadays, no independent institutions remain in Venezuela to counteract and investigate the acts of the executive power. The last straw was the presidential elections of May 2018, surrounded by allegations that international standards were not granted and complicated by the fact that the opposition was disjointed during the precedent years.

This power abuse came with a complicated situation characterized by shortages of medicines and food that left Venezuelans without access to essential healthcare and with the inability to feed for them. Facing this reality, many Venezuelans felt obligated to leave the country in order to avoid repression and shortages. This exodus represents the largest humanitarian crisis in Latin America in the recent years, which is having important consequences in the stability of the region⁶.

Among the concerns of the civilian, apart from those already mentioned, it is important to highlight the poor conditions in prisons, impunity for the violations of human rights and abuses to independent media. However, in the following paragraphs we will develop the main problems that Venezuelan population is facing in relation with human rights.

a. Refugee crisis

According to the data provided in November 2018 by the United Nations High Commissioner for Refugees (UNHCR), more than 3 million out of 32 million Venezuelans had fled their country since 2014 due to the political, economic and human rights crisis. However, this number is an approximation, as many more were not registered by authorities and since then many difficult events have occurred, and the number of refugees has increased as a consequence⁷.

Those who have achieved to establish themselves in neighbouring countries remain in irregular situation, as they do not have access to basic services, such as education or health, and have difficulties to find jobs. It is important to bear in mind that the refugees status cannot be granted to all the Venezuelans that have fled the country, as the requirements are not met, but anyway, their situation is not much better, as they would face precarious

⁵ Human Rights Watch. *World Report 2019: Venezuela. Events of 2018* [online] [ref. 07-10-2019]. Available in: <https://www.hrw.org/world-report/2019/country-chapters/venezuela>

⁶ *Ibid.*

⁷ *Ibid.*

conditions if they returned and are in need of humanitarian aid in the countries where they have tried to establish⁸.

The main receptor countries are: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, México, Panamá, Peru and the States of South America⁹. Some South American governments have made efforts to help the Venezuelans but in 2018, facing what it had become an unsustainable crisis, they adopted restrictive measures which made it harder to apply for legal status and therefore to get aid. On the other hand, Caribbean countries do not have any permit or process to assist Venezuelan and some of them have been detained or deported to their country and suffer xenophobic harassment, as in Brazil¹⁰. A report published by Human Rights Watch showed that thousands of Venezuelans are being exploited by criminal groups as drug traffickers groups, dedicated to the illegal mining, human trade and prostitution rings in Colombia.¹¹

b. Political discrimination and persecution of opponents

During the last decades, the Venezuelan government has tried to dismantle the opposition in order to remain in power. To accomplish this objective, many traditional methods were used: jailing and disqualifying political opponents, impeding them from running for office, blackmailing... One of the most famous political prisoners of Venezuela, who had a relevant role during the crisis of 2019 and the self-proclamation of Juan Guaidó, is Leopoldo López. Leopoldo López was condemned to 13 years of house arrest under the charges of inciting violence during a civilian demonstration in February 2014. Despite the lack of evidence, others were arrested on the same grounds and have been forced into exile¹².

Those who dare contradict or oppose Maduro presidency suffer the consequences. People have been fired from the Administration and denied their right to pensions, medical procedures... On the other hand, those who are pleasant with the regime have been compensated with food and basic goods capped prices. These measures cause flagrant political discrimination.

c. Repression of protests

Since Maduro took office in 2013, two major crackdowns have been held in Venezuela; concretely we are referring to those of 2014 and 2017. In both demonstrations, the security forces and other armed groups were sent by the

⁸ *Íbid.*

⁹ UNHCR-ACHNUR: La Agencia de la ONU para los Refugiados. *Situación en Venezuela* [online]. [ref. 07-10-2019]. Available in: <https://www.acnur.org/situacion-en-venezuela.html>

¹⁰ *Loc. cit.* Human Rights Watch. *World Report 2019: Venezuela. Events of 2018*

¹¹ BBC News. Boris Miranda. *Crisis en Venezuela: como las mafias y grupos armados de Colombia se aprovechan de los migrantes venezolanos*. 19 September 2019 [online][ref. of 07-10-2019]. Available in: <https://www.bbc.com/mundo/noticias-america-latina-49486230>

¹² *Loc. cit.* Human Rights Watch. *World Report 2019: Venezuela. Events of 2018*

government to suppress the protest through violence: they attacked, beat protesters who offered no resistance and carried out raids in private apartments indiscriminately, among other practices. Thousands were arrested including mere observers and people taken without warrants from their houses. Some of the people arrested during the protest of 2014 are still subjected to criminal prosecutions, some of them by military courts, what is contrary to human rights law, and subjected to abuses and torture¹³. The Office of the Human Rights Commissioner has documented cases of physical and psychological torture and ill-treatment of arbitrary detainees¹⁴.

Even though major protests have not taken place again since 2017, these repressive practices continue.

d. Alleged extrajudicial killings

The number of alleged extrajudicial killings has increased since 2015, when the government developed “Operation Peoples’ Liberation”. This group was formed by police officers and agents from the Bolivarian National Guard to supposedly maintain the order and security; however, the raids carried out have raised complains about abuses as extrajudicial killings, forced evictions and destruction of homes, among others. The Government justify these actions claiming that occurred during “confrontations” against armed criminals, however they have been denied by witnesses¹⁵. These crimes have been unpunished.

e. Absence of separation of powers

The independence of the judiciary was an illusion since 2004, when former President Hugo Chavez conducted a political takeover of the Supreme Court. Nowadays, judges of the Supreme Court publicly pledge allegiance to the government, denying therefore the separation of powers¹⁶.

Neither the legislative branch, embodied in the National Assembly, has escaped from the government control. After the last legislative elections of 2015, the National Assembly remain in the hands of the opposition. So, in order to retain the power, Maduro rewrote the Constitution without holding a referendum, requirement contemplated as necessary to modify the supreme norm. Through this modification, Maduro created in 2017 the Constituent Assembly, a body that in practice replaces the National Assembly as the judiciary and is composed by government supporters.

¹³ *Íbid.*

¹⁴ United Nations Human Rights Office of the High Commissioner: *Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela Human Rights Council. Statement by Michelle Bachelet, UN High Commissioner for Human Rights.* 42nd Session, 9 September 2019 [online] [ref. 07-10-2019]. Available in: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24958&LangID=E>

¹⁵ *Loc. cit.* Human Rights Watch. *World Report 2019: Venezuela. Events of 2018*

¹⁶ *Íbid.*

f. Freedom of expression

Maduro's government has taken advantage of its repressive tools to practically suppress the freedom of expression. Censorship and reprisals are used to reduce to a minimum the criticism against the regime using measures that are regulated through laws as the Law Against Hatred promulgated in 2017. According to the law, the government can suspend concessions in private media if "it is convenient for the interest or the nation" and "disrespect to government official" is criminalized. Moreover, it imposes prison sentences up to 20 years to those who dare to publish "messages of intolerance and hatred" and even children have been condemned on the basis of this rule for publishing messages on social media. The situation is aggravated if we take into account that all these sentences are freely interpreted by the government on its favour¹⁷.

g. Shortages

The shortage of medicines and food has been extremely worrisome since 2016. Before that year, diseases such as diphtheria and measles had been eradicated from Venezuela through vaccination, but due to the scarcity of medical equipment and products they have reappeared along with the increase of patients suffering from diseases such as tuberculosis or malaria. Children and pregnant women are the most affected victims, the maternal mortality increased 65% in 2016 (compared with 2015) and in 2017, 80% of households suffered food insecurity. According to the data provided by Michelle Bachelet, UN High Commissioner for Human Rights during the 42nd Session of the Human Rights Council (9 September 2019): "*today, the minimum salary is equivalent to 2 dollars per month, in comparison with 7 dollars in June, meaning a family would need to earn the equivalent of 41 minimum monthly salaries just to cover the basic food basket*"¹⁸. This scarcity is one the main reasons that forced Venezuelans to emigrate, aggravating therefore the refugee crisis¹⁹.

h. Indigenous communities

Indigenous communities living in Venezuelan territory are also suffering under Maduro's rule. Recent cases of violence, including some deaths, have been reported by the UN Human Rights Council, as well as environmental impact. The mining of diamonds, coltan gold and other precious metals have important impacts on the way of life of indigenous communities²⁰

¹⁷ *Ibid.*

¹⁸ *Loc. cit.* United Nations Human Rights Office of the High Commissioner

¹⁹ *Loc. cit.* Human Rights Watch. *World Report 2019: Venezuela. Events of 2018*

²⁰ *Loc. cit.* United Nations Human Rights Office of the High Commissioner

5. International humanitarian aid

The Governments that recognised Juan Guaidó as interim President also promised and tried to send humanitarian aid, nevertheless, this proposition came out with hidden motives. These Governments were aware that Maduro would never accept the aid, as it would mean the recognition of the failure of his Administration, the recognition that he was jeopardizing the lives of his people and creating an extreme situation of need. Therefore, the rejection of Maduro would serve to destabilize the situation, creating controversies and discord between the regime and the military during the decision-making talks on how to act about the humanitarian assistance²¹.

6. International criminal court (ICC)

In 2019 the situation in Venezuela was unsustainable, so in February, the International Criminal Court decided to take matters in its own hands and a preliminary examination was announced to analyse the allegations of violations of human rights and other crimes under the jurisdiction of the court. Nevertheless, this matter went further when six signatory countries of the Rome Statute requested a formal ICC investigation, in September 2019.

7. Questions to be resolved in the resolution :

- Which is the position and interests of all international actors involved in the Venezuelan crisis?
- What measures should be taken in order to guarantee the protection of Venezuelans in foreign territories?
- How should the investigation on the abuses of human rights be carried out?
- What is the position and actions that international institutions should take?
- Which ones are the future possible scenarios? Is it possible to Maduro remaining in office? What could imply his destitution?
- Which are the consequences of the Venezuelan crisis in the regional stability?

²¹ *Loc. cit.* MALAMUD, Carlos; NÚÑEZ, Rogelio. Real Instituto Elcano.

POSITION PAPER

A Position Paper is a document which describes the official policy of the country that a delegate is representing on the issue at hand. It is useful to facilitate prior preparation to all delegates and improve the understanding of a country's path. While a Position Paper does not have a specific structure, there is a highly recommended one to follow:

First paragraph: International and local situation on the issue. Policy of the country you are representing to face it, and national efforts taken by your own country to eradicate the problem.

Second paragraph: Previous and current actions being carried out by the international community (e.g. past UN resolutions, programs, frameworks, etc.). Country's position regarding previous and current efforts (i.e. what can be improved?).

Third paragraph: Main ideas and proposals, according to your country's policy, to address the issue.

It is important that you elaborate your Position Paper with clear and concise information about your country's policy, so an extension of a single page will be more than enough. Finally, it should be noted that plagiarism will not be accepted. Any figure, statement or fact must be quoted and its source of origin must be clearly indicated.

Committee: Disarmament and International Security Committee (DISEC)

Country: State of Japan

Delegate:

Topic A: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons

The undeniable catastrophes caused by the biological and toxin weapons throughout the years, not to mention the ones to come if not further action is taken immediately, are enough reasons for the State of Japan to draw the attention of the international community on the need to implement actions focused on building a legal framework to accomplish the achievements established by the Biological Weapons Convention. To do so, our nation will work to make use of the tools that the several Reviews of the Conference have created such as the Implementation Support Unit or the Confidence Building Measures. At a national level, Japan has designed a policy based on the fulfilment of peace and security in our society, this policy is put into practice throughout the National Security Strategy.

Some of the concrete measures of this strategy refer to the proper use of technology advancements, global economy and threats of environment. However, without a shadow of a doubt one of the most crucial aspects this strategy has to deal with is the threat of proliferation of Weapons of Mass Destruction and other Related Materials. As the only country to have ever suffered from atomic bombings in war, our state best understands the tragedy provoked by the use of nuclear and mass destruction weapons. This is the reason why our country is performing an important role strengthening diplomacy within the United Nations in order to implement actions which will allow countries to meet the achievements of the Biological Weapons Convention (BWC).

Furthermore, one of our most crucial objectives is to cooperate with countries who share the same values as Japan to take more effective actions against the proliferation, delivery and acquisition of Mass Destruction Weapons. Moreover, life scientists play a crucial role in the BWC, and as such it is indispensable for its implementation to focus on education and awareness-raising for scientists. At the same time, it is also essential to enhance biosafety and biosecurity measures in developing countries as well as to strengthen the capacity and effectiveness of infrastructure for disease surveillance. In connection with this, the work of the Implementation Support Unit to assist the States Parties is highly appreciated and has contributed significantly to the universalization and operation of the Convention.

In the immediate future, our nation will continue to implement actions to ensure that measures taken throughout the BWC are accomplished, in order to create a legal framework to monitor individual actions and to raise

methods to increase security in the biological field. We call upon Member States to join us in this effort.

IMPORTANT DOCUMENTS AND SITES

- **UN Water** in the UN's official website for everything that has to do with water and sanitation, there you can find a lot of information on the topic from experts, news, reports ...
<https://www.unwater.org/>
- **UN-Water SDG 6 Data Portal** tracks all the water indicators country by country <https://www.sdg6data.org/>
- All the information regarding developments on the **SDG 6**
<https://sustainabledevelopment.un.org/sdg6>
- **The Right to Water: Factsheet**
<https://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>
- Last UN report on the accountability of states in the water and sanitation sector.
<https://undocs.org/A/73/162>
- 2018-Water Annual Report
<https://www.unwater.org/publications/un-water-annual-report-2018/>
- **Executive Summary – SDG 6 Synthesis Report 2018 on Water and Sanitation**
<https://www.unwater.org/publications/executive-summary-sdg-6-synthesis-report-2018-on-water-and-sanitation/>

UN Framworkd

- **General Comment No. 15: The Right to Water** (Arts. 11 and 12 of the Covenant)
<https://www.refworld.org/pdfid/4538838d11.pdf>
- **Realization of the right to drinking water and sanitation**, Report of the Special Rapporteur El Hadji Guissé
https://www.ohchr.org/Documents/Issues/Water/SUB_Com_Guisse_guidelines.pdf
- **OHCHR study on human rights obligations related to equitable access to safe drinking water and sanitation**
<https://www.ohchr.org/EN/Issues/WaterAndSanitation/StudyWater/Page/OHCHRStudyWaterIndex.aspx>

- **Resolution adopted by the General Assembly on 28 July 2010. 64/292. The human right to water and sanitation**
https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/292

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