



# Study Guide

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Human Rights Council

Gimnazija Bežigrad Model United Nations



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**HUMAN RIGHTS COUNCIL – STUDY GUIDE**

Written by Ana Dimitrijević and Žan Gulič Nosan

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# INTRODUCTION

## Introduction of the Chairs

Hi! I'm Ana and I'm currently in my second year at Gimnazija Bežigrad. As someone passionate about debating, the justice system, human rights, and how they relate to international politics, I am thrilled to be Chairing the Human Rights Council. I currently intend to study something related to humanities connected to sociology, politics, law, or philosophy. Besides my academic interests, I also do taekwondo and like to hike, snowboard, bake, and play the violin. I am looking forward to hearing your (country's) thoughts and suggestions for how you may approach this problem together. Good luck!

Hello everyone, my name is Žan, and I am 25 years old. I am a master's student at University of Ljubljana, and I study international Business at the School of Economics and Business. I am a former student of Gimnazija Bežigrad, where I first encountered Model United Nations. My favourite hobbies are MUN, Marvel, watching football, and listening to rock and metal music. I also enjoy having a conversation about the European Union, History and Philosophy. I have a dog named Gaj and a cat, which is called Sleepy. I am looking forward to listening to your fruitful debates.

## Introduction to the Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system consisting of 47 States responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

## Introduction of the topic

This year's topic will be human rights violations in the mining industry. We will mostly be addressing the violation of labour rights. Despite numerous accepted laws and regulations enacted by the UN and mining companies to keep the industry as safe as possible, multiple mines ignore the rules for financial (or other) benefits. There are many health issues present; mine safety is never guaranteed; workers are underpaid and/or work more than the average 40-hour work week, and children are illegally employed as their employers can pay them less. Your job will be to address the issues raised in accordance with your country's policies, possible benefits, and previous actions.

## History of the topic

Since the start of civilization, people have utilized mining methods to obtain minerals from the Earth's surface. Research has revealed that flint pebbles have been extracted from deposits as early as the New Stone Age in France and Britain. Copper was mined by the ancient Egyptians as early as 3000 BCE. Mining initially moved slowly and was unsafe. But as time passed, society created safer and more precise techniques for finding and extracting materials from Earth. Despite mining being a very dangerous job, mankind was and still is very reliant on the extracted minerals for its everyday life. Because of the constant presence of the previously stated danger and the age of the mining industry, it was one of the first workplaces to implement labour laws and workers' rights.

At the beginning of the mining industry, the new mines that sprang up in the 19th century relied on men and children working long hours in often hazardous conditions. Accidents were frequent. As mines grew larger and deeper, new issues arose. The most common hazards were those caused by

flooding, dangerous gases, and the roof collapsing. Firedamp (a gas build-up) was even more dangerous as it had the potential to cause massive explosions. Lighting was also a significant issue. Candles had the potential to cause explosions. This danger was not removed until 1815, when the Davy lamp was invented. The Davy lamp was surrounded by gauze, which prevented the flame from igniting gases. Throughout the 19th century, the government passed laws prohibiting young children and women from working in mines and limiting the number of hours they could work. By the 1880s, only boys over the age of 12 could work in mines. However, some mine owners disregarded these regulations.

Labour law, as we know it today, is essentially the result of successive industrial revolutions beginning in the 18th century. It became necessary when customary restraints and the intimacy of employment relationships in small communities ceased to provide proper protection against the abuses associated with new forms of mining and manufacturing on a rapidly expanding scale, precisely at the time when the 18th-century Enlightenment, the French Revolution, and the political forces that they set in motion were creating the elements of the modern social consciousness. It grew slowly during the 19th century, primarily in the more industrialized countries of Western Europe, and only in the 20th century did it reach its current importance, relative maturity, and global acceptance.

The British Health and Morals of Apprentices Act of 1802 was the first landmark of modern labour law. In 1815, Zürich passed similar legislation to protect children, and France followed suit in 1841. The citizens' assembly of the Swiss canton of Glarus passed the first legal limit on adult working hours in 1848. Germany pioneered sickness insurance and workers' compensation in 1883 and 1884, and compulsory arbitration in industrial disputes was introduced in New Zealand in the 1890s. Outside of Western Europe, Australia, and New Zealand, progress in labour legislation was slow until after World War I. Rudimentary regulations on mine work were introduced in Japan in 1890. But a proposed factory act was controversial for 30 years before it was adopted in 1911, and the decisive step was the revision of this act in 1923 to give effect to the Washington Convention on industrial hours of work. Labour legislation in Latin America began in Argentina in the early twentieth century and received a powerful catalyst from the Mexican Revolution, which ended in 1917; however, as in North America, the trend became widespread only after the Great Depression. And in Africa, there has been significant progress in labour legislation only since the 1940s.

Although the modern mining industry is much safer and has more regulations and safety precautions than before the 20th century, extraction is becoming more and more expensive, and it may cause mining companies to further disregard human rights to earn more.

## THE CURRENT SITUATION

Today, more mining companies from European and North American abide by the regulations and care for the welfare of their workers. Nonetheless, that does not mean that violations do not exist anymore.

Before mentioning some of the conflict areas, we must understand that some issues cannot be avoided. The minerals that are being obtained are crucial for our development and sustainability even in the “green” ecological world. Nearly all of the child workers work in such conditions to provide for their families and have no other jobs or choices in their local area. Every year living expenses are becoming more expensive and so is the extraction of minerals.

One of the most famous cases of human rights violations is present in cobalt mines in the Democratic Republic of Congo mostly owned by Chinese companies. The Democratic Republic of the Congo (DRC) produces more than 70% of the world's cobalt, with artisanal and small-scale mining accounting for 15 to 30% of Congolese cobalt production. For years, human rights organizations have documented serious human rights violations in mining operations. These human rights risks are especially high in artisanal mines in the Democratic Republic of the Congo (DRC), a country weakened by violent ethnic conflict, Ebola, and high levels of corruption. Child labour, fatal accidents, and violent clashes between artisanal miners and security personnel from large mining companies are all common occurrences.

The mining industry in the Philippines is highly informal, and working conditions do not meet international standards. Only 12 of the tens of thousands of small-scale gold mining sites are legal. When a mine is not registered, workers are not protected by labour laws or safety and health regulations. Working in small-scale mines across the archipelago, an estimated 200,000 to 300,000 miners risk their lives. About 18,000 of them are minors.

An estimated 1 million children worldwide work as miners. Child miners are found throughout Asia, Africa, Latin America, and Europe. With the exception of a few who attend both work and school, the majority of these economically disadvantaged children are either uneducated or school dropouts. They are forced to work in inhumane and dangerous conditions to extract minerals and ores that are in high demand on the global market. The children aged 10-18 are paid as low as \$0.75 per day.

Even in modern mines owned by Western countries, there are multiple health concerns such as the evermore present black lung disease. Because of their exposure to airborne respirable dust, miners are at risk of developing pneumoconiosis, a lung disease. This type of dust contains extra fine particles that people can inhale and infiltrate into their lung tissue. Miners are also at a higher risk of developing lung cancer. When workers have been exposed to diesel engine exhaust for five years or more, the risk increases. Coal workers' pneumoconiosis (CWP), also known as "black lung disease," is caused by inhaling coal dust. Continuous coal dust exposure causes scarring in the lungs, impairing your ability to breathe. It is classified as occupational lung disease and is most common among coal miners. Working in such places is also met with cave-ins, explosions and extreme temperatures. Even though the mining industry employs only 1% of the global labour force, it generates 8% of all fatal accidents. The workers also have longer hours of work than the average citizen, causing increased risk of getting injured on the job.

Mining, along with garment manufacturing and agriculture, is one of the industries most vulnerable to modern slavery, according to the Global Slavery Index. Its most recent report, published in 2018, highlighted the risks associated with gold mining in the Democratic Republic of the Congo (DRC) and

Peru, coal mining in Pakistan, and diamond mining in Angola. Some employees there are under bondage contracts and are forced to work in deadly conditions for little to no pay.

The mining sector has significantly improved over time, yet we still face many issues in violating the most basic human rights. Critical areas are not only in developing and/or underdeveloped countries but also in wealthier nations, making this an important issue in the modern world.

## PAST ACTIONS OF THE UN AND THE HUMAN RIGHTS COUNCIL

The UN has always been aware of the issue and has tried to implement resolutions, most of which were unfortunately non-binding. They have addressed certain situations individually, and made statements, but due to the violations still being relevant, not enough has been done yet.

### USEFUL RESOLUTIONS AND REPORTS:

Universal Declaration of Human Rights, 1948:

<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

Convention on the Rights of the Child:

<https://www.unicef.org/child-rights-convention/convention-text#>

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, A/HRC/18/30:

[https://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-30\\_en.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-30_en.pdf)

Safety and health in mines, International Labour Conference, 81st Session, 1994:

[https://www.ilo.org/public/libdoc/ilo/1993/93B09\\_118\\_engl.pdf](https://www.ilo.org/public/libdoc/ilo/1993/93B09_118_engl.pdf)

R183 - Safety and Health in Mines Recommendation, 1995 (No. 183):

[https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100\\_INSTRUMENT\\_ID:312521](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100_INSTRUMENT_ID:312521)

C176 - Safety and Health in Mines Convention, 1995 (No. 176):

[https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100\\_INSTRUMENT\\_ID:312321](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100_INSTRUMENT_ID:312321)

Protection of the rights of workers exposed to hazardous substances and wastes, A/HRC/RES/42/21:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/299/50/PDF/G1929950.pdf?OpenElement>



## QUESTIONS TO ADDRESS

- 1. How to improve the working conditions in the mines in order to reduce the number of fatal accidents?**
- 2. Could further automation prevent accidents in the mines, and should further automation be enforced by the global community?**
- 3. Which measures should be taken to eliminate child labour?**
- 4. How should the global community tackle the establishment of illegal mining sites, which can for example be found in Philippines?**
- 5. How to prevent the modern-day slavery in the mining industry?**

## FURTHER READING

I strongly suggest you do further research on your country's standpoint and the topic itself on your own so the debate can go as smoothly and effectively as possible.

[https://www.youtube.com/watch?v=\\_V3blzNX4co&t=511s](https://www.youtube.com/watch?v=_V3blzNX4co&t=511s)

<https://www.pinsentmasons.com/out-law/analysis/modern-slavery-risk-and-the-mining-sector>

<https://www.youtube.com/watch?v=YtwjT1QqnFo>

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»Breaking the Cycle of Intergenerational Child Labour in the Philippines«. Alliance 8.7. <https://www.alliance87.org/interactive/philippines/>. Cited 23.10.2022.

»Why Cobalt Mining in the DRC Needs Urgent Attention«. Council on Foreign Relations. 29.10.2020. <https://www.cfr.org/blog/why-cobalt-mining-drc-needs-urgent-attention>. Cited 23.10.2022.