



UNITED NATIONS HUMAN RIGHTS COUNCIL

Distinguished Delegates,

Welcome to the 9th annual Gator Model United Nations! My name is Samantha White, and I am thrilled to be your Director for this year's United Nations Human Rights Council (UNHRC). I am currently a junior at the University of Florida majoring in Criminology and Political Science with a minor in Spanish, and this is my second year serving as a staff member at GatorMUN. During my first year as staff, I served as Assistant Director of the United Nations Inter-Agency Project on Human Trafficking (UNIAP), as well as the Chair of the Commission on Crime Prevention and Criminal Justice (CCPCJ) at the UNA-USA's Tampa Bay Conference. I have been involved with UF's Model United Nations team for two years now and am currently serving as the Director of External Affairs.

Kate Keator will be my Assistant Director for the UNHRC. She is a senior with a major in Political Science and a minor in International Humanitarian Assistance and Development, along with specializations in French and Arabic. Kate has been a part of Model United Nations at UF since her freshman year though she took a year off when she studied abroad in Paris with the International Affairs and the Public Sphere UF program. Though this is her first time as an assistant director, she has participated in several general assemblies and crisis simulations over the years and worked on crisis staff for GatorMUN VII and VIII. She has also worked with various humanitarian organizations nationally and internationally and traveled to Haiti with members of the student organization, Gators for UNICEF, which Kate co-founded last year with two other classmates. She can't wait to work with you, the delegates, to make this committee interesting and successful!

The United Nations Human Rights Council has the primary purpose of ensuring that the human rights of all peoples are protected throughout the world through discussion and investigation. I look forward to exploring the three topics that I have picked for our committee and am extremely excited that you all chose to be a part of such an important discussion. All three topics are very dynamic and have recently experienced a number of developments that I expect will be discussed in committee. Also, I would like to remind all of you that you are representing a specific country and their policies when you are in committee. With this being the case, I expect you all to stay as true to the policy of your respective countries as possible, although I understand that this can be difficult if you disagree with the policies of the country you are meant to represent. This will become easier to do once you've written your position papers. I want you all to be very prepared to discuss all three of the topics, but I also want you all to have a good time at this conference and try to be creative with your solutions.

Feel free to email me at gatormun@gmail.com with any questions you may have about the conference, committee, rules of procedure, etc.

Sincerely,

Samantha White
Director of the UNHRC



Committee Description

The United Nations Human Rights Council (UNHRC) is an inter-governmental body that is charged with addressing human rights violations throughout the globe. The Council was created with the purpose of protecting human rights by the General Assembly in March of 2006 and has since dealt with a number of country specific violations of human rights, but has recently held a number of thematic commissions on issues such as human trafficking and religious rights. Though the Council cannot take decisive action, it makes recommendations to the UN Security Council and utilizes unpaid experts that are recognized globally. Delegates should be prepared to discuss current human rights issues from the variety of viewpoints represented in the UNHRC and attempt to discover solutions to violations occurring around the world today.

Committee Background

The United Nations Human Rights Council (UNHRC) functions under the United Nations General Assembly as an inter-governmental body and is the successor to the United Nations Commission on Human Rights (UNCHR).¹ Originally placed under the United Nations Economic and Social Council (ECOSOC) in 1946, the UNCHR was comprised of fifty-three member states and accepted participation from observer states and non-governmental organizations (NGOs), as well. The overarching goal of the creation of the UNCHR was to form a body that could protect the fundamental rights of people worldwide. This goal eventually expanded making the commission an open forum for governments and other interested parties, such as NGOs, to voice their opinions and concerns about the status of human rights throughout the globe.²

Numerous shortcomings of the UNCHR led the General Assembly to replace it with the UNHRC in 2006. Acknowledging the Commission on Human Rights' successes, the UNHRC was created to build upon those and improve the UN's ability to address human rights infractions.³ The Human Rights Council is now made up of forty-seven member states and is enlisted to not only protect human rights, as the UNCHR was, but also to promote them on a global scale.

Since being established in resolution A/RES/60/251, the UNHRC has adopted its "Institution-building package" which enforces the Universal Periodic Review to maintain the integrity of the committee and ensure its efficiency in accomplishing its mission goals. The UNHRC also utilizes an Advisory Committee and Complaints Procedure in order to gain the assistance of human rights experts and give all members an opportunity to be heard.⁴ Resolutions such as those confirming the human right to safe drinking water and sanitation⁵ and the

¹ http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf

² <http://www2.ohchr.org/english/bodies/chr/index.htm>

³ http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf

⁴ <http://www2.ohchr.org/english/bodies/hrcouncil/>

⁵ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/124/85/PDF/G1112485.pdf?OpenElement>

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protection of the human rights of civilians in armed conflict⁶ emphasize the UNHRC's commitment to their ultimate goal of the international promotion and protection of human rights.

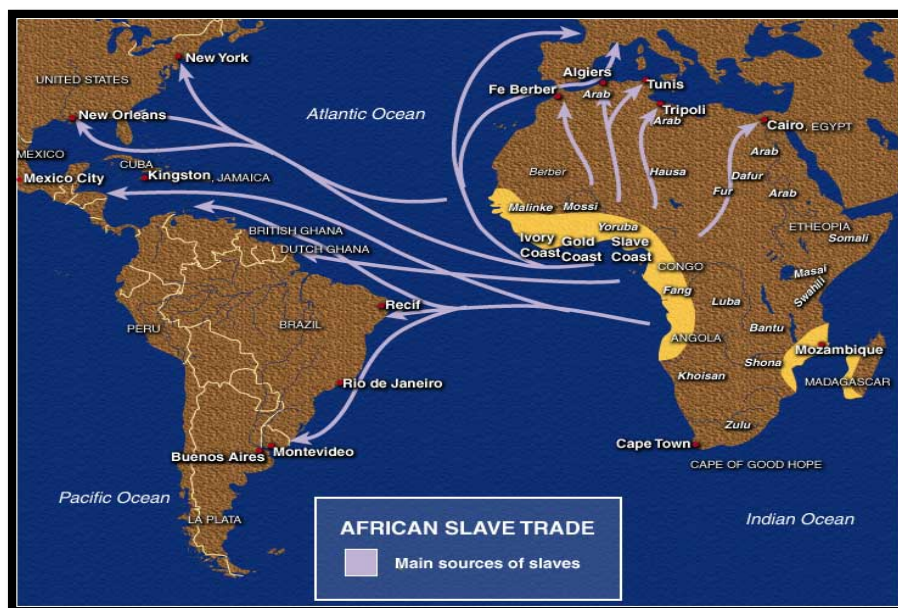
Topic One: Combating Modern Slavery in Africa

Introduction

Despite the worldwide illegality of slavery, the problem still exists on an international scale. The United Nations (UN) has acknowledged the seriousness of this issue, and the Economic and Social Council established the Working Group on Contemporary Forms of Slavery in 1974 to address the problem. Only a year after its inception in 2006, the UNHRC instituted a new mandate on contemporary forms of slavery, including its causes and consequences. This mandate was put into place in order to replace the earlier working group.⁷ The UNHRC has had a number of discussions concerning this issue, many of which have focused on defining modern slavery and human trafficking, and has also urged governments to take actions in accordance with international and national law. Unfortunately, progress on this issue remains slow, despite the concerted efforts of the UN. It is imperative to remember that modern slavery is an international issue - a crime that transcends the borders of states and the power of any single government. Now it is up to the UNHRC to decide, in light of the continuing epidemic of the sale and exploitation of human beings worldwide, whether or not a new track needs to be devised to address this issue or if current efforts are sufficient.

History of Slavery in Africa

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⁶ <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G09/159/78/PDF/G0915978.pdf?OpenElement>

⁷ <http://www2.ohchr.org/english/issues/slavery/rapporteur/overview.htm>

⁸ <http://colonialdiseasedigitaltextbook.wikispaces.com/7.+Disease+and+the+Slave+Trade>

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Slavery as a practice has its roots far back in ancient history, with the first major slave societies existing in Athens and Roman Italy. In Africa, slavery began long before the birth of the Atlantic Slave Trade, beginning with Africans being enslaved and shipped to the Middle East.⁹ The slavery of those times was something known as ‘chattel’ slavery. This type of slavery removed all of the rights from a slave, making them no more than an animal in the eyes of the law and giving their owners complete and total control over their actions and lives.¹⁰ ‘Chattel’ slavery was the form of slavery that lasted for centuries, and is the form of slavery that most people can identify today. The victims of this type of slavery, regardless of their legal position in society, were considered valued investments by many of their owners, and thus were treated much differently than slaves today. Slave routes that supplied the enslaved to countries around the world crisscrossed the African continent for hundreds of years, affecting every part of Africa and exporting millions of slaves.¹¹

Today, international export is not the main goal of slave traders, whom are more commonly known as human traffickers. Although there is a fair amount of international trade, it is just as common for slaves to be traded within the African continent. An additional difference in the slave trade today is that ‘chattel’ slavery has virtually vanished. With the noted exception of a few African nations such as Mauritania, slaves are no longer viewed as valued livestock, but as disposable objects. In the past, a slave was worth quite a bit of money, which meant that an owner needed to take decent care of his slaves if he wanted to protect his investment. Today, a slave can be bought for an average of \$90. The cheaper price stems from a greater supply and easier forms of transportation. Debt bondage is where a slave is told they must work in order to pay back the slave holder for feeding them, providing housing, and other bogus costs and is one of the most common forms of slavery today. Women and children are the most vulnerable to human traffickers, especially in areas of extreme poverty.¹²

Slavery is illegal everywhere today. However, its illegality has not impacted the scale of trade, and human trafficking is one of the fastest growing crimes in the world.

Modern Slavery and Mauritania

Mauritania, an African country located on the northwest coast of the continent, is an impoverished country where the abolition of slavery has yet to really come into effect. The country has attempted to ban slavery multiple times, making it illegal through legislation three times since 1900, but it still remains the state that is estimated to have the largest proportion of its citizens being held in slavery today. As a country, Mauritania has a violent and controversial past, with conflicts consistently arising between the north, comprised of a mostly Arab population, and the south, where the largest proportion of afro-Mauritanians reside and come from. Slavery in Mauritania has been a part of the country’s culture for centuries, and

⁹ <http://www.britannica.com/blackhistory/article-24157>

¹⁰ <http://www.yale.edu/glc/events/cbss/Miers.pdf>

¹¹ <http://mondediplo.com/1998/04/02africa>

¹² <http://www.freetheslaves.net/Page.aspx?pid=301>

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exemplifies the oldest form of slavery in which the slave is a valued investment and can be bought and sold freely by their owners.

The slavery of Mauritania can appear to be more humane, due to the fact that many masters view their slaves more as young children in need of guidance instead of livestock to be trained, but this simply makes freeing them that much more difficult. The complex relationships between slaves and their masters lead some slaves to deny any necessity of freedom and to claim that it would be wrong for them to leave due to religious reasons. These beliefs, along with a lack of economic resources and legal rights provided to freed slaves, have complicated the abolition of slavery. Women and children, as is generally the case with slavery, are the most vulnerable populations with the fewest rights in the country. Until legal issues such as these are addressed and reformed, slavery will continue to exist in Mauritania.¹³

Even with the assertion of Article 4 in the Universal Declaration of Human Rights, that abolishes slavery as a practice, the international community cannot enforce this right without addressing other rights as well, such as the economic and legal issues discussed above.¹⁴ A number of other rights, or the lack thereof, in Mauritania and elsewhere affect modern slavery, and until those rights listed in the above doctrine are extended to all portions of the population (regardless of gender, race and ethnicity) slavery cannot be effectively abolished.

Modern Slavery and Sudan

Internal conflict has made a large number of Sudanese more vulnerable to human trafficking in recent years, especially those living in refugee camps (Internally Displaced Persons (IDPs)). Sudan is largely a source country when it comes to the slave trade, which is a country that provides slaves for the international slave trade. Men, women, and children from Sudan are often sent to countries in the Middle East for domestic servitude, Europe for sexual exploitation, and Saudi Arabia for forced begging. It also serves as a transit country for surrounding African states, mostly for women being trafficked abroad. For the most part, the Sudanese government has not put many measures in place to prevent human trafficking, but they have focused a number of their resources on demobilizing child soldiers. These resources could be useful in future attempts to abolish slavery in Sudan.¹⁵

Modern Slavery and Niger

Niger is one of the few countries left in the world where the older form of slavery, ‘chattel’ slavery, is still present. ‘Chattel’ slavery mainly exists in the northern part of the country, a fact that causes the system of traditional slavery to be weaker in Niger than in Mauritania, but it is still a very strong custom that has been reinforced by centuries of cultural practices and views. Forced labor is an additional form of slavery, outside of the hereditary system in the north, that trades the majority of slaves in Niger, and this form primarily trades in

¹³ <http://www.amazon.com/Disposable-People-Slavery-Global-Economy/dp/0520224639>

¹⁴ <http://www.un.org/en/documents/udhr/index.shtml>

¹⁵ <http://gvnet.com/humantrafficking/Sudan.htm>



children from within the country. The state also serves as a source, destination, and transit country for the international slave trade, mainly due to its incredibly impoverished economic status. The government of Niger has made a concerted effort to stop human trafficking, especially by educating the masses about the problem of modern day slavery, but has found it difficult to enforce legislation with the few resources they have at their disposal.¹⁶

Modern Slavery and the Central African Republic

The Central African Republic (CAR) is one of a number of African countries with a significant contingent of child soldiers being recruited by militias, particularly in the northern parts of the country. These children are taken against their wills and forced to serve in the militias by recruiters who often use threats, either against the children's families or the children themselves, in order to gain compliance. Even outside of child soldiers, the slave trade in the CAR traffics mainly in children, whom are used for tasks such as mining and other forms of forced labor. Due to a lack of training and educational opportunities about modern slavery, it is not a well-known topic in the CAR by law enforcement and other authorities, which makes addressing the matter that much more difficult. While the government of the CAR has made minimal efforts to prevent the slave trade and protect its victims, these efforts have not yet been enough to make a significant impact on the practice of modern slavery.¹⁷

Modern Slavery and South Africa

South Africa has a significant problem with human trafficking, and although the country has yet to meet with international standards necessary to rid them of slavery, the state is making efforts to eliminate the practice. Although it does serve as a hub for the international slave trade, particularly as a transit country, the internal slave trade is one of the biggest problems in South Africa. Sex tourism is a big part of the economy in urban areas, and young girls are often recruited from rural areas to serve as slaves in cities like Johannesburg. Young boys are trafficked for a large number of reasons, anywhere from forced begging and criminal activity to agricultural labor and street vending. Child marriage is also an issue in South Africa, where very young girls are forced into marriage with older men, along with a large trade in organs for which a significant number of children are recruited every year. Fortunately, the South African government has made great strides in legislation against the modern day slave trade and has increased law enforcement to combat the practice. The government has also made a concerted effort to protect many of the victims of slavery, something that has not been addressed by many states and is an integral part of ending slavery.¹⁸

Why Modern Slavery Still Exists

Even though there have been many efforts to abolish modern slavery by numerous international players, they have yet to be effective on a large scale. There are a number of

¹⁶ <http://gvnet.com/humantrafficking/Niger-2.htm>

¹⁷ <http://gvnet.com/humantrafficking/CentralAfricanRep-2.htm>

¹⁸ <http://gvnet.com/humantrafficking/SouthAfrica-2.htm>

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reasons for this, but the most difficult to overcome is the fact that slavery today is particularly difficult to identify. Forms of slavery like debt bondage and sexual exploitation are purposely hidden from sight and often get mistaken for legitimate enterprises or prostitution respectively.¹⁹ The second main reason for the continued existence of slavery today is that it is so widely dispersed across the globe. Slavery does not only exist in one country or even one continent but is an international issue, meaning that it cannot be completely eradicated until countries are able to work together. For the most part, it is the propensity for states to pull back from any initiative that they feel could threaten their national sovereignty and the simple lack of women's rights in many source countries that has hindered the prevention of the slave trade, protection of its victims, and prosecution of the traffickers.

Research Questions

1. What is the history of slavery in your country? How long has it been abolished and what form is the most prevalent today?
2. Is your country a source country in the international slave trade? A destination country? A transit country?
3. What laws does your country have against modern slavery and human trafficking?
4. Has your country's government written any laws to prevent victimization by human traffickers, such as education initiatives?
5. Are there any initiatives that your country has undertaken that have worked especially well against modern slavery?

Helpful Websites

- <http://www2.ohchr.org/english/issues/slavery/rapporteur/index.htm>
- <http://gvnet.com/humantrafficking/index.html>
- <http://mondediplo.com/1998/04/02africa>
- <http://www.yale.edu/glc/events/cbss/Miers.pdf>
- <http://www.freetheslaves.net/Page.aspx?pid=301>
- <http://87.253.140.15/thimun/images/stories/downloads/ResearchReports2011/human%20rights%20sub2%20research%20report%20booklet.pdf>

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Topic Two: Defining Freedom of Opinion and Expression in Northern Africa and the Middle East

Introduction

According to Article 19 of the Universal Declaration of Human Rights,

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”²⁰

The United Nations (UN) adopted this declaration and all it entailed in 1948, and has encouraged its member countries to both adhere to the document as well as inform all citizens of its existence without discrimination.²¹ The UNHRC is one of the bodies charged with overseeing the Declaration’s implementation and in dealing with the freedom of opinion and expression, the UNHRC fulfills its above stated duty mainly through investigations conducted by Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.²² Freedoms considered under the Special Rapporteur are those such as access to information, censorship, public demonstrations, academic freedom, and freedom of the media, among others.²³ Regardless of the work undertaken by the Special Rapporteur and the UNHRC to protect the above freedoms, the UN has always fully respected national sovereignty and the differences between countries, and has therefore refrained from instructing member nations in any specific, “correct” plans of action regarding freedom of opinion and expression. At this moment, it is up to the UNHRC to determine whether or not the freedoms dictated in the Universal Declaration of Human Rights are truly universal. If they are deemed as such, the Council must determine what they can do to encourage freedoms throughout the globe.

History of the Freedom of Opinion and Expression in Northern Africa and the Middle East

In 640AD, Northern Africa was changed forever by the Arab Islamic conquest that separated it from the rest of the continent both religiously and politically.²⁴ Even with this original change, the modern era of politics in Northern Africa and the Middle East that we recognize now did not begin until the fall of the Ottoman Empire after World War I.²⁵ Africa and the Middle East were divided up into countries by the European powers that governed them, without regard to previous ethnic and/or national boundaries. The negative impacts of this disregard are demonstrated today when these countries obtain their independence and disagreements about how the power should be dispensed and who should rightfully reign. . The

²⁰ <http://www.un.org/en/documents/udhr/index.shtml>

²¹ <http://www.un.org/en/documents/udhr/index.shtml>

²² <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>

²³ <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Issues.aspx>

²⁴ http://en.wikipedia.org/wiki/North_Africa#Arab_Conquest_to_modern_times

²⁵ http://www.colorado.edu/geography/class_homepages/geog_1982_001_sum10/LectureMay13.pdf

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wars and coups that ensued shaped the modern political environment of the Middle East and Northern Africa, including the countries of Algeria, Egypt, Libya, Morocco, Sudan, Tunisia and Western Sahara. With the exception of Egypt and the inclusion of Mauritania, these countries are also referred to as the Maghreb region.²⁶

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Violence and conflict in the Middle East and Northern Africa have often bred political environments that invited power hungry rulers who often do not have the rights of the people as a top political priority. This breed of ruler, like Muammar Gaddafi of Libya who has ruled Libya for over forty years, have shown that they will do anything they can to hold on to their individual power and that which they have gained from it.²⁸ Although not all of the most powerful politicians in the Middle East and Northern Africa are known to be as extreme in their restriction of rights, particularly those rights to information and freedom of the press, a more muted vein of the same oppression can be found in many of the countries in this region.²⁹ This restriction has

²⁶ http://en.wikipedia.org/wiki/North_Africa#Arab_Conquest_to_modern_times

²⁷ <http://www.moroccoboard.com/grassroots/1066-western-sahara-failed-state-in-n-africa-not-in-us-interest>

²⁸ <http://news.nationalpost.com/2011/02/18/gaddafis-rule-in-libya-has-been-anything-but-normal/>

²⁹ <http://www.thetakeaway.org/2011/feb/18/update-libya-and-history-moammar-gadhafis-41-year-rule/>



lead to many infringements on the definition of the freedom of opinion and expression as expressed in the Universal Declaration of Human Rights, such as the silencing of political opposition and the exile of prominent journalists and musicians.³⁰

As evidenced by data from sources, such as the ARDA (Association of Religion Data Archives), both Northern Africa and the Middle East are acknowledged to have less ‘freedom of expression and belief’ than the world average.³¹ This disparity, although present for quite a stretch of time, has only been recently brought onto the international stage by protests held by the very people being denied these freedoms. It is necessary for the international community to evaluate these issues in order to determine how they originated and how they can be eradicated.

Popular Revolutions in Tunisia and Egypt

The previous regime in Tunisia reportedly “supported” freedom of speech, at least according to the administration headed by President Zine El Abidine Ben Ali, even while they shut down newspapers that spoke out against their policies, such as the “Attariq El Jadid.”³² Issues such as widespread corruption, the aforementioned lack of freedom of speech, and poor living conditions pushed Tunisians to begin a series of protests in December 2010, and these protests eventually lead to a full-scale revolution. Protests began after a young street vendor set himself on fire after being harassed and having his goods stolen by a government official. Tunisians then began to call for reforms in the government and the resignation of Ben Ali, who had headed the administration for twenty-four years. After weeks of civil disobedience and often violence, the people were rewarded when Ben Ali finally resigned from his presidency on January 14, 2011.³³

Although the Egyptian constitution under President Hosni Mubarak guaranteed rights, such as the freedom of opinion and freedom of the press, they were largely negated by restrictions placed on these freedoms by the administration. These restrictions, mainly stemming from an emergency law instated by Mubarak early in his presidency, served to limit both the rights of the people to things such as information and their ability to express their opposition to his thirty-year rule.³⁴ In January 2011, the people of Egypt decided that they had had enough of the police brutality, corruption, absence of freedoms, and many other issues that plagued the country under Mubarak’s rule. So, they took to the streets in protest. Initially, the popular uprising was a peaceful, civil demonstration against the government and its policies, but it soon turned violent on both sides. After weeks of protests, violence, and unanswered demands, Mubarak resigned on February 11, 2011.³⁵

³⁰ <http://www.freemuse.org/sw9757.asp>

³¹ <http://www.thearda.com/internationalData/regions/index.asp>

³² <http://globalvoicesonline.org/2009/02/01/56217/>

³³ http://en.wikipedia.org/wiki/Tunisian_Revolution#Protests

³⁴ <http://old.openarab.net/en/node/277>

³⁵ http://en.wikipedia.org/wiki/2011_Egyptian_revolution



Both of the revolutions mentioned above were results of decades of rule by one politician whose administration denied the people their freedom of opinion and expression by outlawing political opposition, neglecting free and fair elections, and restricting both the freedom of the press and access to information. In a brutal twist of irony, the two latter freedoms, that of the press and access to information, were essential to the success of the revolutions.

Censorship and Oppression in Iran

Unfortunately, popular revolutions such as those explained above do not always persevere over dictatorial rule. An example of this is Iran, where protests have occurred more than once in the past couple of years, and have been quashed under the weight of President Mahmoud Ahmadinejad and his government. Protests first broke out in 2009 and continued into 2010, when popular uprisings declared that the elections held in 2009 were rigged and that Ahmadinejad was not the winning candidate. Opposition leaders were jailed and police forces dealt with the growing crowds brutally, eventually clamping down enough to prevent the protests from continuing.³⁶ Large-scale protests began again in 2011 following other popular uprisings in the region, and lasted for a number of months but did not cause any large scale changes in the government as was seen elsewhere in the region.³⁷ The Iranian government continues to suppress political opposition, restrict freedom of the press, and neglect the right to freedom of speech that is guaranteed by the Universal Declaration of Human Rights.³⁸

Political Reform in Jordan

Increased political freedoms were the theme of many protests throughout the Middle East and Northern Africa, with one of the hubs of such protests being the country of Jordan.³⁹ This Middle Eastern nation has refrained from making the same extreme political waves like some of its neighbors, like Egypt and Iran, but was recently brought into the international spotlight when protests broke out against the lack of political reform and freedom of speech in 2011 following other popular uprisings in the region. The Jordanian government, headed by King Abdullah II, has a history of silencing opposition, particularly journalists, but protestors did not demand that Abdullah step down as the peoples of other nations had. Instead, the Jordanian people insisted that the king overhaul the government and replace all high-ranking officials, and, after a series of protests, the Abdullah complied with the request. Since then, a number of reforms have been discussed by the new government, and some even put in place that are meant to protect the people's right to protest and to freedom of speech, such as the reforms to Jordan's Public Gathering Laws that specifically expand the freedom of expression allowed in the country.⁴⁰ Another recent reform in Jordan that is incredibly important to the expansion of the freedom of opinion and expression is the vow of King Abdullah II to allow the people to elect the government's cabinet through parliamentary majority, which is an enormous change from the

³⁶ <http://northwesternubf.org/2009/06/iran-election-protesters-set-to-defy-supreme-leader/>

³⁷ http://en.wikipedia.org/wiki/2011_Iranian_protests

³⁸ <http://www.iranhumanrights.org/2011/03/distortion-disinformation-freedoms/>

³⁹ <http://english.aljazeera.net/video/middleeast/2011/03/20113123552363334.html>

⁴⁰ http://en.wikipedia.org/wiki/2011_Jordanian_protests#Response

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previous system, where the King himself chose both the Prime Minister and the cabinet.⁴¹ In the long term, it is too early to determine whether or not these reforms will continue and/or succeed, but it appears that Jordan is moving in the right direction without a violent revolution such as those seen in other nations in the region.

UN Response to Revolution

Although the UN did not take a strong stance on the revolution in Egypt, or implement any action to either help or hinder the protestors, inaction was not their stance on all of the movements that occurred around the same time.⁴² For instance, the UN Secretary-General Ban Ki-moon and the Security Council have spoken out against the Libyan government's actions, condemning the absence of fundamental human rights. It was even suggested that the UNHRC suspend Libya's membership in the Council until the issue is resolved.⁴³ The question that the UN and the members of the UNHRC now have to answer is whether or not this will become the standard way of dealing with revolution caused by a lack of human rights. Another issue that needs to be dealt with is whether or not the UNHRC or other bodies can prevent the need for revolution in the first place by ensuring that fundamental human rights are upheld.

Research Questions

1. What is your country's stance on the Universal Declaration of Human Rights?
2. What is the status of the freedom of opinion and expression in your country according to your government? According to the rest of the world?
3. Was your country affected by the protests and revolutions of early 2011? If yes, why and how? If no, why not?
4. Does your country have a constitution or other legal document that guarantees the freedoms discussed in this section?
5. What is your country's attitude toward the press in general?
6. Does your country have free and fair elections? Does it have elections at all?

Helpful Websites

- <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Issues.aspx>
- http://www.colorado.edu/geography/class_homepages/geog_1982_001_sum10/LectureMay13.pdf
- <http://www.freemuse.org/sw9757.asp>
- <http://www.iranhumanrights.org/2011/03/distortion-disinformation-freedoms/>
- http://www.hrea.org/index.php?doc_id=408
- <http://www.thearda.com/internationalData/regions/index.asp>

⁴¹ <http://www.bbc.co.uk/news/world-middle-east-13744640>

⁴² http://www.cbsnews.com/8301-503544_162-20030118-503544.html

⁴³ <http://www.un.org/News/Press/docs/2011/sgsm13425.doc.htm>



Topic 3: Ensuring the Rights of Indigenous Peoples in Central and South America

Introduction

Indigenous peoples have been persecuted for centuries, and they are still being pushed out of their ancestral lands by development and discrimination.⁴⁴ Article 17 of the Universal Declaration ensures the right of all people to own property and to not be deprived of said property without just cause, and this includes indigenous peoples.⁴⁵ In order to help protect the rights of indigenous peoples, the UNHRC employs a Special Rapporteur on the rights of indigenous peoples, Professor James Anaya. The Special Rapporteur encourages states to promote indigenous rights, reports on the progress of countries in achieving the appropriate rights, and brings specific issues to the attention of the UNHRC.⁴⁶ The Council has passed many resolutions on indigenous rights and continually encourages member states to ratify the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization, which acknowledges that governments must respect the rights of indigenous people.⁴⁷ Although the UNHRC has made a number of steps toward guaranteeing rights to indigenous peoples, and then protecting those rights through the years, there are still a number of places in the world where native people still suffer from human rights violations, and the Council must decide what course of action can be taken to reduce or remedy these situations.

History of Indigenous Rights in Central and South America

Native peoples inhabited Central and South America for centuries before European colonization infringed upon their way of life, having descended from those first peoples who migrated from Asia 12,000 years ago. Representing both ancient civilizations and hunter-gatherer style nomadic groups, the indigenous peoples of this region are incredibly diverse and can be differentiated by aspects such as customs, dress, and language. It wasn't until the 1600s that Europeans began to occupy the region, but even the very first explorers, missionaries, and colonizers had a significant impact on indigenous ways of life. To begin with, Europeans attempted large-scale conversions to Catholicism and eventually moved into subjugating the natives, in some cases even subjugating them to slavery or indentured servitude. This cycle lasted for years, and even after the Central and South American colonies gained their independence from Europe, indigenous peoples were treated as second-class citizens, and still are at times today.⁴⁸

Today, indigenous peoples face discrimination in their native countries, which manifests

⁴⁴ <http://www2.ohchr.org/english/issues/indigenous/rapporteur/index.htm>

⁴⁵ <http://www.un.org/en/documents/udhr/index.shtml>

⁴⁶ <http://www2.ohchr.org/english/issues/indigenous/rapporteur/index.htm>

⁴⁷ <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G09/166/06/PDF/G0916606.pdf>

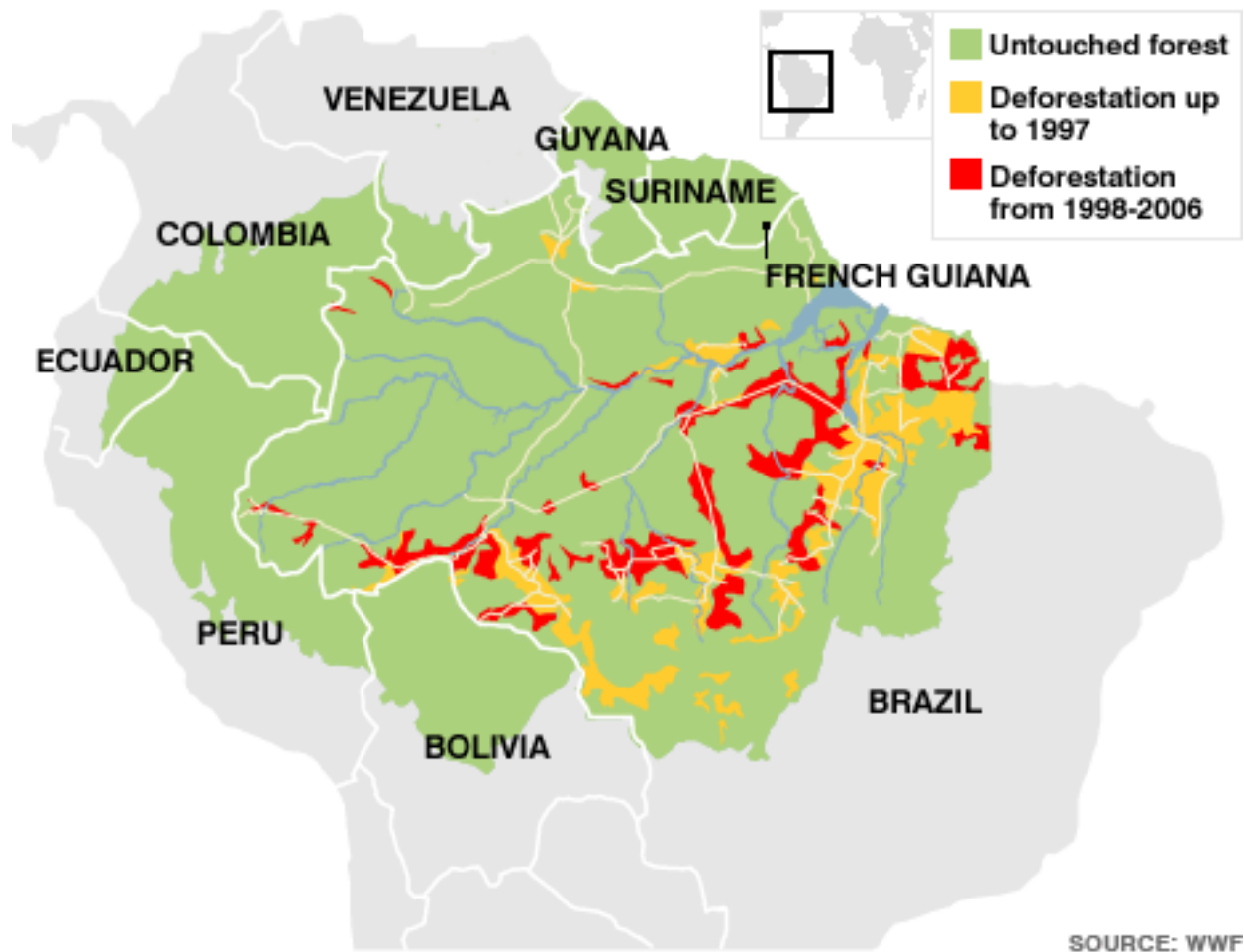
?OpenElement

⁴⁸ <http://marie-mckeown.hubpages.com/hub/Indigenous-People-Latin-America>

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in issues such as poverty, inequality, and loss of land ownership.⁴⁹ However, one of the biggest issues that the native peoples are concerned with is the preservation of their culture and their inherent right to achieve this. In order to do this, indigenous groups have formed organizations, such as the Coordinator of Indigenous Organizations of the Amazon River Basin, and have actively protested their lack of rights. Many governments have not taken to this issue kindly, seeing any form of self-determination as an infringement on the sovereignty of the nation, and many have refused to ratify documents such as the United Nation's Declaration on the Rights of Indigenous Peoples that would guarantee these groups any such power.⁵⁰

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⁴⁹ <http://marie-mckeown.hubpages.com/hub/Indigenous-People-Latin-America>

⁵⁰ http://en.wikipedia.org/wiki/Indigenous_peoples_of_the_Americas#Rise_of_indigenous_movements

⁵¹ <http://lastdaysoftheincas.com/wordpress/?p=317>



Other major concerns in the indigenous community, aside from forced assimilation, are forced relocation and land rights. Multinational companies, governments, and other entities have been infringing upon land owned by indigenous peoples for quite a long time. Although much has been done from a legal perspective to protect these lands and the people who reside on them, very little of that legislation has been upheld in practice, and natives continue to lose their property without just cause.⁵²

Indigenous Peoples of the Amazon Rainforest

The fate of the Amazonian people has been almost inexorably tied to the unique ecosystem of the Amazon rainforest. Encroaching businesses, particularly those interested in logging and oil, have threatened not only their land, but also their traditional way of life. Many of the natives have had to abandon their usual ways of hunting and gathering for food, and have taken to cultivating the land in small gardens using a slash and burn method of forest clearing so that they do not damage the forest too significantly. Traditional clothing and cooking utensils have also fallen by the wayside, to be displaced by more western accouterments. Although they have largely adapted to these changes, increasing encroachment has caused even more problems for the indigenous tribes, mainly because of the reduction in available lands.⁵³

Illegal logging, mining, and oil development have reduced natives' access to their own lands, diminishing their rights to property and tradition.⁵⁴ Deforestation by logging is a big problem in the Brazilian portion of the Amazon, where forest is being cleared for pastureland and other commercial endeavors that exploit the resources usually belonging to native peoples.⁵⁵ This deforestation can also be caused by the negative environmental impacts of mining, which happens most often in Northern Brazil and Venezuela, and these negative impacts can often affect the lives of native peoples, either by depleting their land resources or by causing health problems that the indigenous tribes lack the resources to deal with.⁵⁶ These issues are things that the natives have absolutely no control over, and have no hope of hanging on their own. In order to address this problem, many tribes have banded together to try and uphold their human rights and preserve their traditional ways and lands.⁵⁷

A large number of these issues have been addressed by legislation, but it has not been enough to ensure that the indigenous tribes have the right to maintain their traditions and their lands. This gap between legislation and action is something that desperately needs to be addressed if indigenous peoples are to be respected as humans and receive their full rights as such.

⁵² http://en.wikipedia.org/wiki/Indigenous_rights

⁵³ http://rainforests.mongabay.com/amazon/amazon_people.html

⁵⁴ http://rainforests.mongabay.com/amazon/amazon_people.html

⁵⁵ <http://www.mongabay.com/brazil.html>

⁵⁶ <http://rainforests.mongabay.com/0808.htm>

⁵⁷ http://rainforests.mongabay.com/amazon/amazon_people.html



Absence of Political Power for Indigenous Peoples

In a large number of South and Central American countries, indigenous people live in extreme poverty, especially those with large native populations. This has often been caused by racial discrimination and the fact that indigenous populations are often denied equal political participation. Despite numerous attempts at legal remedies to this discrimination through legislation, much of which has passed, little has been done in actuality to resolve the problem.⁵⁸ The absence of opportunity for political participation by indigenous peoples has made it particularly difficult for their rights to be ensured and their opinions heard. This often means that policies regarding native populations are either unfriendly or downright unhealthy for the indigenous peoples, and that they often do not have a say in what happens to their peoples or their lands, despite international law.⁵⁹

With political participation so far out of their grasp, indigenous groups have banded together in various social movements in order to make some sort of political space for themselves where their needs and rights can be heard. Grouping together either with other native groups or with transnational organizations that can assist them in furthering their goals, these movements generally consist of protests and other action that is meant to encourage change, but it more often ends in violence rather than reform. It seems that, without their rights being guaranteed, indigenous groups will not be able to make a place for themselves in the political system.⁶⁰

Violence Against Indigenous People in Central and South America

From the beginning of colonization, violence has been a mainstay in the lives of South and Central American native peoples. Discrimination keeps these peoples from being a part of many government decisions and denies them the same level of protection from entities like the police force that is guaranteed to and provided for other groups.⁶¹ One of the most significant examples of this discriminatory violence is the 1982 genocide committed by the Guatemalan government where more than 200,000 people were killed, the majority of them of indigenous descent.⁶² Although this is an extreme example of violence, it is not as rare as would be assumed, and similar ethnocide have been committed since colonization.⁶³ Regardless, smaller scale instances of violence are more common, and much more widespread. A number of these instances occur when indigenous peoples protest against the government and its policies, often due to a denial of their human rights, such as the result of protests in Peru against a denial of land rights. Indigenous peoples were protesting against the attempts of the government to pass laws about using indigenous lands for the exploitation of natural resources without consulting with the natives. The protest lasted for 50 days and 33 people were killed when the police attempted to

⁵⁸ <http://www.idea.int/publications/wip/upload/pacari-CS-Ecuador.pdf>

⁵⁹ http://www.yachana.org/research/oxford_movs.html

⁶⁰ http://www.yachana.org/research/oxford_movs.html

⁶¹ <http://www.minorityrights.org/?lid=185&tmpl=printpage>

⁶² <http://www.yale.edu/gsp/guatemala/TextforDatabaseCharts.html>

⁶³ http://en.wikipedia.org/wiki/Genocides_in_history#Americas

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break it up.⁶⁴ One of the biggest problems with the violence against indigenous populations occurring in Central and South America is the lack of attention given it by both the government and the general population, which makes the problem that much more difficult to address and solve.

Ensuring the Human Rights of Indigenous Groups

Legislation such as the Convention concerning Indigenous and Tribal Peoples in Independent Countries clearly explain the rights that are meant to be guaranteed for all indigenous groups, and are good guidelines for countries that need guidance in how to make sure that law and policy do not discriminate against indigenous groups. Until governments adhere to these guidelines and make an effort to ensure that native peoples gain equal political participation, protests and violence are going to continue until the problem is solved. The UNHRC needs to determine what the international community's role is in this struggle, and what it can do, as a body, to ensure the human rights of indigenous peoples.

Research Questions

1. Does your country have a large indigenous population?
2. If yes, what is the economic status of this population?
3. What kind of legislation has your country produced to protect indigenous rights?
4. Has your country ratified any legislation such as the ILO treaty mentioned above?
5. If you do have an indigenous population, what level of political participation do they have, if any?
6. Do multinational companies have a large importance to your government? If so, does policy revolve around these companies rather than the human rights of certain groups, such as indigenous populations?

Helpful Websites

- http://www.yachana.org/research/oxford_movs.html
- <http://www1.umn.edu/humanrts/edumat/studyguides/indigenous.html#rights>
- <http://www2.ohchr.org/english/issues/indigenous/rapporteur/index.htm>
- http://ap.ohchr.org/documents/sdpage_e.aspx?m=73&t=11
- http://rainforests.mongabay.com/amazon/amazon_people.html
- <http://www.brazil.org.uk/humanrights/indigenous.html>

⁶⁴ <http://www.amnesty.org/en/appeals-for-action/investigate-violence-against-indigenous-people-peru>