

Montessori Model United Nations

MMUN 2012



Human Rights Council

HRC

Dear Delegates,

It is my pleasure to welcome you to the 2012 Montessori Model UN and specifically to the United Nations Human Rights Council, commonly referred to as the UNHRC. The following pages intend to guide you in the research of the topics that will be debated at the MMUN 2012 in committee sessions. Please note - this guide only provides the basis for your inquiry. It is your responsibility to find as much information necessary on both the topics - how they relate to the country you represent. Such information should help you write your Position Paper, where you need to cite the references in the text and finally list all references in the Modern Language Association or MLA format.

The MLA format may or may not be strictly adhered to in this Background Guide because the primary purpose is to provide you with the initial launching pad to pursue your research on the two topics. The more information and understanding you acquire on the two topics, the more you will be able to influence the Resolution writing process – through debates [formal and informal caucuses], and the MMUN experience as a whole. Please feel free to contact me if and when you face challenges in your research or formatting your Position Papers.

I encourage you to learn all you can about your country first with regard to the two selected topics and both committee members need to be well versed in each topic.

I'll be serving the Dias six years and as a President of a committee, for five years in a row. Do make sure you research the two topics thoroughly. This will not only help you write your Position Papers, but will enable you significantly to influence the decision making process during the Resolution writing process when you come to the conference committee sessions next year.

Enjoy researching and writing your Position Papers. We look forward to seeing you in New York!

Lalit Ecka, Dr.PH.

President

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MONTESSORI MODEL UNITED NATIONS 2012



History:

The UN Human Rights Council was created by [Resolution 60/251](#) of the UN General Assembly on March 15, 2006. It began its work on June 19, 2006. The Council replaced the discredited UN Commission on Human Rights.

On March 15, 2006, one hundred seventy United Nations member states agreed to establish a new Human Rights Council to replace the [UN Commission on Human Rights](#) (UNCHR) which had fallen under the sway of human-rights abusers that became members solely to prevent the Commission from taking effective action against them. Six of the 53 UNCHR members—China, Cuba, Eritrea, Saudi Arabia, Sudan, and Zimbabwe—were classified as some of the world's "worst of the worst" abusers of human rights by Freedom House in 2005. In 2005, UN Secretary General [Kofi Annan](#) suggested that the Commission should be disbanded and replaced with a smaller Council that would stand as a "society of the committed." A year of intense negotiations resulted in the creation of the Human Rights Council, which held its inaugural election of 47 members on May 9, 2006, and its first meeting in Geneva on June 19.

Purpose and mission statement:

The Human Rights Council is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The Council was created by the UN [General Assembly](#) on 15 March 2006 with the main purpose of addressing situations of human rights violations and make recommendations on them.

- The resolution creating the Council gave it the following main responsibilities:
- to promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner;
 - to address situations of violations of human rights, including gross and systematic violations;
 - to promote effective coordinating and mainstreaming of human rights within the United Nations system;

- to promote human rights education and learning, advisory services, technical assistance, and capacity building;
- to serve as a forum for dialogue on thematic issues on all human rights;
- to make recommendations to the UN General Assembly for the further development of international law in the field of human rights
- to promote the full implementation by UN member states of their human rights obligations and commitments;
- to undertake a universal periodic review of every UN member state's fulfillment of its human rights obligations and commitments; and
- to contribute, through dialogue and cooperation, toward the prevention of human rights violations and respond promptly to human rights emergencies.

The resolution requires that the Council's work "shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhance the promotion and protection of all human rights. . . ."



Membership and authority:

The 47 seats on the new Council are apportioned as follows: 13 seats to Africa; 13 seats to Asia and the Middle East; 8 seats to Latin America and the Caribbean; 6 seats to Eastern Europe; and 7 seats to the combined grouping of West European countries and what the UN refers to as the "Others Group." The "Others Group" includes the U.S., Canada, Australia, and New Zealand. Thus the countries included in the categories of Africa, Asia and the Middle East together account for 55 percent of the Council seats while only 21 percent of all such countries were rated "free" in 2005, according to Freedom House. (View a [list of the current Council members](#), by regional grouping and with information relevant to their human rights records.)

To become a member, a country must receive the votes of at least 97 of the 192 states of the UN General Assembly (an absolute majority). In electing Council members, the resolution provides that General Assembly members "shall take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto." An additional consideration should be whether the given candidate country can meet the obligations of Council membership, which include (a) "to uphold the highest standards in the promotion and protection of human rights" and (b) to "fully cooperate with the Council."

Analysis:

The Human Rights Council was touted as a major improvement over its predecessor, the Commission on Human Rights, which had been discredited by its poor membership and performance. In recent years, the Commission included some of the world's worst human rights violators, and was known for its obsessive and unbalanced condemnation of one country—Israel. (Read more about [the Commission's anti-Israel bias](#).) Even UN Secretary-General Kofi Annan recognized, in 2005 that the Commission's "credibility deficit" was "cast[ing] a shadow on the reputation of the United Nations system as a whole."

The three principal regional human rights instruments are the [African Charter on Human and Peoples' Rights](#), the [American Convention on Human Rights](#) (the Americas) and the [European Convention on Human Rights](#). There are no Asia-wide organizations or conventions to promote or protect human rights. Countries vary widely in their approach to human rights and their record of human rights protection. There are no regional approaches or agreements on human rights for Oceania, but most countries have a well-regarded human rights record. However, incorporated into the 2005 [Pacific Plan](#), is the commitment to a plan of "defense and promotion of human rights" in the region. The idea of an institutionalized regional human rights framework is ongoing, with an objective to establish an ombudsman and security structures that goes beyond the [Pacific Islands Forum](#).^{[8]^[59]}

Australia is the only western democracy with no constitutional or legislative bill of rights, but a number of laws have been enacted to protect human rights and the Constitution of Australia has been found to contain certain implied rights by the High Court. However, Australia has been criticized at various times for its immigration

policies, treatment of asylum seekers, treatment of its indigenous population, and foreign policy.

Suggested References:

- The United Nations Today, United Nations, New York, 2008
- UNHRC
- UNHRC Extranet
- UNHRC News Focus
- UN Watch

TOPIC I: *Assisting Somalia in Human Rights*



Introduction:

In the nation of Somalia, human rights violations continue to rise alongside political, economic and social turmoil facing the nation today. As corruption throughout the nation worsens, so do the human rights violations experienced by the Somali people. The people of Somalia are not only facing a Civil War but are also being affected by serious drought and failing economy. Somalia is not only lacking accessibility to food, water and other basic necessities for a healthy life but over 50% of the nation is living on less than 1USD a day.

Background:

Since President Mohamed Siad Barre fled Somalia in 1991, the nation has lacked any sort of central government and the human rights violations that occurred during his regime have since continued. Somalia is also in the midst of a 20 year long Civil War that has yet to end. In 2000 and in 2004, transitional forms of government were put into place to assist Somalia in political recovery but have lacked the necessary powers to put an end to the ongoing conflicts and human rights violations. In reaction the Islamic Courts Union established control of Central and South Somalia by enforcing Sharia law in exchange for a greater focus on security but was later defeated by the Transitional Federal Government.

Since the placement of the Transitional Federal Government, changes in the social and political setting of Somalia began to occur. Due to martial law, freedom of speech, press, assembly, association, religion, and movement are all restricted. Many of these rights have been formally guaranteed by the 2004 Transitional Federal Charter, but the government has not been able to guarantee them. The Somali people have also been denied the right to privacy. Journalists have been known to be harassed or detained due to speech and press violations and radio/television stations shut down to "protect the national security of Somalia." Political demonstrations have been banned by Somaliland and opposition parties are not allowed in Puntland.

Human rights violations in Somalia are also extended to women, children and minority groups within the nation. The use of rape by militia and genital mutilation are common amongst violence in women and there are no laws protecting women against spousal rape. Child abuse, labor and human trafficking is rampant within the borders of Somalia. United Nations has also listed Somalia as a country in which the use of child soldiers exists. The abuse of minorities is a continued issue as well. Minorities are

involved in forced labor and are legally not allowed to intermarry with the ethnic Somali majority. They also have restricted access to health care and education

Possible Solutions:

The members of the UNHCR must first address and assess the visible violations on human rights that exist in Somalia before they can effectively combat these issues. Nations must look at the issues that are affecting Somalia as a whole and must create possible long and short term solutions to aid in the future prosperity of said nation. Each issue that Somalia faces must be taken into consideration when looking for a solution and nations must also look toward organizations aside from the nations themselves to assist in the help for Somalia. Nations affected by the issues in Somalia and the nations able to assist in aiding Somalia must work together to find solutions that will be of great benefit in the short and long term.

Research Questions:

1. Is this issue a problem in your country?
2. Does this issue affect your country? If so, how?
3. Is your country in need of aid? If so, what kind?
4. Is your country able to assist those in need of aid? If so, how?
5. What strategies/solutions have been attempted?
 - o What have worked? Why?
 - o What have not worked? Why?
6. What changes could be made to make said solutions work?
7. If this issue is not a problem in your country, then how can they be involved?
 - o Why and why not?
8. What and how can children like you be involved in the prevention and occurrences of the issue?
9. What are some facts, figures, statistics regarding the issue – national, regional, international?

Summary:

The nation of Somalia is plagued with corruption, war, natural disasters, malnutrition and poverty. Somalia's transitional governments as well as other militia and warlord run groups have placed harsh restrictions on the natural rights and needs of the Somali people, not allowing them to have the most basic of needs given to every human being. It is the goal of the HRC is to restore these basic rights to the people of Somalia and assist the nation of Somalia out of their poverty and corruption cycle.

Reading/ Research References:

<http://www.un.org/>

<https://www.cia.gov/library/publications/the-world-factbook/>

<http://www.hrw.org/>

http://www.munol.org/uploads/ResearchReports/2011/Human_Rights_Council_4.pdf

<http://www.un.org/Depts/DPKO/Missions/unosom2b.htm>

UN Security Council: Resolution Nr. 1964 (December, 2010)

Human Rights Council: Resolution 7/35 (March 2008)

TOPIC II: *Elimination of Modern Slavery*



Introduction:

Though slavery is officially illegal in every country, it is still rampant across the globe. Currently, it is estimated that at least 27 million people are enslaved in some manner. Corruption is the main reason that slavery continues despite having been abolished, since it can only persist if governments allow it to. Modern slavery is not limited to the traditional notion of slavery, in which someone is owned by a master. Other forms of slavery include debt bondage, human trafficking, and exploitation of child labor. Most victims are very poor and come from vulnerable social groups, and thus their fear and need to survive prevent them from speaking out. This makes slavery in all of its forms very difficult to identify, punish, and eliminate.

Debt bondage occurs when labor is given as payment for a debt. Typically, the conditions set by the “employer” for repayment of the debt are such that it is impossible to pay off. For example, wages may be extremely low and the employer may make deductions for food and housing. Frequently, family members inherit the debt and then they are forced into bonded labor as well. Children, too, fall victim to bonded labor due to family poverty.

Human trafficking is when one person gains control of another through force or deception for the purpose of exploiting them. It is the fastest growing criminal industry. Promises of work, a salary, and a better life cause people to fall victim to a trafficker. People can be sold into forced labor by their trafficker, or kept as servants, treated badly and receiving no pay. Traffickers frequently smuggle their victims across borders into other countries. This makes it harder for victims to escape and harder to track the problem. In these situations, in addition to the usual problem of victims being afraid to speak against their traffickers is the problem that those who do find the courage to do so are

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

The exploitation of child labor is an issue affecting around 246 million children around the world between the ages of 5 and 17. Children coming from families living in extreme poverty and/or rural areas are most susceptible to exploitation and abuse. Children are forced to do work hazardous to their health or safety such as handling heavy loads or chemicals. The worst forms of child labor considered slavery include the sale of children, trafficking of children, debt bondage, and forced prostitution. Child labor persists because it is cheap and because children work long hours without complaining because they are easy to frighten into submission. In Africa, one in three children is affected by child labor, a number that amounts to 69 million children, and in South Asia, there are 44 million affected children. Child labor includes the adoption of children for use as slaves and forcing them into combat as child soldiers, such as the Lord's Resistance Army in Uganda.

Background:

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

There are two main pieces of international legislation against slavery. The first is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol. The document recognizes the need for a way to deal with the problem that encompasses not only prevention of trafficking and assistance to victims, but also prosecution of traffickers. A weakness of the

document is that it does not address trafficking within borders, only trafficking in which victims are taken to a different country. The next document is the Convention on the Rights of the Child. This convention outlines universal children's rights, including protection from harmful work, dangerous conditions, abuse, and exploitation. Nations that are party to this convention must report to the Committee on the Rights of the Child, which then reviews the information to assess whether the nation is adequately meeting its obligations. The Convention is the first in human rights that gives a specific role to a specialized UN agency, in this case UNICEF, which has a legal obligation to support the work of the Committee on the Rights of the Child.

Possible Solutions:

Though legislation such as the aforementioned treaties is certainly a good start, much more needs to be done if slavery is to be conquered. Delegates are encouraged to discuss solutions that deal specifically with the causes of slavery so that the cycle can be stopped. Thus, ideas for increasing education and access to micro-credit should be debated to help combat the poverty that pushes both adults and children into slavery in the first place. Solutions involving redemption campaigns, in which slaves are purchased to be set free, are discouraged because they encourage slavery by rewarding slaveholders, who may in turn acquire even more slaves knowing someone will buy them. For trafficking, it is important to discuss ways to prosecute and punish those who traffic others. This may seem like a very obvious point; however, the current situation tends to leave the victims disempowered, because they are frequently punished for immigration violations and have trouble rebuilding their lives either by assimilating into a new nation's society or returning to their own, while traffickers escape unpunished and may continue trafficking. On that note, the question of border control should be addressed. With stricter border regulation, it could be possible to rescue victims before they are taken to a foreign country for exploitation.

Summary:

Contrary to popular belief, slavery is not a thing of the past. In fact, in many ways it is worse in the 21st Century, and is much more difficult to abolish given that the problem is much more complicated than in the past. Enforcing international legislation continues to prove next to impossible because of the number of corrupt and weak governments. Poverty makes slavery seem like a good option, and hence more and more people are enslaved/and or trafficked each year in the quest for a better life. Thus, as long as poverty exists, slavery will continue to thrive as well. Education will be indispensable in the fight against slavery, as well as stronger laws with which to combat trafficking and punish perpetrators and stricter enforcement of norms already in place, including increased accountability to governments. Focusing on treating the causes of

slavery as opposed to addressing only the symptoms will be the most effective approach to abolishing slavery definitively.

Research Questions:

1. Does your country have many trafficking victims or is it a destination country?
2. Is poverty a problem in your country and if so is debt bondage or child labor a problem?
3. Is your government effective or is corruption a problem?
4. What international agreements has your country signed and how successful has it been in adhering to them?
5. What steps has your country taken of its own will for dealing with slavery?
6. What are your country's laws regarding children and labor?
7. Are there any civil wars in your country in which children are being used as soldiers?
8. What and how can children like you be involved in the prevention and occurrences of the issue?
9. What are some facts, figures, statistics regarding the issue – national, regional, international?

Reading/Research References:

6. Useful Sources and Links:

The information I got for this research report is in some of these links, but I have not gone through all of them very thoroughly. I hope that they will get you started on your research, but do keep looking for new links and sources of information.

- [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/41386B64A157575EC12577210053FDEB?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/41386B64A157575EC12577210053FDEB?OpenDocument)
- http://www.ilo.org/sapfl/informationresources/NonILOpublications/lang--en/docName--WCMS_144676/index.htm
- <http://www.anti-slaverysociety.addr.com/wgcsf.htm>
- <http://www.accessmylibrary.com/article-1G1-72116598/no-one-shall-held.html>

Human Trafficking:

- <http://www.un.org/womenwatch/news/documents/DPKOHumanTraffickingPolicy03-2004.pdf>
- <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>
- <http://news.bbc.co.uk/2/hi/6497799.stm>
- <http://www.unodc.org/unodc/en/human-trafficking/index.html>
- <http://www.unodc.org/pdf/gift%20brochure.pdf>

Child Labour:

- <http://uk.oneworld.net/guides/childlabour?gclid=Cof41OuhqqYCFci-zAodzRoOZQ>
- http://docs.google.com/viewer?url=http://ijdh.org/wordpress/wp-content/uploads/2010/02/Rapporteur-report-on-modern-slavery_09.pdf&chrome=true
- <http://www.un.org/rights/dpi1765e.htm>
- <http://www.ilo.org/global/standards/lang--en/index.htm>
- http://www.hrea.org/index.php?doc_id=430

Global Reports about child labour:

- <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=13853>
- <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=13333>