

Human Rights Commission Research Reports

Student Officers' Research Reports

Human Rights Commission

The Hague International Model United Nations 2007

Table of Content:

Sub-Commission I

- § Establishing criteria and guidelines for the protection of Human Rights whilst combating the threat of terrorism
- § The protection of persons from enforced or involuntary disappearances
- § The implementation of the Millennium Development Goals in order to secure and guarantee Human rights
- § The cancellation of international debt as a means to further promotion of human rights in Highly Indebted Nations
- § Promoting Economic development as a means to achieving Human Rights in Haiti

Sub-Commission II

- § The moving and dumping of toxic wastes and its effects on Human Rights
- § The effects of child pornography and the Declaration of the Rights of the Child
- § Securing and guaranteeing the Human Rights of indigenous peoples and ethnic minorities
- § The reintegration of victims of conflict such as kidnapped women and child soldiers into civil society
- § The restitution of civil order as a prerequisite for guaranteeing Human Rights in Sri Lanka

Sub-Commission I

Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: Establishing criteria and guidelines for the protection of Human Rights whilst combating the threat of terrorism
Student Officer: Aron Holewinski, President

Description

Ever since 11 September 2001, terrorist activity has resurged around the world. Recent terrorist attacks include in 2002 the Bali bombings, the hostage crisis in Russia, and the bomb attack in Kenya. Such violence has escalated and spread.

The United Nations (UN) strongly opposes terrorism, and endorses State counter-terrorism. In 2003, Kofi Annan, the UN Secretary General, stated that nations should seek to counter terrorism but also remember that “respect for human rights, fundamental freedoms and the rule of law are essential tools in the effort to combat terrorism – not privileges to be sacrificed at a time of tension” (“Terrorism” 1). In 2005, Annan organized different United Nations bodies into the Counter-Terrorism Implementation Task Force. September 2006, the UN member states adopted a Global Counter-Terrorism Strategy.

Naturally, State governments committed to protecting their citizens have taken precautionary measures against terrorist attacks. However, the hype to counter terrorism sometimes disguises human right abuses perpetrated by governments. Further legislation enacted by governments to ensure security negatively encroaches upon other human rights. Terrorism seems to be used as an indiscriminate excuse for action, and must be further defined on an international level. Special rapporteurs and independent experts regret that human rights defenders feel vulnerable, and that under counter-terrorist measures certain minority groups feel discriminated against.

(HRCR 2)

This year the High Commissioner for Human Rights, has issued a report challenging specific government policies. Namely, the unlawful detention of terrorist suspects by States; done for example by the United States in Afghanistan, Iraq, and Guantanamo Bay. The Commissioner further recognizes that under no circumstances may States practice torture, and cruel, inhuman or degrading treatment or punishment upon detainees. States sometimes indirectly

Human Rights Commission Research Reports

allow such abuse to occur, through transferring terrorist suspects to other nations under dubious diplomatic assurances that the prisoner will not be abused. Greater measures must be taken by all concerned parties to respect human rights. (HRCR 4)

In 2001, the United Nations established a Policy Working Group on the United Nations and Terrorism. Eventually the group's report noted a vicious cycle. Terrorists hurt civilians, violating human right laws. States compromise human right standards to catch terrorists. Terrorism thrives under a climate of human rights violations. To break this cycle, States must continue to respect human rights and obey international law. The Policy Working Group compiled a master report called the "Digest of Jurisprudence of the UN and Regional Organizations on the Protection of Human Rights while Countering Terrorism." (Digest 8-9)

To further ensure the protection of human rights in the fight against terrorism, the Policy Working Group made four key recommendations. Governments should not derogate absolute rights. The Office of the High Commissioner of Human Rights should publish a digest of pertinent material as a reference work for governments and NGOs, which it did in 2003. The High Commissioner for Human Rights should exert influence in further discussing this question by convening summits. To ensure the defense of human rights in legislation, policies and practices of counter-terrorism the High Commissioner for Human Rights and the Counter-Terrorism Committee should sustain a regular dialogue. (Digest 8-9)

Definition of key terms

Diplomatic assurances

States sometimes deport suspected terrorists to other nations under the pretext that these prisoners will not be tortured, pending on diplomatic assurances from the receiving nation. Often times the receiving nation may have a notorious record for human rights abuses, which would invalidate diplomatic assurance. The High Commissioner for Human Rights urges all States not to use such assurances as excuses for trading terrorist suspects. (HCHR 3-4)

Terrorism

Human Rights Commission Research Reports

Currently the United Nations has no standard definition for terrorism. Usually, its various bodies refer to one or more of the hitherto proposed definitions. In 1937 the League of Nations proposed a definition, which never came into existence, namely:

All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a groups of persons or the general public. (Definitions 1)

In 1992, the scholar A.P. Schmid suggested to the UN Crime Branch that an act of terrorism be considered the peacetime equivalent of a war crime.

Schmid has additionally written the substantiated definition generally accepted by the academic community.

“Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought” (Definitions 1)

Any future definitive resolution, must give terrorism a universal definition.

Torture

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for which purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation

Human Rights Commission Research Reports

of or with the consent or acquiescence of a public official or other person acting in an official capacity. (HCHR 4)

Relevant treaties and UN resolutions

Below I have summarized the significance of relevant conventions and resolutions to this topic.

Conventions

The International Covenant on Civil and Political Rights

This covenant further recognizes the State's responsibility to balance national security and human rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights give greater specificity to the framework laid out by the covenant within their relative political spheres of influence. (Digest 3-5)

Depending on the region of the world, States of Emergency may be called by the State under exceptional situations, not intended for discrimination, hostility, hatred or violence. During States of Emergency, States must continue their commitments to uphold human rights. States should never carry out abductions, take hostages, hold suspected terrorists without acknowledgment, or unlawfully deport suspects. (Digest 3-5)

While some human rights may be derogated in order to ensure national security including, certain essential rights cannot be suspended. These include the right to life; freedoms of thought and conscience; freedom from torture and cruel, inhuman, degrading treatment or punishment. All suspected terrorists still deserve the right to a fair trial including the presumption of innocence, the right to call forth witnesses, and the right not to incriminate one's self. (Digest 3-5)

Human Rights Commission Research Reports

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The United Nations Committee against torture issued a statement on 22 November 2001, recalling the attention of states to several key articles within the convention (Digest 7). Article 2 expressly prohibits torture under all circumstances. Article 15 denies States the use of confessions achieved under torture as legal evidence. Article 16 further forbids States to abuse prisoners with cruel, inhuman or degrading treatment or punishment.

General Assembly Resolutions

(A/RES/57/219) (2002)

States must respect international, refugee and humanitarian law in trying to counter terrorism. The High Commissioner for Human Rights would henceforth monitor the actions of States in this regard, and make recommendations for further guidance. (Digest 6-7)

Commission on Human Rights Resolutions

2003/68 (“Protection of human rights and fundamental freedoms while countering terrorism”)

The High Commissioner for Human Rights should monitor the protection of human rights and fundamental freedoms while States counter terrorism, taking into account a variety of reliable sources. The Commissioner should then make recommendations to States to further their obligation to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism. (“Terrorism” 1)

Security Council Resolutions

1269 (1999)

Human Rights Commission Research Reports

States should cooperate with one another to prevent and suppress terrorism, and to bring terrorists to justice. Further, under investigation, States should not give terrorists asylum. (Digest 5)

1373 (2001) – addition to Chapter VII of the UN Charter

This resolution urged States to implement greater counter terrorism measures. A renewed international effort to combat terrorism must be enacted in order to minimize the existing threat. States should criminalize the collection of funds for terrorist activities, and freeze the assets of all known terrorist groups. The new Counter Terrorism Committee would monitor the progress of these efforts. (Digest 5)

1456 (2003)

“States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law.” (“Terrorism” 1)

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Human Rights Commission Research Reports

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Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: Establishing criteria and guidelines for the protection of Human Rights
whilst combating the threat of terrorism
Student Officer: Ljana Vimont, Rapporteur

[.....soon to be added}

Human Rights Commission Research Reports

Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: The protection of persons from enforced or involuntary disappearances
Student Officer: Nell Diamond, Assistant President

Introduction:

According to the *Declaration on the Protection of All Persons from Enforced Disappearance*, (Resolution 47/133, 1992) an enforced disappearance is when "persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government..." although enforced disappearances may also be carried out by groups or individuals on the part of the Government. Enforced disappearances deprive citizens of their human rights and effectively remove them from protection under the law. As well as causing severe mental pain for family members of a disappeared person, the act of enforced disappearance is a grievous and unabashed way of depriving citizens of their human rights, including but not limited to;

- The right to life
- The right to not be subjected to torture and other cruel, inhuman or degrading treatment
- The right to an adequate standard of living
- The right to education

The United Nations originally sought to tackle the issue of enforced disappearance as a response to the large number of incidents occurring in Latin America under authoritarian rule. Since this time, enforced disappearance has become an increasingly global issue, occurring most commonly in areas wracked by internal conflicts such as civil war (Nepal, Colombia, Sudan are the best examples of this). Disappearances are commonplace also during election time. Political opponents of governments often conveniently 'disappear' and can no longer threaten a corrupt government (Philippines, Algeria).

Under-reporting of incidents is a great obstacle in the attempt to end enforced disappearances. The Working Group on Enforced or Involuntary Disappearances reported in its 2006 docket that the general factors that account for this under-reporting include illiteracy, poverty, fear of reprisal and lack of effective reporting channels.

Human Rights Commission Research Reports

Particularly vulnerable are children, the mentally and/or physically handicapped and woman, who are often subjected to sexual forms of torture. Enforced or involuntary disappearance is abduction at the hands of a government. The Human Rights Commission must ensure that citizens of member nations are not subject to this form of torture at all costs.

The Working Group on Enforced or Involuntary Disappearances:

Established in 1980, The Working Group has dealt with 50,000 individual disappearance cases pertaining to more than 70 countries. Unfortunately, only a small fraction of these cases have been clarified. The country visits case studies and meticulous record that The Working Group has kept on this subject, however, has shed some light on what seems to be an incredibly difficult issue to resolve. The Working Group's main prerogative is assisting the families of disappeared persons to determine the whereabouts of their loved one. Its work, however, is largely of a humanitarian nature; once persons' whereabouts have been clarified, the case is resolved. Any future attempts to try and curb the number of enforced disappearances must try to stop these disappearances before they can occur rather than simply aid families after the fact.

In The Working Group's 2006 official report, it was stated that:

- 535 new cases of enforced or involuntary disappearance were reported by The Working Group to the Governments of Algeria, China, Colombia, the Congo, the Democratic Republic of the Congo, Egypt, Equatorial Guinea, Ethiopia, France, India, Indonesia, the Islamic Republic of Iran, Libya, Nepal, the Philippines, the Russian Federation, Saudi Arabia, Serbia and Montenegro, the Sudan, Thailand, Tunisia and Uzbekistan.
- 1,347 cases were clarified in: Burkina Faso, China, Colombia, Ethiopia, Guatemala, the Islamic Republic of Iran, the Lao People's Democratic Republic, Libya, Morocco, Nepal, the Russian Federation, Sri Lanka, the Sudan, Thailand, Tunisia, Turkey and Yemen.

The Declaration on The Protection of Persons from Enforced or Involuntary Disappearances:

December 18th, 1992 - Resolution 47/133. This declaration clearly states that enforced disappearance constitutes a crime against humanity and violates a human's rights to:

- Recognition as a person before the law
- Liberty and security of the person
- Not to be subjected to torture
- Life

It urges states to take appropriate and effective measures in order to ensure these acts are considered criminal offences under the law. It stresses habeas corpus, prompt judicial repercussions. The World Conference on Human Rights in 1993 further advocated the importance of this declaration, stating that it is "the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators".

Despite the support this declaration and The Working Group have received, little practical progress has been made in ending the abuses incurred by victims of enforced disappearances. States *must* begin to take active steps to stamp out this form of injustice.

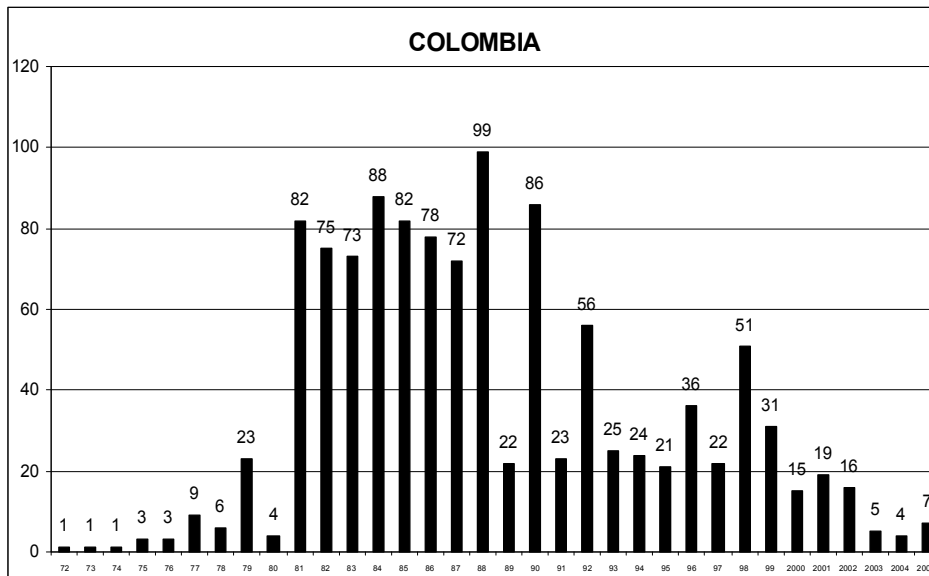
Affected Nations:

The nations below have all been under the specific and repeated scrutiny of The Working Group on Enforced or Involuntary Disappearances:

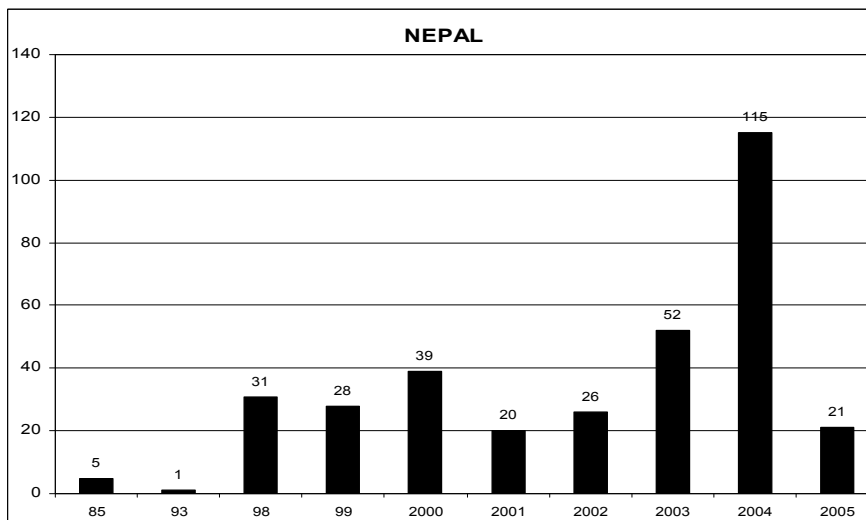
- Colombia
- Nepal
- Thailand
- Cambodia
- North Korea
- Sri Lanka

Human Rights Commission Research Reports

Reported cases of disappearances in Colombia, 1964 - 2005



Nepal, 1964 -2005:



Human Rights Commission Research Reports

Decisions on individual cases taken by the Working Group during 2005

Countries	Cases which allegedly occurred in 2005	Cases transmitted to the Government during 2005		Clarification by:	
		Urgent actions	Normal actions	Government	Non-governmental sources
Algeria	-	-	253	-	-
Burkina Faso	-	-	-	3	-
China	1	1	-	-	1
Colombia	7	7	-	-	5
Congo	-	-	80	-	-
Democratic Republic of the Congo	1	-	1	-	-
Egypt	2	2	-	-	-
Equatorial Guinea	-	-	3	-	-
Ethiopia	3	3	-	-	3
France	-	-	1	-	-
Guatemala	-	-	-	2	-
India	-	-	7	-	-
Indonesia	-	-	10	-	-
Iran (Islamic Republic of)	-	1	-	-	1
Lao People's Democratic Republic	-	-	-	-	4
Libyan Arab Jamahiriya	1	1	-	-	1
Malaysia	-	-	-	-	-
Morocco	-	-	-	3	-
Nepal	22	30	6	54	59
Philippines	11	11	28	-	-
Russian Federation	15	27	11	-	8
Saudi Arabia	-	-	1	-	-
Serbia and Montenegro	-	-	1	-	-
Sri Lanka	-	-	-	1 193	-
Sudan	23	44	-	-	1

Human Rights Commission Research Reports

Main Forms:

Examining governmental abduction and imprisonment for political purposes takes several forms:

- Overt partisan political intimidation
 - o Leaders of political parties, especially the leading candidates, are themselves abducted and imprisoned (e.g. Zimbabwe, Burma)
- Tacit partisan political intimidation
 - o Political troublemakers, regional agitators, precinct captains etc are imprisoned, usually temporarily (not very severe)
- Non-partisan political intimidation
 - o Political operatives, union leaders, newspaper editors etc. disappear. In extreme cases, authors and professors. Cambodia was a particularly severe example, where anyone with an education was put to death (Khmer Rouge). This is the most severe and extreme form of political repression.

What can HR1 do?

The regulations currently in place to protect citizens' human rights apply almost completely to the international behaviour of states and not to their internal workings. Although the UN Charter may serve as a guideline for preventing enforced or involuntary disappearances any resolution hoping to tackle this issue must refer to the internal workings of a nation and steer clear of the international arena.

The Geneva Convention similarly may serve as a protection of human rights in wartime, applying to both prisoners of war and territories occupied in war but it is not sufficient to prevent enforced or involuntary disappearances in peace time. A resolution tackling this issue

Human Rights Commission Research Reports

must therefore apply to internal legitimacy questions and internal guerrilla movements which so often cause disappearances.

Any resolution on this issue should aim towards achieving two things:

- 1) Urging governments to seek transparency in their actions at *every* level
 - a. This will ensure that disappearances, should they be at the hand of a governmental official, are not easy to conceal.
- 2) Letting citizens understand their rights so that they might better protect themselves from unlawful disappearances.
 - a. This includes educating citizens as to the swift and accurate *reporting* of such instances so that even if disappearances occur they have a chance of being resolved.

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Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: The protection of persons from enforced or involuntary disappearances
Student Officer: Ljana Vimont, Rapporteur

[.....soon to be added]

Human Rights Commission Research Reports

Human Rights Commission Research Reports

President's Research Report

Commission:	Human Rights Commission
Sub-forum:	Sub-commission I
Issue:	The implementation of the Millennium Development Goals in order to secure and guarantee Human rights
Student Officer:	John Konings, Assistant President

Background

As an introduction to the issue I would like to cite a piece from the United Nations Development Programme (UNDP) website.

“The Millennium Development Goals represent a global partnership that has grown from the commitments and targets established at the world summits of the 1990s. Responding to the world's main development challenges and to the calls of civil society, the Millennium Development Goals promote poverty reduction, education, maternal health, gender equality, and aim at combating child mortality, AIDS and other diseases. Set for the year 2015, the Millennium Development Goals are an agreed set of goals that can be achieved if all actors work together and do their part. Poor countries have pledged to govern better, and invest in their people through health care and education. Rich countries have pledged to support them, through aid, debt relief, and fairer trade.”

The millennium development goals were adopted to provide a framework with goals where the efforts to improve our world today could be directed at. As clearly stated by Kofi Annan:

"The Millennium Development Goals were adopted five years ago by all the world's Governments as a blueprint for building a better world in the 21st century."

Definitions

The millennium development goals

The Millennium Development Goals are eight goals that all 191 United Nations member states have agreed to try to achieve by the year 2015. The eight goals are listed with their

Human Rights Commission Research Reports

specific criteria, in a concise but accurate form worded by www.wikipedia.org. The full version can be found here: <http://www.un.org/millennium/declaration/ares552e.htm>

1. Eradicate extreme poverty and hunger

- Reduce by half the proportion of people living on less than one U.S. dollar a day.
- Reduce by half the proportion of people who suffer from hunger.
- Increase the amount of food for those who suffer from hunger.

2. Achieve universal primary education

- Ensure that all boys and girls complete a full course of primary schooling.
- Increased enrolment must be accompanied by efforts to ensure that all children remain in school and receive a high-quality education

3. Promote gender equality and empower women

- Eliminate genders disparity in primary and secondary education preferably by 2005, and at all levels by 2015.

4. Reduce child mortality

- Reduce the mortality rate among children under five by two thirds.

5. Improve maternal health

- Reduce by three quarters the maternal mortality ratio.

6. Combat HIV/AIDS, malaria, and other diseases

- Halt and begin to reverse the spread of HIV/AIDS.
- Halt and begin to reverse the incidence of malaria and other major diseases.

7. Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources.

Human Rights Commission Research Reports

- Reduce by half the proportion of people without sustainable access to safe drinking water.
- Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020.

8. Develop a global partnership for development

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory. Includes a commitment to good governance, development and poverty reduction—nationally and internationally.
- Address the least developed countries' special needs. This includes tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction.
- Address the special needs of landlocked and small island developing States.
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term.
- In cooperation with the developing countries, develop decent and productive work for youth.
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.
- In cooperation with the private sector, make available the benefits of new technologies—especially information and communications technologies.

These are the official criteria for the Millennium Development Goals as set by the UN, and which all 191 member states agreed to strive towards before 2015, when they signed the September 2000 United Nations Millennium Declaration.

How the Millennium Development goals are being implemented

The Millennium Development goals are being worked at by many different organisations as well as the nations who agreed to them in the first place. It is important to look at NGO activity. For example the World Bank together with the IMF is working especially on goal 1, to eradicate extreme poverty and hunger. It does this by giving out low interest loans to nations which prove they are in desperate need, but also prove they will use the money constructively. This system is widely regarded as effective and sustainable, since the World Bank can maintain the level of lending indefinitely due to its other investments. However other bodies' actions have somewhat negated the work done by the World Bank, such as the lending of China to many Sub-Saharan African nations, which is similarly low interest, but without all the safety measures which make the World Bank loans assurance of effectiveness. The situation is becoming ridiculous with China's lending trebling the World Bank's contribution.

Similarly, following the Gleneagles G8 summit in July 2005, more and more Aid has been focussed at the select few nations being helped by the World Bank, since the G8 conference decided to align their efforts with the World Bank. However, the nations which end up benefiting are mainly over the poverty line already because of the actions of the World Bank.

There are many other examples of misunderstanding or lack of cooperation leading to the unfair allocation of aid, with the aid given always not being used to its full potential. This is a huge area for concern with respect to how the Millennium Development Goals are being implemented to maximise their impact.

Other problems

Part of the issue with making sure the Millennium development goals are being fulfilled is the lack of information from some of the areas where the problems are largest. This can be due to lack of co-operation from governments in the form of misleading information. In this respect it is difficult to make sure the human rights issues which should be being combated as a result of the Millennium Declaration are being addressed. Some of the progress in the issues is misleading as certain areas bring averages for countries up or down. This can disguise

Human Rights Commission Research Reports

dangerous rifts between rural and urban populations, races or religious groups. Such as the goal of educating all children, which presents a significant challenge due to the large number of children who live in remote, rural areas of developing countries. High rates of poverty in rural areas limit educational opportunities because of demands for children's labour, low levels of parental education and lack of access to good quality schooling, and because rural areas have larger populations of children, they account for 82 per cent of children who are not in school in developing countries.

To make sure that all the Millennium Development Goals are being addressed, it is important to audit the system of assessing progress in all the areas, to avoid problems in using averages to represent entire populations, when they are made up of varying groups which have different traditions and expectations, causing diverse behaviour and unequal progress in relation to the Millennium Development Goals targets.

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- § <http://www.un.org/millenniumgoals/> official UN site
- § <http://www.devinfo.info/mdginfo2006/> data on all the indicators of Millennium Development Goals progress

Human Rights Commission Research Reports

Rapporteur's Research Report

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: The implementation of the Millennium Development Goals in order to secure and guarantee Human rights
Student Officer: Ljana Vimont, Rapporteur

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Human Rights Commission Research Reports

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Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: The cancellation of international debt as a means to further promotion of human rights in Highly Indebted Nations
Student Officer: Nell Diamond, Assistant President

Introduction:

Odious debt is debt accumulated by undemocratic governments and misappropriated (spent on weapons and benefits for the government and not on the needy populace) *Un-payable* debt is a term used to describe external debt where the interest on the debt is greater than the amount of money that the country produces. Thus, no matter how much a country may want to pay back debt, they are unable to without external aid.

Bilateral aid is given directly from one government to another. It often encourages political bias as a government may give a nation in debt funds in return for political allegiance.

Multilateral debt is given from one government to a body such as the IMF or World Bank, which then distributes the money to either numerous or a single indebted Less Economically Developed Country. *Commercial* loans are given to an indebted nation by a commercial bank. The nation must pay this loan back, often with significant interest. This is a quick and easy option but it is often used by corrupt governments to buy arms and not to help civilians.

Charitable aid is given directly from a charitable organization such as UNICEF to an indebted nation. This is usually a small amount that cannot fund large-scale projects but tend to reach the people that need it most.

For a variety of reasons ranging from corrupt governments misappropriating funds to escalating interest on commercial loans, LEDCS are suffering greatly as a result of debt. This suffering means that basic human rights, such as the right to food, water and education are denied to citizens of LEDCS every day. The Group of Eight, IMF, World Bank and other UN affiliated bodies have attempted to tackle the issue of debt cancellation as a means to the promotion of human rights in the past.

Current Action:

Human Rights Commission Research Reports

At present, the International Monetary Fund (IMF) has organized the HIPC initiative, which is a “...comprehensive approach to debt reduction for heavily indebted poor countries pursuing IMF and World Bank supported adjustment and reform programs”. Debt reduction has been secured at present for 29 nations, 25 of which are in Africa. Overall, this plan has provided \$35 billion in debt relief so far. It was first launched in 1996 by the IMF and World Bank in order to make sure that no indebted nation faced an ‘unmanageable burden’ of debt. It also calls for action from the international community to reduce external debt. In 2005, the Multilateral Debt Relief Initiative (MDRI) helped the HIPC through the UN Millennium development goals. The MDRI and HIPC together sought 100% debt relief for countries that finished the HIPC initiative process.

The HIPC initiative process involves much bureaucracy and red tape – nations undergo a long-term study by the IMF where officials determine whether or not a nation faces an ‘unsustainable debt burden, beyond traditionally available debt relief mechanisms’. A nation seeking HIPC aid must also comply with IMF regulations. The IMF website states that any such nation must ‘establish a track record of reform and sound policies through IMF supported programs’ and ‘have developed a Poverty Reduction Strategy Paper’. These requirements have been under much scrutiny recently as many argue that the HIPC does little to truly help the international debt issue in the world arena.

List of Countries That Have Qualified for, are Eligible or Potentially Eligible and May Wish to Receive HIPC Initiative Assistance (as of end August 2006)

Most Completion Point Countries (20)

Benin
Honduras
Niger
Bolivia
Madagascar
Rwanda
Burkina Faso
Malawi

Human Rights Commission Research Reports

Senegal

Cameroon

Mali

Tanzania

Ethiopia

Mauritania

Uganda

Ghana

Mozambique

Zambia

Guyana

Nicaragua

Interim Countries (Between Decision and Completion Point) (9)

Burundi

Democratic Republic of the Congo

Guinea Bissau

Chad

The Gambia

Sao Tome & Principe

Republic of Congo

Guinea

Sierra Leone

Pre-Decision Point Countries (11)

Central African Republic

Haiti

Somalia

Comoros

Kyrgyz Republic

Sudan

Cote d'Ivoire

Liberia

Togo

Eritrea

Nepal

Human Rights Commission Research Reports

The UK has also urged the G7 to sell or revalue a portion of IMF gold reserves to help aid debt cancellation.

Negatives of the HIPC:

In order to actually get aid through the HIPC, poor countries have to meet very specific conditions which include large-scale public spending cuts, health and education targets, economic policy changes such as privatisation of water, transport, banking and energy businesses as well as financial management reforms. Many studies have indicated that these strict economic conditions put a strain on already indebted countries. For example, Senegal privatised its' groundnut sector in order to become eligible for the HIPC program. What inevitably occurred, however, was that only one third of the crop was actually collected, losing millions of dollars for farmers. Economic growth was cut in half and famine was the end result in many rural areas. Cutting public spending often also means that there are fewer teachers or doctors.

Complaints against the HIPC centre on five main issues:

1. It takes too long; 10 years after its inception only 20 countries have been approved, many of which are suffering despite HIPC aid.
2. It offers too little; total debt cancellation is needed for the aid these nations require to prosper.
3. It's too limited; more countries than those 'approved' need help.
4. It comes with unfair conditions attached such as privatisation, which often has detrimental effects for the common man as in Senegal.
5. It does not deal with *all* debts; they are only partially cancelled.

The UK recently announced that it will be with-holding 3% (£50m) of its funding to the World Bank until there is more progress on this issue. Governments and people across the world have recognized the downfalls of the HIPC even alongside the MDRI initiative. It seems to fall short on the issue of international debt cancellation and its shortcomings should thus be taken into consideration when alternative solutions are sought.

Human Rights Commission Research Reports

Downsides of Debt Cancellation (as a whole):

Politicians and economists alike often state that forgiving debts causes more harm than it does good; this ‘moral hazard’ of forgiving debts, they claim, may encourage nations to take on new loans and refuse to pay. Nations such as the USA, UK and Germany worry that aid given will either fuel this moral hazard or fund corrupt governments – never reaching the civilians who need it.

Countries Seriously Affected:

- Nigeria – One of the world’s poorest nations. One in five children dies before its fifth birthday. Nigeria has paid £7.2 billion between Oct 2005 and May 2006 in debt repayment.
- Zambia – The Zambian government pays more repaying debts than on public health. One in ten children dies in childbirth.
- Tanzania – If Tanzanian debt were to be cancelled, the government could increase health spending by 50%.

It is interesting to note that both Zambia and Tanzania are considered ‘Post Completion Point’ countries in the HIPC initiative yet they remain among the poorest in the world.

Important Issues to Remember:

Many groups such as the Jubilee Debt Campaign will argue that nations previously under European colonial rule are ‘owed’ debt cancellation by their former rulers as a sort of ‘compensation’. In the case of Indonesia, for example, many argue that the Dutch (their imperial rulers until 1949) unfairly required that Indonesia take on Dutch debt as a consequence of independence. It is important to remember, however, that not only does Indonesia owe its entire natural gas infrastructure among other things to the Dutch but also that many nation took on much higher colonial debt as a requirement of independence and easily flourished, for example –

- The United States of America
- Ireland

Human Rights Commission Research Reports

- Georgia
- The Baltic States

Thus, special treatment must not be given to states solely because they were once part of a European colonial empire and nor should European nation be forced to cancel debt to ‘make up’ for their past colonial actions.

Haiti is often cited as an example of a nation ‘forced’ to pay its colonial ruler for independence – in this case, the sum of 150 million francs (the modern equivalent of \$21bn). This occurred, however, in the early 19th century – nearly 200 years ago! This debt was also *nothing* compared to what the United States incurred earning its independence. Many nations have fought for their rights at the price of their own prosperity and haven’t needed a dime.

What can we do?

With debt relief, like with any government program, the question is establishing a metric for success. For example, if we gave (hypothetically) 20 million USD to Ethiopia each year from 1986-2006 and in 2006 Ethiopia was in as bad a position or worse, two conclusions could be drawn:

- a) The money sent was a waste – probably thrown away into corrupt government officials’ pockets, stopping the Ethiopian citizens from making the necessary reforms they needed.
- b) Thank God we sent the money we did – if we hadn’t, Ethiopia could be in a far worse position. We must spend far more on aid in the future to make a real difference!

These two interpretations illustrate the difficult problem of metrics. Any successful resolution must not simply take the middle ground but instead either completely reject debt cancellation or welcome it whole heartedly with specific and organized ways to aid nations before civilians suffer further.

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Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: The cancellation of international debt as a means to further promotion of human rights in Highly Indebted Nations
Student Officer: Ljana Vimont, rapporteur

[.....soon to be added}

Human Rights Commission Research Reports

Commission:	Human Rights Commission
Sub-forum:	Sub-commission I
Issue:	Promoting Economic development as a means to achieving Human Rights in Haiti
Student Officer:	John Konings, Assistant President

Background

Haiti is one of the poorest countries in the western hemisphere with many economic and demographic problems which hamper the promotion of human rights. It lies 153rd out of 177 in the Human Development Index (HDI), and developing at a rate slower than countries of similar level of development in other areas of the world as well as Central America. The people of Haiti are mainly of African descent, and the languages spoken are French and Haitian Creole, a language which restricts much of the poorer population from any interaction with the global community.

The vast majority of Haiti's economy is made up of small scale subsistence farming, with almost all of the rest of its primary industry. This makes Haiti extremely dependant on commodity prices for its well-being.

Education is not common past a primary school level, and even basic education is not afforded to a large portion of the population.

Key areas

Population growth

Haiti has one of the fastest population growth rates in the area, which puts a strain on some of the public services which attempt to maintain human rights, namely the public health and welfare services as well as the already obsolete education system. This high population growth is partly to do with the fact that many families rely on subsistence farming to survive, meaning several sons and daughters are needed to work the family farm at a level of intensity required to produce sufficient produce. This means that the proportion of children to parents is extremely high.

Human Rights Commission Research Reports

Unemployment

Unemployment in Haiti is a huge problem, especially since the proportion of the population which lies within the economically active age range is so large. This should mean that Haiti is able to maintain a much larger GDP due to an extremely low dependency ratio, however unemployment stops any of this from happening. There has been very little formal job creation in Haiti, by the government or by firms, and this is mainly due to the lack of foreign investment in the country, with multinationals unwilling to set up in a country with unstable government which could change and refuse to honour contracts or grants which may be available now.

The unemployment levels are exasperated by the high population increase.

Government policy

Lack of restrictions on companies has rendered the Haitian economy unsustainable, let alone a basis for growth, with many areas of rich natural resources such as forests, and fertile land being used in a way which caused soil erosion and extremely low efficiency of use. This activity continues to be a drain on the economy, making it even harder for entrepreneurs or foreign investors to set up businesses in Haiti, the only way of creating jobs, reducing the dependency ratio and increasing development.

Government policy has also led to a consistently high level of inflation which has not helped the general population or businesses to prosper. This also deters foreign investment. Lack of interest in the growing HIV/AIDS crisis within Haiti's borders from the government has led to HIV/AIDS becoming a major drain on the economy and work-force.

Education at as low a level as present restricts the type of industry to unskilled, low profit work. For long-term increases in tertiary sector industry a much more rigorous education system will have to be implemented.

Emigration

Immigration is a huge issue which affects the labour force immensely. With the economy in the state it is, most aspiring young people realise that there is no money to be made in Haiti, causing a significant exodus of the country's most useful people. This causes human rights

Human Rights Commission Research Reports

problems to arise, due to the lack of healthcare afforded to illegal immigrants and racial and other abuse aimed at immigrants in their new countries.

Black market

The poor economic policy decisions in Haiti have caused a thriving black market to emerge over the decades, with official currency and transactions rendered undesirable due to inflation levels and government tax policy much of trade in Haiti is on the black market, and benefits the state in no way because of a absence of tax revenue. The corruption of government officials only helps to keep this system, which benefits those who run it, strong.

Conclusion

Stable government lasting long enough to make their policies work will help Haiti to strengthen its workforce by making it more skilled and desirable for foreign investors, especially the widespread teaching of French as well as Haitian Creole. Good Economic Policy could transform the Haitian economy, with tax revenue being allocated on public goods rather than the private interests of the government. And trading without the use of the black market could become feasible and attractive to the general population. Co-operation with other countries such as the United States of America could be beneficial in the deterrence of potential emigrants.

It is vital for Haiti to evolve its industry away from primary goods to more lucrative secondary and tertiary sectors in the long term, to allow families to move away from the necessity to have many offspring to support the family, therefore relieving the population growth problem and all the problems which stem from it, including education, HIV/AIDS and overstretched health and welfare services. This type of economy would be much more healthy due to less dependency on commodity prices. As well as being more attractive for investors and the labour force which would otherwise have emigrated.

Such changes will only be possible with stable government, so any attempt to rectify the situation and make the changes to the economy which will promote human rights must be aimed at stabilising the government.

Human Rights Commission Research Reports

Rapporteur's Research Report

Commission: Human Rights Commission
Sub-forum: Sub-commission I
Issue: Promoting Economic development as a means to achieving Human Rights in Haiti
Student Officer: Ljana Vimont, Rapporteur

Sub-Commission II

Human Rights Commission Research Reports

Commission:	Human Rights Commission
Sub-forum:	Sub-commission II
Issue:	The moving and dumping of toxic wastes and its effects on Human Rights
Student Officer:	Tiffany Chin, Assistant President

Description

Developed countries exported 20% of their waste to the developing world in 1989 (United Nations Environment Program (UNEP) statistics). The illicit traffic in toxic and dangerous products and wastes can assume various forms, the principal characteristic being the ability of the persons engaged therein to adapt to the changing international situation. For example, from 1986 to 1988, more than 3.6 million tons of waste were apparently dispatched from the OECD countries to other countries purely and simply in order to be dumped with a view to their disposal or permanent storage.

However, in the previous years there has been a significant rise in the transfer of waste from the developed countries to the developing countries in the form of recycling or recovery operations. 95% of the dangerous wastes forming the subject of transboundary movements between OECD and other countries are intended for recovery operations. In addition to the dangerous recycling operations, such as the installation of incineration and lead recycling plants or the export of highly pollutant industries and technologies, numerous transboundary movements of dangerous wastes for recycling purposes are apparently of a fictitious nature.

In the face of international pressure, the waste traffickers resort to fraudulent maneuvers and even bribery. Enterprises use buffer companies and dangerous wastes are exported, in violation of the legislation of the exporting and importing countries, in the form of material intended for recycling or products forming part of development projects. Humanitarian assistance has also apparently been used as a cover in at least one evident case of attempted export of dangerous products from a wealthy to a poor country.

The trafficking and dumping of toxic wastes may seem like an issue fit for the Environment Commissions, but when it affects humanity and the human rights of

Human Rights Commission Research Reports

individuals in less developed countries, it becomes an issue for the Human Rights Commissions. In recent times it has shown that a lot of toxic waste of more developed countries (MDCs) ends up in the lesser developed countries (LDCs). This is amongst other things a result of LDCs wanting to maintain the political and possibly economic relationships that they have.

The toxic waste, that is dumped in the LDCs, is harmful to the citizens of those nations, as well as the country's land and livelihood. With this in mind, human rights of the individuals from LDCs are harmed physically as well as economically.

Definition of key terms

Toxic Waste: A waste that poses a substantial present or potential hazard to human health or the environment when improperly managed. It includes wastes that are poisonous, carcinogenic, mutagenic, teratogenic, phytotoxic or toxic to aquatic species.

Relevant treaties and UN resolutions

States parties to the Basel Convention took a wise decision to amend the Convention in such a way as to prohibit the export of hazardous wastes, even for recycling purposes, from OECD member countries to non-member countries. The ban on recycling is due to enter into force at the end of 1997.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights Progress report submitted by Mrs. Fatma Zohra Ksentini, Special Rapporteur, pursuant to Commission resolution 1996/14

Economic and Social Council endorsed Commission resolution 1995/81

Resolution 1996/14, the Commission took note of the preliminary report of the Special Rapporteur and in particular her preliminary conclusions and recommendations. The Commission reaffirmed that illicit traffic and dumping of toxic and dangerous

Human Rights Commission Research Reports

products and wastes constituted a serious threat to the human rights of life and good health of every individual. It requested the Special Rapporteur to continue to undertake a global, multidisciplinary and comprehensive study of the phenomena and to include in her next report information on countries and enterprises engaged in the illicit traffic, as well as information on persons killed, maimed or injured in developing countries through this heinous act.

Positions of major countries/organizations involved

Angola. Government of Angola confirmed its interest in the Commission resolution, underlined the difficulties faced in controlling its maritime and riverine coasts which risk being transformed into dumping sites for toxic wastes, and finally requested technical assistance in order to implement an environmentally sound policy.

Germany. Government of Germany stated that since July 1995, Germany has been a Contracting Party to the Basel Convention. The Act implementing the Basel Convention, inter alia, stresses the duty to reimport illegal/unauthorized or impracticable shipments of hazardous wastes. Waste exporters required to notify must ensure financial security for their waste shipments and contribute to a solidarity fund, which pays whenever a solvent operator with a duty to reimport cannot be found in time.

A special unit - the Federal Environment Agency - has been set up to deal with transit permits and information exchange. Also, a special procedure has been established to notify, which ensures that the responsible authorities are informed of the notifications made; furthermore, transactions arranging the movements of wastes are subject to official authorization. the German Penal Code punishes infringements of the above-mentioned laws with up to 10 years' imprisonment.

Philippines. The Philippine Government, recognizing the issue of the illegal movement and dumping of toxic and dangerous products and wastes in developing countries, passed a law in 1990 known as the Republic Act 6969 (Toxic Substances and Hazardous and Nuclear Wastes Control Act) which regulates the import, processing, distribution, use and disposal of toxic substances through a notification process for new chemicals and the issuance of Chemical Control Orders for chemicals

Human Rights Commission Research Reports

that pose unreasonable risks to human health and the environment. The import of hazardous wastes for disposal is also prohibited in the Philippines, as is the import of recyclable materials containing hazardous substances unless complying with the requirements set out by the Department of Environment and Natural Resources which works closely with other relevant government agencies such as the Bureau of Customs. No occurrences of illegal movement and dumping of toxic and dangerous products and wastes in the Philippines were reported by the Government.

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Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission II
Issue: The moving and dumping of toxic wastes and its effects on Human Rights
Student Officer: Jeeyoon Yu, Rapporteur

General

A severe burden of toxic waste, dangerous products, and polluting technologies are currently being exported from rich industrialised countries to poorer developing countries. Rather than being assisted in overcoming dirty development cycles and move towards clean production methods, developing countries are being asked to perpetuate some of the world's most toxic industries and products and are even asked to become the global dumping ground for much of the world's toxic wastes. Under the guise of economic globalization, developing countries are simply utilizing the “competitive advantage” of cheap dumping grounds, lack of complex legislation, and ineffective monitoring in poorer areas of the world.

The indiscriminate moving and dumping of toxic waste has long been a global issue of major concern. Inadequately treated toxic chemical waste is harming the health of countless unknowing men, women, and children in all regions of the world. People are subjected to serious levels of sickness, including symptoms like stomach pains, vomiting, diarrhea, fever, vomiting, headaches and breathing problems which, in the worst cases, result in death. As such violation of the general human right “to life and to enjoy of the highest attainable standard of physical health” continue to occur in different parts of the world, the UN Human Rights Commission has to intervene in order to mitigate the present circumstances.

Measures

Some of the measures that have been recognised by various UN documents and meetings have in some cases proven that there is need for improvement.

Establishment of universal penalties for perpetrators

International law regarding the prohibition and management of the dumping of hazardous chemicals is systematically ignored; human rights are often violated in less economically

Human Rights Commission Research Reports

developed nations due to the fact that monitoring and treatment of imports and exports are only partially under the watch of federal authorities. Because of the lack of the law and insufficient means to control the flow of toxic waste, many violations of human rights remain without prosecution; unscrupulous disposal of hazardous wastes and fraudulent waste-recycling programmes are rampant. These violations of human rights to health and a safe environment must be stopped immediately, while measures to prevent further damage and punish perpetrators must be quickly devised.

International organizations and regional organizations alike need to intensify their coordination, international cooperation, and technical assistance on enforcing laws on sound management of the environment and monitoring of the dumping of toxic chemicals. They especially need to deal with the question of impunity of perpetrators to deter future illicit activity and establish stronger authority in the police forces that enforce regulations. Making the consequences for crime more dire is necessary to mitigate the illegal international trafficking in toxic and hazardous products and wastes, the transfer of toxic and hazardous products and wastes through fraudulent waste-recycling programmes, and the transfer of polluting industries, industrial activities and technologies which generate hazardous wastes, from developed to developing countries.

Federal legislation in individual nations

The first victims of this global crisis are the least protected and lesser developed countries such as those in Africa, South Asia, or Latin America which bear disproportionately the costs of the crises (e.g. in terms of human health, environmental degradation and overall impact on prospects of future development). The international treaties and conventions alone are not sufficient; rather, they have proven to be ineffective. National plans and strategies for action have to be put in place in order for the least developed countries to defend themselves from the actions of the international mafia groups and merchants of the hazardous wastes.

In addition to adopting and vigorously implementing existing recommendations relating to the dumping of toxic and dangerous wastes and cooperating in the prevention of illicit dumping, governments of UN member nations need to take appropriate domestic legislative and other measures that are in line with their international obligations. For example, governments need

Human Rights Commission Research Reports

to ban the export of toxic and dangerous products, substances, chemicals, pesticides and persistent organic pollutants that is already outlawed or severely restricted in their own countries. The struggle for a healthy environment is a global matter, and governments, especially those of better informed and funded countries of the industrial bloc, should not focus on “shifting” the burden of detoxification and management to other countries in return for short-run benefits. A distribution of the costs and benefits that is equitable with the respective production systems and consumption patterns in various parts of the global community of nations must be promoted; nations that produce more waste must contribute more to the waste minimization and management process.

Finding solutions to the problems posed by the production of hazardous wastes lies not in disposal options, pollution control, or mitigation, but rather in preventing the generation of hazardous products, wastes, and technologies. Governments can encourage businesses to make use of the proven alternative methods of production which utilize non-toxic substances or technologies. Domestic policy can be engineered to provide economic incentives (such as subsidies or tax cuts) to more “environment-friendly” firms. The resulting reduction of waste itself is likely to cause the number of illegal dumping cases to decrease, leading to less human fatalities.

Also, ways need to be devised in which states can strengthen the roles of national environmental protection agencies and non-governmental organizations, local communities and associations, trade unions, workers and victims, and provide them with the legal and financial means to take necessary action against the illicit dumping of toxic waste.

Aid to affected regions and peoples

Developing countries often do not have the national capacities and technologies to process such hazardous wastes in order to eradicate or diminish their adverse effects on the human rights to life and the enjoyment of the highest attainable standard of physical health.

Collective international efforts are urgently needed in order not only to understand the extent and/or the magnitude of hazardous wastes disaster but also to act in order to do something about the high toll developing countries are forced to pay due to the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries.

Human Rights Commission Research Reports

The international community and the relevant United Nations bodies (in particular the United Nations Environment Programme and the secretariat for the Basel Convention) have to continue in giving appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes. For example, the International Criminal Police Organization can aid in the monitoring and prevention of cases of illegal trafficking in toxic wastes through the exchange of information; on another point, the World Customs Organization can help by training customs officers and the harmonizing of classification systems for effective control at customs border posts. In addition, governments of developed countries, together with international financial institutions, should provide financial assistance in implementing these methods in affected countries.

Raising Awareness

Global, multidisciplinary, and comprehensive studies of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, are consistently needed to make concrete recommendations and proposals on adequate measures to control, reduce, and eradicate these phenomena. More research (both internationally and locally) and accurate documentation is urgently needed. The access to the information, critical knowledge, and results of research owned by third parties is neither reliable nor to be taken for granted; all information must be meticulously searched and evaluated.

Educating for both public and politicians about strategic issues of national interest in general, and the environmental emergency posed by the hazardous wastes in particular is of paramount importance. Awareness-raising campaigns at all levels are necessary. In this context, the mass media in the local language of affected regions can play a primary role in order to achieve this goal. Also, non-government organizations, through their various formal and informal networks, can help with this problem not only by raising awareness concerning these issues but also by undertaking international lobbying campaigns in order to inform the general public and potentially concerned institutions in their respective countries.

Human Rights Commission Research Reports

Long-term measures have to aim to induce the civil society, intellectuals, politicians, local administrations, education centers and every single responsible citizen to play an active role in solving the problem.

Important Treaties and Resolutions

1945: Charter of the United Nations, marking the beginning of modern international human rights law

1948: Universal Declaration of Human Rights, outlining the view of the United Nations on the human rights guaranteed to all people

1972: Stockholm Declaration, the starting point of the modern international framework for environmental protection, stating that “Man has the fundamental rights to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being [...]”

1972 United Nations Conference on the Human Environment (UNCED) made a direct link between the environment and the right to life

1981: The African Charter of Human and Peoples' Rights, adopted in Algiers on 26th of June, provides that "all peoples shall have the right to a general satisfactory environment favorable to their development."

1982: World Charter on Nature, explicitly referring to all peoples' right of access to information and the right to participate in environmental decision-making

1986: Experts Group on Environmental Law of the World Commission on Environment and Development (WCED), noting that the right to a healthy environment could not yet be considered “a well-established right under present international law,” proposed to fill this gap by including in a set of universal legal principles on environmental protection and sustainable development which would lead to eventual incorporation in a global, legally binding instrument

Human Rights Commission Research Reports

1990: UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, “affirming the inextricable relationship between human rights and the environment” and referring to “new trends in international law relating to the human rights dimension of environmental protection,” decided in August to initiate a study on the subject and appointed a Special Rapporteur.

1992: Rio Declaration acknowledged the right to a healthy and productive life in harmony with nature and the right of access to environmental information and of public participation in environmental decision-making

1993: Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights

1998: Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, negotiated within the framework of the UN Economic Commission for Europe (ECE)

1998: Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (“the Rotterdam Convention”), a multilateral environmental agreement designed to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals, in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use by facilitating information exchange about their characteristics, providing for a national decision-making process on their import and export and disseminating these decisions to Parties, served as the “key instrument in providing States with a major tool to reduce the risks associated with pesticide use”

2001: Programme of Action adopted at the First Continental Conference for Africa on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes and Their Prevention, held in Rabat, from 8 to 12 January

2001: Adoption of the Stockholm Convention on Persistent Organic Pollutants, a global treaty to protect human health and the environment from persistent organic pollutants (POPs).

Human Rights Commission Research Reports

2002: Declaration and Plan of Implementation adopted by the World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa, recognized the link between human dignity and access to basic requirements, relationship between environment and human rights, affirming that “respect for human rights and fundamental freedoms, including the right to development, as well as respect or cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.”

2003: Commission on Human Rights 2003 session adopted a resolution on “Human Rights and the Environment as part of Sustainable Development.”

Involved Organizations

United Nations Environment Programme

Secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Commission on Sustainable Development

International Register of Potentially Toxic Chemicals

Food and Agriculture Organization of the United Nations

International Labour Organization

World Health Organization

Human Rights Commission Research Reports

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Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission II
Issue: The effects of child pornography and the Declaration of the Rights of the Child
Student Officer: Fernanda Vasquez, Assistant President

[....will soon be added]

Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission II
Issue: The effects of child pornography and the Declaration of the Rights of the Child
Student Officer: Jeeyoon Yu, Rapporteur

General

Child pornography, defined as any explicit writing, picture, or other visual depiction intended to arouse sexual desire that involves the use of a minor (all persons under 18 years of age)engaging in sexually explicit conduct, causes unnecessary sexual abuse and exploitation of children. Although several Western countries such as Canada, Germany, United Kingdom, and the U.S. have adopted laws that prohibit the possession, manufacture, advertising, distribution, reception, and trafficking of child pornography, these illegal images are often found in print media, videotapes, film, and compact disc. Moreover, child pornography can be transmitted through computer bulletin-board systems (BBS), USENET Newsgroups, Internet Relay Chat, web-based groups, peer-to-peer technology, and constantly forming websites, quickening the spread of illicit material and exacerbating the situation. According to research by U.S. law-enforcement officials, crimes related to child pornography are increasing, and this increase is related to the growing Internet use.

According to the Community Oriented Policing Services (COPS) report by Richard Wortley and Stephen Smallbone at the U.S. Department of Justice titled, “Child Pornography on the Internet” (<http://www.cops.usdoj.gov/mime/open.pdf?Item=1729>) the main problems of controlling child pornography include, but are not limited to, the following:

The structure of the Internet

The structure of the Internet makes control of child pornography very difficult. Because the Internet is a decentralized system with no single controlling agency or storage facility and a network of networks, many alternative pathways can be taken to reach the same destination. Likewise, if one website or newsgroup is closed down, there are many others that can instantaneously take its place. The decentralized nature of the Internet, and resultant difficulties in restricting the distribution of child pornography, is exemplified by P2P networks involving direct connections among computers without the need for a central server.

Human Rights Commission Research Reports

It has been argued that the Internet is the ultimate democratic entity and is essentially ungovernable.

The uncertainties of jurisdiction

Since the Internet is an international communication tool that crosses jurisdictional boundaries, cooperation among law enforcement agencies to track offenders across jurisdictions is required to coordinate resources and avoid duplication of effort. Parallel operations running from different jurisdictions may unknowingly target the same organization or offender. Equally problematic is the issue of who is responsible for investigating child pornography on the Internet when there is no clue as to where the images originate. There is a potential for pornography crimes to go uninvestigated because they do not fall within a particular law enforcement jurisdiction.

The lack of regulation

The Internet, by its nature, is difficult to regulate, but many jurisdictions are reluctant to introduce laws that might help control Internet use. There are debates about the appropriate weight to give to the community's protection on the one hand, and to freedom of speech and commercial interests on another. There is also legal ambiguity about whether Internet Service Providers (ISPs) should be liable for the material they carry (as are television stations) or merely regarded as the conduits for that material (similar to the mail service). The end result is that ISPs' legal obligations with respect to Internet child pornography are often unclear, and, for the most part, the emphasis has been on self-regulation.

The differences in legislation

To the extent that there have been attempts to regulate the Internet, control efforts are hampered by cross-jurisdictional differences in laws and levels of permissiveness regarding child pornography. For example, in the United States a child is defined as someone under 18; in Australia the age is 16. Moreover, countries vary in their commitment to enforce laws and act against offenders, either for cultural reasons or because of corruption.

The expertise of offenders

As the typology of Internet offending behavior suggests, offenders vary in the degree to which they employ elaborate security measures to avoid detection. There is a core of veteran offenders, some of whom have been active in pedophile newsgroups for more than 20 years,

Human Rights Commission Research Reports

who possess high levels of technological expertise. Pedophile bulletin boards often contain technical advice from old hands to newcomers. It has been argued that many Internet sting operations succeed only in catching inexperienced, low-level offenders.

The sophistication and adaptation of Internet technology

The expertise of offenders is enhanced by the rapid advances in Internet technology. In addition to P2P networks, recent developments include remailers (servers that strip the sender's identity from e-mail) and file encryption (a method of hiding or scrambling data). A technological race has developed between Internet pornographers and law enforcement agencies.

The volume of Internet activity

The sheer amount of traffic in child pornography makes the task of tracking down every person who visits a child pornography site impossible. Many offenders realize that realistically their chances of being caught are quite remote. Similarly, while perhaps worthwhile activities, catching peripheral offenders or disrupting individual networks may have little overall impact on the scale of the problem.

Measures

Prevention of the sale of children, child prostitution

States need to take all appropriate national, bilateral and multilateral measures to develop national laws and allocate resources for the development of long-term policies, programmes, and practices. They also must collect comprehensive and disaggregated gender-specific data to facilitate the the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form ; this includes the transfer of the organs of the child for profit, child prostitution and child pornography.

Human Rights Commission Research Reports

In addition, national efforts to increase cooperation at all levels to prevent and dismantle networks trafficking in children by encouraging all actors of civil society, the private sector, and the media to cooperate in efforts must be undertaken. (GA reso 57/190. Rights of the Child)

Countries also need to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings. These should be brought in respect of the offences set forth in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including assistance in obtaining evidence at their disposal for the proceedings. Governments to cooperate fully not only with the Special Rapporteur, but also relevant United Nations bodies and agencies and non-governmental organizations.

Most importantly, member countries, in order to contribute to the elimination of the sale of children, child prostitution and child pornography, need to adopt a social approach, addressing the contributing factors of the crimes. Holistic factors that must be addressed include underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts, and trafficking in children.

Punishment for those who produce, possess, or traffick existing child pornography

Individual countries and international organizations alike must strive to criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including child pornography and child prostitution for personal and for commercial purposes. Child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, are only some of the flagrant offenses committed by perpetrators. However, the treatment by the criminal justice system of children who are victims should ensure that the best interests of the child shall be a primary consideration. To take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the offender's country of origin, or in the

Human Rights Commission Research Reports

country of destination, in accordance with due process of law will be a huge step towards the eradication of child pornography.

Additionally, domestic and global entities need to combat the existence of a market that encourages such criminal practices against children. Not only adopting, but effectively applying preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children can reduce crimes as well as ensure public awareness.

Protection and promotion of the Rights of the Child

1 Freedom from Violence

In addition to the efforts to guarantee health and freedom from poverty to children of the world, there is a need for increased attempts to promote children's freedom from violence. Member States, United Nations bodies and organizations (including the Committee on the Rights of the Child), other relevant intergovernmental organizations, and non-governmental organizations should contribute to the endeavor of preventing and protecting children from all forms of physical, sexual and psychological violence, including violence occurring in the family, public or private institutions, society, or perpetrated or tolerated by private individuals, juridical persons, or States.

Further, to take measures to protect students from violence, injury, or abuse (including sexual abuse) and establish complaint mechanisms that are accessible to children, States must undertake thorough and prompt investigations of all acts of violence and discrimination. Individual nations are recommended to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices. All relevant human rights mechanisms, especially special rapporteurs and working groups, within their mandates, should also pay attention to the special situation of violence against children.

1 Legitimate establishment of identity, family relations, and birth registration

Human Rights Commission Research Reports

To undertake to respect the right of the child to preserve his or her identity, including nationality, name, and family relations, States must provide appropriate assistance and protection with a view of re-establishing his or her identity as recognized by law without unlawful interference where a child is illegally deprived of some or all of the elements of his or her identity. **(CRC 12b)** They need to continue to intensify efforts to ensure the registration of all children, immediately after birth, by the consideration of simplified, expeditious and effective procedures. **(CRC a)**

Furthermore, national governments need to ensure, as far as possible, the right of the child to know and be cared for by his or her parents, that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. **(CRC 12c)** This measure will address the problem of international abduction of children. Also, individual countries should take all appropriate measures, especially educational measures, to further promote the responsibility of both parents in the education, development and raising of children. **(CRC e)**

1 *Mandatory Education*

Bearing in mind that affirmative action contributes to achieving equal opportunity and combating exclusion, all States must recognize the right to education on the basis of equal opportunity by making primary education free and compulsory to all. They need to ensure that all children, including girls, children in need of special protection, children with disabilities, indigenous children and children belonging to minorities, have access, without discrimination, to education of good quality. National entities should also make secondary education generally available and accessible to all, particularly by the progressive introduction of free education, guaranteeing that the education of the child is carried out.

Individual countries must take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education. This will ensure that children, from an early age, will benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence. Nations should strive to develop education with the aim of instilling values and goals of a culture of peace and national strategies for human rights education which are comprehensive, participatory and effective.

Human Rights Commission Research Reports

Important Treaties and Resolutions

1989: Adoption of the Convention on the Rights of the Child by the United Nations General Assembly in New York, 20 November 1989, recognizing “that in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.”

1990: Creation of the mandate of the Special Rapporteur on the sale of children, child prostitution, and child pornography by the United Nations Commission on Human Rights (resolution 1990/68 entitled “Rights of the child”), establishing that the mandate-holder (primarily at Governments, other United Nations bodies and non-governmental organizations) is required to investigate the exploitation of children around the world and to submit reports on the findings to the General Assembly and the Commission on Human Rights, making recommendations for the protection of the rights of the children concerned.

1990: Adoption of the World Declaration on the Survival, Protection and Development of the Child and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of the Child by the World Summit for Children in September 1990.

1993: Adoption of the United Nations Millennium Declaration and the Vienna Declaration and Programme of Action by the World Conference on Human Rights in June 1993.

It called on national and international mechanisms and programmes to strengthen measures for the safeguarding and protection of children, particularly those in especially difficult circumstances, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse.

1998: Declaration for the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010) by the United Nations Economic and Social Council, recalling the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Human Rights Commission Research Reports

2000: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000

2001: Adoption of the Yokohama Global Commitment 2001 at the second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in December 2001, calling upon States to consider its outcome

Involved Organizations

Office of the High Commissioner for Human Rights (OHCHR)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

United Nations Children's Fund (UNICEF)

World Health Organization (WHO)

United Nations Committee on the Rights of the Child

Interpol

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Interpol: Crimes Against Children

<http://www.interpol.int/Public/Children/Default.asp>

Official Journal of the European Communities: Combat Child Pornography on the Internet

<http://europa.eu.int/ISPO/docs/policy/docs/42000X0375/en.pdf>

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Human Rights Commission Research Reports

Human Rights Commission Research Reports

Commission:	Human Rights Commission
Sub-forum:	Sub-commission II
Issue:	Securing and guaranteeing the Human Rights of indigenous peoples and ethnic minorities
Student Officer:	Tiffany Chin, Assistant President

Description

Everyone is entitled to human rights, including indigenous people. Indigenous individuals are entitled to understand their human rights and fundamental freedoms along with the others in the worldwide community, without exception. Indigenous people and peoples also enjoy certain human rights specifically linked to their identity, including rights to maintain and enjoy their culture and language free from discrimination, rights of access to ancestral lands and land relied upon for subsistence, rights to decide their own patterns of development, and rights to autonomy over indigenous affairs.

There are about 300 – 500 million indigenous individuals in the world, and they embody and nurture approximately 80% of the world's cultural and biological diversity. They take up only about 20% of the world's land. They live on nearly all countries of the world and form a spectrum of humanity, from traditional hunter-gatherers to legal scholars. They are concerned with supporting their culture, especially preserving land and protecting their language. Indigenous Peoples recognize their common plight and word for the **self-determination**; based on either respect for the earth.

Throughout the world, there are so many different groups of indigenous peoples, and almost all of them one thing in common: other cultural or governmental groups have wronged them. They have been killed, tortured, enslaved and often victims of genocide. They are usually denied any governmental rights in the current state systems, and more often than not other cultures colonize the indigenous peoples, stealing their identity and freedom.

But even with all this recognition from the international community, the human rights of the indigenous peoples remain without specifically designated safeguards. To this

Human Rights Commission Research Reports

day, Indigenous Peoples continue to face serious threats to their basic existence due to systematic government policies. Areas where indigenous peoples live are normally underdeveloped when looking at factors such as the amount of individuals in jail, the illiteracy rate, and the unemployment rate. They have difficulty expressing their cultural beliefs and practices as they are often discriminated against in such environments such as schools and work offices. Sacred lands and objects are plundered from them through unjust treaties. Their national governments continue to deny Indigenous Peoples the right to live in and manage their traditional lands; often implementing policies to exploit the lands that have sustained them for centuries. In some cases, governments have even enforced policies of forced assimilation in efforts to eradicate Indigenous Peoples, cultures, and traditions. Over and over, governments around the world have displayed an utter lack of respect for Indigenous values, traditions and human rights.

The cultures of indigenous peoples often clash with the culture of capitalism: persons in indigenous societies often hold property in common, reducing or even precluding it being sold or traded. The mobility of many indigenous peoples necessitated by shifting agriculture or herding conflicts with the control needs of the nation-state. The kinship-based social organization often conflicts with the requirement for individual autonomy characteristic of the culture of capitalism. And indigenous societies tend to be far more egalitarian than societies of the culture of capitalism, reducing the needs of persons to assert their status through commodities. Finally, and perhaps most importantly, indigenous societies often control resources--land, mineral rights, and intellectual resources--that are desired by members of the culture of capitalism. For these, among other reasons, indigenous cultures are fast disappearing, either through violent suppression and elimination, or through more subtle processes masked under the rubric of "modernization," "economic development," or "assimilation."

What is the UN doing now to help the human rights of these indigenous people? The United Nation is only now drafting its first legislation that is specifically geared toward indigenous peoples, namely the "Indigenous People's Draft Declaration." The draft declaration is heavily oriented towards tribal people. However, there are at least two vast categories of indigenous entities: those waging a tribal way of life in isolated enclaves; and those integrated with the rest of society. Other than that there is not

Human Rights Commission Research Reports

much information at this point on the Declaration. It is known that there has been an issue with the term 'indigenous peoples' (rather than people, singular), because the term might give rise to ideas about self-determination. One of the measures that the United Nations has taken to help indigenous peoples is the "International Decade of Indigenous Peoples." For the most part, this is merely an attempt to raise awareness on the issue and perhaps encourage other IGOs and governments to take action. The decade began in 1995. "Under the theme 'Indigenous people: a new relationship - partnership in action', the main goal of the Decade is to further cultivate the partnership promoted between indigenous people and the international community." Other NGOs are helping the problem, including Amnesty International, Minority Rights Group International, and Survival international.

Definition of key terms

Indigenous Peoples: People who inhabit a land before it was conquered by colonial societies and who consider themselves distinct from the societies currently governing those territories. As defined by the International Labor Organization (ILO),

Both tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and to peoples who are regarded as indigenous on account of their descent from the populations which inhabit the country at the time of conquest or colonization.

According to the World Bank,

Indigenous Peoples can be identified in particular geographical areas by the presence in of the following characteristics: a) close attachment to ancestral territories and to the natural resources in these areas; b) self-identification and identification by others as members of a distinct cultural group; c) an indigenous language, often different from the national language; d) presence of customary social and political institutions; and e) primarily subsistence-oriented production.

Human Rights Commission Research Reports

Human Rights: Rights that belong to an individual as a consequence of being human. As understood today, human rights refer to a wide variety of values and capabilities reflecting the diversity of human circumstances and history. They are conceived of as universal, applying to all human beings everywhere, and as fundamental, referring to essential or basic human needs. Since the adoption of the Universal Declaration of Human Rights in 1948, many treaties and agreements for the protection of human rights have been concluded through the auspices of the United Nations, and several regional systems of human rights law have been established.

Colonization: the act of colonizing, meaning to establish a body of people living in a new territory but retaining ties with the parent state.

Self-determination: the right of a cohesive national group living in a territory to choose for themselves a form of political and legal organization for that territory. Also, a theoretical principle that people ought to be able to determine their own governmental forms and structures.

Ethnic Minorities: a group that has different national and/or cultural traditions from the majority of the population – large groups and societies contain ethnic minorities: they can be migrant, indigenous, or landless nomadic communities. In some areas, ethnic minorities may make up a majority of the population, such as Blacks in South Africa under apartheid. International criminal law can protect the rights of racial or ethnic minorities in a number of ways. The right to self determination (see above) is a key issue.

Human Rights Commission Research Reports

Relevant treaties and UN resolutions

International Labor Organization (ILO) Indigenous and Tribal People's Convention, (No. 169), Articles 2, 3, 6, 7, 13, 14, 15, 16, 17 and 19.

Universal Declaration of Human Rights (UDHR), Articles 1, 2, 7, 23: *"All human beings are born free and equal in dignity and rights.... Everyone is entitled to ... rights ... without distinction of any kind, such as race, colour,... language, religion,... national or social origin,... or other status.... All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination ... and against any incitement to ... discrimination.... Everyone has the right to work, to free choice of employment...."*

International Covenant on Economic, Social and Cultural Rights, Articles 2 and 6: *"States Parties...undertake to guarantee that ... rights ... will be exercised without discrimination of any kind as to race, colour, ... language, religion,... national or social origin,... or other status.... The States Parties ... recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses...."*

Draft Declaration on Rights of Indigenous Peoples, Articles 1, 2, 7, 10, 21, 25, 26, 27, 30

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, Articles 2, 3, 4.

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Human Rights Commission Research Reports

Commission:	Human Rights Commission
Sub-forum:	Sub-commission II
Issue:	Securing and guaranteeing the Human Rights of indigenous peoples and ethnic minorities
Student Officer:	Jeeyoon Yu, Rapporteur

General

Human rights are commonly understood to be those rights (civil, political, economic, social, and cultural) that are inherent to the human being. The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status. This includes indigenous people. Every indigenous woman, man, youth and child is entitled to all human rights and fundamental freedoms equal to that of others in society without discrimination of any kind. Indigenous peoples should also be guaranteed certain rights specifically linked to their identity, including “rights to maintain and enjoy their culture and language free from discrimination, rights of access to ancestral lands and land relied upon for subsistence, rights to decide their own patterns of development, and rights to autonomy over indigenous affairs.” However, treaties and laws that formally protect the rights of individuals and groups against actions or abandonment of actions by governments that interfere with the enjoyment of their human rights are needed in many countries around the world.

Measures

According to the United Nations “Programme of action for the Second International Decade of the World’s Indigenous People,” there are specific measures that could be taken in resolving the issue.

Promotion of culture

“Culture should be integrated as a prerequisite and a basis for development project design in order to build “development with identity,” respecting people’s way of life and building sustainable human development.”

Human Rights Commission Research Reports

On the international level, States, the United Nations system, other intergovernmental organizations and indigenous peoples should strive to guarantee the right of indigenous peoples to create and distribute their cultural goods, services, and traditional expressions in a fair environment. With the mindset of recognizing extant indigenous heritage, oral tradition, and ancient writings of indigenous peoples as heritage of humanity, all those involved must intensify efforts to promote and support recovery of these treasures. Organizations such as UNESCO are recommended to establish mechanisms to enable indigenous peoples to effectively take part in its work relating to them, such as the programs on endangered languages, education, literacy, nomination of indigenous sites in the World Heritage List and others relevant to indigenous peoples.

The various programs should have a clear objective of the continued development of mechanisms, systems, and tools that adequately protect the genetic resources, traditional knowledge, and cultural expressions of indigenous peoples at the national, regional and international levels.

“Programs and initiatives relating to indigenous cultures should follow the principle of free, prior, and informed consent of indigenous peoples.”

Particularly, caution should be exercised when extending the range of tourism and national park projects in indigenous territories. Also, relevant agencies and bodies of the United Nations system should consider developing international guidelines on free, prior, and informed consent regarding traditional knowledge of indigenous peoples. Public communication, including access to mass media, between indigenous peoples and the rest of the population also needs to be facilitated for effective implementation. In addition to using information and communication technology, indigenous peoples themselves should work to strengthen measures to preserve, develop, and promote their languages, histories, and cultures through their oral histories and in printed or audio-visual forms.

Enhanced education

“Global efforts should be made to raise awareness of the importance of mother tongue and bilingual education especially at the primary and early secondary level for effective learning and long-term successful education.”

Human Rights Commission Research Reports

The international community should continue to promote bilingual and cross-cultural education programs for indigenous and non-indigenous peoples, schools for girls, and women's literacy programs. International bodies, especially UNESCO, upon identifying universities, primary and secondary schools and teaching and research centers for indigenous peoples that adequately fulfill their programs and projects, should grant them recognition and technical and financial support promoting their work.

“Individual nations should put emphasis on quality education in the mother tongue, bilingual and intercultural education that is sensitive to indigenous holistic world views, languages, traditional knowledge and other aspects of their cultures.”

This principle should be central in all federal programs of education for indigenous peoples. States should take legislative measures to eliminate national policies and practices that create problems for indigenous children to enjoy their right to education. There also should be increased awareness of the significance of integrating indigenous learning systems and knowledge in formal and informal education for indigenous peoples, including the teaching and learning of history, traditions, culture, rights, spirituality and world views of indigenous peoples and their ways of life. Special gravity should be placed on the education of teachers at all levels to become more indigenous-sensitive; indigenous schools should also be set up in areas where indigenous peoples are the majority and recognize teaching centers (in terms of labor and academic conditions) in order to facilitate interscholastic exchanges and cooperation. All relevant actors are urged to provide focused programs with increased state budgetary allocations, including scholarships to support the enrollment of indigenous persons in teacher-training programs, colleges, and other institutions of higher education. Special emphasis should be placed on the education of indigenous teachers of all levels.

“In order for nomadic or semi-nomadic indigenous peoples to fully enjoy their right to education, culturally appropriate practices of education including the use of technologies should be established.”

Organizations of indigenous peoples should consider establishing and supporting indigenous schools and university-level institutions in collaborating with the relevant United Nations agencies. They could revise school texts and the contents of programs of study in order to

Human Rights Commission Research Reports

eliminate discriminatory content and promote the development of indigenous cultures and, where needed, indigenous languages and scripts. Furthermore, indigenous curricula for schools and research institutions can be created and developed in addition to documentation centers, archives, in situ museums and schools of living traditions concerning indigenous peoples, their cultures, laws, beliefs and values with material that could be used to inform and educate non-indigenous people.

Increased Healthcare Opportunities

“Access to comprehensive, community-based and culturally appropriate health-care services, health education, adequate nutrition and housing should be ensured without discrimination.”

Measures to ensure the health of indigenous peoples must be seen as a collective and holistic issue involving all members of communities and include physical, social, psychological, environmental, and spiritual dimensions. All relevant entities should work to support and implement collection and distribution of data regarding indigenous peoples with special emphasis on indigenous children based on criteria relating to ethnicity, cultural and tribal affiliation, and language. In addition, the regional and local authorities and other stakeholders should strive to achieve the widest possible range of dissemination of information among indigenous peoples. Regional and local consultations with indigenous peoples should be undertaken to appropriately integrate indigenous concepts, treatments, healers and understandings of health, healing, illness, disease, sexuality and birthing into policies, guidelines, programs and projects to be carried out nationally. Training and employment of qualified indigenous persons, including indigenous women, to design, administer, manage and evaluate their own health-care programs must be taken into consideration.

“All relevant actors should also work to guarantee indigenous peoples’ access, especially women’s access, to information relating to their medical treatment and to secure their free, prior and informed consent to medical treatment.”

Health research relevant to indigenous communities must also respect their free, prior, and informed consent, taking care not to trespass on intellectual property rights. Researchers, whether in the academic or private sector, must practice transparency regarding the potential economic benefits of any research or knowledge of indigenous healing practices. National

Human Rights Commission Research Reports

monitoring mechanisms for indigenous communities should report abuses and neglect of the health system to national health authorities should be set up and the legal framework to effectively address those issues should be put in place. The fundamental human rights and critical needs in the area of health of indigenous children, youth and women are of the highest priority and that fact should be recognized and promoted through the formation of focal points or committees within each agency, organization or institution, including the full and effective participation of indigenous women and youth in planning, implementation, monitoring and evaluation of initiatives.

All involved entities should also adopt targeted policies, programmes, projects and budgets for indigenous health problems in strong partnership with indigenous peoples in not only areas such as HIV/AIDS, malaria, tuberculosis, but also cultural practices which have negative impacts on health, including female genital mutilation, child marriages, violence against women, youth and children and alcoholism.

Measures against environmental degradation that adversely affects the health of indigenous peoples should also be taken, including prohibiting the use of indigenous peoples' lands for military testing, toxic by-product storage, nuclear and industrial exploitation and contamination of water and other natural resources. In addition, health problems connected to forced relocation, armed conflicts, migration, trafficking and prostitution should be of national concern.

Monitoring of programmes of action

There should be an increased and systematic focus on the implementation of existing international standards and policies of relevance to indigenous and tribal peoples. It is recommended that a global mechanism should be established to monitor the situation of indigenous peoples in voluntary isolation and in danger of extinction. International human rights treaty monitoring bodies and thematic and country-specific United Nations human rights mechanisms including the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people should continue to or start to specifically address indigenous peoples within their mandates throughout the Second Decade and share their reports with the Permanent Forum. It is recommended that programmes of education on the human rights of indigenous peoples should be developed and strengthened, including the

Human Rights Commission Research Reports

current Indigenous Fellowship Programme of the Office of the United Nations High Commissioner for Human Rights, in indigenous languages where possible, including relevant training materials that are culturally appropriate, and should advocate against stereotypes and ethnic stigmatization.

In individual nations, regional organizations should consider developing and adopting regional instruments on indigenous rights, such as the Organization of American States draft declaration on the rights of indigenous peoples, in cooperation with indigenous organizations. Governments are urged to launch a review of national legislations to eliminate possible discriminatory provisions with the full and effective participation of indigenous experts. A special protection framework for indigenous peoples in voluntary isolation should be adopted; Governments should establish special policies for ensuring the protection and rights of indigenous peoples with small populations and at risk of extinction. It is recommended that Governments should consider integrating traditional systems of justice into national legislations in conformity with international human rights law and international standards of justice. Advocacy for good governance by local and national administrations in areas populated by indigenous peoples is strongly encouraged.

To guarantee effective monitoring, an evaluation of national machineries on human rights and indigenous peoples' rights, such as ministries of tribal affairs, commissions on indigenous peoples and human rights commissions, should be undertaken to identify strengths and weaknesses in promoting and protecting indigenous peoples' rights that shall form the basis for reforming such bodies. Governments should support and broaden the mandate of existing national machineries for the promotion of equal rights and prevention of discrimination, so that they will include promotion of the rights of indigenous peoples.

Human Rights Commission Research Reports

Legal centres could be established by national authorities to inform and assist indigenous people regarding national and international legislation on human rights and fundamental freedoms, to carry out activities for protecting those rights and freedoms and to promote the capacity-building and participation of indigenous peoples. Governments are encouraged to further develop national legislation for the protection and promotion of human rights, including means of monitoring and guaranteeing those rights. Where it is not already the case, it is recommended that national constitutions should recognize the existence of indigenous peoples and make explicit reference to them, where relevant.

Social and economic development

Agencies, funds and programmes of the United Nations system, including their governing bodies, should adopt programmes of activities premised on the human rights-based approach to development in close cooperation with indigenous peoples. They should establish, develop and promote strong partnerships among indigenous peoples, governments and intergovernmental bodies, agencies, funds, non-governmental organizations and the private sector. Indigenous peoples should further develop sustainable practices, including subsistence practices and strategies of self reliance. Cooperation among indigenous peoples and other organizations is highly encouraged. Strong grass-roots collaboration should be fostered by United Nations agencies, funds, and programmes with local organizations of indigenous peoples in identifying and prioritizing programmes, projects, and other activities. The United Nations system should provide special support to initiatives of indigenous peoples to improve the sustainability of their practices and assist them when they seek alternatives for long-term perspectives of economic activity and community well-being. Governments and international agencies should establish policies that recognize environmentally sustainable pastoralism, hunting, gathering and shifting cultivation as legitimate activities, as in the case of farming and other types of land use. However, development plans that directly or indirectly impact indigenous peoples should systematically include a provision on free, prior and informed consent.

It is recommended that programmes should be particularly focused on indigenous women and girls and, specifically, on their full and effective participation and the issue of violence against women and trafficking. Governments and the United Nations system and other

Human Rights Commission Research Reports

intergovernmental organizations are urged to integrate a gender perspective in all programmes relevant to indigenous peoples, including indigenous cultural perspectives, and work towards the implementation of the recommendations on indigenous women, children and youth made by the Permanent Forum on Indigenous Issues. States and intergovernmental and non-governmental organizations and foundations should contribute to the three United Nations Voluntary Funds established by the General Assembly to support the travel of indigenous representatives to United Nations meetings, the work of the Permanent Forum on Indigenous Issues and the programme of the Second International Decade of the World's Indigenous People. There should be increased provision of technical and financial resources to build the capacity of indigenous peoples, government institutions and the United Nations system to address indigenous issues. Such provision should include the establishment of funds for international cooperation and funds for indigenous peoples in United Nations country offices. A process should be developed to facilitate the channelling of funds directly to indigenous peoples' organizations at the community level.

Appropriate strategic partnership of the United Nations system and the private sector may be explored, involving the joint development of projects with indigenous peoples and communities. The development of a strategy is encouraged for cooperation between the United Nations system and the private sector as regards indigenous peoples. Indigenous small and medium business should be given high priority for that effort. Pilot programmes in that area are encouraged. The United Nations system and other intergovernmental organizations should facilitate, nurture, strengthen and multiply collaboration at the international, regional and national levels among indigenous and tribal peoples and other rural and urban communities on the other hand. It is recommended that the Permanent Forum on Indigenous Issues should hold regional meetings on indigenous issues with existing regional organizations with a view to strengthening cooperation and coordination. The Permanent Forum should support regional initiatives of United Nations agencies, funds and programmes, such as the Indigenous Peoples Programme of the United Nations Development Programme in Asia. In an effort to systematize and build capacity, regional focal points on indigenous issues should be designated in all agencies, funds and programmes with regional offices that are mandated to follow up on the implementation of recommendations of the Permanent Forum and the objectives of the Second Decade.

Human Rights Commission Research Reports

Specific policies should be considered at the national level for employment creation for indigenous peoples and for facilitating their access to financing, credit and the creation of small and medium businesses. Capacity-building measures by Governments are strongly encouraged to increase the access of indigenous persons to civil service, including through scholarships. High priority is urged to systematize data collection and disaggregation and dissemination initiatives. Technical resources should be provided to national information systems to produce reliable statistics, so that the specific linguistic and cultural characteristics of indigenous peoples can be demonstrated. The work and studies of the Economic Commission for Latin America and the Caribbean can be drawn upon as an example in developing more coherent systems for data collection with respect to indigenous peoples at the national level.

Important Treaties and Resolutions

1948: Universal Declaration of Human Rights; first international document that states that all human beings are “equal in dignity and rights.” (Article 1) Everybody is entitled to the rights in the Declaration, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (Article 2)

1951: Convention on the Prevention and Punishment of the Crime of Genocide; defined the term genocide as any acts which have the intention of “killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent birth within the group; forcibly transferring children of the group to another group.” (Article 2)

1966: International Covenant on Civil and Political Rights, outlining the basic civil and political rights of individuals and declaring provisions for collective rights: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” (Article 27)

Human Rights Commission Research Reports

1966: International Covenant on Economic, Social and Cultural Rights, describing the basic economic, social, and cultural rights of individuals and collective peoples.

1966: Convention on the Elimination of All Forms of Racial Discrimination; defined “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.” (Article 1)

1985: Adoption of the Draft Declaration on the Rights of Indigenous Peoples by the Working Group on Indigenous Populations, the world’s largest human rights forum, as the most comprehensive statement of the rights of Indigenous Peoples to date; establishes the rights of Indigenous Peoples to the protection of their cultural property and identity as well as the rights to education, employment, health, religion, language and more; protects the right of Indigenous Peoples to own land collectively. Although States are not legally bound by the Declaration, it will exert a considerable amount of moral force when adopted by the General Assembly. Consisting of 46 Articles, the draft Declaration is divided into nine parts.

1989: International Labour Organization (ILO) Convention 169 (ILO Indigenous and Tribal Peoples Convention); the first international convention to address the specific needs for Indigenous Peoples' human rights, outlining the responsibilities of governments in promoting and protecting the human rights of Indigenous Peoples.

1990: Convention on the Rights of the Child, containing regulations and suggestions relevant to Indigenous Peoples on the non-discrimination of children (Article 2), the broadcasting of information by the mass media in minority languages (Article 17), the right to education, including education on human rights, its own cultural identity, language and values. (Article 29) Article 30 states that children of minorities or indigenous origin shall not be denied the right to their own culture, religion or language. (Article 30)

1991: World Bank Operational Directive, outlining the World Bank’s definition of and interest in Indigenous Peoples; also addresses economic issues (technical assistance and investment project mechanisms) concerning Indigenous Peoples.

Human Rights Commission Research Reports

However, the Bank's narrow definition of Indigenous Peoples and ambiguity concerning its role in their economic development has resulted in much criticism from Indigenous Peoples' human rights advocates and consequently, the World Bank is currently in the process of revising it.

1992: Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities; deals with all minorities (including many of the world's Indigenous Peoples). It only concerns individual rights, although collective rights might be derived from those individual rights. The Declaration deals both with states' obligations towards minorities as well as the rights of minority people. Topics that are dealt with include the national or ethnic, cultural, religious or linguistic identity of minorities (Article 1); the free expression and development of culture; association of minorities amongst themselves; participation in decisions regarding the minority (Article 2); the exercise of minority rights, both individual and in groups (Article 3); and education of and about minorities. (Article 4)

1992: Rio Declaration of Environment and Development and Agenda 21; two documents are connected to the Earth Summit in Rio de Janeiro, and in them, the special relationship between Indigenous Peoples and their lands is acknowledged. Indigenous Peoples have a vital role in environmental management and development because of their traditional knowledge and practices. (Rio Declaration, Principle 22) In order to fully make use of that knowledge, some Indigenous Peoples might need greater control over their land, self-management of their resources and participation in development decisions affecting them. (Agenda 21, Chapter 26.4)

1992: Convention on Biological Diversity; calls upon its signatories to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;" (Article 8(j))

Human Rights Commission Research Reports

1992: Establishment of the OSCE High Commissioner on National Minorities; sought to identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between OSCE participating States.

1993: Vienna Declaration and Programme of Action at the World Conference on Human Rights held in Austria; “recognizes the inherent dignity and the unique contribution of indigenous people [sic] to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being.” (I.20), called for the completion of the draft Declaration on the Rights of Indigenous Peoples, the renewal and updating of the mandate of the Working Group on Indigenous Populations and the proclamation of the International Decade of Indigenous Peoples. (II.28 – 32)

1994: Report of the International Conference on Population and Development; agreement that the perspectives and needs of Indigenous Peoples should be included in population, development or environmental programs that affect them, that they should receive population- and development-related services that are socially, culturally and ecologically appropriate. (Paragraph 6.24)

Another important decision was that Indigenous Peoples should be enabled to have tenure and manage their land, and protect the natural resources and ecosystems on which they depend. (Paragraph 6.27)

1994: Adoption of the Draft Declaration on the Rights of Indigenous Peoples by the United Nations Sub-Commission on the Promotion and Protection of Human Rights, submitted to Commission on Human Rights, establishing the Working Group on the draft Declaration on the Rights of Indigenous Peoples

1997: Proposal of American Declaration on the Rights of Indigenous Peoples, outlining the human rights that are specific to Indigenous Peoples; items covered include, among others, the right to self-government, indigenous law and the right to cultural heritage.

Human Rights Commission Research Reports

1998: Council Resolution on Indigenous Peoples within the Framework of the Development Cooperation of the Community and Members States; provides the main European Union guidelines for support of Indigenous Peoples, calling for the integration of Indigenous Peoples' interests in all levels of development cooperation and the full and free participation of Indigenous Peoples in the development process; states: "Indigenous cultures constitute a heritage of diverse knowledge and ideas, which is a potential resource for the entire planet."

2001: Durban Declaration and Programme of Action; contains specific section dealing with Indigenous Peoples issues.

2006: Human Rights Council Resolution 2006/2; Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly res. 49/214 of 23 December 1994

2006: Adoption of the Human Rights Council adopts the Draft Declaration on the Rights of Indigenous Peoples in June

Involved Organizations

UN Working Group on Indigenous Populations

UN Permanent Forum on Indigenous Issues

UN Working Group on the Draft Declaration on the Rights of Indigenous Peoples

UN Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples

Office of the UN High Commissioner for Human Rights (OHCHR)

United Nations Development Programme (UNDP)

International Fund for Agricultural Development (IFAD)

The World Bank

UN Educational, Scientific and Cultural Organization (UNESCO)

World Intellectual Property Organization (WIPO)

International Labour Organization (ILO)

Organization for Security and Cooperation in Europe (OSCE)

Organization of American States (OAS)

Human Rights Commission Research Reports

European Union

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[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.1995.32.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.1995.32.En?Opendocument)

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Indigenous People and the United Nations System

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<http://www.unhchr.ch/html/racism/00-indigenousguide.html>

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Human Rights Commission Research Reports

Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission II
Issue: The reintegration of victims of conflict such as kidnapped women and child soldiers into civil society
Student Officer: Fernanda Vasquez, Assistant President

[.... Will soon be added]

Human Rights Commission Research Reports

Commission:	Human Rights Commission
Sub-forum:	Sub-commission II
Issue:	The reintegration of victims of conflict such as kidnapped women and child soldiers into civil society
Student Officer:	Jeeyoon Yu, Rapporteur

General

In the unstable, war-torn countries of Africa and Latin America, women and children have become the targets and even perpetrators of violence and atrocities. Civil wars between revolutionaries and the respective governments and other internal conflicts in the last decade has caused the deaths of tens of thousands of people mainly women, children and the aged. It has also caused the displacement of millions of people. Consequently, agricultural productions suffered, and countless populations went unfed—leading to mass starvation.

The targeting of women and girls by rebels as a war tactic often led to mass gang rape and other atrocities such as the evisceration of pregnant females. Sexually transmitted diseases and unwanted pregnancies became rampant. Unaccompanied girls captured by combatants became sex slaves and victims of forced labor. Young girls unable to locate their families turned to prostitution as a survival strategy. Also, children's participation in armed political conflict has ripped apart countless families and destroyed innumerable childhoods. Child soldiers are double victims because they often suffer war trauma and stigmatization by their societies for committing war crimes. Many children, both boys and girls, are coerced into fighting; others are pushed into it by poverty and crises in their communities; some volunteer to participate, either through the use of hard drugs or by promises of glory and excitement. Children as young as eight or ten are transformed into merciless killers, committing the most horrendous acts with apparent indifference or even pride. Abducted children all over Africa have been conscripted into the rebel fighting forces in violation of international conventions.

Most of these children have their courage boosted through the use of hard drugs. In Uganda, more than 20,000 children have been conscripted into the rebel movement since the beginning

Human Rights Commission Research Reports

of the 19-year-old war; in Sierra Leone, young children were sometimes forced to exterminate adults and pregnant women.

Measures

Government and legal assistance to women and female children

“All States need to take all necessary measures, including legal reforms where appropriate, to ensure the full and equal enjoyment by women and girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, and to base programmes and policies on the rights of the child, taking into account the special situation of girls. ”

(GA reso. 53/127)

They must strive to eliminate all forms of discrimination against females and all forms of violence, harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses and early marriages, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls.

Governments must foremost identify and condemn the systematic practice of rape, murder, sexual slavery, forced pregnancy and other forms of inhuman and degrading treatment of women as a deliberate instrument of war. The government of the concerned country as well as the governments of the surrounding countries hosting the concerned countries' refugees should be called upon to apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum. The government is to refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. State's governments also have to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to international human rights standards.

Human Rights Commission Research Reports

“Well-funded transit centers and relief support in refugee camps as well as in the conflict torn countries are necessary for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, as well as appropriate assistance to enable them to file charges.”

(Leading to Change: Eliminating Violence against Women in Muslim Societies at <http://www.learningpartnership.org/docs/vawsympreport.pdf>)

Additionally, they have to be provided access to specially trained officers who will also help to compile statistics to study the causes and consequences of violence against women and the effectiveness of preventive measures by interviewing women regarding sensitive or painful experiences, such as sexual assault.

Non-governmental organisations such as the UN Development Fund for Women (UNIFEM) and the UN High Commissioner for Refugees (UNHCR) and United Nations High Commissioner for Human Rights (UNHCHR) should try to offer such help, training in skills, family planning and health programs in some of the camps. A wide-spread problem encountered by these organisations is that while most women welcome their help, Islamic guards and even family fathers often interfere with the organisations' efforts, which they believe to be un-Islamic. Education and awareness campaigns, also to inform women of their rights in seeking redress through such mechanisms, are needed here as well. The governments, in order to provide appropriate assistance to and appropriate care for refugees and victims, and in order to improve access for women to healthcare, should work in close co-operation with refugee women and in all sectors of refugee programmes.

Raising awareness in victims

The population, the government itself and especially the various war parties have to be aware that sexual assaults toward women and recruiting child soldiers in armed conflict constitutes a war crime and under certain circumstances it is subject to punishment under international law.

Human Rights Commission Research Reports

Awareness of the human rights of women and children has to be developed by, for example, human rights education and training to military and police personnel operating in areas of armed conflict and areas where there are refugees. Awareness campaign on the rights of women and children including posters, signs by the side of the road, radio spots, and leaflets can be conducted by governments. International organisations, such as UNIFEM, the UNHCHR, the UN Children's Fund and Amnesty International can provide the necessary help and funds to the government to conduct information campaigns as well as educational and training programmes in order to sensitise girls and boys and women and men to the personally and socially detrimental effects of violence in the family, community and society. These will teach them how to communicate without violence, raise people's awareness of their rights and promote training for victims and potential victims so that they can protect themselves and others against such violence.

In order to raise the awareness and access to legal protection of women and children, it is also necessary to enhance their education in order to stimulate them to stand up for their very own rights or even increase involvement of former victims in the legal sector in order to enhance future protection and participation.

Protection of children affected by armed conflict

“Special attention needs to be given to the protection, welfare and rights of children in armed conflict by international and domestic entities alike while taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations as well as the inclusion of child protection advisers in these operations.”

(Children and Armed Conflict : International Standards for Action <http://www.un.org/special-rep/children-armed-conflict/Download/HSNBook.pdf>)

All States must ensure, for victimized children, the enjoyment of human rights as well as access to health care, social services and education. States should ensure that such children who are victims of violence and exploitation, especially those who are unaccompanied, receive special protection and assistance.

Human Rights Commission Research Reports

Legal action needs to be taken to end the recruitment of children and their use in armed conflicts contrary to international law, including obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. (Additional Report of the Special Rapporteur on Children and Armed Conflict at

<http://www.hri.ca/fortherecord2002/engtext/vol1eng/childrenchr.htm#ChildrenConflict>)

Nations are recommended to raise the minimum age for voluntary recruitment of persons into their national armed forces, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced. Governments also must take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices.

Other measures include providing for vocational training for young people between fifteen and eighteen. The plans may anticipate training young people (including former child soldiers), with the International Labor Organization (ILO) as the primary implementing partner in several-month programs to learn skills including construction, agriculture, motorbike and bicycle repair, tailoring, welding, animal husbandry, and electronics repair. The education components of government plans should aim to encourage children to return to school; to provide students with catch-up education and school kits as necessary; and to construct and repair schools. As noted earlier, however, the benefits of these efforts have often eluded former child soldiers who are fearful of returning to school because of their vulnerability to recruitment or re-recruitment.

Domestic entities should foster the establishment of transit centers to facilitate the return of children to their communities. Although many children would be released directly to their families, the transit centers should be designed to receive children who expressed a reluctance to go home, children whose families could not be found, and children with specific protection needs. These centers could be built in cooperation with international organizations such as the UNICEF, and co-managed by governments and few other well-funded entities. While at the centers, children should be made to participate in a full program of activities, including educational and psycho-social assessments; language, math, science, religion and other classes; drama, music, and art activities; sports; and physical exercise. They also should have counseling sessions with staff social workers. In addition to this educational function, transit

Human Rights Commission Research Reports

centers should employ social workers to conduct home visits to assess the families' abilities to care for the child. Organizations such as Save the Children and the transit center staff should have joint care review meetings to discuss the best options for each child.

After the child's return to his or her family, Save the Children social workers conduct follow-up visits to evaluate the reintegration process, support the child's re-entry into school or vocational training, and provide support to the family. These take place at intervals based on the individual child and family's particular needs, but roughly take place one week after the child returns, and then after three weeks, six weeks, three months, and one year. Although most children return to their families, in cases where that is not feasible or in the best interest of the child, children may be placed with extended family members or at a vocational training program, boarding school, or children's home.

All States, relevant United Nation bodies and agencies, and regional organizations should integrate the rights of the child into all activities in conflict and post-conflict situations and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard. (Commission on Human Rights resolution 2002/92) They need to continue or begin supporting programs of victim assistance and child-centred rehabilitation, such as psychological therapy and elementary education. Involved entities should also see that whenever sanctions are imposed, especially in the context of armed conflict, their impact on children be assessed, monitored, and (to the extent that there are humanitarian exemptions) they be child-focused.

Prosecution and punishment of perpetrators

In order to prosecute the perpetrators, mechanisms to investigate and punish all those responsible and bring the perpetrators to justice have to be strengthened, while standards set out in international humanitarian law and international human rights instruments have to be upheld and reinforced.

Human Rights Commission Research Reports

“The government, with the help of organisations such as the UNIFEM or the UNHCHR has to, create or strengthen institutional mechanisms so that women and children can report acts of violence against them and file charges in a safe and confidential environment, free from the fear of penalties or retaliation.”

(“Making Rights a Reality: the Duty of States to Address Violence against Women” at http://www.amnesty.ca/resource_centre/reports/act7704904.pdf)

In order to ensure a fair and equal treatment of both victims and non-victims, the legal and judiciary bodies have to be able to address gender issues properly and according to international human rights and standards. This can be achieved by providing appropriate training, to prosecutors, judges, and other officials in handling cases involving rape, forced pregnancy, indecent assault against women in armed conflicts and violence, indiscriminate drug-use, kidnapping, and abuse of children.

Particularly in order to enhance women’s protection and participation in legal intercourse, a higher percentage of women employees in such areas can be enhanced. This can be done through state funded scholarships and promotion campaigns. Organisations involved are for example UNIFEM, the UN Educational, Scientific and Cultural Organisation (UNESCO) and the International Research and Training Institute for the Advancement of Women (INSTRAW).

“Training in the human rights of women and children should also be provided for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, in order to promote their understanding of the human rights of women and children so that they recognise violations of these rights and can fully take into account the gender aspect of their work.”

(Clause 42, Vienna Declaration and Programme of Action, as adopted by the World Conference on Human Rights on 25 June 1993)

The education of peace keeping forces is also of vital importance. The international community in general and specialised organisations in particular have to support and promote

Human Rights Commission Research Reports

efforts by states towards the development of criteria and guidelines on responses to persecution specifically aimed at women and children, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application.

Full investigation and punishment of all acts of violence against women and children committed during war must be undertaken. Special attention has to be paid to, in particular, investigating and punishing members of the police, and armed forces and any other agents of the State who engage in acts of violence against women and children in the course of the performance of their duties. For that purpose it is advisable to review existing legislation and to, if necessary, adopt laws and reinforce existing laws for punishment.

Important Treaties and Resolutions

1949: Publishment of the Fourth Geneva Convention, 12 August, relating to the protection of civilians during times of war "in the hands" of an enemy and under any occupation by a foreign power

1977: Publishment of additional Protocols (I, II) to the Geneva Convention, amendments about the “protection of victims in international conflicts” and “protection of victims in non-international armed conflicts,” respectfully

1980 : Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, prohibiting or restricting the use of certain conventional weapons which are considered excessively injurious or that have indiscriminate effects.

1989: Adoption of the Convention on the Rights of the Child by the United Nations General Assembly in New York, 20 November 1989, recognizing “that in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.”

Human Rights Commission Research Reports

1996 : Adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (1980)

1997: Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, welcoming the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines

1998: Rome Statute of the International Criminal Court (A/CONF.183/9) first opened for signature, noted in particular for the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts

1999: Adoption of the Plan of Action on Children Affected by Armed Conflict of the International Red Cross and Red Crescent Movement and the resolutions on this subject at the twenty-seventh International Conference of the Red Cross and Red Crescent

1999: Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization, which recommends individual countries to commits themselves to taking immediate action to prohibit and eliminate the worst forms of child labour

2000: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May

Human Rights Commission Research Reports

2000: Adoption of the Agenda for War-Affected Children adopted by the International Conference on War-Affected Children, held in Winnipeg, Canada, in September and include prominently the rights and protection of children affected by armed conflict in their policies and programmes

Involved Organizations

Amnesty International

Care International

Women's Commission for Refugee Women and Children

United Nations Children's Fund (UNICEF)

United Nations High Commissioner for Human Rights (UNHCHR)

United Nations High Commissioner for Refugees (UNHCR)

Office of the High Commissioner for Human Rights (OHCHR)

UN Committee on the Rights of the Child

UN Development Fund for Women (UNIFEM)

Save the Children

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Importance of Preventing Conflict through Development, Democracy Stressed, as Security Council Unanimously adopts Resolution 1674 (2006)

<http://www.un.org/News/Press/docs/2006/sc8710.doc.htm>

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Human Rights Commission Research Reports

Human Rights Commission Research Reports

Commission: Human Rights Commission
Sub-forum: Sub-commission II
Issue: The restitution of civil order as a prerequisite for guaranteeing Human Rights in Sri Lanka
Student Officer: Aron Holewinski, President

Background to the conflict

Map of Sri Lanka

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

(War Again 1)

Civil war continues to wrack Sri Lanka after over twenty years of fighting. The Liberation Tigers of Tamil Eelam (LTTE) have been waging a secessionist campaign against the Sri Lankan government, to form a separate state in the north and east for the Tamil minority of the population. As of September, Human Rights Watch estimates that the war has led to over 65,000 deaths (“U.N.” 1). The conflict seemed to submerge after the 2002 cease-fire agreement, but the LTTE withdrew from negotiations in 2003 (A.P. 1).

In April 2004, cadres under Colonel Karuna, the LTTE’s eastern commander, split from LTTE only to unleash chaos and confusion (Amnesty 1). Thousands of LTTE troops

Human Rights Commission Research Reports

supported Karuna, while loyal LTTE troops encroached from the north to restore LTTE control (Amnesty 1). Karuna withdrew into hiding after four intense days of fighting, but his group persists as an independent fighting entity (Amnesty 1). LTTE suspects that the Sri Lankan government finances Karuna's cadres, sustaining a bloody conflict, to undermine their own enemy.

Ever since "the tsunami," 26 December 2004, the conflict has increasingly escalated. The tsunami displaced tens of thousands in the east into refugee camps. While the Post-Tsunami Operational Management Structure (P-TOMS) intends to ensure fair distribution of all aid to affected regions, bickering among the representatives of different political groups stalls the reconstruction effort. Independent Tamil groups dislike the exclusive authority given to the LTTE; the Sri Lankan Muslim government object to their exclusion; and the Sinhala nationalist party heavily criticizes the organization ("Sri Lanka" 1). Worse still, the vying Karuna and LTTE cadres seek to secure more land through violence and intimidation.

Many civilians still in refugee camps find themselves especially vulnerable to LTTE attacks. Sri Lankan security forces have withdrawn their troops due to the risk posed to their own men, leaving the civilians exposed (Amnesty 4).

Human rights abuses

Within the climate of fear and violence multiple human rights abuses occur breaching national and international law.

Child soldiers

The recruitment of child soldiers violates several international agreements. Including the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention on the Rights of the Child, and "Article 38 – Convention on the Rights of the Child" which states that,

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

Human Rights Commission Research Reports

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict. (Convention 38)

The Sri Lankan government, LTTE, United Nations organizations, and independent NGOs, together agreed in 2002 on an “Action Plan for Children Affected by War.”

This plan arranged for the comprehensive release, support, and reintegration into society of child soldiers from the LTTE (Amnesty 6). Unfortunately, the allocated centers to facilitate this process have rarely been used and locals in the east have become skeptical of the entire action plan (Amnesty 6).

Ever since the tsunami, reports have emerged marking the LTTE’s active recruitment of child soldiers. UNICEF marked 483 specific cases in the first nine months of 2005, and assumes that many cases go unreported in fear of retaliation by the LTTE (Amnesty 2). The LTTE refuses to publicly acknowledge the recruitment of child soldiers, further frustrating efforts to improve the situation (Amnesty 2).

Political abductions and killings

LTTE forcibly recruits citizens to bolster its ranks or as a fear tactic. Unfortunately no human rights monitoring agency, has the mandate to monitor the forced abduction of adults (Amnesty 7). Many reports have been filed concerning the horrendous conditions of the LTTE camps, experiencing both torture and maltreatment (Amnesty 7). The Rome Statute considers torture a war crime (Amnesty 7). Article 1.2 of the cease-fire agreement prohibits abductions by either party (Amnesty 7).

Human Rights Commission Research Reports

All concerned parties including Karuna's splinter group, additional Tamil guerilla groups, the Sri Lankan Army, and especially the LTTE have killed for political gain. Innocent victims, standing up for their rights, include journalists, scholars, teachers, farmers, and retirees (Amnesty 2). Civilians feel helplessly trapped within the conflict between the two larger powers (Amnesty 2).

In 2005, President Chandrika Kumaratunga ordered a State of Emergency after the assassination of Sri Lanka's Foreign Minister, Lakshman Kadirgamar (Amnesty 11). Both civilians and human rights defenders feel apprehensive about reporting abuses, under intimidation and threats of retaliation.

Ineffective monitoring

The Sri Lankan government has been ineffective in curbing the violence. Limited measures have been taken such as the establishment of an international monitoring panel under P.N. Bhagawathie, India's former chief justice, as the chair (A.P. 1). Human Rights Watch criticizes that this panel will only be able to monitor the peripheral situation, and allow their targets to manipulate justice through delaying tactics (A.P. 1). In any case, the government fails to provide adequate witness protection.

The National Human Rights Commission has marked a recent increase in the amount of deaths within police custody ("Sri Lanka" 2). While a 2003 commission took certain precautions, such as the establishing the detainee rights to lawyer and family, to see a list of their rights in prison, and to hold command officers responsible for their subsidiaries ("Sri Lanka" 2). Human rights agencies have reported frequent cases of torture, without any form of substantial investigation or punishment ("Sri Lanka" 2).

While other groups do exist to independently monitor the human rights situation, their scope and mandates for action are limited. The Sri Lanka Monitoring Mission, can only record breaches of the cease fire agreement and investigate complaints brought directly to it (Amnesty 2). The United Nations Children Fund (UNICEF), the United Nations High Commission for Human Rights (UNHCHR), and the International Commission for the Red

Human Rights Commission Research Reports

Cross only have relative spheres of investigation (Amnesty 2). Reports are neither centralized nor acted upon.

While a National Human Rights Commission does exist, it can only actively investigate within areas safely controlled by the Sri Lankan government (Amnesty 2).

Call for United Nations Action

The unprecedented levels of violence in Sri Lanka, have spurred human rights agencies to demand further action by the United Nations. Human Rights Watch issued a statement demanding that the UNHCHR broaden its scope beyond Israel, or risk irreparably damaging its credibility (“U.N.” 1). In 2007, the UNHCHR will begin a “universal periodic review,” but this laborious process will take years to cover each nation – perhaps postponing the Sri Lankan situation until its too late (“U.N.” 1). The resurged violence suggests that despite the cease-fire agreement the two parties may be on the road for more war, only to cause more grief.

Position of International Community

The European Union (E.U.) seems most vociferous, in the condemnation of human rights abuses in Sri Lanka. The high commissioner for E.U. external relations issued a statement March 2005, specifically calling for change (“Sri Lanka” 2). The E.U. has since banned all LTTE members from traveling to its nations (“Sri Lanka” 2). After Kadirgamar’s death, and the return to a state of emergency, all four co-chairs of the conference for distributing tsunami aid urged all concerned parties to return to the cease-fire agreement.

Conclusion

Sri Lankan civilians seem caught in the battle of larger political forces. The government has failed to ensure the protection of its citizens, and the unlimited guerilla warfare waged by the LTTE undermines all efforts for peace. No agency can fully grasp the extent of abuse, due to

Human Rights Commission Research Reports

limited mandates. Both parties must return to negotiations to restore respect for the cease-fire agreement, and hopefully to seek a final solution.

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Human Rights Commission Research Reports

Commission:	Human Rights Commission
Sub-forum:	Sub-commission II
Issue:	The restitution of civil order as a prerequisite for guaranteeing Human Rights in Sri Lanka
Student Officer:	Jeeyoon Yu, Rapporteur

General

The conflict between the Sri Lankan government and the LTTE (Liberation Tigers of Tamil Eelam) that has continued since the 1970s is a major factor in the degradation of civil order in Sri Lanka. There has been on-and-off civil war; however, the fighting has caused an immense number of casualties and economic damage, leaving 65,000 people dead since 1983 and bringing great harm to the population and industrial growth of the country. The resumption of major military operations between the Sri Lankan government and the LTTE since April 2006 has placed civilians at greater risk than at any time since the signing of the 2002 ceasefire agreement. Violations of international humanitarian law, including indiscriminate attacks and executions, have resulted in numerous preventable civilian deaths and injuries.

Humanitarian aid is not available to all those who are at risk. Neither the LTTE nor the Sri Lankan government has ensured that humanitarian relief is going to the hundreds of thousands of people who have been compelled to leave their homes through external circumstances or otherwise require assistance. An exodus by international humanitarian organizations is underway, due to attacks focused on aid workers. Problems such as the continued recruitment of child soldiers by the LTTE and government-sponsored violence are rampant. The Human Rights abuses that were widespread in the ceasefire period—politically motivated assassinations and “disappearances”—are increasingly becoming more common. And rising communal violence between Tamils, Sinhalese and Muslims has been exploited rather than subdued by the federal government and the LTTE. Impunity for even the most serious crimes remains the norm in Sri Lanka. Significant progress in conciliation between the two parties or the creation of independent international mechanisms for the effective monitoring of human rights is still very lacking.

There is an urgent need for the immediate establishment of effective human rights protections and independent monitoring to provide safeguards throughout the process towards peace in

Human Rights Commission Research Reports

Sri Lanka. However, as peace cannot be begotten or maintained in the absence of strong and effective protection for the full set of fundamental civil, political, economic, social, and cultural rights as recognized in a broad range of internationally accepted covenants and norms, measures that will aid in the restoration of civil order is essential.

Measures

The September 2006 Human Rights Watch report titled “Improving Civilian Protection in Sri Lanka: Recommendations for the Government and the LTTE” provides adequate recommendations for the process of resolution.

Protection of populations in conflict zones

The first of these recommendation is that “known places of refuge should be provided ahead of an emergency with dry food, water, additional toilet facilities and other necessities to assist at-risk persons until humanitarian assistance can arrive.”

Those who are unable to find refuge away from combat and trapped in a battle zone are put at grave risk. In many cases, obstacles to movement caused by battle, the unpredictability of military operations, and the pragmatic difficulties and costs of leaving their home and possessions discourage families from leaving conflict areas. The Sri Lankan armed forces and the LTTE have obligations under international law to minimize the risk of civilians being caught on the battlefield. Also, the pre-positioning of food and other necessities in areas of refuge is encouraged. During emergencies in Sri Lanka, known places of refuge, typically schools, religious centers, and other public buildings, depend upon the distribution of humanitarian assistance from the government and international relief organizations. In practice, the emergency situation itself often makes the distribution of assistance very difficult, if not impossible. Having non-perishable food, water and sanitation facilities safely in reserve in advance of emergencies would provide local populations at risk with crucial necessities before official relief can arrive.

The Sri Lankan armed forces and the LTTE should, whenever possible, provide effective advance warning of military operations, both broadly through loudspeakers, radio

Human Rights Commission Research Reports

announcements or leaflets, and through direct messages to community leaders. International humanitarian law requires that so long as circumstances permit, warring parties must give “effective advance warning” of attacks that may affect the civilian population. Civilians who do not evacuate following warnings are still fully protected by international law. Thus, even after warnings have been given, attacking forces must still take all feasible precautions to avoid loss of civilian life and property. This includes canceling an attack when it becomes apparent that the target is civilian or that the civilian loss would be disproportionate to the expected military gain.

In addition, the Sri Lankan armed forces and the LTTE should appoint local civilian liaison officers who are known and accessible to a wide range of community leaders and have sufficient rank or clout within their respective forces to ensure that information they receive from at-risk communities gets directed to and is acted upon by the appropriate commanders in the field. The need for better civilian-military communications was recognized after the December 2004 tsunami. The government created Civil-Military Liaison Committees to establish regular communications between the civilian community and the military and facilitate the passage of humanitarian relief during periods of emergency. Unfortunately, there is little evidence that these committees or military civil affairs officers have played a significant role in protecting civilians during the recent hostilities.

Furthermore, the Sri Lankan government and the LTTE should designate demilitarized areas in accordance with international law. The location of demilitarized zones and other safe places of refuge should be disseminated to local commanders, with the recognition that there may be additional places of refuge that still must be protected from attack because of their civilian character. It has long been the practice in Sri Lanka for populations fearing imminent military attack or other violence to seek shelter within their community at a local religious center or school, usually one representing their particular ethnic group. Having the Sri Lankan armed forces and the LTTE designate such places as demilitarized zones—and honor those commitments—would allow these areas to provide civilians greater protection.

Human Rights Commission Research Reports

International humanitarian law provides for the creation of demilitarized zones, which are areas agreed upon by the parties to a conflict that cannot be occupied or used for military purposes. Attacking a demilitarized zone is a blatant violation of international humanitarian law.

Communication channels need to be kept open for religious and community leaders in demilitarized zones and other known places of refuge to contact, directly if possible, local military commanders on both sides. During the major fighting, local religious and community leaders have great difficulty contacting military commanders from both the government and the LTTE, hindering efforts to get food, water and medicines to the general population. Non-governmental organizations complained that the military did not respond to phone calls, faxes or emails. The telephone system, both land lines and cell phones, was not functioning for more than a week. The government reportedly blocked the mobile networks to prevent the LTTE from using them to better target their attacks. For local leaders overseeing the security of civilians in religious centers and schools, being able to contact military commanders on both sides to alert them to the presence of civilians and their emergency concerns can be vital for survival.

The Sri Lankan government should provide or facilitate trauma counseling to communities affected by armed hostilities or serious human rights abuses. The LTTE should facilitate sponsored trauma counseling in violence-affected areas under LTTE control.

The psychological impact of armed combat or serious rights abuses can affect communities long after the incidents occur. Human rights groups investigating abuses in Sri Lanka were told by church and community members of the population's need for counseling to address the trauma experienced. Children in the community, for instance, were unwilling to attend school, not only because of fear of new fighting and harassment at military checkpoints (one of the largest schools was next to a military camp), but because they were simply unable to concentrate on their studies.

In the event of continued hostilities, the Sri Lankan government and the LTTE should seek to reach a special agreement in accordance with the Geneva Conventions to implement the recommendations above on the protection of civilians in the battle zone.

Human Rights Commission Research Reports

Protection of displaced persons

The renewed armed conflict in Sri Lanka has displaced more than 220,000 people. While some have moved in with relatives elsewhere in the country, many have gone to displaced persons camps or other places of refuge. Many survive in uncertain circumstances in LTTE-controlled areas. In addition, the country has a large population of persons displaced from fighting that occurred years earlier and from the devastating 2004 tsunami. Existing populations of displaced persons in Sri Lanka have always been especially vulnerable when hostilities resurface. In fact, many displaced persons have been forced to flee from one location to the next on multiple occasions. The camps are typically miserable, with overcrowding and insufficient food, clean water, sanitation, health care or education facilities.

The Sri Lankan government retains primary responsibility for ensuring the protection and security of displaced persons within the country. The LTTE is responsible for the protection of displaced persons in areas under its control.

In addressing the concerns of displaced persons, including those displaced by the 2004 tsunami, the government and the LTTE should act in accordance with the UN Guiding Principles on Internal Displacement. International humanitarian law prohibits parties to a conflict from displacing civilians under their control unless the security of the civilians involved or imperative military reasons so demand. Imperative military reasons cannot be justified by political motives or used to persecute the civilians involved. Whenever displacement occurs, the responsible party must take all possible measures to ensure that the displaced population receives satisfactory conditions of shelter, hygiene, health, safety and nutrition, and that family members are not separated. All parties must permit humanitarian assistance to reach the displaced population, as they must in respect of all civilians.

The Sri Lankan armed forces and the LTTE must not place displaced persons at risk by hindering or redirecting their free movement except for valid security reasons. They must permit displaced persons freedom of movement; the UN Guiding Principles on Internal Displacement provide that every internally displaced person has the right to liberty of movement and the right to seek safety in another part of the country. In addition, no one shall be subjected to arbitrary arrest or detention. Attacks or other acts of violence against

Human Rights Commission Research Reports

internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances.

The government and the LTTE have a responsibility to protect displaced persons in all areas under their control. They must take proactive measures to ensure that displaced persons are not discriminated against on the basis of ethnicity or religion.

Specifically they must act to ensure that persons in flight are able to find safety. International humanitarian law prohibits adverse distinctions made on the basis of language, religion, race, sex, and political opinion, among other criteria. All possible measures must be taken to ensure that displaced persons receive satisfactory conditions of shelter, hygiene, health, safety and nutrition, and that members of the same family are not separated.

All returns of displaced persons should be genuinely voluntary, in safety and with dignity, in accordance with the UN Guiding Principles on Internal Displacement. The UN Guiding Principles on Internal Displacement provide that competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow displaced persons “to return voluntarily, in safety and with dignity” to their homes. Special efforts should be made to ensure the full participation of displaced persons in the planning and management of their return.

For example, on September 7, the Sri Lankan government announced it had sent 170 buses to the camps in Kantale to transport the approximately 15,000 to 25,000 displaced persons back to their homes in and around Muttur. A government spokesman said that the request for buses came from the displaced persons themselves. While representatives for the displaced persons said that all wanted to return to their homes, many families wished to wait until they could be sure the area was safe and that renewed fighting was unlikely. Local sources reported that a Ministry of Defense official contacted by Muslim community leaders justified the returns at this time, saying that because the military had cleared Muttur of the LTTE, civilians should now be going back. The official said that government ministers would go to Muttur to ensure their safety and thought that it would be a disgrace for the government to keep Muslims from Muttur in Kantale as displaced persons.

Human Rights Commission Research Reports

According to Refugees International, the population that had fled to Kantale was “forced back to Mutur on September 6 and 7 in a government organized return that in effect removed them from temporary shelters, however inadequate, in safe locations with basic services to temporary shelters with virtually no services in what remains a tense zone of potential conflict.” Refugees International found the returns to Mutur to be problematic because of the threat of renewed hostilities, the likelihood that unexploded ordnance remained, the lack of habitable homes or temporary shelter and the shortage of government and international emergency assistance.

Ensuring humanitarian access

The Sri Lankan government and armed forces and the LTTE should communicate more closely with UN aid agencies and other humanitarian organizations to improve access to populations in conflict areas, ending unnecessary interference with humanitarian access. International humanitarian law requires parties to a conflict to allow and assist impartial humanitarian agencies to supply food, medical supplies and other essentials to civilians at risk. The parties must consent to allowing relief operations to take place, but they may not refuse such consent on arbitrary grounds. They can take steps to control the content and delivery of humanitarian aid, such as to ensure that consignments do not include weapons. However, deliberately impeding relief supplies is prohibited. The Sri Lankan government and armed forces and the LTTE should instruct civilian officials and military commanders in the field to allow all humanitarian convoys access to civilians and only refuse access when a specific security reason requires otherwise. Refusals for valid security reasons should only be for as long as necessary, and may delay but should not block legitimate humanitarian assistance.

Threats and violence against NGO workers should be stopped. The Sri Lankan armed forces and the LTTE should use all available means to instruct their forces to respect and protect humanitarian aid personnel, their facilities, supplies and their transportation. Personnel who commit abuses against humanitarian organizations and their staff should be held criminally accountable. Serious threats and violence against NGO workers have impaired the delivery of humanitarian assistance and compelled the United Nations and international NGOs to consider suspending operations in Sri Lanka.

Human Rights Commission Research Reports

On May 21, 2006, unidentified persons threw grenades at the compounds of three international groups, Inter SOS, ZOA, and the Nonviolent Peaceforce. One international staffer from the Nonviolent Peaceforce and two local passersby were injured in the attack on the Nonviolent Peaceforce office. There have also been several killings of local relief agency staff in recent months in which the responsibility and motives are unclear. Extremist Muslim groups and the LTTE appear to have been behind threats against women NGO workers in the east in April. Leaflets were circulated in Tamil and Muslim areas telling women not to work for non-governmental organizations. The leaflets claim that such women are sexually harassed and have become promiscuous, leading to their participation in pornographic videos and an increase in the number of abortions.

While the Sri Lankan government may regulate NGO activities, it should do so in a manner that is in accordance with international standards, is transparent and provides clearly defined procedures. Registration should ultimately facilitate the work of NGOs.

It should neither disrupt legitimate NGO activities nor put NGO workers at risk. Humanitarian organizations, including UN agencies, have had particular difficulty gaining access to LTTE-controlled areas to provide relief. Military checkpoints have routinely imposed registration requirements beyond those required by the Ministry of Defense, demanding that the NGOs and their vehicles, instead of just their expatriate staff, be registered with the MoD. They have also demanded that local NGO workers be registered, which is also not required, and threatened them with arrest when they failed to provide such documentation. The military has used these non-existent requirements to turn away NGOs at checkpoints and prevent them from providing assistance. On August 8 the Ministry of Defense issued a letter addressing the above problems at checkpoints with the intention of correcting them. The new registration requirements have proven to be extremely disruptive of humanitarian activities during a period of great humanitarian need. The government denies that the new requirements, imposed suddenly and apparently without careful planning, were a form of harassment of international NGOs. The Colombo-based Centre for Policy Alternatives (CPA) has criticized the government for placing obstacles that have hampered effective and efficient delivery of humanitarian assistance in the path of aid agencies. The CPA found that government-imposed restrictions, including delays in issuing work permits and travel restrictions in both government and LTTE controlled areas, created “a climate of

Human Rights Commission Research Reports

confusion” that constrained the delivery of humanitarian assistance. Relief agencies have drawn a connection between these registration difficulties and harassment and threats to which their staff members in the field have been subjected.

Promotion compliance with international Humanitarian Law

Since the renewal of major military operations in April 2006, the Sri Lankan armed forces and the LTTE have been implicated in serious violations of international humanitarian law, which are war crimes.

The limited information available on specific incidents makes conclusive findings difficult. However, existing evidence of violations of international law requires that parties to the conflict undertake serious investigations, act to hold those responsible accountable and introduce measures to prevent future violations. The Sri Lankan armed forces have engaged in indiscriminate shelling and aerial bombing, attacking targets with insufficient regard as to whether civilians would be harmed. They have engaged in “disappearances” and summarily executed people in their custody. The LTTE has directly targeted civilians with Claymore mines and suicide bombings, and summarily executed those in their custody. In at least one instance it has used civilians as human shields and blocked water to a civilian population. The conflict between the Sri Lankan government and the LTTE is considered a noninternational armed conflict under international humanitarian law.

The Sri Lankan armed forces and the LTTE must cease attacks directed against civilians. This message must be conveyed in the strongest terms to both senior military commanders and lower-ranking personnel. They also should cease all attacks that cannot be directed at a specific military target or that would cause disproportionate civilian loss. International humanitarian law prohibits attacks that are not directed at a specific military target, or make use of a weapon or method of combat that cannot be directed at a specific military target. Also prohibited are attacks on military targets that would be expected to cause loss of civilian life disproportionate to the concrete and direct military advantage anticipated.

Human Rights Commission Research Reports

After the LTTE forcibly captured Mutur on August 2, about two dozen LTTE cadres remained within the town, reportedly searching for people with connections to the military. The Sri Lankan armed forces responded with heavy shelling from three military camps, including by Multi-Barrel Rocket Launchers (MBRLs) fired from the Trincomalee naval dockyard. Over several days the Sri Lankan armed forces repeatedly shelled the town with apparently little regard for the civilian population, which had largely fled to local religious centers and schools in the town. Residents reported that most of the civilian casualties during the fighting—which resulted in more than 49 civilian deaths and many more injured—were from the military’s shelling of the town. About half the civilian deaths occurred in religious centers and schools which the military had reportedly been informed were being used as places of refuge.

The Sri Lankan armed forces and the LTTE must do everything feasible to verify that they are attacking military targets, not civilians, and take all feasible precautions in conducting attacks to avoid loss of civilian life and property. In its conduct of aerial bombing, the Sri Lankan air force should institute measures to ensure that its information on military targets is current and accurate.

The tragic circumstances of attacks underline the failure of both sides to take all feasible precautions to minimize harm to civilians. The LTTE, by assembling a large group of civilians in an unexpected place in the midst of a bombing campaign, appears to have unnecessarily put the young women at grave risk. The Sri Lankan military at a minimum directed an attack on a building without taking all feasible precautions to determine whether those inside were combatants or civilians. At worst, the military knowingly bombed people and a building that had protected civilian status. In conducting military operations, each party to the conflict must do everything feasible to verify that targets are military objectives. Additionally, all feasible precautions must be taken to avoid loss of civilian life and property.

The Sri Lankan armed forces and the LTTE must instruct commanders at all levels never to use civilians as shields, which is a war crime. Any combatant that uses or attempts to use human shields should be held fully accountable. Attacks on combatants using civilians as shields may not cause disproportionate civilian harm. Intentionally using the presence of civilians to render certain points, areas or military forces immune from military attack is considered “shielding.” While it may be unlawful to place forces, weapons and ammunition

Human Rights Commission Research Reports

within or near densely populated areas, it is only considered shielding when there is a specific intent to use the civilians to deter an attack. Each party must take all feasible precautions to protect the civilian population and civilian objects under their control from the effects of attacks. The Sri Lankan armed forces and the LTTE must instruct commanders at all levels to protect civilians from the effects of attacks, such as by helping civilians withdrawal to safe places, providing accurate information about the military situation, and, to the extent feasible, avoiding placing their military forces within or near populated areas. They also should not attack or otherwise intentionally disrupt objects and infrastructure indispensable for the survival of the civilian population, such as food supplies, agricultural areas, crops, livestock, water installations, irrigation works and the like.

The LTTE and the Karuna group must immediately stop the recruitment of children into their armed forces and release those already in their ranks. The Sri Lankan government, police and armed forces must take urgent measures to obtain the release of persons arbitrarily detained by the Karuna group, including all children. Police who fail to take action against criminal activity by the Karuna group should be held accountable.

Since June 2006, the Karuna group abducted more than 100 boys for their forces from several towns in Batticaloa district. After a decline in reported abductions in July, abductions by the Karuna group rose sharply in August after fighting between government forces and the LTTE intensified. Local human rights groups said that the location, time and manner of the abductions—all in government-controlled territory—strongly indicate that the abductors were from the Karuna group and not members of the LTTE. Many of the youths abducted are known to be in Karuna camps, located either in government-controlled territory or in the “no-man’s land” between government and LTTE forces, with government military camps nearby. In order to travel to these areas, the abductors would likely have had to pass through multiple Sri Lankan military checkpoints, suggesting that military officials were aware of the abductions. Some parents have visited their children at the Karuna camps and have even received “payments” (koduppanavu) for their children’s services. Some of these children have reportedly been deployed in military operations against the LTTE within weeks of being abducted. In many cases family members have registered complaints with local police, but no action is known to have been taken. In some instances, the police refuse to record the abductions, saying it was “not necessary.” Parents who have filed complaints reportedly received threats soon after from the Karuna group, suggesting linkages with the police.

Human Rights Commission Research Reports

The LTTE has a long history of recruiting children as soldiers and continues to do so in areas it controls. A Human Rights Watch report published in November 2004 documented LTTE recruitment of thousands of children since the beginning of the 2002 Ceasefire Agreement. The report found that the LTTE often used threats, intimidation and sometimes abduction to bring children into its ranks. Prior to the ceasefire, children were routinely used in combat, and often deployed on suicide missions.⁶⁸ During 2006, UNICEF reported that it had received an average of about reports per month of children being recruited into the LTTE forces, though the actual figure is believed to be several times higher. The recruitment of children under the age of 18 by non-state armed groups contravenes international law. It prohibits any participation of children in active hostilities in the armed forces of states and in non-state armed groups. States are required to take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices. The recruitment of children under the age of 15 is a war crime.

Promotion of adherence to international Human Rights standards

Serious human rights abuses by the Sri Lankan security forces, the LTTE and other armed groups have continued since the resurgence of fighting. The LTTE has been implicated in more than 200 killings since the 2002 ceasefire, often of Tamils considered to be LTTE opponents, and continues to engage in targeted attacks. The LTTE and the Karuna group frequently engage in tit-for-tat murders, with the victims often having at most a distant connection to either group. Government security forces have been implicated in several massacres since the beginning of 2006, as well as a number of “disappearances.”

The Sri Lankan government, the LTTE and all armed groups must stop extrajudicial killings and hold those responsible accountable. The government must investigate all alleged political killings and fully and fairly prosecute those implicated. Extrajudicial killings by the LTTE, the Karuna group and other armed groups occurred with great frequency throughout the ceasefire period, perhaps totaling 300.⁷² The great majority of the victims have been Tamils who were viewed as political opponents of the LTTE, or a member—or somehow connected to a member—of one or another group. In the past year, government security forces have increasingly been implicated in extrajudicial killings.

Human Rights Commission Research Reports

Philip Alston, UN Special Rapporteur on extrajudicial executions, summed up the broader social impact of the widespread killings in his March 2006 report to the UN Commission on Human Rights: The social consequences of these political killings are... exponentially more severe than those that would follow from a comparable number of common crimes or random ceasefire violations. The purpose of these killings has been to repress and divide the population for political gain. Today many people—most notably, Tamil and Muslim civilians—face a credible threat of death for exercising freedoms of expression, movement, association, and participation in public affairs. The role of political killings in suppressing a range of human rights explains why members of civil society raised this more than any other issue.

The Sri Lankan government and the LTTE should take all steps necessary to bring an end to the practice of “disappearances.” Investigate all cases of enforced disappearance and continue the investigation until the fate of the victim is clearly and publicly established. Hold accountable all those who order or carry out “disappearances.” During two decades of civil war, more than 12,000 cases of “disappearances” have been reported to the UN Working Group on Enforced or Involuntary Disappearances. Virtually all of those since 1990 have occurred in the context of the armed conflict between the government and the LTTE. In about 5,000 of those cases, the victim has been confirmed dead; in most of the others there has been no resolution. Few cases have been prosecuted.

The Sri Lankan government should repeal or amend the Emergency Regulations of 2005 to comply with international human rights standards. Until they are so revised, local authorities must fully comply with the protections provided to persons detained under the regulations and under international human rights standards. The government should carry out an awareness campaign targeting all police stations to ensure that those detained are receiving the security guarantees provided in the regulations. Following the assassination of Foreign Minister Lakshman Kadirgamar in August 2005, the government enacted emergency regulations drawn from the Emergency Regulations of 2000. The vaguely worded regulations enhance the powers of the police and military to arrest and detain persons suspected for a wide range of acts. The authorities may search, detain for the purpose of a search and arrest without a warrant any person suspected of an offense under the Emergency Regulations. Persons arrested must be turned over to the police within 24 hours and their family provided an “arrest receipt” acknowledging custody.

Human Rights Commission Research Reports

Detentions are for up to 90 days. Additionally, the secretary of defense may order persons held in preventive detention for up to one year. There is no requirement that authorized places of detention be published. The Emergency Regulations on their face raise important due process concerns. As the regulations are implemented, the concerns become magnified. The military and the police routinely detain Tamils suspected of involvement with the LTTE under the Emergency Regulations. The safeguards provided in the regulations are often ignored: family members of those taken into custody are not given arrest receipts; and, the 90-day limit on detentions has little importance because police can easily get remands from magistrates, effectively permitting indefinite detention.

The International Covenant on Civil and Political Rights, to which Sri Lanka is party, permits limitations on some rights during periods of national emergency. However, such measures are limited to the extent strictly required by the exigencies of the situation.

Certain basic rights, such as the right to life and to be free from torture and other cruel, inhuman or degrading treatment, may never be restricted. The principles of legality and the rule of law require that the fundamental requirements of a fair trial be respected even under emergency regulations.

The Sri Lankan government should take steps to ensure the implementation of the Presidential Directives on the Arrest or Detention of Persons, including providing all police stations with the directives in Tamil and Sinhala, ensuring the availability of receipt books, and conducting appropriate training and follow-up to ensure their proper use. Appropriate action should be taken against station officers who fail to implement the directives. Police stations without Tamil speakers should establish contacts with appropriate civil society groups who can provide Tamil language assistance. Local offices of the Human Rights Commission should monitor police compliance with the directives. Illegal arrests and detentions are a widespread problem. On July 7, in response to public concerns, the government re-issued the Presidential Directives on the Arrest or Detention of Persons. The directives restate the statutory authority of the Human Rights Commission of Sri Lanka to monitor the welfare of persons detained through regular inspections of places of detention and require that the police inform the commission within 48 hours of all arrests and detentions. The police must also provide relatives of persons arrested with receipts, though in Batticaloa, for instance, families have

Human Rights Commission Research Reports

been routinely denied receipts for the arrests. Many police stations are believed not to have copies of the directives (which were in legal force but widely ignored before they were reissued). On July 19, a ministerial body issued a statement calling for the implementation of the Presidential Directives.

The government should request that the United Nations establish an international monitoring mission in Sri Lanka with the capability to monitor and publicly report on the human rights situation in conflict-affected areas of the country, in particular the north and east and in Colombo. The LTTE should express support for such a monitoring mission. The failure of the 2002 Ceasefire Agreement to bring an end to serious human rights abuses by the LTTE, government security forces and various armed groups demonstrates the need for greater human rights monitoring in the country. For reasons of access and safety, domestic human rights organizations cannot carry this burden on their own. The Sri Lanka Monitoring Mission was established under the Ceasefire Agreement to monitor ceasefire violations, including “torture, intimidation, abduction, extortion and harassment” of civilians, by the government and the LTTE, which it has done under increasingly difficult circumstances. However, the SLMM has neither the mandate nor the capability to fully investigate the increasing number and range of human rights abuses.

The decision by Denmark, Finland and Sweden to withdraw their monitors on September 1 after the LTTE called for the expulsion of all monitors from European Union countries sharply reduced the SLMM contingent—from 57 to about 30 expatriate staff—stretching further the SLMM’s monitoring capabilities.

Human Rights Watch, along with many Sri Lankan and international human rights organizations, has called for the establishment of an international human rights monitoring mission under the auspices of the Office the United Nations High Commissioner for Human Rights. Such a mission would have the mandate and expertise to monitor human rights abuses and humanitarian law violations by all sides throughout government and LTTE-controlled areas in the north and east, as well as in Colombo.

Human Rights Commission Research Reports

A UN human rights monitoring mission in Sri Lanka would be best placed to deter abuses through the active presence of international monitors; to thoroughly, impartially and independently investigate alleged abuses by all sides and report publicly on its findings; and to support efforts of governmental and nongovernmental entities to hold accountable those responsible for abuses. Such a monitoring mission could help support and build the capacity of the Sri Lankan Human Rights Commission and other human rights organizations in the country to strengthen human rights monitoring over the long term.

Prevention of communal violence

Since April 2006, there has been an increase in communal violence among the country's Sinhalese, Tamil and Muslim communities which the government and the LTTE have sought to use for their own advantage.

The Sri Lankan government and LTTE should give full recognition to local efforts by civilians to establish or revive inter-ethnic networks, such as citizens' or peace committees, to address ethnic concerns and help defuse communal tension. They should engage with these networks to find ways to reduce dangers to the civilian population. Both sides should take measures to stop threats and violence against committee members and take appropriate action against members of their forces responsible. The Mutur area in Trincomalee district has long been the scene of ethnic violence between the Tamil and Muslim populations, which are about equal in size. The situation is complicated by the area's proximity to the boundary between government and LTTE-controlled areas. Beginning in December 2005 there was a series of ethnic killings and reprisals that threatened to lead to more widespread violence. The Mutur peace committee, working with the Sri Lanka Monitoring Mission and non-governmental organizations, often intervened to stop the cycle of violence. Inter-ethnic networks called citizens' committees or peace committees have been established in a number of areas with mixed ethnic populations. These networks typically consist of local religious and community leaders of high standing. When effective, they can play an important role in defusing tensions and quashing rumors likely to incite or exacerbate ethnic violence, alerting members of other communities to possible violence, and taking measures during outbreaks of violence to help protect individuals from other communities at particular risk. Unfortunately many peace and

Human Rights Commission Research Reports

citizens' committees have become inoperative in recent months because of threats against their members.

The Sri Lankan government and armed forces should ensure that senior civilian and military officials serving multiethnic communities are genuinely sensitive to the concerns of all communities and have the ability, including necessary language skills, to do their job effectively. To prevent communal violence from occurring, the government has a responsibility to appoint senior police officials who are both committed to protecting all members of society and who are viewed as playing such a role. Particularly in the north and east, a demonstrated commitment and openness to all communities—and Tamil language ability—should be important considerations for senior appointments.

Putting a stop to impunity

Since the beginning of the civil war more than two decades ago, successive Sri Lankan governments have failed to prosecute those in the security forces responsible for serious human rights violations and war crimes. LTTE personnel responsible for abuses also go unprosecuted. Perhaps more than anything else, impunity for human rights violations has helped to perpetuate the cycle of violence and reprisal that continues to plague the country. Sri Lanka has a sorry history of initiating investigations and then letting them slowly fade and disappear. A constant excuse given by the government is the unwillingness of eyewitnesses to come forward, a circumstance that is directly related to the free rein allowed to abusive members of the security forces, as well as the inability of the justice system to provide adequate witness protection. Instead of assisting witnesses to come forward, state investigators have often tried to discourage them from testifying or sought to discredit them. To date, there is little indication that prosecutions will be forthcoming in these or any of the other recent cases if there is evidence that the security forces may be responsible.

The government should promptly enact a witness protection law and establish an adequately funded witness protection program. Until it does so, the government should adopt measures to ensure that witnesses, victims and others who are at risk be provided protective measures and security arrangements, counseling and other appropriate assistance. Sri Lanka does not have a witness protection law or program. Witnesses in criminal cases implicating members of the

Human Rights Commission Research Reports

security forces have long been targeted for threats, harassment and violence. While taking legal action against those who threaten harm to witnesses is absolutely necessary, a witness protection program would help deter abuses before they happen and hopefully encourage witnesses to come forward.

The president should end the constitutional impasse that has prevented the appointment of commissioners to the Human Rights Commission and the Police Commission, and the government should ensure that the Human Rights Commission has sufficient competent staff and resources to investigate serious human rights abuses and assist in the prosecution of those responsible. The effectiveness of the Sri Lankan Human Rights Commission has been undermined by a constitutional impasse that has prevented the proper appointment of new commissioners (the president has appointed commissioners outside of the constitutional process). In some cases, field offices of the Human Rights Commission have played an important role in providing a measure of protection to victims of rights abuse and their families by proactively investigating cases and making use of all the investigation and protection powers conferred on them by the Human Rights Commission statute. This has proven especially difficult without the presence of constitutionally appointed commissioners since early 2006.

The government should create a competent, independent and impartial unit within the National Police Commission to investigate serious human rights violations by members of the police force. The Sri Lankan Police Commission is empowered to investigate wrongdoings by members of the national police force. To date, Police Commission investigations have conflicted with the commission's primary role of providing for the welfare of members of the police force. The independence of the current police commissioners has also been called into question by the president's appointment of commissioners outside of the process required under the constitution.

The government should invite the UN High Commissioner for Human Rights to send a commission of inquiry to investigate the most egregious human rights and humanitarian law violations. On September 4, President Rajapakse announced that the government would invite an independent international commission to probe abductions, "disappearances" and extra-judicial killings in all areas in the country. "[I]nternationally reputed judges, human rights activists and civil society representatives" would be invited to form the commission. The

Human Rights Commission Research Reports

president said such a commission “was essential in the light of attempts being made in various quarters to discredit the government, security forces and the police.” On September 10, the government announced that President Rajapakse had decided instead to appoint a five-member Special Presidential Commission of inquiry, consisting of three Supreme Court judges and two other Sri Lankans, to investigate selected high profile cases. International participants will act only as observers to the commission. Initiatives to bring in foreign experts to conduct independent investigations of human rights abuses are welcomed. The best way to ensure an independent, impartial and effective investigation is to invite a commission of inquiry under the auspices of the UN High Commissioner for Human Rights.

Important Treaties and Resolutions

1948: Universal Declaration of Human Rights; first international document that states that all human beings are “equal in dignity and rights.” (Article 1) Everybody is entitled to the rights in the Declaration, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (Article 2)

1949: Adoption of the Geneva Conventions, consist of four treaties formulated in Geneva, Switzerland, that set the standards for international law for humanitarian concerns and recognition of the International Humanitarian Law; known as the “law of war”, the “laws and customs of war” or the “law of armed conflict,” is the legal corpus comprised of the Geneva Conventions and the Hague Conventions, as well as subsequent treaties, case law, and customary international law; defines the conduct and responsibilities of belligerent nations, neutral nations and individuals engaged in warfare, in relation to each other and to protected persons, usually meaning civilians.

1966: Creation of the International Covenant on Civil and Political Rights, monitored by the Human Rights Committee, a group of 18 experts who meet three times a year to consider periodic reports submitted by member States on their compliance with the treaty; contains two Optional Protocols: the first optional protocol creates an individual complaints mechanism whereby individuals in member States can submit complaints, known as communications, to be reviewed by the Human Rights Committee. Its rulings under the first optional protocol

Human Rights Commission Research Reports

have created the most complex jurisprudence in the UN international human rights law system. The second optional protocol abolishes the death penalty.

1977: Addition of protocols to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

1997: Adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer or Anti-Personnel Mines and on Their Destruction (“Ottawa Convention”), and the Mine Ban Treaty, the international agreement that bans antipersonnel landmines. The treaty is the most comprehensive international instrument for ridding the world of the scourge of antipersonnel mines. It deals with everything from mine use, production and trade, to victim assistance, mine clearance and stockpile destruction.

2002: Adoption of the Ceasefire Agreement; the agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, signed on February 21, 2002, had the stated objective to “find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.” The agreement set up modalities of the ceasefire, measures to restore normalcy, and the Sri Lanka Monitoring Mission. (Accessible at <http://www.slmm.lk/documents/cfa.htm>)

2006: UN Security Council Resolution 1674 on the protection of civilians in armed conflict reaffirms that “parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians.” This briefing paper assesses recent conduct of hostilities by both the government and the LTTE, identifying areas in which they have failed to meet this responsibility; reaffirmed that “ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses.”

Involved Organizations

Human Rights Commission Research Reports

Human Rights Watch

United Nations Children's Fund (UNICEF)

Save the Children

International Committee of the Red Cross

Liberation Tigers of Tamil Eelam

Sri Lankan Government

Sri Lanka Monitoring Mission (SLMM)

Nonviolent Peaceforce

Colombo-based Centre for Policy Alternatives (CPA)

Websites

Asian Perspectives: Focus on Sri Lanka. Seminar sponsored by The Asia Foundation. 1998.

<http://www.asiafoundation.org/pdf/focusonsrilanka.pdf>

Human rights and the peace process in Sri Lanka: A civil society appeal

<http://www.sacw.net/peace/citizAppealSLanka062003.html>

Human Rights Watch Publications Asia: Sri Lanka

http://hrw.org/doc/?t=asia_pub&c=slanka

Improving Civilian Protection in Sri Lanka: Recommendations for the Government and the LTTE

<http://www.hrw.org/background/asia/srilanka0906/srilanka0906web.pdf>

International Federation of Red Cross. Sri Lanka: Civilian Displacement. 2006.

<http://www.ifrc.org/docs/appeals/rpts06/SLdi05050601.pdf>

Military: Liberation Tigers of Tamil Eelam (LTTE), World Tamil Association (WTA), World Tamil Movement (WTM), Federation of Associations of Canadian Tamils (FACT), Ellalan Force

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

Human Rights Commission Research Reports

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http://www.nvpf.org/np/english/srilanka/slqreport1_4.asp.html

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http://www.mod.gov.lk/main_res.asp?fname=faqs

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UN Commission on Human Rights, 43rd Session: February 1987

<http://www.tamilnation.org/unitednations/uncom87.htm#Resolution>