

Dear Honorable Delegates,

There is nothing like returning from summer vacations, classes and jobs to prepare for the exciting Southern Regional Model United Nations XVI. This year, the SRMUN staff has worked very hard to prepare a wonderful and challenging conference for you. As the Sub-Commission on the Promotion and Protection of Human Rights, we will explore several of the Sub-Commission's most important and profound issues between November 17<sup>th</sup> and 19<sup>th</sup>.

My name is Xiaoyi Wang, and I will serve as your Director. My experience in Model United Nations (MUN) began in Rhode Island in seventh grade and has continued through my three previous SRMUN experiences. I graduated in May from Clemson University with a B.S. in Biosystems Engineering and two minors in Bioengineering and International Politics. During that time, I served for two years as the President of Clemson University MUN. This past July, I traveled to Prague to study political and economics systems in Eastern Europe. In August, I began work as an Industrial Engineer for Michelin Spartanburg, but I intend to pursue law in the near future. This is my second year on staff. Crystal, your Assistant Director, also has extensive Model United Nations experience. Having graduated from the University of West Florida in May with a B.A. in International Studies, she is currently living in Philadelphia.

The theme for SRMUN XVI is *Humanity: Recommitting to the United Nations Mission*, and the three topics for this year's conference reflect this theme. Crystal and I have worked very hard to write a background guide that will give you a strong foundation for your preparation so you can enjoy your experience at SRMUN. Attached, you will find the background guide for the three topics for the Sub-Commission on the Promotion and Protection of Human Rights. The purpose of this guide is to serve as a supplement to your research; they should not replace the research that you conduct individually. The successful delegate understands each topic and related issues thoroughly in addition to understanding the country's relevant policies. Keeping yourself updated with news regarding the topics will also help you better understand the issues and how they relate to your country.

Each delegation is required to write a position paper to demonstrate your country's position and recommendations on all three of the topics. The paper should be correctly formatted according to the standards posted on SRMUN's website, single spaced and no longer than two pages in length. **All papers must be e-mailed to Laura Merrell, Deputy Director General ([ddg@srmun.org](mailto:ddg@srmun.org)) no later than 11:59 pm October 29.**

Good luck in your research, and please do not hesitate to contact any of us if you have any questions. We will help you to the best of our abilities. Crystal and I, in addition to the rest of SRMUN staff, look forward to working with you in November.

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## History of the Sub-Commission on the Promotion and Protection of Human Rights

The end of World War II saw the creation of the United Nations, a multinational organization to promote peace and security throughout the world. Since its creation in 1945, the promotion and respect for human rights has been one of the United Nations' top priorities. When human rights are disregarded in any particular region, conflicts are more likely to arise. Thus, an urgent need arose for human rights concerns to be addressed immediately following the creation of the United Nations.

The Charter of the United Nations specifies that the Economic and Social Council (ECOSOC) "shall set up commissions in the economic and social field for the promotion of human rights."<sup>1</sup> The Commission on Human Rights was then created as a subsidiary body of the ECOSOC in 1946.<sup>2</sup> In 1947, under the authority of the ECOSOC, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities was established as the Commission's main subsidiary body.<sup>3</sup> In 1999, the Economic and Social Council changed its title to the Sub-Commission on the Promotion and Protection of Human Rights.<sup>4</sup>

The Sub-Commission was created to undertake studies and make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities.<sup>5</sup> It has created several working groups and nominated Special Rapporteurs who focus on contemporary issues.<sup>6</sup> In 1974, a five member group named the Working Group of Contemporary Forms of Slavery was formed to review developments in the field of slave trade, child labor and sex trafficking. In 1982, a working group on indigenous populations was established to promote and protect the human rights and fundamental freedoms of indigenous populations. In 1994, the Working Group on the Administration of Justice was established to address the question of detention and compensation. Most recently in 1995, a five member inter-sessional working group was established to further recommend measures of protection and promotion of rights of persons belonging to national or ethnic, religious and linguistic minorities.<sup>7</sup> The Sub-Commission also considers human rights issues concerning domestic and migrant workers and violence against women.

The Sub-Commission holds an annual three week session in Geneva and is composed of 26 experts who act in their personal capacity, rather than represent their governments' policies. The experts are from five geographic regions. There are seven experts from Africa, five from Asia, five from Latin America, three from Eastern Europe, and six from Western Europe. Each member has one alternate. Members are elected every two years to serve four year terms.<sup>8</sup>

The current experts of the Sub-Commission on the Promotion and Protection of Human Rights (with their country of origin in parentheses) are:

Miguel Alfonso Martinez (CUBA), Gudmundur Alfredsson (ICELAND), Jose Bengoa (CHILE), Gaspar Biro (HUNGARY), Marc Bossuyt (BELGIUM), Shiqiu Chen (CHINA), Mohammed Habib Cherif (TUNISIA), Chin Sung Chung (REPUBLIC OF KOREA), Emmanuel Decaux (FRANCE), Rui Baltazar Dos Santos Alves (MOZAMBIQUE), El-Hadji Guisse (SENEGAL), Francoise Jane Hampson (UNITED KINGDOM), Vladimir A. Kartashkin (RUSSIAN FEDERATION), Kalliopi Koufa (GREECE), Iulia-Antoanella Motoc (ROMANIA), Florizelle O'Connor (JAMAICA), Paulo Sergio Pinheiro (BRAZIL), Lalaina Rokotoarisoa (MADAGASCAR), David Rivkin (United States of America), Ibrahim Salama (Egypt), Abdul Sattar (PAKISTAN), Soli Jehangir

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<sup>1</sup> *Charter of the United Nations*. 1945. Article 68.

<sup>2</sup> "Commission on Human Rights." Office of the High Commissioner for Human Rights.

<http://www.unhchr.ch/html/menu2/2/chrintro.htm>

<sup>3</sup> "Sub-Commission on Promotion and Protection of Human Rights." Office of the High Commissioner for Human Rights.

<http://www.unhchr.ch/html/menu2/2/sc.htm>

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> "International System of Human Rights." Les droits de l'homme. [http://www.aidh.org/uni/Formation/03Organismes\\_a.htm](http://www.aidh.org/uni/Formation/03Organismes_a.htm).

<sup>7</sup> "The UN Sub-Commission on the Promotion and Protection of Human Rights." UNESCO.

[http://www.unesco.de/c\\_huefner/chap2\\_2.htm](http://www.unesco.de/c_huefner/chap2_2.htm).

<sup>8</sup> Ibid.

Sorabjee (INDIA), Janio Ivan Tunon Veilles (PANAMA), N.U.O. Wadibia-Anyanwu (NIGERIA), Halima Embarek Warzazi (MOROCCO), and Yozo Yokota (JAPAN).<sup>9</sup>

## I. The Right to Protection against Torture

*“His thoughts are scrambled, his memory and concentration hopeless. Although his educational level before his torture was low, he did have a basic literacy and numeracy. Now when I assess his mental state, he is unable to remember more than one out of three objects in the room and cannot count backwards from 20.”*

*- Dr. Juliet Cohen, Medical Foundation for the Care of Victims of Torture<sup>10</sup>*

### **History and Background**

Torture, the infliction of severe physical or mental pain, is often used as a means of punishment, intimidation, discrimination, and obtaining information or confessions.<sup>11</sup> In the past, torture was often seen as a legitimate means for justice. It was used in the Medieval Inquisition starting in 1252 and was implemented by many governments throughout Europe in the 18<sup>th</sup> Century as a method to extract information.<sup>12</sup>

Torture is extremely harmful to victims and comes in two forms: physical and psychological. Physical torture includes rape, whipping, burning and food or sleep deprivation, often resulting in physical debilitation or injury.<sup>13</sup> Psychological torture differs from physical torture because it does not involve bodily injury. Forms of psychological torture, including mock executions, degradation, humiliation, isolation and sensory deprivation can be extremely mentally damaging.<sup>14</sup> When a victim is subjected to torture, survival may mean either forced betrayal or lifelong guilt.<sup>15</sup> The effects of torture may be extremely damaging to the coherence of entire families or communities because the victim is reduced to helplessness and distress, leading to the deterioration of cognitive, emotional and behavioral functions through dehumanization.<sup>16</sup> A strong link has also been observed between torture and discrimination based on ethnicity, race, gender and class.

Today, torture remains a frequent method of repression in authoritarian regimes, terrorist groups and criminal organizations. International humanitarian laws and human rights laws have been implemented and signed by many nations and organizations to protect victims against torture over the last century. International humanitarian law (IHL) consists of international treaties governing armed conflicts and established rules for conduct of international armed conflict.<sup>17</sup> The Four Geneva Conventions and its Additional Protocols, foundations of international humanitarian law, provide protection for people who are detained, including combatants, noncombatants and unlawful combatants. Article 3, of each of the four Geneva Conventions of 1949 prohibited “violence to life and person, in particular, mutilation, cruel treatment and torture.”<sup>18</sup> These conventions also laid the framework for future human rights legislation addressing an individual’s right to protection against torture.

The Third Geneva Convention obliges State Parties and their authorities to treat prisoners of war of international armed conflicts humanely at all times and to respect their persons under all circumstances, while the Fourth Geneva

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<sup>9</sup> “Commission on Human Rights.” Office of the High Commissioner for Human Rights.

<http://www.unhchr.ch/html/menu2/2/chrintro.htm>

<sup>10</sup> Julie Cohen. “A day in the life of a doctor coping with torture victims.” *Pulse*. May 21, 2005. Vol. 65, No. 21, p. 67

<sup>11</sup> *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. February 4, 1985. Article 1.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> *Torture*. The Free Dictionary. 2005. <http://encyclopedia.thefreedictionary.com/torture>

<sup>15</sup> H. Weinstein, et al. “Torture and War Trauma Survivors in Primary Care Practice.” *Western Journal of Medicine*. September 1996. Vol. 165, No. 3, pp. 112-117.

<sup>16</sup> *Istanbul Protocol*. United Nations Office of the High Commissioner for Human Rights. August 9, 1999.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

Convention prohibits acts of violence against and the torture of protected civilians in times of war.<sup>19</sup> According to Article 143 of the Fourth Geneva Convention, inspecting committees “shall have permission to go to all places where protected persons are, particularly to places of internment, detention, and work.”<sup>20</sup>

World War II, which was instigated by two totalitarian states that had conducted mass violations of human rights, was a catalyst for the formation of an international rights organization, the Commission on Human Rights.<sup>21</sup> The last half century has seen the creation and implementation of a variety of international and regional treaties and protocols addressing a victim’s right to protection from torture, including the *Universal Declaration of Human Rights* (1948), the *International Covenant on Civil and Political Rights (ICCPR)*, the *European Convention on Human Rights* (1950), the *American Convention on Human Rights*, the *African Charter on Human and People’s Rights* and the *UN Convention against Torture* (1984).<sup>22</sup> However, evidence suggests that many signatories of such treaties do not consistently adhere to them. Furthermore, the use of torture has spread to non-state actors, including armed opposition forces and political groups, making it increasingly difficult for the United Nations to monitor instances of torture while the interpretations of torture continue to vary.

### ***Actions Taken by the United Nations***

The United Nations, since its creation in 1945, has sought to protect all persons from torture or cruel, inhuman or degrading treatment. The right to be free from torture was first specified in Article 5 of the *Universal Declaration of Human Rights* of 1948.<sup>23</sup> Many other international documents followed, strengthening efforts to protect a victim from torture in the forms of international humanitarian and human rights laws. In 1966, the UN adopted the *International Covenant on Civil and Political Rights (ICCPR)* which prohibits the use of torture, much like the Universal Declaration, but also expands on the idea, stating that “no one shall be subjected without his free consent to medical or scientific experimentation.”<sup>24</sup>

The *Declaration against Torture*, one of the first UN documents focusing solely on the subject of torture, was adopted in 1975. The Declaration provided the vital legal framework necessary to outlaw torture, while outlining the responsibilities of the state to insure that acts of torture are offences under its criminal law.<sup>25</sup> Article 2 of the Declaration states that:

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration.<sup>26</sup>

The *UN Convention against Torture* soon followed in 1984 which also addressed torture exclusively, particularly in Articles 1, 2, 3 and 16, where torture is defined and the measures for each state party to prevent it are delineated.<sup>27</sup> The *Convention against Torture* banned torture under all circumstances, obligated its signatories to extradite or prosecute torturers found within their territory and established the UN Committee against Torture (CAT), a group in

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<sup>19</sup> Walter Kalin. *The Struggle against Torture*. International Committee of the Red Cross. 1998. p. 1  
<http://www.icrc.org/web/eng/siteeng0.nsf/html/57JPG5>.

<sup>20</sup> *Fourth Geneva Convention*. 1949. Article 143. <http://www.unhchr.ch/html/menu3/b/91.htm>

<sup>21</sup> Jastine Barrett. “The Prohibition of Torture under International Law: Part 1: The Institutional Organisation”. *The International Journal of Human Rights*. Frank Cass, London. Spring 2001. Vol. 5, No.1, p. 1-36

<sup>22</sup> Walter Kalin. *The Struggle against Torture*. International Committee of the Red Cross. 1998. p. 1  
<http://www.icrc.org/web/eng/siteeng0.nsf/html/57JPG5>.

<sup>23</sup> *Universal Declaration of Human Rights*. 1948. Article 5.

<sup>24</sup> Jastine Barrett. “The Prohibition of Torture under International Law: Part 1: The Institutional Organisation”. *The International Journal of Human Rights*. Frank Cass, London. Spring 2001. Vol. 5, No.1, p. 1-36

<sup>25</sup> *Declaration against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. 1975. Article 7.  
<http://www.cirp.org/library/ethics/UN-torture/>

<sup>26</sup> Ibid.

<sup>27</sup> Walter Kalin. *The Struggle against Torture*. International Committee of the Red Cross. 1998. p. 1  
<http://www.icrc.org/web/eng/siteeng0.nsf/html/57JPG5>.

charge of inspections and documentation.<sup>28</sup> Currently, the CAT consists of 10 appointed human rights experts.<sup>29</sup> Under Article 19 of the *Convention Against Torture*, the States Parties must submit to the CAT reports on the measures they have taken to address the actions required by the Convention.<sup>30</sup> Presently, 139 countries have ratified the Convention, although many nation states have not yet recognized the legitimacy and powers of the CAT.<sup>31</sup>

The Commission on Human Rights, created by the Economic and Security Council, stated in a 1998 resolution that “all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority.”<sup>32</sup> In 1985, a Special Rapporteur on Torture was charged by the commission to seek and receive credible and reliable information on questions relevant to torture and to respond without delay.<sup>33</sup> The Special Rapporteur, currently Mr. Manfred Nowak of Austria, is the only mechanism for urgent appeals, or written interventions that provide a detailed description of the context of potential or existing violations.<sup>34</sup> Such response allows increased protection against torture in emergency situations. Nowak’s visits to countries to investigate the systematic practice of torture have proven effective by publicizing human rights abuses and influencing the authorities of the nations involved.<sup>35</sup> In addition, he addresses letters of allegation that do not require immediate attention.<sup>36</sup> The Special Rapporteur’s final major task is to investigate specific issues related to torture, such as corporal punishment, gender-specific forms of torture, poverty, racism and torture equipment.<sup>37</sup> In his final report, *Civil and Political Rights, Including the Questions of Torture and Detention*, of December 2004, former Special Rapporteur Theo van Boven of the Netherlands reported on his findings on the situation of trade in production of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment, its origin, destination and forms.<sup>38</sup>

The *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, also known as the *Istanbul Protocol*, became an official UN document in 1999 and was the first set of international guidelines for documentation of torture and its consequences.<sup>39</sup> Torture is often difficult to prove, particularly when time has passed between the event and a medical examination. Effective documentation is one of the primary concerns in protecting individuals from torture as it highlights evidence of torture and ill treatment so that perpetrators may be held accountable.<sup>40</sup> The document also outlines common torture methods, consequences and medico-legal examination techniques and is referred to by medical and human rights organizations worldwide.<sup>41</sup>

On June 26, 2002, the UN International Day in Support of Victims of Torture was commemorated with more than 270 events worldwide.<sup>42</sup> To further strengthen the measures outlined in the Convention against Torture, the General Assembly of the United Nations adopted an Optional Protocol to the Convention against Torture and other cruel,

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<sup>28</sup> *Convention Against Torture*. Human Rights Web. 2003. p. 1 <http://www.hrweb.org/legal/undocs.html>.

<sup>29</sup> *Istanbul Protocol*. United Nations Office of the High Commissioner for Human Rights. August 9, 1999.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Multilateral Treaties Deposited with the Secretary General*. United Nations. 2005.

<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty14.asp>.

<sup>32</sup> *Istanbul Protocol*. United Nations Office of the High Commissioner for Human Rights. August 9, 1999.

<sup>33</sup> *Ibid.*

<sup>34</sup> Jastine Barrett. “The Prohibition of Torture under International Law: Part 1: The Institutional Organisation”. *The International Journal of Human Rights*. Frank Cass, London. Spring 2001. Vol. 5, No.1, p. 1-36. Also, *Annual Report 2004*. World Organization Against Torture. 2004. [http://www.omct.org/pdf/omct/2005/omct\\_annual\\_report04\\_en.pdf](http://www.omct.org/pdf/omct/2005/omct_annual_report04_en.pdf)

<sup>35</sup> *Ibid.*

<sup>36</sup> *Issues in Focus*. Office of the United Nations High Commissioner for Human Rights. 2004.

<http://www.ohchr.org/english/issues/torture/rapporteur/issues.htm>

<sup>37</sup> *Ibid.*

<sup>38</sup> E/CN.4/2005/62. *Civil and Political Rights Including the Questions of Torture and Detention*. December 15, 2004.

<http://daccessdds.un.org/doc/UNDOC/GEN/G05/104/83/PDF/G0510483.pdf?OpenElement>

<sup>39</sup> *Istanbul Protocol*. Physicians for Human Rights. 2004. [http://www.phrusa.org/research/istanbul\\_protocol/index.html](http://www.phrusa.org/research/istanbul_protocol/index.html)

<sup>40</sup> *Istanbul Protocol*. United Nations Office of the High Commissioner for Human Rights. August 9, 1999.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Together against Torture – UN International Day in Support of Victims of Torture – 26 June 2002*. International Rehabilitation Council for Torture Victims. June 2002. <http://www.irct.org/usr/irct/home.nsf/unid/BKEN-5gheds>.

inhuman or degrading treatment or punishment on December 18, 2002.<sup>43</sup> The intention of the protocol was to “establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman, or degrading treatment or punishment”<sup>44</sup> in addition to establishing a Subcommittee on Prevention to carry out the functions described in the protocol.<sup>45</sup>

### ***Current Situation***

While the unacceptability of all forms of torture has been publicized and recognized by many nations of the world, violations occur on a daily basis with the approval or participation of government officials and representatives. There are many issues surrounding the elimination of torture that require further consideration. Recent developments such as new anti-torture legislation, increased alarm over violence against women, the use of torture in the “War on Terror,” and evidence suggesting that signatories of the UN Convention against Torture have not abided by its principles have brought increased attention and concern to protecting victims from torture.

### ***Anti-torture Legislation***

Although torture was prohibited through several international instruments after World War II, it was not until the last twenty years that the legal prohibition of torture has taken on new dimensions with the adoption of resolutions, conventions and the establishment of special procedures aimed specifically at outlawing the practice of torture.<sup>46</sup> One of the largest milestones in the elimination of terror was the establishment of a definition for torture. Currently, the definition of torture as defined in the United Nations Convention against Torture is:

...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.<sup>47</sup>

Thus, the international concept of torture comprises of five elements: 1) severe pain and suffering, whether physical or mental; 2) intentional infliction; 3) for such purposes as obtaining information or a confession, punishing, intimidating or coercing, or for any reason based on discrimination of any kind; 4) inflicted by or at the instigation of or with the consent of a public official and other person acting in an official capacity; and 5) the exclusion of torture related to pain arising from lawful sanctions.<sup>48</sup>

The adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on December 18, 2002, by the General Assembly gained approval from various regional and international human rights organizations. The nations that sign the Optional Protocol agree to allow a subcommittee of the UN Committee against Torture to visit places where people

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<sup>43</sup> A/RES/57/199. *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. December 18, 2002. Costa Rica was the original sponsor.

<sup>44</sup> Ibid., Article 1.

<sup>45</sup> Ibid., Article 2.

<sup>46</sup> Jastine Barrett. “The Prohibition of Torture under International Law: Part 1: The Institutional Organisation”. *The International Journal of Human Rights*. Frank Cass, London. Spring 2001. Vol. 5, No.1, p. 1-36

<sup>47</sup> *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. February 4, 1985. Article 1.

<sup>48</sup> *Interpretation of the Definition of Torture or Cruel, Inhuman or Degrading Treatment or Punishment in the Light of European and International Case Law*. World Organization Against Torture. October 2004.  
[www.omct.org/pdf/omct\\_europe/2004/omctreport\\_definition\\_eu\\_301004.pdf](http://www.omct.org/pdf/omct_europe/2004/omctreport_definition_eu_301004.pdf)



are held in detention and subsequently present recommendations to the receiving state.<sup>49</sup> Unfortunately, there are only 34 signatories and 9 ratifications thus far, and the Protocol will not enter force until the thirtieth day after the twentieth ratification.<sup>50</sup>

### *Violations of the Convention against Torture*

Despite the fact that torture is an extreme violation of human rights and the signatories of the Geneva Conventions and the Convention against Torture agree to not commit certain forms of torture, Amnesty International estimated in a survey of 195 countries and territories that there were reports of torture or ill-treatment by state officials in more than 150 of them. In more than 70, they were widespread or persistent.<sup>51</sup>

One of the most controversial issues since the terrorist attacks of September 11<sup>th</sup>, 2001, is the use of torture in the War on Terror. In a memo to the White House in January 2002, Alberto Gonzales, then a White House Counsel to President George W. Bush, argued that captured members of the former ruling Taliban regime in Afghanistan were not protected under the Geneva Conventions because the Taliban prisoners should be legally categorized as unlawful combatants. Gonzales further went on in the memo to further describe the Geneva Conventions as “quaint” and “obsolete.”<sup>52</sup> Gonzales use of the category of unlawful combatant falls under the Fourth Geneva Convention:

Where in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would... be prejudicial to the security of such State.<sup>53</sup>

In the case of the War on Terrorism, many unlawful combatants have been denied protection under the Geneva Conventions, because they are excluded by their nationality or are deemed to be so dangerous that Article 5 can be invoked.<sup>54</sup>

In response, the United Nations released a report *Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment* in November 2004 stating that “no country can justify torture, the humiliation of prisoners or violation of international conventions in the guise of fighting terrorism.”<sup>55</sup> The UN Special Rapporteur on Torture, Theo van Boven, reported that “certain methods have been condoned...[including] holding detainees in painful and-or stressful positions, depriving them of sleep and light for prolonged periods, exposing them to extremes of heat, cold, noise and light, hooding, depriving them of clothing, stripping detainees naked and threatening them with dogs.”<sup>56</sup> Van Boven further stated that the definition of torture is not subject to the whims of states, while explicitly referencing reports from detention facilities in Iraq and Guantánamo Bay.<sup>57</sup>

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<sup>49</sup> Sweden signs *Optional Protocol to the UN Convention against Torture*. Ministry for Foreign Affairs of Government Offices of Sweden. June 2003. <http://www.sweden.gov.se/sb/d/947/a/9636>

<sup>50</sup> *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* New York, 18 December 2002. OHCHR. 2005. [http://www.ohchr.org/english/countries/ratification/9\\_b.htm](http://www.ohchr.org/english/countries/ratification/9_b.htm)

<sup>51</sup> *Denounce Torture*. Amnesty International USA. 2005. <http://www.amnestyusa.org/stoptorture/about.html>

<sup>52</sup> Glenn Kessler. “U.S. Releases Human Rights Report Delayed after Abuse Scandal.” *The Washington Post*. May 18, 2004. p. A15.

<sup>53</sup> Fourth Geneva Convention. Article 5.

<sup>54</sup> “Gonzales Torture memo controversy builds.” *USA Today*. January 3, 2005. [http://www.usatoday.com/news/washington/2005-01-03-gonzales-hearing\\_x.htm](http://www.usatoday.com/news/washington/2005-01-03-gonzales-hearing_x.htm)

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> *The UN Special Rapporteur on Torture criticizes the undermining of the non-refoulement principle and the use of terrorism as a pretext to justify torture*. Statewatch. 2004. <http://www.statewatch.org>.

Furthermore, Article 16 of the Fourth Geneva Convention states that “Each State Party shall prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment.”<sup>58</sup> Therefore, a government of a state may authorize its personnel to use such treatment in a territory not under its jurisdiction, without officially breaking the state’s treaty obligations. In 2003, Britain’s Ambassador for Uzbekistan, Craig Murray, made accusations that information was being extracted under extreme torture from dissidents in that country and the information was being used by Britain and other western democratic countries that officially disapproved of torture. He suggested that Western countries moved people to regimes and nations where it was known that information would be extracted by torture and made available to them.<sup>59</sup>

Another major focus of the UN report was the erosion of the non-refoulement principle, whereby States should not “expel, return ‘refouler’, or extradite a person to another State” if there are “substantial” grounds for suspecting that they may be in danger of being subjected to torture or to cruel, inhuman and degrading treatment upon return.<sup>60</sup> Article 3 of the Convention against Torture prohibits refoulement, irrespective of the reason that an individual has been tortured in the past.<sup>61</sup> The Special Rapporteur pointed out an increase in practices that undermine the non-refoulement principle, such as when “police authorities in one country hand over persons to their counterparts in other countries without the intervention of a judicial authority, or the possibility of contacting their families and lawyers” or when nations rely on “diplomatic ‘assurances’ from the receiving country that transferred suspects will not be subjected to torture or cruel, inhuman or degrading treatment.”<sup>62</sup> He claims that there were a number of instances that “diplomatic guarantees were not respected.”<sup>63</sup>

### *Protecting Women against Torture*

The Torture Convention states that physical abuse rises to the level of torture when it inflicts “severe pain and suffering, whether physical or mental.” Rape, forced prostitution and forced pregnancy all inflict severe mental and physical pain and suffering and fit within the definition of torture.<sup>64</sup> Thus, they are banned by customary international law and humanitarian law. The four Geneva Conventions and its Additional Protocols provide that women shall especially be protected against any attack on their honor, in particular against humiliating treatment, rape, enforced prostitution and any indecent assault.<sup>65</sup>

Boutros Boutros-Ghali, the Secretary General of the UN in May 1993 listed rape as a crime against humanity. General Assembly Resolution 104 of 1994, a *Declaration on the Elimination of Violence against Women*, referred to the Convention on the Elimination of All Forms of Discrimination against Women, the Universal Declaration of Human Rights and the Convention against Torture, among other relevant instruments to emphasize a woman’s right “not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. It further states that “States should pursue by all appropriate means and without delay a policy of elimination violence against women.”<sup>66</sup>

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<sup>58</sup> Ibid. Article 16.

<sup>59</sup> *CIA Flying Suspects to Torture?* CBS News. March 6, 2005. <http://www.cbsnews.com/stories/2005/03/04/60minutes/main678155.shtml>

<sup>60</sup> *The UN Special Rapporteur on Torture criticizes the undermining of the non-refoulement principle and the use of terrorism as a pretext to justify torture.* Statewatch. 2004. <http://www.statewatch.org>.

<sup>61</sup> *Submission in Support of the Convention against Torture Petition of Ejibe Otah Oko, Case Number A 74-208-270.* World Organization against Torture USA. 1998. <http://www.woatusa.org/politicalpersec.html>

<sup>62</sup> *The UN Special Rapporteur on Torture criticizes the undermining of the non-refoulement principle and the use of terrorism as a pretext to justify torture.* Statewatch. 2004. <http://www.statewatch.org>.

<sup>63</sup> Ibid.

<sup>64</sup> Beth Stephens and Dadisman MaryAnn. “Women and the Atrocities of War.” *Human Rights: Journal of the Section of Individual Rights and Responsibilities*. Summer 1993, Vol. 20, No. 3.

<sup>65</sup> *Women and Armed Conflict.* United Nations. 2004. <http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>

<sup>66</sup> A/RES/48/104. *Declaration on the Elimination of Violence against Women.* United Nations General Assembly.



Despite growing legislation to protect women from all forms of torture or degrading treatment, women and girls are particularly affected due to their status in society.<sup>67</sup> Women are often raped as a tactic of war and terrorism, and suffer acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual abuse and forced pregnancy in armed conflict, especially as a result of policies of ethnic cleansing and other emerging forms of violence.<sup>68</sup> Such forms of torture often lead to lasting mental and physical health problems, including sexually transmitted diseases, musculo-skeletal problems, brain injury, depression and anxiety disorder.<sup>69</sup>

## **Conclusion**

One of the most pressing problems for the protection of individuals against torture is the lack of an enforcement capacity.<sup>70</sup> When being publicly criticized for a state's human rights record, that state's behavior may change when dictated by political and economic motivations, rather than the motivation to improve human rights. However, the worst sanction which can be applied upon violation of the convention, particularly with more powerful countries, is a public record that they broke their treaty obligations.<sup>71</sup> This record may often be set aside, denied or devalued by the state and have little effect on its political position. Furthermore, the use of torture by non-state actors has made it increasingly difficult to monitor and control the use of torture, particularly during times of conflict. Most recently, the threat of terrorism and continued gender disparity between men and women has led to an increasing need to protect victims against torture.

While many nations officially denounce the use of torture, a variety of devices such as state denial, secret police, appeal to various laws and claim of an overriding need are used to legitimize or conceal its use. Even signatories of anti-torture legislation utilize torture as a means of information extraction and continue to deny human rights to their victims in the name of terrorism or similar security issues. There is a growing contradiction between international values and political action of various nation states which threatens to undermine the development of human rights, including the absolute prohibition of torture.<sup>72</sup>

## **Committee Directive**

Although the subject matter concerning the Right to Protection against Torture may appear very broad, remember that the purpose of the Sub-Commission on the Promotion and Protection of Human Rights is to protect all persons from suffering any form of torture or degrading and inhuman treatment. Short term solutions focusing on the immediate needs of victims of torture may include health care, counseling and access to documentation. Long term strategies should include issues such as an increase in enforcement capacity and increased awareness, methods of implementation prevention and reparation. It would be in the committee's best interest to focus on anti-torture legislation and improved methods of incident documentation and communication between human rights groups, medical organizations and the related UN organs and committees addressing the issue. Be aware of the limited funding and resources within the United Nations and for the various anti-torture programs in general. During committee session, focus on general solutions rather than solutions for a particular country.

When conducting research, pay attention to how your country deals with torture and human rights legislation. Has it signed, ratified or implemented any national legislation addressing an individual's right to protection against torture? What actions has your country taken in the past to deal with the use of torture? How does your country deal with specific issues such as refugees, women, and individuals not protected under the Geneva Convention? What treaties and conventions does your country participate in? Note also that your region may have implemented regional protocols and legislation as noted in the "History and Background section" that you may want to refer to.

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<sup>67</sup> *Women and Armed Conflict*. United Nations. 2004. <http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>

<sup>68</sup> Ibid.

<sup>69</sup> *Istanbul Protocol*. Physicians for Human Rights. 2004. [http://www.phrusa.org/research/istanbul\\_protocol/index.html](http://www.phrusa.org/research/istanbul_protocol/index.html)

<sup>70</sup> Jastine Barrett. "The Prohibition of Torture under International Law: Part 1: The Institutional Organisation". *The International Journal of Human Rights*. Frank Cass, London. Spring 2001. Vol. 5, No.1, p. 1-36

<sup>71</sup> *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. February 4, 1985. Article 22.

<sup>72</sup> *Together against Torture – UN International Day in Support of Victims of Torture – 26 June 2002*. International Rehabilitation Council for Torture Victims. June 2002. <http://www.irct.org/usr/irct/home.nsf/unid/BKEN-5gheds>.

## II. International Day for Tolerance

*“Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others.”*

*- Preamble of UN Declaration of Principles on Tolerance (1995)<sup>73</sup>*

### **Introduction**

In 1733, French philosopher Voltaire published a pivotal work titled *Letters Concerning the English Nation*, which is an examination of the intellectual and institutional foundation of England’s religious tolerance.<sup>74</sup> He suggests that it is the attitude of the individual rather than politics that promotes tolerance.<sup>75</sup> Today, tolerance of all kinds continues to be the foundation of democracy, peaceful co-existence, and human rights.<sup>76</sup> Conversely, intolerance in multi-ethnic, multi-religious or multicultural societies leads to violations of human rights, violence, or armed conflict.<sup>77</sup>

Tolerance is a moral virtue, political obligation and an indispensable requirement for a global security. It is a part of human rights, the natural born rights for every human being.<sup>78</sup> It includes the appreciation of diversity, the ability to live and let others live, the ability to adhere to one’s convictions while accepting that others adhere to theirs, and the ability to enjoy one’s rights and freedoms without infringing on those of others.<sup>79</sup> Since its creation in 1945, the United Nations and its related organs and agencies have promoted tolerance and freedom of all peoples. The year of 1995, the fiftieth anniversary of both UNESCO and the UN, was proclaimed as the International Year for Tolerance.<sup>80</sup> Despite the progress made in the last half century and particularly over that year, many human rights, such as an individual’s rights to freedom of belief and culture, continue to be infringed upon throughout the world. To further promote tolerance and global security following 1995, the United Nations declared November 16 as the International Day for Tolerance.<sup>81</sup>

### **History and Background**

Intolerance has been present since the beginning of mankind. It is a leading cause of conflict, including religious persecutions, ideological confrontations, wars, racial assaults and genocides.<sup>82</sup> In many cases, what begins as hatred often ends as an armed conflict, usually when one group has gained or is trying to gain more influence or power. For example, when one faith group attains political power in a religiously divided country, the potential for persecution based on religion is high.<sup>83</sup> In many cases, intolerance is rooted in the fear of the unknown and is closely linked to an exaggerated sense of self worth and pride, which are taught and learned at an early age. In turn, such intolerance in a society leaves its victims in pursuit of revenge.<sup>84</sup> In the last fifty years, a dangerous escalation of intolerance has led to flagrant acts of xenophobia, aggressive nationalism, racism, anti-Semitism and violence and discrimination against ethnic, religious, and linguistic minorities, refugees, migrants and individuals exercising their freedom of thought and expression.<sup>85</sup>

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<sup>73</sup> *Declaration of Principles on Tolerance*. 1995. Article 6.

<sup>74</sup> Wendy McElroy. *The Origin of Religious Tolerance: Voltaire*. 2005. <http://www.zetetics.com/mac/volt.htm>.

<sup>75</sup> Ibid.

<sup>76</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>77</sup> Ibid.

<sup>78</sup> *Universal Human Rights and International Law*. United Nations Department of Public Information. March, 1995. <http://www.un.org/rights/dpil627e.htm>.

<sup>79</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> B.A. Robinson. *Worldwide Religious Persecution Overview*. Ontario Consultants by Religious Tolerance. [http://www.religioustolerance.org/rt\\_overv.htm](http://www.religioustolerance.org/rt_overv.htm)

<sup>84</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>85</sup> Federico Mayor. “Tolerance-Indispensable Requirement for Global Security.” *United Nations Chronicle*. September 1995: Vol. 32, Issue 3.

The causes and factors contributing to intolerance are complex. Sources of intolerance include slavery and the slave trade, colonialism, apartheid, genocide and xenophobia against non-nationals, particularly migrants, refugees and asylum seekers.<sup>86</sup> Social, political, and economic factors all play a role in the development of intolerance. Social variables include the progressive breakdown of family structures, migration to overcrowded urban areas in poor condition, loss of traditional values, marginalization and exposure to violence through the media and within daily life.<sup>87</sup> In addition, political factors such as fragile democratic institutions, the government's lack of respect for human rights through legislation and enforcement, explosive nationalism, ethnic rivalries and conflicts that uproot and displace millions of people are often manifestations of intolerance.<sup>88</sup> For example, in South Asia, more than 100,000 Bhutanese refugees remain in exile, the majority of them in Southeast Nepal, after they were stripped of their nationality and expelled from Bhutan in the early 1990s.<sup>89</sup>

Poverty and extremes of wealth within countries and underdevelopment further encourage social tensions.<sup>90</sup> The growing North/South disparity in wealth and access to resources is coinciding with an alarming increase in violence, poverty and unemployment, homelessness, displaced persons, and the erosion of environmental stability since the end of the Cold War.<sup>91</sup> Historical grudges and rivalries, sinister myths of ethnic or cultural purity or superiority, religious fanaticisms, fears grounded in ignorance and the appetites for domination have carried over from our past.<sup>92</sup> In recent years, wars of conquest between states have given way to wars of intolerance between and within states.<sup>93</sup> The revival of historical grudges and armed conflict in the Balkans, the recent increase in the number of racial assaults in Western Europe, the Rwandan genocide, the Israeli-Palestinian conflict and the current crisis in Darfur were fuelled by or are results of intolerance.<sup>94</sup> The Hutu-Tutsi divide in Rwanda and neighboring states, leading to the genocide against the Tutsi minority in 1994, was based on ethnic differences.<sup>95</sup> In the former Yugoslavia, the "ethnic cleansing" was based on racism defined by ethnicity, religion, language, and national origin, creating more than two million refugees and displaced persons and the deaths of more than two hundred thousand civilians.<sup>96</sup>

In contrast, tolerance has a cohesive power that counters tendencies towards mental abuse, sexual harassment, armed conflict and terrorism.<sup>97</sup> As modern societies become increasingly diverse and interdependent, tolerance becomes ever more essential for the survival and well-being of individuals and the communities that they live in.<sup>98</sup> Tolerance and the respect for others is a vital key in achieving global peace and security, where all people recognize, peacefully accept and understand the difference between various cultures and peoples, without losing their own identity.

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<sup>86</sup> A/CONF.189/12. *Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.Conf.189.12.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.Conf.189.12.En?Opendocument)

<sup>87</sup> *Plan of Action to follow up the United Nations Year of Tolerance (1995)*. UNESCO. 1995. <http://www.unesco.org/tolerance/planeng.htm#common>

<sup>88</sup> Ibid.

<sup>89</sup> "Racial Discrimination and Related Intolerance." *Human Rights Watch World Report 2001*. Human Rights Watch. 2001. <http://www.hrw.org/wr2k1/special/racism.html>

<sup>90</sup> Ibid.

<sup>91</sup> Diana Ayton-Shenker. *The Challenge of Human Rights and Cultural Diversity*. United Nations department of Public Information. March 1995. <http://www.un.org/rights/dpi1627e.htm>.

<sup>92</sup> Federico Mayor. "Tolerance-Indispensable Requirement for Global Security." *United Nations Chronicle*. September 1995: Vol. 32, Issue 3.

<sup>93</sup> Ibid.

<sup>94</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>95</sup> "Racial Discrimination and Related Intolerance." *Human Rights Watch World Report 2001*. Human Rights Watch. 2001. <http://www.hrw.org/wr2k1/special/racism.html>

<sup>96</sup> Eric Markusen. "Genocide in former Yugoslavia, 1992-1995." *Journal of Genocide Research*. December 2003: Vol. 5, Issue 4.

<sup>97</sup> *Recommendations of the Asia and Pacific Regional Meeting on Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>98</sup> *Plan of Action to follow up the United Nations Year of Tolerance (1995)*. UNESCO. 1995. <http://www.unesco.org/tolerance/planeng.htm#common>

### *Actions Taken by the United Nations*

According to its Universal Declaration of Human Rights, the United Nations and its Member States are committed to promoting “universal respect for and observance of, human rights and fundamental freedoms.”<sup>99</sup> On November 25, 1981, the General Assembly in Resolution 34/44 proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief, which has been considered a major international standard-setting instrument pertaining to the freedom of religion or belief.<sup>100</sup> The Declaration was a result of three decades of discussion on religious rights, primarily within the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.<sup>101</sup> On March 10, 1986, the Commission on Human Rights in Resolution 1986/20 appointed a Special Rapporteur on religious tolerance to examine incidents and governmental actions that are incompatible with the provisions of the aforementioned Declaration and to recommend remedial measures as appropriate.<sup>102</sup> Under this mandate, the Special Rapporteur 1) transmits 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; 2) undertakes fact-finding country visits; and 3) submits annual reports to the Commission on Human Rights and the General Assembly on the activities, trends, and methods of work.<sup>103</sup>

In recognition of the importance of promoting tolerance as a means to achieve international peace, the United Nations proclaimed 1995 the International Year for Tolerance. International years are occasions to generate fresh thinking, debate and awareness. Declaring the International Year for Tolerance put an emphasis on a personal virtue that is increasingly viewed as a political and legal requirement.<sup>104</sup> It was a year to generate awareness and to launch and test new and old ideas.<sup>105</sup> In the culmination of the 1995 Year of Tolerance, the General Conference of UNESCO adopted a Declaration of Principles on Tolerance on November 16, 1995. The declaration further defines the meaning of tolerance, identifies issues that must be addressed at the state level to achieve a more tolerance society, and the need for each state to address social dimensions and education.

A Follow-Up Plan of Action was developed to assist member states in their efforts to pursue educational initiatives, public awareness activities, social integration and development programs and continued mobilization of the United Nations to promote tolerance.<sup>106</sup> To counter intolerance, state legislation and law must be created and implemented, education and access to information must be made available and individual awareness and local solutions must be promoted.<sup>107</sup> One of the main features of the follow-up to the United Nations Year of Tolerance was setting November 16 as the International Day for tolerance, the date of the anniversary of the signing of UNESCO’s Constitution in 1945.<sup>108</sup> Such a day serves as an annual occasion to focus on tolerance education worldwide, giving an opportunity to undertake in creative co-operation with the media in each country, special events, publications and broadcasts to mobilize public opinion in favor of tolerance.<sup>109</sup> The year of 2001 was later declared the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and was aimed at giving new momentum to the political commitment to eliminate all forms of intolerance.<sup>110</sup>

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<sup>99</sup> *Universal Declaration of Human Rights*. 1948. Preamble

<sup>100</sup> *Introductory Note by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on the question of religious intolerance*. UNHCHR. 2001. <http://www.unhchr.ch/html/menu2/7/b/main.htm>. Also see *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*. UNESCO. 2003. <http://www.unesco.org/most/rr4dec81.htm>

<sup>101</sup> *Ibid.*

<sup>102</sup> *Introductory Note by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on the question of religious intolerance*. UNHCHR. 2001. <http://www.unhchr.ch/html/menu2/7/b/main.htm>.

<sup>103</sup> *Special Rapporteur on the Commission on Human Rights on freedom of religion or belief*. Office of the High Commissioner for Human Rights. <http://www.ohchr.org/english/issues/religion/>

<sup>104</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>105</sup> *Ibid.*

<sup>106</sup> A/RES/51/201. *Final Report on the United Nations Year for Tolerance*. July 10, 1996.

<sup>107</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>108</sup> *Plan of Action to follow up the United Nations Year of Tolerance (1995)*. UNESCO. 1995. <http://www.unesco.org/tolerance/planeng.htm#common>

<sup>109</sup> *Ibid.*

<sup>110</sup> A/CONF.189/12. *Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.Conf.189.12.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.Conf.189.12.En?Opendocument)

## ***Responsibilities of the State***

States must cooperate with each other to foster respect for human dignity and social justice; playing a critical role in promoting tolerance and global peace and security.<sup>111</sup> Because the reach of non-governmental organizations, intergovernmental organizations and the United Nations is limited, it is up to each sovereign nation to implement laws and mediums that promote tolerance for the variety of cultures and peoples that are both inside and outside of its borders, and to collaborate with such groups working to promote tolerance. However, governments without a strong commitment to human rights and the lack of legislation for the protection of peoples against discrimination present a large obstacle in achieving universal tolerance.

If groups are marginalized or excluded from social or political participation, their right to be different, as outlined in the Declaration on Race and Racial Prejudice, has been violated.<sup>112</sup> The *Statement on Tolerance from a Latin American and Caribbean Perspective* states that in many of the countries of the Latin American and Caribbean region, intolerance “manifests a feebleness that weakens the basic pillars of what the rule of law should be and discredits the democratic system.”<sup>113</sup> Related issues include high levels of impunity, lack of channels for political participation, rupture between the state and civil society, weakening of the civil society through repression, maintenance of privileges by certain groups to the detriment of majorities and unequal distribution of wealth.<sup>114</sup> Individuals, communities and nations must accept and respect each other.<sup>115</sup>

Tolerance at the state level requires just and impartial legislation, law enforcement, and judicial and administrative processes.<sup>116</sup> Each government is responsible for enforcing human rights laws, for banning and punishing hate crimes and discrimination against minorities, whether these are committed by State Officials, private organizations or individuals.<sup>117</sup> In addition, the systems of government and political institutions should reflect and guarantee regional and cultural diversity of the population, as well as territorial, social and economic integrity of the distinctive groups, in particular with the help of mechanisms of federalism and decentralization of power.<sup>118</sup> To achieve a more tolerant society, States should ratify existing international human rights conventions and draft new legislation to ensure equal rights and opportunity for all peoples. The State must also ensure equal access to courts, human rights commissioners or ombudsmen, so that people do not take justice into their own hands and resort to violence to settle their disputes.<sup>119</sup>

## ***Wealth Distribution***

One of the leading causes or underlying factors of intolerance is the lack of economic and social development and unequal wealth distribution. In Latin America and the Caribbean, a growing disparity separates an increasingly powerful minority from a majority “drowning in poverty.”<sup>120</sup> According to the *Millennium Development Goals Report 2005*, about one billion people still live on less than a dollar a day. In Sub-Saharan Africa, the daily income fell from 62 cents in 1990 to 60 cents in 2001.<sup>121</sup> People who find themselves in this situation have little ethical participation in their social and economic lives.<sup>122</sup> This situation leads to social conflict and continued intolerance between both parties, as exemplified in the case of Haiti. Likewise in the *Recommendations of the Asia and Pacific*

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<sup>111</sup> *Recommendations of the Asia and Pacific Regional Meeting on Tolerance*. UNESCO. May 1995.  
<http://www.unesco.org/tolerance/final.htm>

<sup>112</sup> A/RES/51/201. *Final Report on the United Nations Year for Tolerance*. July 10, 1996.

<sup>113</sup> *Conference on Tolerance in Latin America and the Caribbean*. UNESCO. September 1994.  
<http://www.unesco.org/tolerance/final.htm>

<sup>114</sup> Ibid.

<sup>115</sup> A/RES/51/201. *Final Report on the United Nations Year for Tolerance*. July 10, 1996.

<sup>116</sup> Ibid.

<sup>117</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>118</sup> *Conference on Tolerance, Mutual Understanding, and Accord*. UNESCO. June 1995.  
<http://www.unesco.org/tolerance/final.htm>

<sup>119</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>120</sup> *Conference on Tolerance in Latin America and the Caribbean*. UNESCO. September 1994.  
<http://www.unesco.org/tolerance/final.htm>

<sup>121</sup> *Sub-Saharan Africa lags, rest of world on track to meet poverty goals – UN report*. United Nations News Center. June 9, 2005. <http://www.un.org/apps/news/story.asp?NewsID=14550&Cr=millennium&Cr1=development>

<sup>122</sup> Ibid.



*Regional Meeting on Tolerance*, the statement of principles suggests that “globalization and decentralization are creating critical, if not scandalous, social and economic disparities and asymmetries which are detrimental to securing, in all global regions, the basic human right to a decent way of life.”<sup>123</sup> On the issue of trade, a growing proportion of exports from least developed countries are not entering duty free into the developed countries.<sup>124</sup>

According to Mr. Ocampo, the Executive Director of the United Nations Population Fund (UNFPA), overcoming conflict is crucial to overcoming poverty, given the fact that the largest proportion of conflict takes place in the poorest countries. Because social and economic inequalities prevent human beings from practicing tolerance, multi-sectoral programs in political, economic and social realms must focus on uplifting the plight of people excluded from the discourse of, and the effective participation in decision-making.<sup>125</sup> In many countries, the correction of reforms and social programs are needed to improve the conditions of political liberalization. Women and minority groups are especially vulnerable to intolerance, and steps must be made to protect these groups from social discrimination. The *Millennium Development Goals Report 2005* states that empowering women is a prerequisite to overcoming hunger, poverty and disease.<sup>126</sup>

### **Education**

Intolerance is often rooted in ignorance and fear: fear of the unknown and of other cultures, nations and religions. Intolerance is closely linked to an exaggerated sense of self-worth and pride and is learned at an early age.<sup>127</sup> Therefore, greater efforts to teach children about tolerance and human rights would greatly encourage open-mindedness and curiosity.<sup>128</sup>

Article 26, Paragraph 2 of the Universal Declaration of Human Rights states that “education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups.”<sup>129</sup> In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO) defines education as “the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, aptitudes, and knowledge.”<sup>130</sup>

The General Assembly emphasized the importance of education to tolerance of religion and belief in its resolution 48/128 of 1994. Later, the Commission on Human Rights, by resolution 1994/18, encouraged the Special Rapporteur to examine a more effective way to promote tolerance of religion and belief through education. On November 16, 1995, the Member States of UNESCO signed the Declaration on Principles of Tolerance, in which Article 4 emphasizes that “education is the most effective means of preventing intolerance”, while pledging to “support and implement programs of social science research and education for tolerance, human rights, and non-violence.”

The need for a Special Rapporteur to be able to respond effectively to credible and reliable information that comes before him was reiterated in 1998, by the Commission’s resolution 1998/18. This resolution also urged states to promote and encourage understanding, tolerance, and respect in matters relating to freedom of religion or belief

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<sup>123</sup> *Recommendations of the Asia and Pacific Regional Meeting on Tolerance*. UNESCO. May 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>124</sup> *Sub-Saharan Africa lags, rest of world on track to meet poverty goals – UN report*. United Nations News Center. June 9, 2005. <http://www.un.org/apps/news/story.asp?NewsID=14550&Cr=millennium&Cr1=development>

<sup>125</sup> *International Conference on Tolerance and Law: Conclusions of the Rapporteur*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>126</sup> *Sub-Saharan Africa lags, rest of world on track to meet poverty goals – UN report*. United Nations News Center. June 9, 2005. <http://www.un.org/apps/news/story.asp?NewsID=14550&Cr=millennium&Cr1=development>

<sup>127</sup> *A Global Quest for Tolerance*. UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>128</sup> *Ibid.*

<sup>129</sup> *Universal Declaration of Human Rights*. 1948. Article 26.

<sup>130</sup> *Introductory Note by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on the question of religious intolerance*. UNHCHR. 2001. <http://www.unhchr.ch/html/menu2/7/b/main.htm>.



through their educational school systems.<sup>131</sup> Also in 1998, in resolution 1998/21, the Commission emphasized that the promotion of tolerance through human rights education must be advanced in each state.<sup>132</sup> Because education is a life-long experience, endeavors must be made to build tolerance in each age group everywhere, including the home, schools, workplaces, in law-enforcement and legal training, and through the media.<sup>133</sup>

## Religion

While religion itself does not cause conflict, conflict arises whenever one religion claims dominance over another.<sup>134</sup> Over time, religions have argued less over sacred texts, while disagreements over culture and lifestyle have increased.<sup>135</sup> In recent years, the number of conflicts strongly influenced by religion has multiplied, and the resurgence of national and ethnic conflicts often presents a religious dimension.<sup>136</sup>

Rather than being a factor of peace and human freedom, religion is becoming a cause of conflict.<sup>137</sup> Instances of intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world. The Special Rapporteur, in 1994 emphasized the importance of prevention in the field of religious intolerance, by the strategic means of education, information and culture.<sup>138</sup> On March 1, 1999, the General Assembly in resolution 53/140, urged "States...to take all necessary action...to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief."<sup>139</sup>

The recommendations from the International Conference on Democracy and Tolerance held in Seoul, Republic of Korea in September 1994 state that "religions and beliefs of the world have a vital role in the promotion of tolerance and have a great responsibility to adhere to the ideals of tolerance and to practice tolerance within their own religious community and in their relations with other faiths".<sup>140</sup> In addition, the Conference encouraged inter-faith dialogues at all levels as an important means for promoting attitudes of tolerance within and between societies.<sup>141</sup> During the International Conference on Tolerance and Law, held in Sienna, Italy in April 1995, the Rapporteur concluded that "only full acceptance of the pluralism of beliefs can ensure the establishment of relations of brotherhood among believers in all countries".<sup>142</sup> Thus, the only way to decrease and prevent conflicts rooted in religion is if believers are able to adhere to their convictions and faith while allowing others to adhere to their own.

## Conclusion

Promoting tolerance and protecting people from all forms of discrimination deals with a broad spectrum of social, economic, and political issues worldwide. In addition to religious intolerance, the need for far-reaching tolerance education, disparities in socioeconomic conditions, and the need for government cooperation and legislation, many other issues need to be addressed, including an individual's or group's image of the self, tolerance of refugees, the role of the media, the need for documentation and research of indigenous peoples and other cultures, and further defining and developing tolerance as a natural born human right. While the United Nations has made progress in recognizing the essential nature of tolerance in conflict prevention and global peace and security, the issues surrounding tolerance are so deeply rooted that many more efforts must be made to decrease and eliminate

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<sup>131</sup> *Introductory Note by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on the question of religious intolerance.* UNHCHR. 2001. <http://www.unhchr.ch/html/menu2/7/b/main.htm>.

<sup>132</sup> Ibid.

<sup>133</sup> *A Global Quest for Tolerance.* UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>134</sup> Agnes Bardon. "Religion and Conflict." *UNESCO Sources.* October 1999. No. 116. p. 116.

<sup>135</sup> Ibid.

<sup>136</sup> *International Conference on Tolerance and Law: Conclusions of the Rapporteur.* UNESCO. 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>137</sup> Ibid.

<sup>138</sup> *Conference on Tolerance, Mutual Understanding, and Accord.* UNESCO. June 1995. <http://www.unesco.org/tolerance/final.htm>

<sup>139</sup> *Introductory Note by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on the question of religious intolerance.* UNHCHR. 2001. <http://www.unhchr.ch/html/menu2/7/b/main.htm>.

<sup>140</sup> *International Conference on Democracy and Tolerance: Recommendations.* UNESCO. September 1994. <http://www.unesco.org/tolerance/final.htm>

<sup>141</sup> Ibid.

<sup>142</sup> *International Conference on Tolerance and Law.* UNESCO. April 1995. <http://www.unesco.org/tolerance/final.htm>

discrimination and intolerance. The International Year of Tolerance in 1995, was an opportunity for the United Nations and its related agencies to focus on both old and new ways of promoting tolerance. However, the International Day of Tolerance is an *annual* reminder that the global quest for tolerance is an ongoing struggle and requires cooperation between people, States and their governments, and international agencies and organizations.

### ***Committee Directive***

Although the topic may appear rather broad, it will be beneficial for the delegate to understand the many different factors that affect and are causes of intolerance. When trying to understand the issues that your country faces, it may help to look at specific facets of the issue, rather than the entire issue. Finding examples of intolerance may also aid your understanding of the different aspects that are affected by intolerance, and how they should be addressed. When researching the promotion of tolerance and discrimination, find out the methods your country has used. It is important to know details such as the major religion of your country, how current and past ethnic strife has been dealt with by the state, if refugees or immigrants suffer intolerance in your country, and the degree of separation between the state and a certain religion or church. Research the various numbers of cultures and indigenous peoples you may have in your country, and the issues they may face. Although promoting tolerance and eliminating discrimination is something you may firmly believe in, your country may believe in promoting a certain religion or group of people above others. You should accurately represent the views of your country, rather than your individual beliefs.

As suggested in the conclusion, there are many issues that may need to be addressed in order for a position paper and a resolution to be thorough and complete. Focusing on one of the major ways your country has dealt with intolerance in the past may be beneficial to you. You can also approach methods of promoting tolerance from many different angles, as long as you provide specifics for each solution. Because so many issues may need to be specific, it may be beneficial to focus on different issues individually in draft resolutions that may later be combined in one complete resolution. A well written position paper or resolution provides specifics, while keeping the limited resources and funding of the United Nations in mind. It also represents the views of your country, but may be acceptable to many other nations, particularly nations in your region or in the same level of economic development.

## **III. The Child's Right to Education**

*“Education is both a human right in itself and an indispensable means of realizing other human rights.”<sup>143</sup>*

### ***History***

Prior to the Second World War, the purpose of education could be broadly characterized as simply a method to “transmit knowledge and values.”<sup>144</sup> In both developed and developing nations, access to education, especially upper level, was often based on gender, race and social class.<sup>145</sup> In addition:

[T]eaching was frequently conceived along dualistic lines: one system for children from the upper classes leading to higher education, the other for children with fewer socio-economic advantages and those living in rural areas, preparing them for entry into the world of work after three, four, six or ten years of school, depending on the country.<sup>146</sup>

Today, the education process continues to involve more than the teacher and the student. Other variables such as the family and the availability of resources are closely tied to the education process. Governments in many countries, “faced with financial constraints, are not able to meet the broad social demands without adopting restrictive measures within the education sector in order to rationalize the use of allocated resources.”<sup>147</sup> The purpose of

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<sup>143</sup> *Human Rights in New Zealand Today*. The Human Rights Commission.  
<http://www.hrc.co.nz/report/chapters/chapter01/introduction01.html>

<sup>144</sup> *Education: Historical Context*. UNESCO. 2004.  
[http://portal.unesco.org/education/en/ev.php-URL\\_ID=9021&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=9021&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> *Education Plans and Policies*. UNESCO. 2004.

education is essential to human rights and has become a major global issue. Education is an “intrinsic human value... an indispensable means of unlocking and protecting other human rights by providing the scaffolding that is required to secure good health, liberty, security, economic well-being, and participation in social and political activity.”<sup>148</sup>

## ***Background***

Adopted and proclaimed by the General Assembly in 1948, the Universal Declaration of Human Rights specifically entitles every human being to all its rights and freedoms, including the right to education.<sup>149</sup> In accordance with the Universal Declaration of Human Rights, other internationally recognized documents have since furthered the promotion of the right to education explicitly through the rights of the child. As the Convention on the Rights of the Child notes, “state parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity.”<sup>150</sup> Providing education for all is essential to guaranteeing the child’s right to education. However, the concept of education for all is subjective, varying in meaning from state to state. Some state governments may assume simply providing access to basic educational resources demonstrates education for all, while other governments use numerous factors such as quality in assessing education for all. Through the Convention on the Rights of the Child, the Child’s Right to Education is specifically defined, noting a universal set of standards guaranteeing every child’s right to an education to be adhered to by all member states. While governments may commit to ensuring the right to education through various international instruments such as conventions and declarations, state parties do not always fulfill their obligations to educational rights.

## ***Education and Discrimination***

The Convention Against Discrimination in Education defines discrimination as any type of exclusion, limitation, or preference on the basis of race, color, sex, religion, socioeconomic status or any other type of distinction that may result in unequal treatment in education.<sup>151</sup> Discrimination in education can take many forms. According to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, discrimination... “can be institutionalized in education policy, or it can result from the actions of individuals -- teachers, other figures of authority or fellow students. It can also be overt, in the sense that a policy or action actively prejudices certain children, or it can be covert, where, for example, a failure to take action or change policy causes racial discrimination against a child.”<sup>152</sup> All of these forms obstruct the child’s right to education.

While many state parties have agreed to ensure the child’s right to education on the basis of equal opportunity for all, many governmental policies within the educational system are often discriminatory. Case studies suggest assimilation policies emphasizing the use of an official language frequently exclude minority groups, in particular indigenous groups, and do not allow for local schools to meet the needs of a minority group inhabiting a certain area or region.<sup>153</sup> In addition, professional educators may face serious consequences such as arrest for tolerating the use of an unofficial language or acknowledging other minority cultural elements.<sup>154</sup>

Segregation policies are also commonly used within the educational system world-wide. The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance identified several state segregation

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<sup>148</sup> [http://portal.unesco.org/education/en/ev.php-URL\\_ID=8369&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=8369&URL_DO=DO_TOPIC&URL_SECTION=201.html)  
*Education for All*. Student Conference on Human Rights. United Nations. December 5, 2003.

<sup>149</sup> <http://www.un.org/cyberschoolbus/student/2003/theme.html>  
*Universal Declaration of Human Rights*. United Nations General Assembly. December 10, 1948.

<sup>150</sup> 44/25. *Convention on Rights of the Child*. General Assembly. September 2, 1990.  
<http://www.ohchr.org/english/law/crc.htm>

<sup>151</sup> *Convention Against Discrimination in Education*. UNESCO. December 14, 1960.  
[http://www.unhchr.ch/html/menu3/b/d\\_c\\_educ.htm](http://www.unhchr.ch/html/menu3/b/d_c_educ.htm)

<sup>152</sup> A/CONF.189/PC.1/11. *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. Geneva: United Nations General Assembly. April 10, 2000.  
[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.189.PC.1.11.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.189.PC.1.11.En?Opendocument)

<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

policies which included the separation of minority children during graduation ceremonies, meal times and even discouraged some children from associating with children of a different ethnicity, social class or religion.<sup>155</sup> Other segregation policies may require children of a specific nationality or ethnicity to attend a completely separate school which is usually unequal in terms of quality. The Human Rights Watch case study of Israel's school system indicates that a fourth of Israel's 1.6 million schoolchildren are educated in a separate public school system.<sup>156</sup> Some of the disparities include a smaller number of professional educators per student, lack of basic facilities such as libraries. Additionally, the location of the school itself is often isolated or inaccessible.<sup>157</sup>

In addition, discrimination in education may lead to violence. According to the Human Rights Watch, some school officials participated in acts of intolerance, exclusion and violence directed at particular youths because of their gender, race, ethnicity, religion, nationality, sexual orientation, social group or other status; in others, authorities failed to intervene to protect students from harassment and attacks by their classmates.<sup>158</sup>

The International Convention of the Elimination of All Forms of Discrimination directly states any acts of violence based on discrimination are punishable by law.<sup>159</sup> Having agreed to the International Convention of the Elimination of All Forms of Discrimination, state parties pledge to "take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all."<sup>160</sup> Therefore, individual state parties are obligated to enforce the provisions. Furthermore, state parties may report other state parties for review by the Committee on the Elimination of Racial Discrimination if evidence suggests a state party is not complying with the agreed standards.<sup>161</sup>

While discriminatory policies may vary, research suggest the overall academic performance of a child is affected by all of these policies. Victims of these forms of discrimination are more likely to drop out of school, less likely to pass matriculation exams and less likely to be admitted to a university.<sup>162</sup> All of this inhibits student's ability to achieve their full potential. In addition, the problems associated with discrimination in education have many long-term negative effects. Studies point out some of the potential consequences of this behavior, which can lead to the consolidation of racial discrimination within society as the norm with children of minorities or migrants growing up and discriminating against the newest influx of migrants.<sup>163</sup> "Thus, a vicious cycle of discriminatory behavior is produced which reinforces racially discriminatory behavior."<sup>164</sup>

The benefits of improving education are indispensable. Both the individual and the nation as a whole benefit from the advancements of education world-wide. An analysis of the improvement of education universally states, "better education contributes to higher lifetime earnings and more robust national economic growth, and helps individuals make more informed decisions about fertility and other matters important to their welfare."<sup>165</sup> Education can help reduce the number of persons infected with HIV/AIDS. According to the Education For All (EFA) Global

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<sup>155</sup> Ibid.

<sup>156</sup> *Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools*. New York: Human Rights Watch. September 2001. [http://www.hrw.org/reports/2001/israel2/ISRAEL0901-01.htm#P352\\_33323](http://www.hrw.org/reports/2001/israel2/ISRAEL0901-01.htm#P352_33323)

<sup>157</sup> Ibid.

<sup>158</sup> A/CONF.189/PC.1/11. *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. Geneva: United Nations General Assembly. April 10, 2000. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.189.PC.1.11.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.189.PC.1.11.En?Opendocument)

<sup>159</sup> Res/2106. *International Convention on the Elimination of All Forms of Racial Discrimination*. United Nations General Assembly. January 4, 1969. <http://www.ohchr.org/english/law/cerd.htm>

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> A/CONF.189/PC.1/11. *World Conference Against Racism, Racial Discrimination, Xenophobia*. United Nations General Assembly. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.189.PC.1.11.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.189.PC.1.11.En?Opendocument)

<sup>165</sup> *EFA Global Monitoring Report 2005: Education for All: The Quality Imperative*. Paris: UNESCO. 2005. <http://unesdoc.unesco.org/images/0013/001373/137334e.pdf>

Monitoring Report, “cognitive gains from basic education are the most important factor in protecting teenagers from infection.”<sup>166</sup>

### *Actions taken by the United Nations*

Some of the most profound international agreements which advocate the right to education include the Universal Declaration of Human Rights (1948), the Declaration on the Rights of the Child (1959) and the Convention against Discrimination in Education (1960).<sup>167</sup> Since the early foundation of educational rights, many other international instruments have supported and reinforced the right to an education.

The United Nations actively promotes the development of educational systems throughout the world. In August of 2004, the United Nations appointed Mr. Vernor Munoz Villalobos of Costa Rica as the new Special Rapporteur on the Right to Education. His official duty is to report the world’s status on implementing the child’s right to education, taking special note of the progress each country makes to ensure the right to education through information obtained from respective state governments, international organizations and bodies of the United Nations system.<sup>168</sup>

The reports presented by the Special Rapporteur focus exclusively on the right to education, targeting more specific areas of the education systems such as discrimination. The reports submitted by Mr. Villalobos reiterate the importance of education as a right rather than using it as an economic tool.<sup>169</sup> According to the Special Rapporteur:

[T]oday more than ever, it is evident that government policies and development processes must be reformulated to harness them in the true aims of education, in such a way that they are geared even more closely to the creation of universal opportunities and rights and the full enjoyment of achievements of humanity.<sup>170</sup>

He further plans to focus his efforts on consolidating the right to education as an indispensable human right.<sup>171</sup> His report on the right to education indicates discrimination along with financial constraints is the major impediments to securing the right to education.<sup>172</sup>

In 2000, achieving a universal primary education by 2015 became part of the United Nations Millennium Declaration.<sup>173</sup> In realizing universal primary education for all, the United Nations is focusing on six main goals: early childhood care in education, universal primary education, youth and adult learning, literacy, gender and quality.<sup>174</sup> In order to accomplish these goals, many United Nations agencies are working closely with other organizations such as the World Bank to assist individual governments.<sup>175</sup>

In addition, it is the United Nations Educational Scientific and Cultural Organization’s (UNESCO) goal to endorse education as an indispensable human right while improving the overall quality of education. UNESCO is the United Nations specialized agency for education. UNESCO’s constitution, adopted in 1946, marks one of the first

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<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> E/CN.4/2005/50. *Economic, Social and Cultural Rights: The Right to Education*. United Nations Economic and Social Council. <http://daccessdds.un.org/doc/UNDOC/GEN/G04/171/40/PDF/G0417140.pdf?OpenElement>

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> A/55/L.2. *United Nations Millennium Declaration*. United Nations General Assembly. September 8, 2000. <http://www.un.org/millennium/declaration/ares552e.htm>

<sup>174</sup> *EFA Global Monitoring Report 2005: Education for All: The Quality Imperative*. Paris: UNESCO. 2005. <http://unesdoc.unesco.org/images/0013/001373/137334e.pdf>

<sup>175</sup> *Implementing the Millennium Declaration: The Millennium Development Goals and the Role of the United Nations*. New York: United Nations. October 2002. <http://www.un.org/millenniumgoals/MDGs-FACTSHEET1.pdf>

international instruments recognizing the right to education.<sup>176</sup> UNESCO's purpose is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, the rule of law and the human rights and fundamental freedoms which are affirmed for the peoples of the world without distinction of race, sex, language or religion by the Charter of the United Nations.<sup>177</sup>

Many countries' educational systems have since advanced as a result of the continued efforts in promoting the right to education. According to the United Nations' Department of Economic and Social Affairs:

[A]ll developing regions have made some progress towards the goal of achieving universal primary education for all girls and boys, [however,] on current trends, Sub-Saharan Africa, Southern Asia and Oceania are not expected to meet the goal.<sup>178</sup>

While every region may not reach the goal of obtaining primary education by the year 2015, the significant improvements in various aspects of education around the world indicates some progress, though gradual, is being made. For the past 15 years, 10 million more children have been going to school, a rate of growth that is twice what it was during the 1980s.<sup>179</sup> This growth means that there are 680 million children enrolled in primary schools worldwide.<sup>180</sup>

### **Conclusion**

While ensuring every child the right to a basic education is a primary goal, targeting specific factors directly influencing the quality of education is vital to protecting the child's right to education. According to the EFA Global Monitoring Report, "a large gap exists between the number of students graduating from school and those among them mastering a minimum set of cognitive skills."<sup>181</sup> Many of the reports submitted by bodies of the United Nations also indicate an increasing concern for the quality in education which may be contributed to discrimination among students. Today, many children around the world experience discrimination in various forms such as inequality in the accessibility to even the most basic educational resources. The Human Rights Watch reported some instances of discrimination, "in some cases, minority children were placed in separate, inferior schools or restricted to vocational curricula; in other instances, they were denied access to schools altogether."<sup>182</sup> The various forms in which discrimination manifests itself in the educational system have proven to have a potent effect on the education and well-being of children world-wide.

### **Committee Directive**

Although the Child's Right to Education may seem very broad, delegates should focus on the dynamic effects of discrimination in education. When researching your topic, it may be helpful to find specific examples of discrimination in order to better understand how to resolve the issue. When researching, try to find your country's current status in promoting the right to education. Has your country signed and ratified any of the major international conventions concerning the rights of the child and/or education? What are some of your country's major successes or problems within its educational system?

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<sup>176</sup> *International Recognition of the Right to Education*. UNESCO. 2004. [http://portal.unesco.org/education/en/ev.php-URL\\_ID=9127&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=9127&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>177</sup> Ibid.

<sup>178</sup> *Millennium Development Goals: Progress Report*. New York: United Nations Department of Economic and Social Affairs and United Nations Department of Public Affairs. October 27, 2004. <http://www.un.org/millenniumgoals/mdg2004chart.pdf>

<sup>179</sup> *International Recognition of the Right to Education*. UNESCO. 2004. [http://portal.unesco.org/education/en/ev.php-URL\\_ID=9127&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=9127&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>180</sup> Ibid.

<sup>181</sup> *EFA Global Monitoring Report 2005: Education for All: The Quality Imperative*. Paris: UNESCO. 2005. [http://portal.unesco.org/education/en/ev.php-URL\\_ID=35874&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=35874&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>182</sup> *World Report 2001: Violence and Discrimination Against Students*. New York: Human Rights Watch. 2001. <http://www.hrw.org/wr2k1/children/child6.html>



Delegates may also find it beneficial to look at how their state government has handled the issue or related issues in the past. Look at the types of educational policies your country supports. What methods are used to uphold these policies? It is also important to understanding the countries demographics in order to determine what types of educational issues your country faces. Are the multiple ethnic groups or languages used? What are your country's policies concerning minority groups and languages within a school setting? In addition to understanding your country's position, it may also be useful to know which countries share similar concerns. In developing your position paper, remember to express the views on behalf of your country rather than you own personal beliefs.

Further, after researching your country's position on the issue, it might be helpful to focus your suggestions for solutions into several different areas. First, it is essential to address the legal and political systems that support discrimination in the educational system. While many, if not most, states have *de jure*, meaning legal, protection of minorities in the educational system; they often do not have *de facto* (in practice) protection. Formulating innovative strategies to address this inequality between what is law and what is reality will be crucial in attacking this very important issue. In addition, it will be imperative to create strategies that can be taken into the school systems that both administrators and educators may be able to use on a day to day basis. In both of these areas of efforts, both long and short-term strategies must be evaluated.