



GENERAL ASSEMBLIES | 2014



UN HUMAN RIGHTS COUNCIL
(UNHRC)



Honorable delegates,

My name is Daksh Sikri and I am thrilled to welcome you to what will most definitely become the most exciting committee at UTMUN 2014, the UNHRC!

I am currently a first year chemical engineering student at the University of Toronto, Faculty of Applied Science and Engineering and I look forward to graduating with a minor in business or economics. Ever since I have been exposed to the world of Model UN, my passion for it has only increased and I believe I have evolved to become a more responsible, communicable and informed citizen of the globe. Outside of Model UN, my hobbies include playing sports, supporting the greatest team on Earth, Arsenal FC and reading up on economics and finance.

I am thrilled to be directing the UNHRC as it presents an amazing opportunity for me, as well as for you! As a strong believer in equality and fundamentalism, I really want to evolve the discussion of this committee from mere statistics and information to real-life tangible solutions. As much as we drill into the society's ears the terrifying human rights violations occurring in several parts of the world, we must accept the fact that our globe is a fast paced chaotic mess that we cannot entirely control. How do we ensure that the fundamental right to live a normal life is given to every one of the 7 billion people residing on Earth? How do we best ensure the rights and liberties of all Earth's people without sacrificing our ability to maintain our development pace? Despite the efforts of great men and women in the past, these questions remain unanswered. I look forward to discovering if we can outdo our predecessors and make some headway on these topics.

If you have any questions leading up to the conference, please don't hesitate to ask. I'm already counting down the weeks and days until the conference and I hope you are as excited as I am for what will certainly turn out to be the best committee of the weekend.

Sincerely,

Daksh Sikri
daksh.sikri@gmail.com



Topic 1: Death Penalty And Its Abolition:

SUMMARY

Death penalty, capital punishment or execution in simple terms is the legally authorized killing of an individual for a crime by a judicial court of law. Capital punishment has been in practice right since ancient times for reasons ranging from murder, treason and rape to ones that do not involve the loss of lives such as blasphemy and adultery. Yet, the primary debate since then and up until today has been regarding its justifiability.

As the political scenario of the globe shifted from the authoritarian to the democratic end of the political spectrum and with increasing awareness for human right violations around the world, came the concept of abolition of the death penalty. Another political reason for countries to shift to adapting the abolition of the death penalty was when they came close to the entry condition for the European Union, for example.

As far as the international community is concerned, it is fairly evident that the abolition of the death penalty all over the world has been its primary goal. The United Nations as well as Non- governmental Organizations such as Amnesty International and Human Rights Watch are doing everything in their capacity to bring all nations to consensus and achieve this goal. While debating this topic, the committee must keep in mind that the death penalty primarily legitimizes an irreversible act of violence by the state. At the same time, the question that needs to be answered is, is this act of violence a “killing for common good?”

SITUATION TODAY

The Universal Declaration of Human Rights, article three reads — “everyone has the right to life, liberty and security of a person.” However, blatantly contradicting this, many nations, including members of the United Nations practice capital punishment.

According to information provided by Amnesty International, in 2012, capital punishment has been abolished in 97 countries. From these 97 countries, 8 countries have abolished all offences except in some special circumstances, 36 countries have not used capital punishment for at least 10 years or are under a moratorium and the other 57 have retained the death penalty in active use. In fact, the countries that have abolished capital punishment, in 2012, are estimated to be about 141, as counted countries that have done it in law or in practice. In spite of these figures, it is important to note that 60% of the global population today continues to live in countries where state sponsored executions take place, such as The People’s Republic Of China, Indonesia, India and certain parts of the United States of America.

Even in countries that have abolished capital punishment, certain cases of mass murder, terrorism, and juvenile rape/ murder lead to waves of public support for the accused to be sentenced by capital punishment. It is situations like such that provide the most appropriate grounds for humanity to attempt to address this controversial issue.



COUNTRIES INVOLVED ON THE ISSUE

Countries that have abolished the death penalty are: Venezuela (in 1854), San Marino (1865), Australia (1973), Canada (1976), France (1981), United Kingdom (1998), Timor Leste, New Zealand, Greece, Gabon (2010), Mongolia (2012), Brazil (with exception for cases of treason committed during wartime), Turkey, Italy, Israel (with exception for Nazis convicted crimes against humanity), Philippines (in 2006), Latvia (2012), Albania, Denmark, Germany (1949), Latin America (most states).

Countries that have retained the death penalty in their legal system are: Japan, Guatemala, India, Taiwan, Singapore, China (which does not publish information on the use of capital punishment and is estimated to execute hundreds of people each year), Zambia, Afghanistan, Bangladesh, Egypt, Indonesia, Malaysia, Pakistan, Saudi Arabia, Somalia, Vietnam, Zimbabwe, Thailand, United Arab Emirates, Belarus, Russian Federation (which is member of the Council of Europe and practices the death penalty in law but has not made public use of it since becoming a member of the Council), Iraq, Yemen, South Sudan, Islamic Republic of Iran, Azerbaijan, Cyprus, United States of America (eg. California, Texas)

QUESTIONS THAT MUST BE ANSWERED

1. Should capital punishment ever be issued by a member state of the United Nations? If yes, under what circumstances should it be issued?
2. Is it in the interest of the world community to set and implement stringent rules that govern capital punishment?
3. How can the UNHRC work with Non- Governmental Organizations to protect the human rights of the people sentenced with capital punishment?
4. How can the world community accurately gather information and statistics of the death penalty of each member state?

REFERENCES AND FURTHER READING:

- <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>
- <http://www.amnesty.org>
- <http://www.icomdp.org/2013/02/un-human-rights-council-event-calls-for-global-abolition-of-the-death-penalty/>
- <http://www.amnesty.org/en/library/asset/ACT50/001/2013/en/bbfea0d6-39b2-4e5f-a1ad-885a8eb5c607/act500012013en.pdf>
- <http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>



Topic 2: Combatting Contemporary forms of Slavery

SUMMARY

"I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'" (Martin Luther King, Aug. 28, 1963)

Article 4 of the Universal Declaration of Human Rights states that "No one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms". Forms of contemporary slavery include, but are not limited, to issues such as: slavery by descent, bonded labor, forced migrant labor, prison labor, child slavery, sexual slavery, forced or early marriages and human trafficking.

Even today, women are sold as prostitutes or concubines, and children as laborers. Young girls forced in to marriage are physically and sexually abused, suffer from inhuman treatment and ultimately slavery. Unlike the transatlantic slave trade, they are not being recruited to work in any specific geographical area or any clearly defined industry or economy. Slavery was the first human rights issue to arouse wide international concern, yet it still continues today in a modern form. Modern slavery is a severe contemporary violation of Human Rights.

Slavery continues to be a problem in the 21st Century for several reasons. The first and largest reason is poverty. Living in poverty makes it nearly impossible for some people to move somewhere where legitimate employment is available to them. Thus, when the only other option is to starve, people may enter bonded labor. Also, lack of financial institutions for the poor, such as access to micro-credit so that they can start a small business, can cause people to fall into debt they cannot pay off and end up in debt bondage. The next reason is lack of enforcement of anti-slavery laws. If governments are corrupt, then their concerns do not typically include the wellbeing of their population, and thus they do not deal with slavery in their countries. Lack of enforcement of these laws may not always occur because of malicious intentions- sometimes governments do not have the resources, knowledge or proper procedures to fight slavery, or have trouble identifying where it occurs. Even international institutions with the specific goal of ending slavery tend to be ineffective because they lack adequate procedures with which to enforce international antislavery legislation.

SITUATION TODAY

Contrary to popular belief, slavery is not a thing of the past. In fact, in many ways it is worse in the 21st Century, and is much more difficult to abolish slavery given that the problem is much more complicated than in the past. Enforcing international legislation is difficult because of the number of corrupt and weak governments. Poverty makes slavery seem like a good option, and hence more and more people are enslaved/and or trafficked each year in the quest for a better life. Thus, as long as poverty exists, slavery will continue to thrive as well.



A UNODC report states that the countries with the highest numbers of trafficking victims are Albania, Belarus, Bulgaria, China, Moldova, Nigeria, Thailand, and Ukraine. The most common destinations for traffickers and their victims are Belgium, Germany, Israel, Italy, Japan, the Netherlands, Thailand, Turkey, and the United States. It is hard to obtain exact statistics on this issue, but it is believed by experts that around 2.5 million people worldwide are victims of trafficking.

There are two main pieces of international legislation against slavery. The first is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol. The document recognizes the need for a way to deal with the problem that encompasses not only prevention of trafficking and assistance to victims, but also prosecution of traffickers. A weakness of the document is that it does not address trafficking within borders, only trafficking in which victims are taken to a different country. The next document is the Convention on the Rights of the Child. This convention outlines universal children's rights, including protection from harmful work, dangerous conditions, abuse, and exploitation. Nations that are party to this convention must report to the Committee on the Rights of the Child, which then reviews the information to assess whether the nation is adequately meeting its obligations. The convention is the first in human rights that gives a specific role to a specialized UN agency, in this case UNICEF, which has a legal obligation to support the work of the Committee on the Rights of the Child.

Education will be indispensable in the fight against slavery, as well as stronger laws with which to combat trafficking and punish perpetrators and stricter enforcement of norms already in place, including increased accountability to governments. Focusing on treating the causes of slavery as opposed to addressing only the symptoms will be the most effective approach to abolishing slavery definitively.

QUESTIONS THAT MUST BE ANSWERED

1. What actions should the global community take on countries that are not willing to put in place stringent laws that will combat contemporary forms of slavery?
2. How can the UNHRC partner with country-specific Non- Governmental Organizations in their endeavor to reduce contemporary forms of slavery?
3. How can the UNHRC assure effective rehabilitation of prisoners and slaves?
4. How can the UNHRC ensure effective implementation of the laws and international conventions already in place to combat slavery?



REFERENCES

- <http://pubs.acaweb.org/doi/pdfplus/10.1257/0895330053147895>
- <http://euromun.org>
- <http://www.antislavery.org/english/>
- <http://www.unodc.org/pdf/gift%20brochure.pdf>



Topic 3: Rights of Indigenous People

WHO ARE INDIGENOUS PEOPLE?

It is estimated that there are more than 370 million indigenous people spread across 70 countries worldwide. Practicing unique traditions, they retain social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Spread across the world from the Arctic to the South Pacific, they are the descendants - according to a common definition - of those who inhabited a country or a geographical region at the time when people of different cultures or ethnic origins arrived. The new arrivals later became dominant through conquest, occupation, settlement or other means. Among the indigenous peoples are those of the Americas (for example, the Lakota in the USA, the Mayas in Guatemala or the Aymaras in Bolivia), the Inuit and Aleutians of the circumpolar region, the Saami of northern Europe, the Aborigines and Torres Strait Islanders of Australia and the Maori of New Zealand. These and most other indigenous peoples have retained distinct characteristics, which are clearly different from those of other segments of the national populations.

UNDERSTANDING THE TERM “INDIGENOUS”

- Considering the diversity of indigenous peoples, any UN-system body has not adopted an official definition of “indigenous”. Instead the system has developed a modern understanding of this term based on the following:
- Self-identification as indigenous people at the individual level and accepted by the community as their member.
- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

A QUESTION OF IDENTITY

- According to the UN the most fruitful approach is to identify, rather than define indigenous peoples. This is based on the fundamental criterion of self-identification as underlined in a number of human rights documents.
- The term “indigenous” has prevailed as a generic term for many years. In some countries, there may be preference for other terms including tribes, first peoples/nations, aboriginals, ethnic groups, adivasi, janajati. Occupational and geographical terms like hunter-gatherers, nomads, peasants, hill people, etc., also exist and for all practical purposes can be used interchangeably with “indigenous peoples”.
- In many cases, the notion of being termed “indigenous” has negative connotations and some people may choose not to reveal or define their origin. Others must respect



- such choices, while at the same time working against the discrimination of indigenous peoples.

CULTURE AND KNOWLEDGE

Indigenous peoples are the holders of unique languages, knowledge systems and beliefs and possess invaluable knowledge of practices for the sustainable management of natural resources. They have a special relation to and use of their traditional land. Their ancestral land has a fundamental importance for their collective physical and cultural survival as peoples. Indigenous peoples hold their own diverse concepts of development, based on their traditional values, visions, needs and priorities.

POLITICAL PARTICIPATION

Indigenous peoples often have much in common with other neglected segments of societies, i.e. lack of political representation and participation, economic marginalization and poverty, lack of access to social services and discrimination. Despite their cultural differences, the diverse indigenous peoples share common problems also related to the protection of their rights. They strive for recognition of their identities, their ways of life and their right to traditional lands, territories and natural resources.

THE THREATS

External threats to indigenous peoples take two forms:

Active Threats

- State discrimination, such as withholding citizenship or rights afforded other citizens, the tactical use of violence to intimidate and control, and legislation that defines basic indigenous activities as illegal and punishable by imprisonment, torture and death.
- Eviction from their native lands, carried out by governments, so that their assets can be exploited by outside interests.
- The physical removal or "stripping" of their natural assets, including mineral resources, timber, water, and agricultural lands for business interests. Not only does this process impoverish the land on which they depend for sustenance, it also destroys their sacred sites and upsets the ecological balance that forms the foundation of their cultures.
- Eviction from their native territories in the name of conservation: Despite the fact that our lands remain intact and healthy because of their continued stewardship, outside conservation efforts have led to the eviction of millions of Indigenous people in order to create "pristine," human-free protected areas.
- Exploitation of intellectual property, such as their stories, traditional ways and artwork, without any compensation because they do not have access to patents or other legal framework for ownership.



Passive Threats:

- Few countries recognize indigenous peoples as legitimate groups, leading to their exclusion from political forums in which they can defend their rights.
- Denial of access to legal avenues to secure and defend their rights: many governments have laws to protect indigenous people, but they either are not upheld or the legal process required is prohibitively difficult (such as the right to hunt on their lands requiring a 15-hour drive to a capital city in order to apply for a short-term permit).
- Exclusion from philanthropic, state and charitable funding and support: Less than 0.01% of all development funding goes directly to indigenous communities. The funding that is intended to benefit indigenous peoples is placed in the hands of outsiders who often do not act in our best interest, or simply do not understand what they need.
- Benign neglect by civil society: The willful ignorance of the global public leaves a dearth of political will to address the urgent problems facing indigenous peoples.

QUESTIONS THAT MUST BE ANSWERED

1. What are the sources, causes, and forms of racism, racial discrimination and related intolerance as they relate to indigenous peoples?
2. What measures of prevention, education, and protection can be strengthened or created to eliminate racism towards indigenous peoples at the regional and international levels?
3. How can the UNCHR work with NGOs and other international bodies to improve the situation of indigenous peoples worldwide?

REFERENCES

- http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- <http://www.firstpeoples.org/who-are-indigenous-peoples/the-challenges-we-face>
- http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf