

Social, Humanitarian, and Cultural

Welcome to the Social, Humanitarian and Cultural committee of UNYMUN 2009. Your chairs will be Yuxin Liu and Keely Murphy. This committee will be run Resolution Style. Therefore, at least one resolution is required to be considered for an award. Please email your resolution(s) to your chairs prior to the conference OR bring at least 30 copies of each resolution to the conference. Copies cannot be made on the day of the conference. If you have any questions feel free to contact Yuxin (celestiallegacy@gmail.com) or Keely (keelym.murphy@gmail.com).

Hello, I'm Yuxin (pronounce "Wee-shing") Liu and a senior at J-DHS. This is my fourth year involved in Model UN and my 2nd time chairing. I like drawing, painting, and procrastinating. Besides MUN, I've also been a participant in Science Olympiad and Math Team. Feel free to email me with any questions. Good luck and I look forward to meeting all of you in April!

My name is Keely Murphy and I am a senior at Jamesville DeWitt. I have been a member of Model United Nations for four years and this is my first time chairing. I play soccer and run the hurdles on the track team. I also enjoy a lively game of pickleball. Along with sports I am an avid fan of European History. This will be my last MUN conference and I am hoping for it to be my favorite. I hope you are all looking forward to this conference as much as I am.

Background

The Social, Humanitarian and Cultural Committee, a plenary of the General Assembly, has been addressing social, humanitarian, and human rights issues for the past 61 years. First convening in 1948, SHC has become one of the most important bodies in the United Nations because of its wide jurisdiction. Practically every international or national conflict had a "social" aspect to the problem such as refugees, overpopulation, prostitution, social welfare, discrimination, and cultural imperialism. A large part of the committee's work focuses on the examination of human rights questions, including women's rights, protection of children, refugee treatment, and self determination. SHC is also obligated to address important social development questions, such as issues related to youth, family, disabled persons, crime prevention, drug control and criminal justice. With the broad spectrum of solutions the Social, Humanitarian and Cultural committee is frequently called upon to collaborate with other organizations, such as the Human Rights Council, UNICEF, the World Health Organization, and UNESCO.

Human Rights and Counter-Terrorism

The September 11th attack on the United States, the 2008 Mumbai shootings and bombings, and the periodic suicide bomber attacks in Iraq are only a taste of the terrorism occurring in the 21st century. Though the United Nations has not yet agreed-upon a definition for terrorism, it is usually referred to as an act of planned violence, motivated politically or otherwise, performed against civilian targets by non-official groups or agents aimed at influencing public opinion. No country is immune to terrorism and because terrorism harms

people physically and psychologically, it has become a very important social issue that this committee is obligated to address.

In response to the threat of terrorism, states have taken various counter-terrorism measures to ensure the safety of their nation and people. However, these efforts do not always preserve international human rights standards. As a result, both the general populous and terror suspects are susceptible of having their rights violated.

When employing counterterrorism measures, many States commit basic human rights abuses, including frequent invocation of exceptional powers and limitations that are not always justified. Some aspects need special attention such as the respect for private life, deeply affected by the investigation methods that interfere with the privacy and the use of a person's data by the State; the restriction of freedom of expression and access to information and the State interference on the media; the restriction to the right to own private property and the indefinite detention without charge of foreign nationals suspected of involvement in terrorism. Many countries face significant challenges in protecting their citizens against the threat of terrorism and, consequently, disobey the relevant legal framework regarding persons who are suspects of involvement with terrorist acts.

In the fight against terrorism, the rights of terrorist detainees are an issue of great contention. One of the most relevant consequences of the fight against terrorism is the social claim for short-termed and urgent measures. In this context, States justify their counterterrorism tactics, even if they clearly violate the most fundamental human rights. This is particularly displayed when it comes to the detentions of persons captured or arrested because of suspected involvement with terrorism. In these incidences, the state may fail to respect their legal framework and relevant procedural safeguards, depriving these detainees of all dignity.

The interrogation process of terrorist detainees is the most common source for a wide range of human rights violations. Interrogation techniques including hooding, stripping detainees naked, subjecting them to extremes of heat, cold, noise and light, and deprivation of sleep have been applied to people detained under the charge of terrorism while incarcerated. These tactics exposes people to pain and humiliation and can eventually results in deaths under questionable circumstances.

The way interrogatories are conducted is fundamental to the "War on Terror". For some governments, this war is to be won with the discovery of information that could help preventing future attacks. For this reason, some States defend that cruel, inhuman or degrading treatment or punishment should not be completely prohibited, as in some exceptional circumstances they may be justified and even necessary. The question herein lies: Should counterterrorism impose more severe treatment on prisoners incarcerated for terrorist activities than those incarcerated for civilian crimes? Are these interrogation techniques valid when the State is obligated to protect their communities from terrorist violence?

Closely related to the treatment dedicated to detainees is the right of any person to a fair trial. Although this is an internationally recognized fundamental right, after the intensification of the fight against terrorism, there has been intention on some parts to compromise this principle in the name of security. But should fair trial standards be sacrificed to prosecute terrorism? The right to a fair trial is guaranteed by both the International Covenant on Civil

and Political Rights and the Geneva Conventions for the Protection of Victims of Armed Conflict. Other provisions of the Covenant consist of the protection of the defendant's right to be presumed innocent; right to be informed promptly of the charges; to be tried without undue delay; to be tried in his presence; to defend himself in person or through legal assistance; to communicate with counsel; to examine, or have examined, the witnesses against him; not to be compelled to testify against himself or to confess guilt; and to have any conviction and sentence reviewed by a higher tribunal according to law. However, many argue that the Geneva Conventions do not apply to terrorism and that when people commit such atrocities against civilian populations, they forfeit such legal rights. Are the abuses on prisons warranted? If not, how can they be avoided and controlled by the international community and also how does international humanitarian law applies to the fight against terrorism.

There should be no contradiction between effective counterterrorism measures and protection of human rights. It must be assumed, then, that the dignity of all the people must be protected even in urgent events, especially avoiding injustice to a specific group. When fighting terrorism, States should pay further attention to the effects of the adopted counterterrorism measures and to the risk of damaging the rule of law.

The scope of this topic is very broad; therefore it is up to you, the delegates, to determine the focus of debate. Discussion and resolutions can be centered around whichever aspect your country feels is most pressing: the rights of terrorist detainees, human rights violations on the civilian populous, or both. In the end, delegates must strive to find a balance between human rights and state concerns in their counter-terrorism efforts.

Questions to Consider

- Does there need to be a standard international definition for terrorism? What should it be?
- What is your country doing to deal with terrorism both within its borders and internationally?
- What counter-terrorism strategies, if any, does your country utilize
- Has your country been accused of violating human rights when implementing counter-terrorism?
- How does your country treat terror suspects?
- What is your country's human rights background?
- What is the proper balance between personal freedom and national security in the struggle against terrorism?
- How should the United Nations address human right violations committed by nations in the name of counter terrorism, and how can the U.N. prevent future abuses while preventing terrorism?

Research Links

- <http://www.unodc.org/unodc/en/terrorism/index.html>
- <http://www.hrw.org/en/category/topic/counterterrorism>
- <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>
- <http://www.un.org/terrorism/instruments.shtml>

Human Rights in Zimbabwe

In 1980, Robert Mugabe took control of Zimbabwe after leading a guerrilla war against the white majority in the country. He was viewed as a hero by many across the African continent. For the past decade Mugabe has provoked a lot of criticism from across the globe. This was due in part because of his involvement in the Second Congo War and the hyperinflation caused by his call to print trillions of Zimbabwean dollars.

In the March 2008 elections held in Zimbabwe, the Zanu-PF party lost control of parliament and Mugabe lost the initial election. A run-off election was held in June where Mugabe ran against the Movement for Democratic Change Party (MDC) leader, Morgan Tsvangirai. Mugabe won this election when Tsvangirai dropped out of the race. He claimed his supporters were being attacked and that a fair election was no longer possible. The debate raged for months over who should control the Zimbabwean government. The two parties agreed to a sharing of power in September. This proved much more difficult to agree to than first thought and was not completely agreed to until January 2009. On February 11, 2009 Morgan Tsvangirai became the Prime Minister of Zimbabwe with Robert Mugabe becoming the President.

Robert Mugabe has taken a strong stand against opposition in Zimbabwe in the last decade. His regime has violated the basic human rights of thousands of citizens including the right to food, shelter, and protection from the law, freedom of assembly, and the freedom of movement. A MDC party meeting held by Morgan Tsvangirai was broken up by a police riot in 2006. In recent months the acts against human rights have increased. Members of opposition groups have been jailed with reports of torture. The courts have been violated, with pressure from the government allowing several members of the opposition to be held in jail illegally.

Many of the international community including the European Union and the United States have put in place sanctions against Zimbabwe for these violations of human rights. Morgan Tsvangirai has called for the sanctions to be removed because of the economic crisis facing the country. Morgan Tsvangirai and the UN High Commissioner for Human Rights, Navi Pillay, have both called for Mugabe to protect human rights and release those being held for being participants in the opposition party.

On March 2, 2009 a prominent human rights activist, Jestina Mukoko, was released from custody. She is still being restrained, having to give up her passport and the deed to her house to be released on bail. She was arrested from her home on December 3, 2008, accused of recruiting people for an army to overthrow Mugabe. While in custody a judge ordered for her to receive medical treatment after she said she had been tortured. Others are believed to have been released as well.

Questions to Consider

It is your job as a delegate to decide what stance your country will take on this situation. Should sanctions be continued to be used? What aid should be given to Zimbabwe?