

Northwest Model United Nations 2008

November 7-9, 2008, Seattle, WA



WWW.NWMUN.ORG

Dear Delegates,

Welcome to the 2008 Northwest Model United Nations (NWMUN) Conference as well as to the Human Rights Council (HRC). I am Whitney Thompson, and will be serving as the Director of the UN Human Rights Council at this year's conference. I am a fifth-year senior at Western Washington University intending to graduate this spring with two majors and a minor. I have many passions in life, and keep myself very busy exploring them all. I have been actively involved Model UN since 2000, and have attended many conferences since my involvement in Model UN at the collegiate level. My involvement in WWU's Model UN program has blossomed over the years, having served in several leadership positions.

Our chair, Brandon Harris, is a senior at Western Oregon University. This will be his 4th year in Model United Nations. Brandon has always enjoyed studying international politics and hopes to one day work for the State Department. We are both very excited to meet you in November and appreciate the hard work and research you are undertaking in preparation for a great conference!

The topics for this year's Human Rights Council are:

1. Reinvigorating the Human Rights Council
2. Human Rights in Conflict and Post-Conflict Zones

Every participating delegation is required to submit a position paper prior to attending the conference. NWMUN will accept position papers via e-mail until **Wednesday, November 5th**. Please refer to the Delegate Preparation Guide and sample position paper on the NWMUN website for paper requirements and restrictions. Delegates' adherence to these guidelines is crucial to ensure a well-prepared committee and open information on the policy and views of member States.

We wish each of you the best as you prepare for this conference and committee. We urge you to move beyond the background guide as you learn more about both the State you will represent and the topics we will be discussing. Please do not hesitate to direct any questions or concerns toward your Director. We look forward to meeting you at the conference!

Sincerely,

Whitney Thompson
Director, Human Rights Council
Northwest Model United Nations 2008

Brandon Harris
Chair, Human Rights Council
Northwest Model United Nations 2008

Committee History

The United Nations created an international standard for human rights in 1946 when the General Assembly adopted the Universal Declaration of Human Rights. This landmark document has shaped how the United Nations, and the world, views and defends human rights. Currently, the Office of the High Commissioner for Human Rights (OHCHR) oversees three charter-based bodies and eight treaty-based bodies responsible for monitoring and protecting human rights.¹

OHCHR serves as the Secretariat of United Nations Human Rights Council (UNHRC) and is responsible for coordinating with other United Nations bodies, NGOs, and member States to help improve human rights. OHCHR accomplishes its goals by concentrating on three themes: standard setting, monitoring, and implementation. It employs experts to assist the eleven bodies under its mandate and coordinate their efforts.² Further, OHCHR is responsible for supporting “special procedures” by supplying them with personnel, logistical, and research support. “Special procedures” are mandates created to attend to States with human rights problems or thematic human rights problems.³

The UNHRC, created on March 15, 2006, is comprised of 47 member States that are responsible for assessing, and making recommendations on, human rights violations.⁴ The selection of members considers the petitioning member’s contribution to maintaining and promoting human rights. While not necessary, petitioning members provide documentation of their contributions to human rights, both domestically and internationally, to represent their commitment to the organization.⁵

Shortly after its inception, the UNHRC adopted the “Institution-building package,” which created tools used to evaluate and monitor the condition of human rights in member States. The package created an Advisory Committee, replacing the Sub-Commission on the Promotion and Protection of Human Rights, in order to provide UNHRC with expert information and advice on thematic issues.⁶

Two sections of the package were created in order to review human rights in member States. The Universal Periodic Review segment of the package is used to review UNHRC member States by requesting documentation and testimony from the State in question and by using a summary of reports, prepared by the OHCHR, from treaty bodies and special procedures. The Complaints Procedure segment was created to allow individuals and organizations the ability to voice complaints about human rights to the UNHRC.⁷

Preceding UNHRC was the United Nations Commission on Human Rights. Established in 1946, the organization consisted of 18 member States. The Commission on Human Rights was created in order to

¹ United Nations. Office of the High Commissioner for Human Rights. *Human Rights Bodies*. 2008. <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

² United Nations. Office of the High Commissioner for Human Rights. *What we do*. 2008. <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

³ United Nations. Office of the High Commissioner for Human Rights. *Special Procedures of the Human Rights Council*. 2007. <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

⁴ United Nations. Office of the High Commissioner of Human Rights. *UN Human Rights Council*. 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/>

⁵ United Nations. Office of the High Commissioner of Human Rights. *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election of the Human Rights Council*, 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

⁶ United Nations. Office of the High Commissioner of Human Rights. *UN Human Rights Council*. 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/>

⁷ *Ibid.*

discover, investigate, and to report specific and widespread human rights violations.⁸ This committee worked to define human rights by creating the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social, and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966), also called the International Bill of Human Rights.

Most recent reports released by UNHRC concern human rights violations in Palestine and other Arab countries and the degenerating condition of the world's food supply. UNHRC continues to support the special procedures created by the Commission on Human Rights. As UNHRC is only two and a half years old, it is still a growing and flexible organization.

Membership of the Human Rights Council⁹

Angola	China	Jordan	Russian Federation
Argentina	Cuba	Madagascar	Saudi Arabia
Azerbaijan	Djibouti	Malaysia	Senegal
Bahrain	Egypt	Mauritius	Slovakia
Bangladesh	France	Mexico	Slovenia
Bolivia	Gabon	Netherlands	South Africa
Bosnia and Herzegovina	Germany	Nicaragua	Switzerland
Brazil	Ghana	Nigeria	Ukraine
Burkina Faso	India	Pakistan	United Kingdom
Cameroon	Indonesia	Philippines	Uruguay
Canada	Italy	Qatar	Zambia
Chile	Japan	Republic of Korea	

⁸ United Nations. *Commission on Human Rights*. 2007. <http://www.unhchr.ch/html/menu2/2/chr.htm>

⁹ United Nations. Human Rights Council. *Membership of the Human Rights Council*. 2008. <http://www2.ohchr.org/english/bodies/hrcouncil/membership.htm>

I. Reinvigorating the Human Rights Council

Introduction

The Human Rights Council (HRC) is the successor to the United Nations Commission on Human Rights, was established on March 15, 2006 by the United Nations General Assembly (UNGA), and is based in Geneva.¹⁰ While the Commission on Human Rights reported to the Economic and Social Council, the HRC was created as a subsidiary body of the General Assembly.¹¹ With this new status, it has become increasingly important that the 47 members of the HRC uphold the highest standards for the protection and promotion of human rights.¹²

As the Human Rights Council is relatively new, it is highly important to review its success and progress. Making necessary changes to increase the effectiveness of current and future efforts will help ensure the success of the HRC in the future. Suggested changes include continued review of current reform efforts, effective usage of funding, and strengthening review mechanisms.

Current Reform Efforts

On June 19, 2007, Martin Ihoeghian Uhomobhi of Nigeria was elected for a one-year term as President of the Human Rights Council.¹³ Uhomobhi noted on the day of his election that the Human Rights Council must uphold the dignity of all people through the promotion and protection of human rights.¹⁴ In addition, he has consistently reinforced that when looking at reinvigorating the Human Rights Council, it is vital to undertake an examination of what is and is not working, and how resources and tools can be more efficiently and effectively utilized.

The United Nations has affirmed the importance of durable solutions for human rights efforts, specifically when dealing with those displaced by flooding in Mozambique.¹⁵ One such situation which requires these durable solutions is in disaster-prone regions with the relocation of inhabitants to safer areas.¹⁶ The UN has stated that these relocations should only be resorted to if there are no less intrusive solutions, and only if it is accomplished in a sustainable manner.¹⁷ Access to livelihoods must be ensured so that people can sustain their new lives and prevent returning to high risk areas; relocation alone is not a sustainable and durable solution.¹⁸

The OHCHR has also worked toward solutions to human rights issues in Colombia. In 1996, the OHCHR established an office in Bogota, Columbia to observe and monitor human rights in Colombia, specifically in regards to internal armed conflict. The office provided analytical reports to the High Commissioner, advised Colombian authorities on ways to create policies which promote human rights, provided technical support in order to strengthen Colombia's human rights' capacities, and help raise awareness of human rights issues within and outside of Colombia.¹⁹

¹⁰ United Nations. General Assembly. *Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields*. 2006. http://www.undemocracy.com/generalassembly_60/meeting_72

¹¹ *Ibid.*

¹² *Ibid.*

¹³ United Nations News Service. *Nigerian ambassador elected to head UN Human Rights Council*. 2008. <http://www.un.org/apps/news/story.asp?NewsID=27088&Cr=human+rights&Cr1=council>

¹⁴ *Ibid.*

¹⁵ United Nations News Service. *Mozambicans displaced by floods need durable solutions, says UN expert*. 2008. <http://www.un.org/apps/news/story.asp?NewsID=27226&Cr=Mozambique&Cr1=flood>

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ <http://www.ohchr.org/Documents/Publications/HRinActionen.pdf>

Funding the Promotion of Human Rights

The Human Rights Council recently stated that one of the primary challenges in the promotion of human rights is a lack of funding, and asked that member States take on a greater responsibility for funding efforts within their borders.²⁰ The Programme of Technical Cooperation in the Field of Human Rights currently has several means of funding. The regular budget of the UN and the UN Voluntary Fund for Technical Cooperation in the field of Human Rights are two of the primary means of funding for the Council's projects.²¹ Occasionally, partners of the Office of the High Commissioner for Human Rights (OHCHR) fund special projects. In 1993, the Commission on Human Rights created resolution 1993/87 which requests the Secretary-General to appoint a board of trustees that would undertake the administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.²² Within the same year, the Board of Trustees was established.²³ Regardless of where the funding stems from, projects are executed within the context of a unified programme administered by the OHCHR.²⁴

In 1999, new fundraising strategies began with the addition of a senior fundraising officer at the OHCHR. The hopes for these new funding and fundraising strategies include more predictability in funding, timelier funding of needed projects, and sufficient funding for longer term planning.²⁵ The following year, the OHCHR produced its first Global Annual Appeal. The appeal was intended to underscore the OHCHR's determination to set clear priorities, and to improve the OHCHR in areas of financial management and administration.²⁶ It is also intended to increase transparency of the Office's work, and strengthen the support and cooperation of member States. The appeal outlines reasons why the OHCHR seeks donor-funding and summarizes the Office's work.²⁷ It is the OHCHR's hope that producing the global annual appeal for funding ensure that previous donors continue their support and new donors may step up to help fund the promotion and defense of human rights.²⁸ "The Council should per force continue to direct its gaze and its searchlight on actions of States to ensure that they abide by all their commitments," said Ambassador Martin Uhomoibhi of Nigeria after he was elected president of the Human Rights Council.²⁹

²⁰ United Nations Radio. *Human Rights Council elects new president*. 2008.

<http://www.unmultimedia.org/radio/english/detail/9921.html>

²¹ United Nations. Office of the High Commissioner for Human Rights. *Funding and administration of the programme*. 2008. <http://www.ohchr.org/EN/Countries/pages/FundingIndex.aspx>

²² United Nations. Office of the High Commissioner for Human Rights. *Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights: Commission on Human Rights resolution 1993/87*. 1993. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.1993.87.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.1993.87.En?OpenDocument)

²³ United Nations. Office of the High Commissioner for Human Rights. *Funding and administration of the programme*. 2008. <http://www.ohchr.org/EN/Countries/pages/FundingIndex.aspx>

²⁴ *Ibid.*

²⁵ United Nations. Office of the High Commissioner for Human Rights. *Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights: Commission on Human Rights resolution 1993/87*. 1993. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.1993.87.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.1993.87.En?OpenDocument)

²⁶ United Nations. Office of the High Commissioner for Human Rights. *Annual Appeal 2000: Overview of activities and financial requirements*. 2000. <http://www.ohchr.org/Documents/AboutUs/annualappeal0.pdf>

²⁷ United Nations. Office of the High Commissioner for Human Rights. *Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights: Commission on Human Rights resolution 1993/87*. 1993. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.1993.87.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.1993.87.En?OpenDocument)

²⁸ *Ibid.*

²⁹ United Nations. Human Rights Council. *Remarks to the Opening of the Seventh Session of the Human Rights Council*. 2008. <http://www.un.org/apps/sg/sgstats.asp?nid=3027>

Strengthening Review Mechanisms

The Universal Periodic Review (UPR) was mandated by General Assembly resolution 60/251, which also was the document that created the Human Rights Council.³⁰ The UPR focuses on objective and reliable information, and human rights obligations being fulfilled.³¹ This document signals the creation of a strategy of examining human rights records that would for the first time include all UN member States without exception for size, wealth, or political influence.³² In establishing the UPR, the General Assembly acknowledged that all States have human rights problems, and room for improving their human rights record.³³ It is crucial, therefore, in this first year that the Council designs a mechanism that meets the high goals set for it by the General Assembly. Resolution 60/251, in addition to creating the UPR, also works to ensure universal coverage and equal treatment with respect to all States. No States, no matter their global influence, shall receive greater coverage or special treatment in the realm of human rights.³⁴ On June 18, 2007, at the Human Rights Council's fifth session, HRC resolution 5/1 was adopted embracing the General Assembly's mandate of the Universal Periodic Review.³⁵

When reviewing the mandates adopted by the General Assembly, it is crucial to find a balance between civil and political, and economic, social, and cultural rights.³⁶ Many representatives have argued that a group of independent experts with clearly established roles, such as conducting studies, would be beneficial to future review mechanisms.³⁷ Having more directed expectations, with a high level of transparency, would help increase the effectiveness and accountability of experts brought in to aid in the promotion of human rights. This group should work for the benefit of all UN member States.³⁸ Also, financial and an increase of other support from the Office of the High Commissioner for Human Rights to the Special Procedures has been recommended in this context as well.³⁹

The 1503 procedure is the oldest complaint mechanism in the UN system.⁴⁰ It was established in 1970 to create a complaint procedure for massive and individual violations of human rights.⁴¹ In 2000, the Economic and Social Council amended the procedure to increase efficiency, to facilitate dialogue with concerned member State governments, and to provide meaningful discussions in the final stages of a complaint before the Commission on Human Rights.⁴² Many member States value the confidentiality

³⁰ United Nations. Office of the High Commissioner for Human Rights. *Universal Periodic Review*. 2008.
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

³¹ *Ibid.*

³² *Ibid.*

³³ Human Rights Watch. *The Universal Periodic Review Mechanism: Joint Statement to the First Session of the Human Rights Council*. 2006. <http://hrw.org/english/docs/2006/06/28/global14096.htm>

³⁴ United Nations. Office of the High Commissioner for Human Rights. *Universal Periodic Review*. 2008.
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

³⁵ *Ibid.*

³⁶ United Nations Office at Geneva. *Human Rights Council Reviews Special Procedures, Expert Advice and Complaint Procedure*. 2006.
[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/74D34D3E966F4FABC12571FC0051E15B?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/74D34D3E966F4FABC12571FC0051E15B?OpenDocument)

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ United Nations. Office of the High Commissioner for Human Rights. *Procedure for dealing with communications relating to violations of human rights and fundamental freedoms: Resolution 1503(XLVIII) of the Economic and Social Council*. 1970.
[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/1970.1503.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/1970.1503.En?OpenDocument)

⁴¹ United Nations. Human Rights Council. *Human Rights Council Complaint Procedure*. 2007.
<http://www2.ohchr.org/english/bodies/chr/complaints.htm>

⁴² United Nations. Office of the High Commissioner for Human Rights. *The 1503 Procedure of the Commission on Human Rights*. 2007.

clause in Procedure 1503.⁴³ Confidentiality is important to ensure that all those aware of human rights violations have safety and can confidently submit complaints without fear of the consequences to themselves.⁴⁴

Protecting Minority Communities

The 2008-2009 High Commissioner's Strategic Management Plan (SMP) states the importance of safeguarding the rights of minorities and women, as well as vulnerable, disadvantaged and marginalized groups. This echoes the sentiments set forth by the High Commissioner in 2005.⁴⁵

The *International Convention on the Elimination of Racial Discrimination* defines racial discrimination as, "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."⁴⁶ The OHCHR is working on the coordination of special procedures to combat racial discrimination. For example, the OHCHR coordinated a joint trip to the Dominican Republic in 2007 of the Independent Expert on Minority Issues and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to undertake a fact-finding mission. Joint communications is a common and worthwhile tool that is used to incorporate minority issues addressed in the *International Convention on the Elimination of Racial Discrimination* with actions related to other human rights issues and discriminations.⁴⁷

All human beings are declared to be born free and equal in dignity and rights.⁴⁸ Article II of the *Universal Declaration of Human Rights* states that all people are entitled to the rights laid out in the document without distinction of any kind, including that on the basis of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."⁴⁹ Although discrimination and persecution based on race and ethnicity clearly contradicts one of the fundamental foundations of human rights, ethnic and racial minorities' human rights are often neglected. Religious minorities also suffer discrimination that counters the foundations of human rights.⁵⁰

Genocide and apartheid are two severe forms of racial discrimination where racial and ethnic groups are

<http://insanhaklarimerkezi.bilgi.edu.tr/source/turkce/6.1.1.1/The%201503%20Procedure%20of%20the%20Commission%20on%20Human%20Rights.doc>

⁴³United Nations Office at Geneva. *Human Rights Council Reviews Special Procedures, Expert Advice and Complaint Procedure*. 2006.

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/74D34D3E966F4FABC12571FC0051E15B?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/74D34D3E966F4FABC12571FC0051E15B?OpenDocument)

⁴⁴ United Nations. Office of the High Commissioner for Human Rights. *Procedure for dealing with communications relating to violations of human rights and fundamental freedoms: Resolution 1503(XLVIII) of the Economic and Social Council*. 1970.

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/1970.1503.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/1970.1503.En?OpenDocument)

⁴⁵ United Nations. Office of the High Commissioner for Human Rights. *High Commissioner's Strategic Management Plan 2008-2009*. 2007. <http://www.ohchr.org/Documents/Press/SMP2008-2009.pdf>

⁴⁶United Nations. *International Convention on the Elimination of All Forms of Racial Discrimination*. 1969.

http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=595&category_id=35&category_type=3&group=Human%20Rights%20treaties%20and%20other%20instruments

⁴⁷ United Nations. Office of the High Commissioner for Human Rights. *High Commissioner's Strategic Management Plan 2008-2009*. 2007. <http://www.ohchr.org/Documents/Press/SMP2008-2009.pdf>

⁴⁸ Human Rights Education Associates. *The Rights of Ethnic and Racial Minorities*. 2007.

http://www.hrea.org/index.php?base_id=142

⁴⁹ United Nations. *Universal Declaration of Human Rights*. 1948. <http://www.un.org/Overview/rights.html>

⁵⁰ The People's Movement for Human Rights Education. *Human Rights and Religion: What is the Human Rights to Freedom of Religion?* 2006. <http://www.pdhre.org/rights/religion.html>

prevented from partaking in the same basic human rights as other societal groups. These rights withheld from the minority marginalized groups can include civil, political, economic, social, and cultural rights.⁵¹ Generally, ethnic minorities are those facing discrimination, but the majority population can sometimes be discriminated against. The international community became aware of the apartheid in South Africa which ended in 1994.⁵² South Africa's ruling white minority instilled laws to segregate, exploit, and terrorize the black majority, as well as other minorities including Asians and South Africans of mixed-race.⁵³ This exploitation of the majority gained much publicity with the uprooting and relocation of many black South Africans from their home country. Although exploitation of the majority is less common, like minority exploitation it deserves special attention.⁵⁴

Conclusion

The United Nations Human Rights Council, in its two years of existence, has had greater successes than the former United Nations Commission on Human Rights for a variety of reasons. Holding all States, particularly the 47 HRC members, to the highest standards in the protection of human rights has been integral to the HRC's successes. The conduct of the HRC is based upon the principles that everyone is entitled to all the rights and freedoms laid out in the Universal Declaration of Human Rights, and no State, group, or person can limit or destroy any of the universal human rights.⁵⁵ This accountability is essential to the current and future success of the HRC.

Many things need to be considered when working to strengthen the UN Human Rights Council. It is important that the progress that is being made by the HRC is substantive. When creating reform to the UN historically, emphasis has been on the reinvigoration of substantive successes and accountability.⁵⁶

Questions to Consider

1. How can new energy be brought into the Human Rights Council utilizing current procedures? What changes and improvements need to be made to existing strategies?
2. What obstacles is the Human Rights Council facing? How can these obstacles be tackled?
3. How could supplementary body, like the former Sub-Commission on the Promotion and Protection of Human Rights (previously called the Sub-Commission on Prevention of Discrimination and Protection of Minorities), aid the Human Rights Council in reinvigoration processes?

⁵¹ Human Rights Education Associates. *The Rights of Ethnic and Racial Minorities*. 2007. http://www.hrea.org/index.php?base_id=142

⁵² *Ibid.*

⁵³ United Nations. *Human Rights: Historical images of Apartheid in South Africa*. 2000. <http://www.un.org/av/photo/subjects/apartheid.htm>

⁵⁴ *Ibid.*

⁵⁵ United Nations. *Universal Declaration of Human Rights*. 1948. <http://www.un.org/Overview/rights.html>

⁵⁶ Government of Australia. Minister for Foreign Affairs. *Reinvigorating the United Nations: Reform, Rights and Reconfiguration: Statement by the Hon. Alexander Downer, MP, Minister for Foreign Affairs, to the 52nd General Assembly of the United Nations*. 1997. <http://www.foreignminister.gov.au/speeches/1997/unga3october97.html>

II. Human Rights in Conflict and Post-Conflict Zones

Introduction

The United Nations, as well as many non-governmental organizations (NGOs), have made positive progress in the protection of the fundamental human rights laid out in the *Universal Declaration of Human Rights*, but in spite of this human rights suffer the most during times of conflict. The UN Security Council has passed resolutions regarding gender-based violence in conflict and post-conflict zones. The General Assembly adopted an advisory resolution on the rights of the child, and with an increase in child soldiers, children's rights specifically are increasingly neglected in conflict zones. Refugees and internally displaced persons (IDPs) are other groups that require increased support in the promotion and protection of their rights.

Sexual Violence in Conflict

As sexual violence is increasingly recognized as a human rights violation and with the recent recognition of rape in conflict situations as a war crime by the International Criminal Court, sexual violence in conflict zones is an area of importance for the Human Rights Council to address.⁵⁷

In 2006, the participants of the International Symposium on Sexual Violence in Conflict and Beyond, held in Brussels and sponsored by the UN Population Fund (UNPFA), declared the issue of combating sexual violence as fundamental to development, human rights, and peace and security.⁵⁸ Protection of women affected by conflict is highly inadequate, and the international response is lacking and irresolute, as evidenced by high numbers of children born as a result of rape in times of conflict, which in Rwanda alone numbered 10,000.⁵⁹ Children, along with women, are at a greater risk for gender-based violence including prostitution, rape, and sexual humiliation; protection against these acts for children must also be specifically addressed, due to their long-term impact on a society.⁶⁰ Effective prevention and response to sexual and gender-based violence require long-term, coordinated efforts that cover a multitude of the affected population's lives, including health, education, economic, legal, psychosocial, and security concerns.

An increasing number of States who are currently rebuilding post-conflict are addressing this issue by implementing the provisions outlined in United Nations Security Council (UNSC) resolution 1325. This resolution, passed in October 2000, was the first resolution to be passed by the Security Council addressing the impact of war and conflict on women, and women's contributions to resolving conflict and creating sustainable peace.⁶¹ Security Council resolution 1325 calls for an increase in female representation in decision making, specifically regarding "prevention, management, and resolution of conflict."⁶² In addition, it urges all parties to take special measures to protect women and girls from gender-based violence, in particular rape and other sexual abuses.⁶³ Finally, this resolution also invites the Secretary-General to conduct a study on the influence of armed conflict on women and girls.⁶⁴

⁵⁷ The New York Times. *For the First Time, Court Defines Rape as War Crime*. 1996.

<http://www.nytimes.com/specials/bosnia/context/0628warcrimes-tribunal.html>

⁵⁸ United Nations. Population Fund. *International Symposium on Sexual Violence in Conflict and Beyond*. 2006.

<http://www.unfpa.org/emergencies/symposium06/>

⁵⁹ Siobhan McEvoy-Levy. *Post Conflict Education for Societal Restoration and Reconciliation: the Case of Children Born of Wartime Rape*. 2006.

http://www.allacademic.com/meta/p_mla_apa_research_citation/0/9/8/1/2/p98121_index.html

⁶⁰ <http://reliefweb.int/rw/wb.nsf/db900sid/khii-7fs3tz?opendocument>

⁶¹ United Nations. Security Council. *Resolution 1325 (S/RES/1325)*. 2000.

<http://www.peacewomen.org/un/sc/1325.html>

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

More recently, the UNSC passed resolution 1820, which condemns rape and sexual violence in conflict situations.⁶⁵ As a precursor to the meeting on "women, peace, and security" where the resolution was adopted, UN representatives affirmed that sexual violence has direct social consequences for communities as well as severe physical and psychological consequences for its victims.⁶⁶ The UN also said that sexual violence committed during times of conflict increases continued tolerance of abuse against women and girls; resolution 1820 states that sexual violence during conflict may be defined as a war crime.⁶⁷ The document also states the principle that women are a significant and important asset in combating sexual violence, and must be granted full participation in conflict resolution and peace building processes.⁶⁸

The Rights of the Child

The United Nations Children's Fund (UNICEF) focuses on the rights of children in particular, and has been crucial to the promotion of the development of legal frameworks which acknowledge that children have rights as human beings, and children also need special care and protection; rights which for decades were denied to children.⁶⁹ The first initiative was the *Convention on the Rights of the Child*, which was adopted as an advisory resolution by the General Assembly in November 1989. Within a year the required number of States ratified it, and since then all but two UN member States have ratified the Convention.⁷⁰ In addition to the Convention, the General Assembly adopted two optional protocols in May 2000. The *Optional Protocol to the Convention on the Rights of the Child Regarding Children and Armed Conflict* (CRCOPAC) requires ratifying governments to ensure the cessation of mandatory recruitment of children into their armed forces.⁷¹ This protocol also calls on ratifying governments to take feasible measures to guarantee children in their armed forces do not take part in armed conflict.⁷²

Children perceive the effects of conflict differently than adult civilians and adult soldiers. The special needs of children are often neglected and forgotten in the stress of post-conflict reconstruction and violence. Children are increasingly directly involved in violence as they are more frequently participating as combatants, and are intentionally recruited by both official government armed forces and non-governmental armed forces.⁷³ Children are often manipulated by adults to become soldiers. They are separated from their families, sometimes by military kidnapping. Some families will volunteer their children as combatants due to extreme poverty.⁷⁴

Children, along with their families, often become refugees or IDPs after times of conflict. Adolescents are orphaned and injured during times of violence and into post-conflict periods by landmines and bombs, shells, and grenades that failed to detonate upon primary impact.⁷⁵ As children are more susceptible to

⁶⁵ United Nations. Department of Public Information. *Security Council Demands Immediate and Complete Halt to Acts of Sexual Violence Against Civilians in Conflict Zones, Unanimously Adopting Resolution 1820* (2008). 2008. <http://www.un.org/News/Press/docs/2008/sc9364.doc.htm>

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ United Nations Children's Fund. *Homepage*. 2008. <http://www.unicef.org/>

⁷⁰ United Nations Children's Fund. *Convention on the Rights of the Child*. 2007. <http://www.unicef.org/crc/>

⁷¹ United Nations. Office of the Special Representative of the Secretary-General for Children and Armed Conflict. *Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict*. 2000. <http://www.un.org/children/conflict/keydocuments/english/crcoptionalproto19.html>

⁷² *Ibid.*

⁷³ United Nations. *Child Soldiers: An Affront to Humanity*. 2000. <http://www.un.org/rights/concerns.htm>

⁷⁴ *Ibid.*

⁷⁵ United Nations. *Child Soldiers: An Affront to Humanity*. 2000. <http://www.un.org/rights/concerns.htm>

infections and have weaker immune systems, children more often suffer fatal injuries from post-conflict arms.⁷⁶

The Rights of Refugees and Internally Displaced Persons

Article 14 of the Universal Declaration of Human Rights outlines the rights people have in regards to seeking asylum.⁷⁷ It permits victims of human rights abuse to freely leave their country in order to seek refuge from persecution in other countries.⁷⁸ Although this was adopted in 1948, many governments perceive refugees as a threat or a burden, and as a result, States continue neglecting to fulfill this important principle of human rights.⁷⁹

Nearly 25 million people in 52 countries are displaced within the borders of their own States by violence and persecution.⁸⁰ These internally displaced persons (IDPs) often lack adequate protection and assistance because their displacement is the result of conflict that the national government is implicated. No single agency is responsible for responding to the needs of IDPs, leading to the neglect of the protection of human rights of this population.⁸¹

Following a decision of the Secretary-General, the Inter-Agency Internal Displacement Division (IAIDD) was established in 2004 under the office for Coordination of Humanitarian Affairs. The division's main objectives are promoting improvements in responding to the needs of internally displaced persons and providing individualized support for specific situations.⁸² The unit focuses on States where displacement caused by conflict is acute and ongoing.⁸³ In 2004, the IAIDD created a work plan including long-term goals, immediate objectives, and activities for the year.⁸⁴ The work plan had a lot of steps for action including consultation with the Inter-Agency Standing Committee (IASC). The IASC works to coordinate humanitarian assistance for the IAIDD.⁸⁵ The IASC has a working group that meets three times per year. This working group monitors and reviews IASC progress.⁸⁶ With the Inter-Agency Internal Displacement Division and the Inter-Agency Standing Committee working to complement each other's progress, the United Nations has made improvements in promoting the rights of IDPs.⁸⁷

Sri Lanka: A Case Study on Internally Displaced Persons

In June 2008, the UN Human Rights Council reviewed Sri Lanka under the Universal Periodic Review. Many themes were examined; specifically the concern related to the lack of protection of civilians highly

⁷⁶ *Ibid.*

⁷⁷ United Nations. *Universal Declaration of Human Rights*. 1948. <http://www.un.org/Overview/rights.html>

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ United Nations. Office for the Coordination of Humanitarian Affairs. *Inter-Agency Internal Displacement Division (IDD)*. 2007. <http://www.reliefweb.int/idp/>

⁸¹ Refugees International. *Internally Displaced Persons (IDPs)*. 2008.

<http://www.refugeesinternational.org/content/issue/detail/1597>

⁸² Refugees International. *Internally Displaced Persons (IDPs)*. 2008.

<http://www.refugeesinternational.org/content/issue/detail/1597>

⁸³ United Nations. Office for the Coordination of Humanitarian Affairs. Unit on Internal Displacement. *Priorities & Initiatives*. 2007. <http://www.reliefweb.int/idp/priority/index.htm>

⁸⁴ *Ibid.*

⁸⁵ Inter-Agency Standing Committee. *Homepage*. 2008. <http://www.humanitarianinfo.org/iasc/content/default.asp>

⁸⁶ Inter-Agency Standing Committee. *Inter-Agency Working Group*. 2008.

<http://www.humanitarianinfo.org/iasc/content/Working/default.asp?mainbodyID=1&publish=0>

⁸⁷ *Ibid.*

affected by internal conflict.⁸⁸ The UN High Commissioner for Refugees (UNHCR) estimated that over 60,000 people from northern Sri Lanka were displaced in July 2008 due to the shifting frontlines of the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE).⁸⁹ The conflict began in 1983 when the LTTE complained about discrimination of the minority Tamil population in Sri Lanka.⁹⁰ The LTTE was founded in 1976 with the cause of establishing an independent Tamil state, separate from Sri Lanka.⁹¹ The lengthy civil war, which was temporarily halted by a cease-fire signed in 2002, has caused well over 60,000 deaths.⁹² LTTE had control of northern and eastern Sri Lanka until August 2008, when the government gained control of the entire eastern region for the first time in nearly 15 years.⁹³ Areas under LTTE control were thought to have over 145,000 IDPs.⁹⁴ In August 2008, the number was updated, with estimates of nearly 500,000 IDPs at the time, and over one million IDPs over the course of the conflict.⁹⁵ The UNHCR has recently reported that food, water, sanitation equipment, shelter materials, and fuel are running at incredibly low levels now that fighting has started up again. Humanitarian agencies' efforts to replenish these supplies are limited by the rigid restrictions on the transport of goods into the northern region.⁹⁶

The United Nations Children's Fund (UNICEF) has expressed its concerns regarding the conflict in Sri Lanka. Four of the northern districts in Sri Lanka have had excessive displacement of tens of thousands of people from the start of June to late August 2008. The displaced include thousands of students preparing to take their government exams. UNICEF is working with the national and local authorities to enable the displaced students to continue their education. They are working to set up temporary learning spaces, in place of schools (many of which are being used for shelters for IDPs), and providing study materials.⁹⁷

On September 12 2008, United Nations agencies pulled out of the Wannu region in northern Sri Lanka controlled by the LTTE rebels. Sri Lanka's privately-run National Peace Council expressed its concern

⁸⁸ Amnesty International. *Sri Lanka: Eighth session of the UN Human Rights Council. Review of Sri Lanka under the Universal Periodic Review: Amnesty International's reflections on the outcome.* 2008.

<http://www.amnestyusa.org/document.php?id=ENGASA370232008&lang=e>

⁸⁹ Internal Displacement Monitoring Centre. IDP News Alert. *Sri Lanka: UNHCR warns of aid supply crisis as thousands flee conflict in north.* 2008. [http://www.internal-](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1)

[displacement.org/idmc/website/news.nsf/\(httpIDPNewsAlerts\)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1)

⁹⁰ *Ibid.*

⁹¹ Global Security. *Military: Liberation Tigers of Tamil Eelam (LTTE)/ World Tamil Association (WTA).* 2008.

<http://www.globalsecurity.org/military/world/para/ltte.htm>

⁹² *Ibid.*

⁹³ Internal Displacement Monitoring Centre. *Sri Lanka.* 2008. [http://www.internal-](http://www.internal-displacement.org/countries/srilanka)

[displacement.org/countries/srilanka](http://www.internal-displacement.org/countries/srilanka)

⁹⁴ Internal Displacement Monitoring Centre. IDP News Alert. *Sri Lanka: UNHCR warns of aid supply crisis as thousands flee conflict in north.* 2008. [http://www.internal-](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1)

[displacement.org/idmc/website/news.nsf/\(httpIDPNewsAlerts\)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1)

⁹⁵ Internal Displacement Monitoring Centre. *Sri Lanka.* 2008. [http://www.internal-](http://www.internal-displacement.org/countries/srilanka)

[displacement.org/countries/srilanka](http://www.internal-displacement.org/countries/srilanka)

⁹⁶ Internal Displacement Monitoring Centre. IDP News Alert. *Sri Lanka: UNHCR warns of aid supply crisis as thousands flee conflict in north.* 2008. [http://www.internal-](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1)

[displacement.org/idmc/website/news.nsf/\(httpIDPNewsAlerts\)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/221F1CFABDFB402FC12574A5005685AF?OpenDocument#anchor1)

⁹⁷ Internal Displacement Monitoring Centre. IDP News Alert. *Sri Lanka: Education of displaced students disrupted.* 2008. [http://www.internal-](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/073F17A1F5AB5602C12574B30057EECE?OpenDocument#anchor3)

[displacement.org/idmc/website/news.nsf/\(httpIDPNewsAlerts\)/073F17A1F5AB5602C12574B30057EECE?OpenDocument#anchor3](http://www.internal-displacement.org/idmc/website/news.nsf/(httpIDPNewsAlerts)/073F17A1F5AB5602C12574B30057EECE?OpenDocument#anchor3)

for the withdrawal of aid, saying that it would create a void that the government would not be able to fill independently.⁹⁸ Eleven agencies, from the UN system as well as other Inter-Governmental Organizations, had been working in the Wanni region prior to their withdrawal for the safety of the aid workers.⁹⁹

Conclusion

Although some progress has been made in the promotion of the fundamental human rights, select groups' rights are abandoned, particularly in conflict and post-conflict zones. The Human Rights Council has a large task before them: to further strengthen efforts to protect human rights universally.

Looking at past accomplishments and obstacles, and learning from the past, much can be resolved on the issue of human rights in conflict and post-conflict zones. The work of humanitarian agencies in Sri Lanka demonstrates how various agencies can create synergy between their efforts. In spite of the cohesive efforts in Sri Lanka, the safety of aid workers was thought to be compromised, and efforts were delayed. The United Nations Human Rights Council must hold the safety of aid workers highly, along with the supply of aid needed to promote human rights during times of conflict.

Questions to Consider

1. What role have NGOs, like Human Rights Watch, played in the promotion of human rights in conflict and post-conflict zones? How can the United Nations strengthen the role of NGOs and civil society in this promotion?
2. What marginalized and minority populations are at greater risk to be victimized by disrespect towards their human rights? What special needs do these populations have for the protection of their human rights?
3. Is prosecution of human rights violators and perpetrators of war crimes essential to the protection of human rights?
4. Which fundamental human rights, as laid out in the Universal Declaration of Human Rights, are most frequently neglected in conflict and post-conflict zones? What does your State believe can and should be done to promote these rights?

⁹⁸ Agence France-Presse. *Sri Lanka's Tigers warn of 'genocide' as UN agencies pull out*. 2008.
<http://afp.google.com/article/ALeqM5gdOUJWA-LZrU-g9B0aG7SVilZ-ww>

⁹⁹ *Ibid.*