

Greetings Delegates,

It is my honor and pleasure to welcome you to the Southern Regional Model United Nations Conference (SRMUN) XVI. My name is Alison Karch and this year I will serve as the Director of General Assembly Third Committee, also known as the Social, Humanitarian and Cultural Committee (SOCHUM). This is my third year on SRMUN staff. Previously I served as the Director for the Organization of American States and the Assistant Director of the Commission on the Status of Women. I graduated from Berry College in 2003 with a BA in Government and a minor in International Studies. Currently, I work for the Georgia Department of Juvenile Justice as a probation officer. Jessica Garner is the Assistant Director this year. Jessica is a graduating senior from Louisiana State University, pursuing a degree in political science with a minor in Spanish. Though she has previously participated for two years at SRMUN as a delegate, this is her first year on staff.

SRMUN offers you the unique opportunity to articulate your assigned country's views on contemporary issues of global importance. Exploring the issues facing the international community will demand diplomacy, patience and perseverance. Your challenge is to develop innovative solutions while representing the cultural, historical and political traditions of the country that you represent.

As one of the delegates participating in SOCHUM at this conference, you have a unique opportunity to reach out to others who share your faith in the United Nations system. We at SRMUN take pride in bringing delegates together to discuss pressing issues in a forum that stimulates debate. SRMUN, and therefore SOCHUM, is part of the larger effort to teach leaders of tomorrow to choose the path of dialogue and negotiation rather than the path of violence and destruction.

Each of the three topics you will be researching and debating was carefully selected as part of the governing theme of SRMUN XVI, "For Humanity: Recommitting to the United Nations' Mission." I anticipate the topics chosen will provide you with exciting debate for the three-day conference, and the well-researched background guides will enhance your preparation process. This year's topics are:

- I. Landmines
- II. Women in Post-Conflict Situations
- III. Freedom of Religion or Belief

The background guide will provide you with a foundation for your research. However, it is by no means exhaustive of the information available to you for each topic. In order to be successful in committee, it is essential for you to conduct research well beyond what is given in the background guide.

Each delegate is required to submit a position paper. It should be no longer than two pages in length (single spaced) and demonstrate your country's position, policies and recommendations on the three topics (please see the SRMUN website, [www.srmun.org](http://www.srmun.org), for more format information.) The position paper should be sent via e-mail to Brian Halma, Director General ([dg@srmun.org](mailto:dg@srmun.org)) no later than **11:59 pm on October 29, 2005**. If you should have any further questions regarding position papers, please refer to the SRMUN website, your faculty advisor or head delegate. I am also available for any inquires you may have prior to the conference. On behalf of the SRMUN XVI staff and the Assistant Director, Jessica, welcome, and we look forward to seeing you in November.

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## The History of the General Assembly Third Committee

The United Nations General Assembly is the main deliberative organ in the United Nations in which all member states may take part. It is composed of representatives of all member states of the United Nations, each with one vote.<sup>1</sup> In the course of a session, the General Assembly considers hundreds of international issues. Because of the sheer number and complexity of questions that the General Assembly discusses, it was necessary to divide questions by theme so that they may be considered by committees in order to allow for specialization in each of the thematic fields.<sup>2</sup> There are six main committees that deal with the full range of issues that are put before the General Assembly.<sup>3</sup> Issues concerning human rights are discussed in the Third Committee, which is also referred to as the Social, Humanitarian and Cultural Committee (SocHum).<sup>4</sup> SocHum has played a role in the protection of human rights by bringing attention to and providing solutions for many of the world's human rights questions since 1948.<sup>5</sup> It has therefore become one of the most important bodies in the United Nations because of its wide jurisdiction.<sup>6</sup>

In the past, SocHum has made great strides in the advancement of all people. The Third Committee was the source of the landmark Convention on the Elimination of Discrimination against Women (CEDAW).<sup>7</sup> Like the Universal Declaration of Human Rights, this document has been considered as pivotal to the rights of women. CEDAW is the only human rights treaty that acknowledges the reproductive rights of women.<sup>8</sup> The 168 States who are party to the Convention and have agreed to follow its provisions are working to eliminate prejudice against women in their cultural structure.<sup>9</sup> The Third Committee's work has also led to needed programs of action in other areas of its mandate.

Every UN member state receives one vote. Issues are typically addressed through the creation and proposal of resolutions. Resolutions can be accepted by acclamation, meaning that no one opposes its acceptance, or by simple majority. All draft resolutions are then submitted to be approved by the General Assembly.<sup>10</sup> While resolutions that are passed by the General Assembly are not legally binding, they hold the weight of international opinion and the moral authority of the global community. All Member States are represented in the General Assembly Third Committee.

### I. Landmines

*"Landmines are blind weapons that cannot distinguish between the footfall of a soldier and that of an old woman gathering firewood. They recognize no cease-fire and, long after the fighting has stopped, they can maim or kill the children and grandchildren of the soldiers who laid them."*

*-Human Rights Watch*

#### *History*

It is estimated that there are between 15,000 and 20,000 new casualties caused by landmines and unexploded ordnance (UXO) each year.<sup>11</sup> This is equivalent to 1,500 new casualties each month, 40 a day and at least two per hour.<sup>12</sup> Landmines do not discriminate between "the footfall of a child or a soldier," men and women, black or

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<sup>1</sup> "Background." The United Nations General Assembly. [http://www.un.org/ga/59/ga\\_background.html](http://www.un.org/ga/59/ga_background.html)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> "Social, Humanitarian and Cultural Committee: History of the Committee." The Social, Humanitarian and Cultural Committee of the General Assembly. [http://www.munuc.org/pdfs/SOCHUM\\_History.pdf](http://www.munuc.org/pdfs/SOCHUM_History.pdf)

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> A/34/PV.107. *Convention on the Elimination of Discrimination against Women*. United Nations General Assembly. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>9</sup> Ibid.

<sup>10</sup> "Background." The United Nations General Assembly. [http://www.un.org/ga/59/ga\\_background.html](http://www.un.org/ga/59/ga_background.html)

<sup>11</sup> "What's the Problem?" International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>12</sup> Ibid.

white, rich or poor, human or animal, good or evil.<sup>13</sup> Most casualties are civilians who now live in countries that are at peace.<sup>14</sup> As Jody Williams, coordinator of the International Campaign to Ban Landmines and Nobel Peace Prize laureate said, “Once peace is declared the landmine does not recognize that peace. The landmine is eternally prepared to take victims.”<sup>15</sup> Landmines are an enduring problem long after a conflict has ended. Mines do not recognize a cease-fire and effects the poorest countries by rendering viable land useless for any development purposes.<sup>16</sup> Mines often prevent refugees and displaced people from being able to return to their homes. Aid organizations can not deliver the necessary equipment and resources, nor assist in reconstruction in some areas due to landmines. Caring for the victims of landmines can be an enormous strain on a poor country’s already stretched economy and social welfare system.<sup>17</sup>

An anti-personnel mine is described as “a device designed to be exploded by the presences, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”<sup>18</sup> Anti-personnel mines (referred to as landmines or mines) are not aimed at any one or group of individuals, but lie dormant until they are triggered by a person or animal that triggers them.<sup>19</sup> Cruelly enough, landmines are often not designed to kill their victims, but rather to maim.<sup>20</sup> The blasts may cause severe and debilitating injuries such as blindness, burns, destroyed limbs and painful shrapnel wounds.<sup>21</sup> Often, victims will not die from the blast itself but from blood loss due to inadequate medical attention.<sup>22</sup>

Landmines were first used on a wide scale during World War II and have been used in many conflicts including the Vietnam Conflict, Korean and first Gulf War, as well as many regional and internal situations.<sup>23</sup> They are currently still being used today in a handful of conflicts and produced in more than a dozen countries.<sup>24</sup> Mines were originally used for defensive purposes; protecting borders, camps, bridges or to restrict the movement of the enemy.<sup>25</sup> The logic behind a weapon that is designed to maim rather than kill is that more resources are used to care for an injured soldier than a dead one, thereby depleting resources that might be used in the offense or defense of a conflict. Eventually landmines were used in internal conflicts to terrorize communities by denying access to farmland and restricting population movement.<sup>26</sup>

Landmines have undergone vast changes in look, purpose and technology. Currently, there are 340 recorded models of antipersonnel landmines.<sup>27</sup> During World War II, they were initially used as antitank ordinance, but were easily removed and re-deployed by the enemy.<sup>28</sup> One of the most famous WWII era landmines was dubbed the “bouncing betty,” because of its ability to jump from the ground to hip-height when activated and propel hundreds of tiny steel fragments within a very wide range.<sup>29</sup> After WWII, weapons and technology advanced quickly. In the 1960s, a landmine was developed that could be delivered by air and detonate as it hit the ground, making it easy to deploy very large numbers of weapons at one time.<sup>30</sup> During the low-intensity conflicts of the 1960s and 1970s, landmines became the weapon of choice for government troops, paramilitaries and guerilla forces in less developed parts of the world. In the last two decades landmines have transformed into sophisticated weapons that are more dangerous to

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> “The Problem of Landmines-Background.” The Canadian Landmine Foundation.

<http://www.canadianlandmine.org/landmineProb.cfm>

<sup>16</sup> “What’s the Problem?” International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>17</sup> Ibid.

<sup>18</sup> *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.* The Oslo Diplomatic Conference on a Total Global Ban on Anti-Personnel Mines. 18 September 1997.

<http://www.icbl.org/treaty/text/english>

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> “What’s the Problem?” International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> “History of Landmines.” International Campaign to Ban Landmines. <http://www.icbl.org/problem/history>

<sup>26</sup> “What’s the Problem?” International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>27</sup> “History of Landmines.” The Canadian Landmine Foundation. [http://www.canadianlandmine.org/landmineProb\\_History.cfm](http://www.canadianlandmine.org/landmineProb_History.cfm)

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

civilians and are nearly impossible to detect. Greater numbers of mines can be laid more rapidly than ever before.<sup>31</sup> These new mines include remote delivery systems and mines with low metal content, electronic sensors and self-destruct mechanisms.<sup>32</sup> As landmines become more technologically advanced, the likelihood of their malfunctioning also increases.<sup>33</sup>

The production and trade of landmines is secretive. Because of the successful anti-landmine campaigns in the past, the weight of the world's opinion has clearly come down on the side against landmines. Governments and companies are reluctant to disclose information about their involvement in the production or sale of landmines.<sup>34</sup> However, despite the numbers of lives lost and the effect on communities and economies, landmines continue to be produced in 15 countries.<sup>35</sup> The countries that produce landmines are: Burma, China, India, Nepal, North Korea, South Korea, Pakistan, Singapore, Vietnam, Egypt, Iran, Iraq, Cuba, the United States and Russia.<sup>36</sup> Further, the Arms Project of Human Rights Watch has compiled a list of nearly 100 companies that have manufactured landmines or their components with a production rate of five to ten million mines a year.<sup>37</sup> While all of this information is indeed grim, there have been successes in stopping the production of landmines. Due, in large part, to international treaties and laws, at least 36 countries have stopped production and the global trade of mines has nearly halted.<sup>38</sup>

### *Current Situation*

Currently more than 80 countries throughout the world are affected to some degree by landmines.<sup>39</sup> The actual number of landmines in the ground is unknown, but the true number is not important. Just one landmine or even the suspicion of landmines will render viable farmland useless, creating harsh food production and economic conditions. Some of the most inflicted locations are Afghanistan, Angola, Burundi, Bosnia & Herzegovina, Cambodia, Chechnya, Colombia, Iraq, Nepal and Sri Lanka, all places where major internal conflict has risen.<sup>40</sup>

The impact of landmines on society is devastating. Apart from the immediate danger to life, landmines impede communities from recovery from conflict as well as pose heavy economic burden. Landmines have numerous medical effects upon their victims. Mines kill and injure innocent victims, mostly in countries that do not have adequate health facilities.<sup>41</sup> Even when there are medical treatment facilities nearby, mined roads and bridges virtually cut off entire populations from existing services. This denies people access to adequate medical services, immunizations, safe water and food, and contributes to the spread of disease.<sup>42</sup> Mine injuries typically include loss of limbs or eyesight.<sup>43</sup> Victims require significant quantities of blood. However, most medical centers in mine infected countries often face severe blood shortages and are forced to loosen safety restrictions on blood donations.<sup>44</sup> This in turn may lead to rising levels of HIV/AIDS among the population. Furthermore, mine victims face a lifetime of dependency on medical services.<sup>45</sup>

Apart from direct medical impacts, there are also severe psychological and social traumas associated with landmines. Some victims are permanently disfigured, while others live in constant fear.<sup>46</sup> Victims may also face the

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> "What's the Problem?" International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>36</sup> "Landmine Monitor Report 2004: Toward a Mine-Free World." International Campaign to Ban Landmines. 2004  
<http://www.icbl.org/lm/2004/findings>

<sup>37</sup> "The Problem of Landmines-Background." The Canadian Landmine Foundation.  
<http://www.canadianlandmine.org/landmineProb.cfm>

<sup>38</sup> "History of Landmines." International Campaign to Ban Landmines. <http://www.icbl.org/problem/history>

<sup>39</sup> "What's the Problem?" International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>40</sup> Ibid.

<sup>41</sup> "The Problem of Landmines-Impact." The Canadian Landmine Foundation.  
[http://www.canadianlandmine.org/landmineProb\\_impact.cfm](http://www.canadianlandmine.org/landmineProb_impact.cfm)

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

burden of being ostracized by their community after debilitating injuries. Amputated women are less desirable as wives because they are no longer able to continue their traditional work in the fields.<sup>47</sup> Amputated men often become drifters within society.<sup>48</sup> Despite these situations of need, most governments in mine-affected countries do not have adequate resources to care for and rehabilitate victims, nor facilitate reintegration into society.<sup>49</sup>

The problem of landmines has also created severe economic costs. A landmine is relatively easy and cheap to manufacture, with the estimated cost of producing one mine is roughly equal to one US dollar.<sup>50</sup> Conversely, the cost of locating and destroying one mine can cost as much as \$1,000.<sup>51</sup> Further, it costs \$100 to \$3000 to provide mine survivors with artificial limbs.<sup>52</sup> Beyond the initial cost of providing artificial limbs, an adult must replace his or her prosthesis once every three to five years, a child every six months.<sup>53</sup> Most mine-affected countries are agrarian in nature and depend upon the land for both their food and livelihood. However, the presence of mines in fields renders land unusable. Farmers are unable to safely cultivate land. Further, livestock (considered very valuable possessions) are often killed by landmines.<sup>54</sup> These outcomes cause local and national economies to suffer and entire populations to become dependent on external food aid and other forms of international assistance.<sup>55</sup>

### *Actions taken by the United Nations*

The 1980 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*, known as the Convention on Certain Conventional Weapons (CCW) marked the first attempt by the international community to restrict the use of landmines.<sup>56</sup> Protocol II of the Convention prohibits the indiscriminate use of mines, and their intentional use against civilians.<sup>57</sup> After three years of intense negotiations an amendment to Protocol II was agreed upon. Unlike the initial Protocol, the amended Protocol II also applies to internal conflicts, rather than only conflicts between nations.<sup>58</sup>

While the CCW was the first initial attempt at the international community to solve the issue of landmines, the greatest step forward came nearly 17 years later. At last, after decades of concerted efforts by many people and organizations, many of the world's countries were willing to take great strides in the fight against landmines. These states have committed themselves to terminating their use of landmines through the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, also called the Mine-Ban Treaty. The Mine-Ban Treaty commits Member States to "put an end to the suffering and casualties caused by antipersonnel landmines."<sup>59</sup> The obligations of the party states are under two broad headings, preventing future land mine problems and solving the existing landmine problem.<sup>60</sup> State parties are obligated to never use antipersonnel landmines nor produce, acquire, stockpile, retain or transfer them; destroy landmines in their stockpiles within four years; clear mines in their territory and in mine-affected countries, conduct mine awareness and ensure that victims are cared for; offer assistance to other State Parties in assisting survivors and clearing mines and; adopt implementation measures to ensure that the terms of the treaty are upheld in their territory.<sup>61</sup> Apart from

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> "What's the Problem?" International Campaign to Ban Landmines. <http://www.icbl.org/problem/what>

<sup>51</sup> Ibid.

<sup>52</sup> "The Problem of Landmines-Impact." The Canadian Landmine Foundation. [http://www.canadianlandmine.org/landmineProb\\_impact.cfm](http://www.canadianlandmine.org/landmineProb_impact.cfm)

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> "The Convention on Certain Conventional Weapons." The United Nations Mine Action Homepage. [http://www.mineaction.org/misc/dynamic\\_overview.cfm?did=25](http://www.mineaction.org/misc/dynamic_overview.cfm?did=25)

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine-Ban Convention)* United Nations General Assembly. 3-4 December 1997 <http://disarmament.un.org:8080/rdb/apm-mbc-text.html>

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

the key obligations lined out in the Mine-Ban Treaty, the convention also laid out some important reporting guidelines in order to provide transparency.<sup>62</sup>

The Convention was signed by 122 governments in Ottawa, Canada, on December of 1997.<sup>63</sup> In September of 1998, Burkina Faso became the 40<sup>th</sup> country to ratify the ban, thereby triggering its entry into force six months later in March 1999.<sup>64</sup> As of January 2005, 144 member states are party to the treaty with only eight signatory countries being left to ratify.<sup>65</sup> Forty two countries remain completely outside the treaty including China, Egypt, Finland, India, Israel, Pakistan, Russia and the United States.<sup>66</sup>

The United Nations has also enacted an Advocacy Strategy for 2004-2005, which calls the development of advocacy programs to guide United Nations mine-action partners through their work with regional and national mine-action organizations, non-governmental organizations (NGOs), non-state actors and the general public.<sup>67</sup> Its actions include reconciliation funds, information dissemination and advocacy for disability rights.<sup>68</sup>

### ***The International Campaign to Ban Landmines and Other NGOs***

While the United Nations has been integral in the formulation of international law and oversight mechanisms, there have been countless numbers of individuals and nongovernmental organizations (NGOs) that have made it their mission to bring international attention and political pressure to this serious issue. Many have used their resources to educated everyday citizens about the dangers of landmines, use celebrities to raise money, and create watchdog and monitoring bodies.

The main reporting body for landmines is the International Campaign to Ban Landmines (ICBL). Since 1999, the ICBL has been producing the Landmine Monitor, a yearly report on the status of the Mine Ban Treaty and the progress that has been made since the treaty went into effect in 1999.<sup>69</sup> According to The Landmine Monitor Report of 2004, sixty-two million stockpiled mines have been destroyed since the Mine-Ban Treaty.<sup>70</sup> More than 1,100 square kilometers of land have been cleared, and approximately 22.9 million people have attended mine education sessions.<sup>71</sup> It also reported that 42,500 recorded people have died, though in reality this number is probably much higher.<sup>72</sup>

The 2004 Land Mine Report also accounts the need for the countries outside of the treaty to also take part in the destruction of landmines. Forty-two countries, with an estimated 180-185 million mines total, are not party to the treaty.<sup>73</sup> The largest stockpiles of mines are held by three permanent UN Security Council members who are not parties to the treaty. It is estimated that China currently has 110 million mines, Russia has 50 million and the United States has 10.4 million.<sup>74</sup> In February 2004, the United States abandoned its goal of eventually eliminating all mines.<sup>75</sup>

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<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> "Landmine Monitor Report 2004: Toward a Mine-Free World." International Campaign to Ban Landmines.

<http://www.icbl.org/lm/2004/findings>

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> "Mine Action." The United Nations Mine Action Homepage.

[http://www.mineaction.org/misc/resultdisplay.cfm?doc\\_ID=2045](http://www.mineaction.org/misc/resultdisplay.cfm?doc_ID=2045)

<sup>68</sup> Ibid.

<sup>69</sup> "Landmine Monitor Report 2004: Toward a Mine-Free World." International Campaign to Ban Landmines.

<http://www.icbl.org/lm/2004/findings>

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> "Mine Action." The United Nations Mine Action Homepage.

[http://www.mineaction.org/misc/resultdisplay.cfm?doc\\_ID=2045](http://www.mineaction.org/misc/resultdisplay.cfm?doc_ID=2045)

<sup>74</sup> "Landmine Monitor Report 2004: Toward a Mine-Free World." International Campaign to Ban Landmines.

<http://www.icbl.org/lm/2004/findings>

<sup>75</sup> Ibid.

According to the report, since 1999, there have been three instances in which government forces have extensively used mines. India and Pakistan mined their border in 2001 and 2002, laying approximately two million or more mines.<sup>76</sup> It is estimated that Russia has used hundreds of thousands of mines in Chechnya in 1999 and 2000.<sup>77</sup> Ethiopia and Eritrea have laid hundreds of thousands of mines during their border war from 1998-2000.<sup>78</sup> However the only two countries that have used mines continuously through 1999-2004 are Russia and Myanmar (Burma).<sup>79</sup>

The 2004 Landmine Monitor confirmed that since 1999, 16 countries have used mines at some point.<sup>80</sup> Those countries with confirmed use are Afghanistan, Angola, Burma/Myanmar, DR Congo, Eritrea, Ethiopia, India, Iraq, Israel, Kyrgyzstan, Nepal, Pakistan, Russia, Sri Lanka, Uzbekistan and FR Yugoslavia.<sup>81</sup> There is also compelling evidence that another five countries have used mines although these countries deny any use: Burundi, Georgia, Rwanda, Sudan and Uganda.<sup>82</sup> Between May 2003 and May 2004 there was confirmed use of mines by Myanmar, Nepal and Russia., compelling evidence of use by Georgia, serious allegations of continued use by the armed forces of Burundi, and reports of use by Cuba and Uzbekistan.<sup>83</sup>

Another important NGO has been the Adopt-A-Minefield. They engage individuals, community groups and business in the effort to resolve the global landmine crises.<sup>84</sup> This project was created by the United Nations Association of the United States of America and has several liaisons across the globe. Adopt-A-Minefield saves and improves lives by raising money to clear landmines and help landmine survivors. All of the public donations that Adopt-A-Minefield has raised are passed directly to mine action projects. In its efforts Adopt-A-Minefield has raised over \$12 million dollars to clear over 18 million square meters of land.<sup>85</sup>

Similarly, the Landmine Survivors Network (LSN) works to bring awareness to the issue. However, while other organizations campaign on behalf of landmine victims, the Survivors Network enables the victims to empower themselves and reclaim the lives and rights of others worldwide.<sup>86</sup> LSN have programs focusing on the basic health need of victims, providing shelter, food, and medical attention.<sup>87</sup> They have also provided employment and economic independence through job counseling, vocational training, access to physical rehabilitation and assistance in starting businesses.<sup>88</sup> Most importantly, they have been a powerful voice for positive change in advocating survivor rights by educating and influencing policy.<sup>89</sup>

## *Education*

Mine Risk Education (MRE) “seeks to reduce the risk of injury from mines/UXO by raising awareness and promoting behavioral change; including public information dissemination, education and training, and community mine action liaison.”<sup>90</sup> MRE differs from advocacy to ban landmines because it specifically targets people in mine affected areas with the goal of educating them to avoid becoming victims of landmines.<sup>91</sup> Changing behavior in an at-risk population is a complex problem. However, learning from community members how they survive from day to day and helping them find alternatives to entering dangerous areas or touching UXO is one step that MREs take.<sup>92</sup>

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> “Landmine Monitor Report 2004: Toward a Mine-Free World.” International Campaign to Ban Landmines.

<http://www.icbl.org/lm/2004/intro/banning#fnB15>

<sup>84</sup> “About Us.” Adopt-A-Minefield. [www.landmines.org.uk/About+us](http://www.landmines.org.uk/About+us)

<sup>85</sup> Ibid.

<sup>86</sup> “Our Work.” Landmine Survivors Network. <http://www.landminesurvivors.org/work.php>

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> “Guide for the Management of Mine Risk Education,” The Landmine and Small Arms Team. New York: UNICEF. October 2003, p. 2. [http://www.mineactionstandards.org/IMAS\\_archive/MRE/Report.pdf](http://www.mineactionstandards.org/IMAS_archive/MRE/Report.pdf)

<sup>91</sup> “Mine Risk Education.” Adopt-A-Minefield. <http://www.landmines.org/crisi/education.cfm>

<sup>92</sup> “Mine Risk Education.” Mine Action Information Center at James Madison University. <http://maic.jmu.edu/Products/items/Smartbook2/Chapter6MRE.pdf>

MRE is important because personnel work closely with affected communities to collect information, and set priorities.<sup>93</sup> There are many different techniques that are employed by MRE instructors in community programs depending on the learning style of the audience.<sup>94</sup> MRE programs consisted mainly of lecture-type presentations, participatory activities, puppet shows, role playing, board games, poster contests and the distribution of posters.<sup>95</sup> However, in 2004, MRE programs included conducting surveys and the marking and clearance of mines. In some countries, MRE programs include teaching basic mine recognition skills and warning messages in an effort to teach civilians to avoid mines.<sup>96</sup>

Messages that are taught in MRE include: being able to identify mines, keeping out of mined areas, not touching mines, staying in safe areas, recognizing warning signs and reporting the location of mines for removal.<sup>97</sup> However, there are challenges in providing MRE. Among the most difficult aspects of community education in the developing world are the low levels of literacy and the lack of familiarity with a variety of communication approaches.<sup>98</sup> Further, in areas where there are few roads and fewer vehicles, the ability to spread information is curtailed.<sup>99</sup> Thirdly, ongoing conflict can disrupt transportation and draw away resources for MRE. It also restricts access to affected populations and disrupts mine action in general. Lastly, internally displaced people and refugees, while often at the greatest risk, rarely receive any MRE due to their unique situations.<sup>100</sup> Yet, because most mine advocacy organizations are directly involved in MRE, it has grown exponentially since 1999. In 1999, MRE programs were reported in 25 countries; by 2004, that number jumped to 63 countries.<sup>101</sup>

### *Committee Directive*

In order to effectively begin to answer the question of landmines, there are several questions that delegates must first ponder. First, it is essential for delegates to examine their countries history with the question of landmines. Does your country have or have had in the past any history with landmines? Are there significant populations of landmine deaths or injuries within your country? Secondly, you must examine your country's participation in the international treaties concerning the use and production of landmines. Did your country take part in the discussion to create either of the major landmine treaties? Has your nation signed or ratified either the Mine Ban Treaty or the CCW? If so, have they implemented the necessary actions to comply with all of the regulations? Has your country taken any issue with any of these regulations? How can your nation's successes/failures teach other nations?

Delegates are encouraged to create innovative original solutions to the problems concerning landmines laid out in this background guide. What are ways that the international community may bring pressure to bear on countries that are known to still produce and use landmines? Are there any legislative or economic measures that may be effective? Secondly, how might the United Nations deal with suspected users of landmines? How might the United Nations support the actions of NGOs to bring attention to the issue of landmine advocacy? Lastly, it would be especially prudent to consider the expansion and strengthening of MRE programs. How might countries address the challenges that they find in providing these programs.

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> "Landmine Monitor Report 2004: Toward a Mine-Free World." International Campaign to Ban Landmines. <http://www.icbl.org/lm/2004/intro/hma#fnB60>

<sup>97</sup> "Mine Risk Education." Mine Action Information Center at James Madison University. <http://maic.jmu.edu/Products/items/Smartbook2/Chapter6MRE.pdf>

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> "Guide for the Management of Mine Risk Education," The Landmine and Small Arms Team. New York. UNICEF October 2003, p. 2. [http://www.mineactionstandards.org/IMAS\\_archive/MRE/Report.pdf](http://www.mineactionstandards.org/IMAS_archive/MRE/Report.pdf)



## II. Women in Post-Conflict Situations

*“In war-torn societies, women often keep societies going. They maintain the social fabric. They replace destroyed social services and tend to the sick and wounded. As a result, women are the prime advocates of peace.”*

– UN Secretary General Kofi Annan<sup>102</sup>

### Introduction

Conflict has been a part of society as long as humans have formed themselves into communities. Unfortunately, women have been at the center of these conflicts, both as combatants and victims. Armed conflicts occur in many parts of the world and have escalated in size and intensity over the last decade. In Africa, over one quarter of the continent’s 53 countries were afflicted by conflict in the late 1990s.<sup>103</sup> The root causes of conflict often include poverty, the struggle for scarce resources and violations of human rights. Today’s conflicts are predominantly internal, with regional and international repercussions.<sup>104</sup> Further, the victims of current conflicts are predominantly civilian. For example, during World War I, only five percent of all casualties were civilians, as compared to the 99 percent in the 1990s.<sup>105</sup> While both sexes face conflict-related issues, such as mass displacement, child soldiers, violence against ethnic and religious groups, women and girls are particular targets of conflict for many reasons.

The violence against women during and after conflict has become so widespread that it is necessary for the international community to once again place this issue high upon the agenda. The United Nations can be an effective mechanism for focusing international attention on an issue and formulating a response while representing a promising forum for a comprehensive approach to problems. Shortly after the inception of the UN in 1945, it adopted a number of initiatives designed to prevent the repetition of the events of World War II. However, these initiatives focused little on the situations that women faced during and after the war. In the late 1960s, following the Conference on Human Rights in Tehran, the topic of women and armed conflict finally appeared on the UN Agenda.<sup>106</sup> However, the discussion of women was largely confined to the work of the Commission on the Status of Women (CSW) between 1968 and 1974 until the 1990s.<sup>107</sup>

The issue again achieved prominence within the UN system in the early 1990’s due to the media coverage of the sexual crimes committed in the former Yugoslavia.<sup>108</sup> The reemergence of women and armed conflict on the United Nations agenda was almost exclusively focused on sexual violence. One of the earliest measures to address the impact of conflict on women was following the Persian Gulf Conflict, with the Security Council’s establishment of the United Nations Compensation Commission (UNCC).<sup>109</sup> The UNCC was to provide compensation for damage resulting from Iraq’s invasion of Kuwait. In response to documentation of the rape of Kuwaiti women by Iraqi soldiers, the UNCC also took steps in order to ensure that these women were also compensated.<sup>110</sup>

In December 1993, when the General Assembly adopted the Declaration on the Elimination of the Violence against Women, they identified three main categories of violence against women; physical, sexual and psychological violence occurring: within the family; within the community; and was perpetrated or condoned by the state. In the

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<sup>102</sup> *Gender Approaches in Conflict and Post-Conflict Situations*. United Nations Development Programme. New York and Geneva: United Nations. <http://www.undp.org/gender/docs/gendermanualfinalBCPR.pdf>

<sup>103</sup> *Women, Peace and Security*. The Office of the Secretary General Pursuant to Security Council Resolution 1325. New York and Geneva: United Nations. 2001. <http://www.un.org/womenwatch/daw/public/eWPS.pdf>

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Judith G. Gardam, and Michelle J. Jarvis, *Women, Armed Conflict, and International Law*, New York: Springer. July 25, 2001, pp. 135-136.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid., p. 136.

<sup>109</sup> “Introduction.” United Nations Compensation Commission. <http://www2.unog.ch/uncc/introduc.htm>

<sup>110</sup> Ibid.

context of the latter category, the Declaration also recognizes that women in conflict situations are especially vulnerable to violence.<sup>111</sup>

### *United Nations Action*

The *Geneva Convention* relative to the protection of civilian persons in times of war states that women should be especially protected during times of war, particularly against rape, forced prostitution, or other forms of indecent assault.<sup>112</sup> The Geneva Convention outlines protections set aside for individuals that are living peacefully within society and are not engaging in combat. While this Convention outlines protections during combat, it does not guarantee any protections or rights once the combat is over. While many humanitarian rights violations occur during conflict, just as many, if not more, occur during the peace building process.

In June of 1993, representatives of nations and nongovernmental organizations from around the world gathered in Vienna, Austria, for the United Nations World Conference on Human Rights.<sup>113</sup> Women's rights advocates had worked for a very long time to ensure that women's rights were also recognized as human rights and that violence against women was included in the discussion. The resulting document, the *Vienna Declaration and Platform for Action*, was signed by 171 member states.<sup>114</sup> The *Vienna Declaration* was especially important for women because of its emphasis on the global pervasiveness of gender-based violence and the *Declaration's* compelling appeal to governments and the United Nations to take action to eliminate such violence.<sup>115</sup> The document declared:

[T]he human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.<sup>116</sup>

It also states, "violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law."<sup>117</sup> With the adoption of the *Vienna Declaration*, the 171 participating countries have renewed the international community's commitment to the promotion and protection of human rights.<sup>118</sup>

In 1995, at the Fourth World Conference on Women in Beijing, China, representatives from countries across the globe and innumerable organizations created the *Beijing Declaration* and its *Platform for Action*. In their declaration, delegates determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity.<sup>119</sup> The 1995 *Beijing Platform for Action* calls for an analysis of the effects on women and men before an active and visible policy of mainstreaming a gender perspective into all policies and programs should be promoted.<sup>120</sup> It also recognizes the importance of advancing equality, development and peace for women all over the world and that the inequalities between men and women's opinions have caused great consequences for all people, especially for women.<sup>121</sup> Also of noted importance is that women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.<sup>122</sup>

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<sup>111</sup> Judith G. Gardam, and Michelle J. Jarvis, *Women, Armed Conflict, and International Law*, New York: Springer. July 25, 2001, p. 138.

<sup>112</sup> *The Geneva Convention Relative to the Protection of Civilians During Times of War*, Convention IV, 1949.

<sup>113</sup> *Vienna Declaration and Programme of Action*. United Nation General Assembly. June 25, 1993.

<sup>114</sup> "The Vienna Declaration and Programme of Action of the World Conference on Human Rights." United Nations Human Rights Day. <http://www.un.org/events/humanrights/2003/vienna.htm>

<sup>115</sup> *Ibid.*

<sup>116</sup> *Vienna Declaration and Programme of Action*. United Nation General Assembly. June 25, 1993.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> Fourth World Conference on Women *Beijing Declaration and Platform for Action*, United Nations General Assembly. September 1995.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*

In regards to women in conflict, the *Beijing Platform for Action* created six strategic objectives. The first objective is to increase the participation of women in conflict resolution at the decision-making level and protect women living in situations of armed conflict.<sup>123</sup> The second objective, in recognition that it would serve all of humanity, urges states to reduce excessive military expenditures and control the availability of armaments such as anti-personnel landmines.<sup>124</sup> The *Platform* also promotes non-violent forms of conflict resolution and urges the reduction of incidences of human rights abuses in conflict situations.<sup>125</sup> The fourth objective would allow the promotion of the contribution of women to fostering cultures of peace.<sup>126</sup> In recognition of the fact that 80 percent of refugees are women and children, the fifth goal, seeks to provide protection, assistance and training to refugee women and other displaced women.<sup>127</sup> The sixth goal of the *Beijing Platform* related to women in conflict is to provide assistance to the women of colonies and non-self-governing territories in instances of conflict.<sup>128</sup>

Since the creation of the *Beijing Platform for Action*, there has been a great deal of advancement in the recognition of the issue of women in conflict. Many governments and nongovernmental organizations have looked to its recommendations as the basis for their work. However, there still are many areas where the *Platform's* message has not impacted the lives of women.

On October 31, 2000, the Security Council unanimously adopted *Resolution 1325* on women, peace and security. According to Security Council *Resolution 1325*, women play an important role in the prevention and resolution of conflicts and in peace building.<sup>129</sup> *Resolution 1325* marks the first time the Security Council addressed the impact of armed conflict on women, recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stressed the importance of their equal and full participation as active agents in peace and security.<sup>130</sup> The resolution also tasked the Secretary General with creating a report analyzing the many ways that women are affected by conflict.<sup>131</sup> In 2002, H.E. Kofi Annan fulfilled his obligation by producing the 192 page report entitled, "Women, Peace and Security," which provides an in depth and comprehensive analysis of the myriad ways in which conflict affects women.<sup>132</sup> *Resolution 1325* is necessary in setting up the footholds to which countries can set new peaceful policies that may include women and has become a landmark document to which many UN agencies and organizations base their action on.

### ***Violence against Women***

These documents are only a few that are instrumental in the understanding of the importance of the role women play in conflict and post-conflict situations. During a country's transition to peace, unique opportunities emerge to promote gender equality and gender justice, particularly in the context of peace negotiations and post-conflict reconstruction processes and structures.<sup>133</sup> While women do play an integral role in peace-building, they are also one of the most victimized groups during and after conflicts. Women are often made victim to sexual abuses, as well as other atrocities that include rape, sexual mutilation, purposeful infection with HIV/AIDS and other sexually transmitted infections (STI), forced impregnation, forced abortion, female genital mutilation (FGM), sexual harassment, trafficking, forced prostitution, dowry-related violence, domestic violence, battering, marital rape, forced sexual intercourse or other sexual acts with family members, sexual humiliation, medical experimentation on sexual and reproductive organs, forced prostitution, being compelled to perform sexual favors in return for essential items, being compelled to exchange sexual favors for the return of their children, trafficking of women, pornography

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> S/RES/1325 (2000). *On Women and peace and security*. United Nations Security Council

<sup>130</sup> "United Nations Security Council Resolution 1325: History & Analysis." Peace Women.

<http://www.peacewomen.org/un/UN1325/1325index.html>

<sup>131</sup> S/RES/1325 (2000). *On Women and peace and security*. United Nations Security Council

<sup>132</sup> *Women, Peace and Security*. The Office of the Secretary General Pursuant to Security Council Resolution 1325. New York and Geneva: United Nations. 2001. <http://www.un.org/womenwatch/daw/public/eWPS.pdf>

<sup>133</sup> Judith G. Gardam, and Michelle J. Jarvis, *Women, Armed Conflict, and International Law*, New York: Springer. July 25, 2001, pp. 19-40.

and forced cohabitation and marriages.<sup>134</sup> As well as being forced into unwelcome sexual acts, women and children also face other hardships during conflict.

Because internal conflicts are the most common form of conflict in recent times, civilians are at great risk and usually make up a large number of casualties. Also, parties to conflicts frequently locate military targets around civilian objects to shield them from attacks and use as human shields, thus increasing civilian casualties.<sup>135</sup> During conflict, most men serve in combat, leaving the civilian population to be comprised of women and children.<sup>136</sup> Another factor contributing to a large number of civilian deaths are landmines. Despite intense international efforts to eradicate landmines, they are still a serious humanitarian problem. In the 1990s, it was estimated that small arms (landmines, handguns, and rifles) killed approximately 3 million people, 8 out of 10 were women and children.<sup>137</sup> Evidence regarding landmines tends to suggest that because women have a lower body mass they are more likely than men to die from landmine injuries.<sup>138</sup> In addition, men are more likely to receive emergency medical treatment than women, therefore skewing the actual number of landmine injuries recorded.<sup>139</sup> Another gender-differentiated consequence of landmines is that it hinders the return of refugees, who are mostly comprised of women and children.<sup>140</sup>

Not only do small arms weapons harm women during conflict, so do the soldiers supposed to be protecting civilians. There have been numerous reports filed against United Nations forces and forces acting under the UN Security Council stating their contributions to the abuses, which include many reports of rape and sexual harassment.<sup>141</sup> The term “sexual violence” in regards to conflict, refers to many different crimes including rape, sexual mutilation, sexual humiliation, forced prostitution, sexual slavery and forced pregnancy.<sup>142</sup> There are many factors contributing to acts of sexual violence and gender-based violence. In general, the causes are gender inequity, assertion of power and the lack of respect for human rights.<sup>143</sup> Throughout history, women were seen as part of the “spoils of war” to which the victors were entitled. This is due to the perception that women were property to be owned, and that ownership was transferable by right of victory. Sexual violence can also be means of troop mollification as well as a means of destroying male and community pride, by humiliating those that failed to “protect their women.”<sup>144</sup>

Refugee women also face extemporaneous hardships. These fleeing women, whether forced or unforced, are indirectly placed into gender-based violence situations, such as the selling of sex for essential items.<sup>145</sup> The United Nations High Commissioner on Refugees (UNHCR) has reported difficulties with the distribution of ration cards. These cards are only given to husbands who often leave the families, once again forcing the women into unwanted sexual situations.<sup>146</sup> It is reported that refugee women are raped and sexually assaulted by other refugees and camp officials. They face a risk of forced prostitution and an increased prevalence of domestic violence.<sup>147</sup>

Gender-based torture has been reported in detention camps. During the Apartheid regime in South Africa, pregnant women were subject to electrical shock, medical care was withheld that often lead to miscarriages, body searches and vaginal examinations were conducted, rape and forced intercourse with other prisoners, the insertion of foreign items into the vagina, forced sterilization, and mothers were traumatized with stories of abuses and harm to their

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<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Michelle Jarvis. *Sexual Violence and Armed Conflict: United Nations Response*. United Nations Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/public/cover.htm>

<sup>143</sup> *Prevention and Response to Sexual and Gender-Based Violence in Refugee Situation*. The United Nations High Commissioner for Refugees. Geneva Switzerland. March 29, 2001.

<sup>144</sup> Michelle Jarvis. *Sexual Violence and Armed Conflict: United Nations Response*. United Nations Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/public/cover.htm>

<sup>145</sup> Judith G. Gardam, and Michelle J. Jarvis, *Women, Armed Conflict, and International Law*, New York: Springer. July 25, 2001, pp. 19-40.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

children.<sup>148</sup> Besides these horrendous crimes committed towards women while in detention, they also had to live with unhygienic conditions. Because the detentions were built for men prisoners, there are no facilities built for females.<sup>149</sup>

### ***Women and peacemaking***

After playing such an integral part in the war effort by keeping the home running and even sometimes engaging in combat themselves, women often organize themselves on the grassroots level. The peace process consists of a complex range of informal and formal activities. Informal activities include peace marches and protests, inter-group dialogue, the promotion of inter-cultural tolerance and understanding and the empowerment of ordinary citizens in economic, cultural and political spheres.<sup>150</sup> The participation of women and the inclusion of gender perspectives in both formal and informal peace processes are crucial to the development of sustainable peace. The interest of women and girls in becoming involved in peace processes often stems from their experiences of armed conflicts. However, they rarely find themselves as participants in the negotiation process, which is usually dominated by men who participated in the combat. This in effect marginalizes the women by denying them equal access to the political process and it reduces the benefits of having a female perspective in political decision-making.<sup>151</sup> By keeping the women out of the peacemaking process, half of the population is left virtually ignored.

### ***Committee Directive***

In attempting to find solutions concerning women in conflict and post-conflict situations, the Third Committee should attempt to answer the following questions: How do cultural stereotypes and gender roles affect women in conflict? How could the committee attempt, through resolutions, to change cultural attitudes allowing these actions to take place? The committee may attempt to answer these questions by analyzing the environments in which conflict against women occur, and attempting to create solutions based on education and understanding.

Further, the committee should look at strengthening international law which exists to protect women in conflict and post-conflict situations. In order to do so, it is important that women have meaningful participation in the peace process in the hopes that by doing so it would allow for a lasting peace. How many member states include women, yet remain mindful of religious and cultural taboos? The Third Committee should look both at the formal and informal ways in which to involve women in the peace process.

## **III. Freedom of Religion or Belief**

### ***Background***

Religions and belief bring hope and consolation to billions of people worldwide. During times of trouble and distress, communities often turn to their religious leaders to provide consolation, hope and direction. Many faith communities have been catalysts for great change by focusing on and providing attention to many issues such as human rights, poverty and conflict. There are countless examples of churches and religions putting their support behind peace and suffrage movements. However, while faith has had a solidifying effect on some, they have also been the source of tension and conflict. Unfortunately, religious intolerance and persecution have been a part of human society since the beginning of history. The word “religion” comes from the Latin word *religare*, meaning to bind fast.<sup>152</sup> Therefore, it is often counter intuitive for some peoples or cultures to let others enjoy the freedom of participating in a different majority religion. From the ancient Mediterranean and Medieval Europe to current day Gaza strip, conflict stemming from or furthered by religious tensions have been problematic. This complexity and

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<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> *Women, Peace and Security*. The Office of the Secretary General Pursuant to Security Council Resolution 1325. New York and Geneva: United Nations. 2001. <http://www.un.org/womenwatch/daw/public/eWPS.pdf>

<sup>151</sup> *Women, War, Peace and Peace Negotiations*. United Nations Development Fund for Women. [http://www.womenwarpeace.org/issues/peaceprocess/peace\\_process.htm](http://www.womenwarpeace.org/issues/peaceprocess/peace_process.htm)

<sup>152</sup> “Freedom of Religion or Belief.” University of Minnesota Human Rights Center. 2003. <http://www1.umn.edu/humanrts/edumat/studyguides/religion.htm>

difficulty in defining religion and belief are illustrated by the still developing history of protection of freedom of religion or belief in the context of international human rights.<sup>153</sup>

### ***International Law Protecting Religious Rights***

The struggle for religious liberty has been ongoing for centuries. However, during the last century, there has been a codification of common values related to the freedom of religion. Freedom of religion is a modern legal concept of being free as a matter of right, while freedom of worship is based upon the free expression of that right.<sup>154</sup> International legal instruments take the form of a treaty, though they may also be called an agreement, convention, covenant or protocol and may be binding on contracting states.<sup>155</sup> When negotiations are completed, the treaty is signed by the representatives of states. There are several ways that a nation may become bound to the articles of a treaty which it has signed, but the most common way is through ratification or accession.<sup>156</sup> The treaty enters into force when a pre-determined number of states have ratified or acceded to the treaty.<sup>157</sup> When a state ratifies a treaty, they may make reservations to one or more articles of document, unless it is prohibited within the treaty itself.<sup>158</sup> Reservations are exceptions that a state makes to a treaty, rules that they do not agree to follow.<sup>159</sup> Also, in some countries, international treaties take precedence over national law, although in others national law may be enacted in order to give a ratified treaty the force of law.<sup>160</sup>

The first major effort of recognition for the religious rights came in the form of the *Universal Declaration of Human Rights*. While this is a landmark document for many reasons, most importantly being the first global and unified voice concerning universal rights, it also provided one particular article addressing the right of religion. Article 18 of the *Universal Declaration of Human Rights* states that, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in a community with other and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>161</sup> Even though the freedom of religion or belief is a fundamental human right, many nations continue to persecute citizens on a daily basis due to their religious beliefs.

The second major document protecting religious freedoms was the 1966 *International Covenant on Civil and Political Rights*.<sup>162</sup> Article 18 of this instrument has four paragraphs related to religion and belief. It states that individuals have the right to adopt a religion or belief of their choosing and to worship individually or in a community.<sup>163</sup> The *Covenant* also provides that no one shall be subject to coercion that would impair their freedom, nor force them to adopt any religion or belief not of their choosing.<sup>164</sup> The *Covenant* does stipulate that the freedom to manifest one’s religion is subject to the limitations of law that protect public safety, order, health, morals or the fundamental rights and freedoms of others.<sup>165</sup> Finally, the last paragraph related to religious rights within the *Covenant* urges states parties to have respect for the liberty of parents and legal guardians to teach religious traditions to their children.<sup>166</sup> While some of the articles of the *International Covenant on Civil and Political Rights* have become international conventions, which are legally binding treaties, Article 18 has not become actual international law because of the complexity of the issue and the political issues.<sup>167</sup>

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<sup>153</sup> Ibid.

<sup>154</sup> *Universal Declaration of Human Rights*. United Nations General Assembly. December 10, 1948.

<sup>155</sup> “Freedom of Religion or Belief.” University of Minnesota Human Rights Center. 2003.  
<http://www1.umn.edu/humanrts/edumat/studyguides/religion.htm>

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> *Universal Declaration of Human Rights*. United Nations General Assembly. December 10, 1948.

<sup>162</sup> *International Covenant on Civil and Political Rights*. United Nations General Assembly. December 16, 1966.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> “Freedom of Religion or Belief.” University of Minnesota Human Rights Center.  
<http://www1.umn.edu/humanrts/edumat/studyguides/religion.htm>

After almost fifteen years of debate, the General Assembly adopted without a vote the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* in 1981.<sup>168</sup> The Declaration contains 8 articles, three of which define specific rights (1, 5, 6), and the remaining articles occupying supporting roles. Together, the eight articles constitute a paradigm to advocate for tolerance and to prevent discrimination based on religion or belief.<sup>169</sup> Article 1 states that “everyone shall have the right to freedom of thought, conscience and religion.”<sup>170</sup> This right includes the freedom to practice any religion or belief they chose. Article 2 of the resolution defines intolerance and discrimination based on religion or belief as “any distinction, exclusion, restriction, or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.”<sup>171</sup> Article 5 further defines the rights of parents, guardians and children in regards to religion and belief.<sup>172</sup> The Declaration also states that the right to freedom of thought, conscience, religion or belief include the following freedoms: to worship or assemble; to create appropriate charitable or humanitarian institutions; to have the necessary materials to practice the religion; to publish appropriate materials; to teach the religion in appropriate settings; to train leaders for the religion; to observe days of rest or holidays associated with the religion; and to maintain communication with other members of the religion.<sup>173</sup> While the *1981 Declaration* was adopted as a non-binding human rights instrument, several states had reservations.

There are still several sensitive issues that the *1981 Declaration* did not adequately address that need further clarification. These issues include: religious or national law versus international law, proselytism, conscientious objection of military service, status of women in religion or belief, claims of superiority or inferiority of religions and beliefs, choosing and changing a religious commitment, religious registration and association laws, public media and religion or belief and the relationship of religion or belief to the state.<sup>174</sup> The *Declaration* also lacks any enforcement procedures, but remains the most important codification of the principle of freedom of religion and belief.<sup>175</sup>

### ***Monitoring and Case Studies***

In 1986, the United Nations Commission on Human Rights (CHR), in *Resolution 1986/20* appointed a Special Rapporteur on religious intolerance. The Special Rapporteur was given the mandate to:

- examine incidents and governmental action in all parts of the world which were consistent with the provision of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures for such situations;
- to apply a gender perspective in the reporting process, including in information collection and in recommendations;
- within the terms of his mandate and in the content of recommending remedial measures, to take into account the experience of various States as to which measures are most effective in promoting freedom of religion and belief and countering all forms of;
- to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends in his report, and to continue to carry out his work with discretion and independence.<sup>176</sup>

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<sup>168</sup> *Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*. United Nations General Assembly. November 25, 1981.

<sup>169</sup> “Freedom of Religion or Belief.” University of Minnesota Human Rights Center. <http://www1.umn.edu/humanrts/edumat/studyguides/religion.htm>

<sup>170</sup> *Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*. United Nations General Assembly. November 25, 1981.

<sup>171</sup> Ibid

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> “Freedom of Religion or Belief.” University of Minnesota Human Rights Center. <http://www1.umn.edu/humanrts/edumat/studyguides/religion.htm>

<sup>175</sup> Ibid.

<sup>176</sup> *Special Report of the Commission of Human Rights on Freedom of Religion or Beliefs*. United Nations High Commissioner for Human Rights. <http://www.ohchr.org/english/issues/religion/index.htm>

The Special Rapporteur is to also transmit urgent appeals and communications to states with regard to cases that represent infringements of or impediments to the exercise of the right to freedom of religion and belief; undertake fact-finding country visits; and submit annual reports to the CHR and General Assembly on the activities, trends and methods of work.<sup>177</sup>

The 2005 report by Asma Jahangir, Special Rapporteur on freedom of religion or belief, listed several countries that currently have situations that are violating human rights on religious grounds.<sup>178</sup> The report found that when there is a violation of the right to freedom of religion or belief, it may also involve violations of other human rights, such as the right to life, the right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment, the right to liberty and security of the person, the right to freedom of movement, residence, nationality, peaceful assembly and association and the right of freedom of opinion or expression.<sup>179</sup> The countries that are listed in the report as having violations in this area are China, the Lao People's Democratic Republic and Viet Nam.<sup>180</sup> The report recognizes that violations may also be committed by non-state actors.<sup>181</sup> Many violations occur due to inter-religious tensions when the predominant religion does not tolerate the presence of religious minorities. States are responsible for ensuring the free exercise of freedom of religion or belief by protecting religious minorities and enabling them to practice their faith in all security.<sup>182</sup> These types of violations are occurring predominantly in India, Pakistan, Nigeria, Indonesia and Bangladesh.<sup>183</sup> The Special Rapporteur also raised questions regarding the issue of forced conversions, considered to be one of the most serious forms of violation to the right to freedom of religion or belief.<sup>184</sup> There were also an increased number of attacks and other restrictions on places of worship or shrines as well as limitations placed on religious publications.<sup>185</sup>

### **China**

On July 20, 1999, the Chinese Government banned the religion of Falun Gong. Falun Gong is a worldwide organization that is committed to the improvement of its follower's physical and mental well-being through exercise and meditation.<sup>186</sup> On July 22, the Chinese Ministry of Civil Affairs denounced Falun Gong as an "illegal organization" and banned its practice in public or private.<sup>187</sup> The group was also accused of "engaging in illegal activities, advocating superstitions and spreading fallacies" as well as "jeopardizing social stability."<sup>188</sup> It was reported that beginning on July 20, organizers of the group were detained.<sup>189</sup> Followers of Falun Gong were also detained as they tried to protest the detention of their leaders.<sup>190</sup>

On November 8, 1999, China's State Council confirmed the formal arrest of at least 111 members on charges of gathering illegally to disturb social order, stealing state secrets and other charges. There were also many others arrested but not formally charged.<sup>191</sup> Many of them were administratively sentenced without trial to "reeducation through labor" (RTL) camps for up to three years or have to undergo anti-Falun Gong education.<sup>192</sup>

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<sup>177</sup> Ibid

<sup>178</sup> E/CN.4/2005/61. *Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief*. Economic and Social Council Commission on Human Rights.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> "UN Asked to Intervene to Protect Falun Gong's Rights." Human Rights Watch.  
<http://hrw.org/english/docs/1999/07/22/china949.htm>

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> UN Asked to Intervene to Protect Falun Gong's Rights. Human Rights Watch.  
<http://hrw.org/english/docs/1999/07/22/china949.htm>

<sup>191</sup> China Uses "Rule of Law" to Justify Falun Gong Crackdown. Human Rights Watch.  
<http://hrw.org/english/docs/1999/11/09/china1959.htm>

<sup>192</sup> Ibid.



According to TIME Asia, as of July 2001, police had sentenced more than 10,000 followers to labor camps and a possible 220 people have died in custody.<sup>193</sup> Human Rights Watch reported that police have sent thousands to labor camps with sentences ranging from days to years.<sup>194</sup> Due to the high number of Falun Gong members that the state wanted to prosecute, many did not get a trial and were just simply sentenced to labor camps while others were sent to psychiatric institutions.<sup>195</sup>

According to the Special Rapporteur's report, since 1999, over 1,600 practitioners of Falun Gong have been tortured or beaten; several hundred have received prison sentences of over 20 years.<sup>196</sup> They report that at least 907 practitioners of Falun Gong have died while in detention.<sup>197</sup> In the addendum to her report, the Special Rapporteur gives several examples of the accusations of violations that they have received. On January 31, 2004, Zhang Guoqing reportedly died after being severely beaten while in detention at Rujiang Labour Camp.<sup>198</sup> He was reportedly arrested on May 31, 2003 for practicing Falun Gong and sentenced to two years of forced labor. Several times while he was in detention he had to be taken to Jianxin Hospital. Once was due to a hunger strike to protest the ill treatment by guards and the other time was allegedly due to internal injuries caused by beatings by the guards.<sup>199</sup>

On October 15, 2004, several Special Rapporteurs wrote a letter to the Chinese Government expressing their concern over the reports of systemic repression against the Falun Gong and other "heretical organizations." They were concerned that reports of arrest, detention, ill-treatment, torture, denial of adequate medical treatment, sexual violence, deaths, and unfair trial of members of so-called "heretical organizations" are increasing. An analysis of the reports received indicates that the alleged human rights violations against Falun Gong practitioners, including systematic arrest and detention, are part of a pattern of repression against members of this group.<sup>200</sup>

### ***Uzbekistan, Turkmenistan, Georgia***

There have been many violations to human rights regarding freedom of religion or belief in Uzbekistan, Turkmenistan and Georgia, but the manifestations of the violations in these countries differ remarkably.

In Uzbekistan, the religious intolerance has been mainly focused on followers of Islam. According to Human Rights Watch (HRW) and The Organization for Security and Co-operation in Europe (OSCE), the government of Uzbekistan has imprisoned and persecuted peaceful practitioners of Islam.<sup>201</sup> Hundreds of people have been arrested or sentenced to lengthy prison terms for their religious beliefs or affiliations. Many are tortured and beat in order to obtain testimony. After the attacks of September 11, the Uzbek government has justified its suppression of Islam as a legitimate response to security threats and as a component of its war on terrorism.<sup>202</sup>

According to HRW, from February to July 2002, 116 people were arrested and convicted on religious charges.<sup>203</sup> Fifty-three unaffiliated Muslims were arrested and accused of "Wahhabism" which is used to mean "fundamentalism."<sup>204</sup> In one trial in March 2002, fourteen defendants were accused of "criticizing Uzbek laws as contradictory to Allah's law" as well as "studying extreme literature."<sup>205</sup> The government claimed that the men had

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<sup>193</sup> Matthew Forney. "The Breaking Point." *Time Asia*. July 2, 2001.

<sup>194</sup> Ibid.

<sup>195</sup> Freedom of Thought, Conscience, Religion and Belief. Human Rights Watch. <http://hrw.org/english/docs/2005/07/25/china11426.htm>

<sup>196</sup> E/CN.4/2005/61. *Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief*. Economic and Social Council Commission on Human Rights

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Human Rights Watch Statement: Freedom of Religion On the Occasion of the ISCE Human Dimension Implementation Meeting. Human Rights Watch. September 12, 2002. <http://hrw.org/press/2002/09/osce-religion0912.htm>

<sup>202</sup> Ibid.

<sup>203</sup> Human Rights Watch Briefing Paper: Religious Persecution of Independent Muslims in Uzbekistan from September 2001 to July 2002. Human Rights Watch. August 20, 2002. <http://hrw.org/backgrounder/eca/uzbek-aug/uzbek-brief0820.pdf>

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

“disseminated Islamic extremist literature that they had obtained from foreign media channels such as Radio Liberty, Voice of America and the BBC.”<sup>206</sup>

Many members of Hizb ut-Tahrir have also been persecuted for their religious affiliation. Hizb ut-Tahrir is a transnational organization that advocated a strict interpretation of the Koran.<sup>207</sup> Members believe that it is their religious duty to uphold unjust political leaders accountable for their actions and to reestablish the Caliphate, or Islamic state, in traditionally Muslim lands.<sup>208</sup> Hizb ut-Tahrir members and leaders teach against violent means to achieve these goals. Fifty-one members of Hizb ut-Tahrir, including twelve women, were tried between February and July 2002.<sup>209</sup> Many of the women were arrested for protesting the torture that their male relatives were receiving while in custody. During the last ten days of July at least 30 women were arrested for their protesting, though most were released within several hours, but some were in custody for several days.<sup>210</sup>

In Turkmenistan, on November 10, 2003, a new law came into force that criminalizes unregistered religious activity.<sup>211</sup> Since that date, many religious minorities have been threatened or barred from worshiping due to technicalities in the new law. On July 11, 2004, a celebration of the regaining of registration of the Adventist Church in Ashgabad had to be cancelled after officials refused to give permission for the meeting.<sup>212</sup> The Adventist church had received official registration four months prior.<sup>213</sup> A Baptist church in Ashgabad had received its registration certificate on June 25, 2004, yet was told that they had not completed the registration process and therefore could not worship.<sup>214</sup> Also in Ashgabad, a Baha'i congregation that had completed registration was not allowed to rent places for meetings.<sup>215</sup> They also reported that on August 15, 2004, a secret government order banned registered religious and civic groups from opening any accounts at Ashgabad's banks, while new registration rules require a bank account for all financial transactions.<sup>216</sup> There were also reports of torture and harassment of Jehovah Witnesses in Ashgabad.<sup>217</sup>

The Turkmenistan Government responded to the Special Rapporteur's concerns by stating that they remain “committed to the unwavering and consistent implementation of the policy on ensuring comprehensive guarantees in the area of human rights and freedoms.”<sup>218</sup> Article 11 of the Turk Constitution states that the “State guarantees freedom of religions and belief, and their equality before the law.”<sup>219</sup> On March 11, 2004, the President of Turkmenistan signed Decree No. 6627 on “Ensuring Religious Freedom of Citizens in Turkmenistan” according to which registration of religious organizations and groups throughout the territory of Turkmenistan is carried out in accordance with international norms irrespective of the number of followers, their beliefs and the religion.<sup>220</sup>

In Georgia, 70 percent of the population is considered to be associated with the Georgian Orthodox Church.<sup>221</sup> “Non-traditional faiths” such as Jehovah Witnesses, Pentacostalists, Baptists and other protestant faiths have existed in Georgia for many years.<sup>222</sup> However, starting in 1999, there has been growing violence against members of these non-traditional faiths reportedly committed by Orthodox members and ignored by the police.<sup>223</sup> One of the main perpetrators in the violence was a former Orthodox priest. On February 22, 2001, the Supreme Court ruled to

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<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> E/CN.4/2005/61. *Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief*. Economic and Social Council Commission on Human Rights.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> *Memorandum to the U.S. Government on Religious Violence in the Republic of Georgia*. Human Rights Watch. August 29, 2001. [http://www.hrw.org/backgrounder/eca/georgia/georgia\\_memo\\_full.htm#back](http://www.hrw.org/backgrounder/eca/georgia/georgia_memo_full.htm#back)

<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

deregister Jehovah Witnesses, causing 40 reported attacks against Jehovah Witnesses in the first 7 months of 2001.<sup>224</sup> In several of these attacks, police stood by as Jehovah Witnesses were beaten. Sometimes the police even helped clear the way for the attacks.<sup>225</sup> At that time, some of Georgia's highest officials condemned the violence against non-traditional faiths, but have failed to take action to stop the attacks or protect the congregants for future attacks.

### ***Conclusion***

These several examples of current day religious intolerance are indeed sobering. While these examples are from developing and transitioning countries, religious intolerance also takes place daily in developed countries. Following September 11<sup>th</sup>, there were many reports of attacks and discrimination against Muslims throughout the United States. France has also recently banned Muslim women from wearing their traditional headscarves. Surely these examples have proven that providing solutions to this topic are still vitally important. During 1995's United Nations Year for Tolerance, the United Nations Educational, Scientific and Cultural Organization concluded that fighting tolerance requires law, education, access to information, individual awareness and local solutions.<sup>226</sup> Building tolerance and trust in diverse communities is not done overnight, but takes time and commitment. Intolerance is often rooted in ignorance and fear.

### ***Committee Directive***

In order to adequately address this topic, it is necessary to analyze several facets of the freedom of religion or belief. It is important to answer the following questions about your country: Does your country have more than one religion represented among its people? If so, what is the breakdown in population size? Does one religion or belief community have more "power" than the other? Has this been used in the past to keep political power and influence from other groups? If so what are the historical reasons for this? Answering these questions will provide the perspective needed to further generate solutions.

Secondly, it will be important for delegates to understand their country's relationship with the several international agreements relating to the freedom of religion or belief. Did your country take part in any of the discussions to create them? Did your country sign and ratify such documents? Were there exceptions to the ratifications, and if so, what were they? Does your country take issue with any of the provisions within the articles?

Thirdly, it will be important to devise solutions to the question of enforcement. Can there be a way in which these international documents or future ones may be created? Can new documents or amendments be created so that areas relating to this issue that aren't currently covered be addressed?

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<sup>224</sup> Ibid.

<sup>225</sup> *Memorandum to the U.S. Government on Religious Violence in the Republic of Georgia*. Human Rights Watch. August 29, 2001. [http://www.hrw.org/backgrounder/eca/georgia/georgia\\_memo\\_full.htm#back](http://www.hrw.org/backgrounder/eca/georgia/georgia_memo_full.htm#back)

<sup>226</sup> "A Global Quest for Tolerance." United Nations Educational, Scientific, and Cultural Organization. <http://www.unesco.org/tolerance/global.htm>