



THE GENERAL ASSEMBLY THIRD COMMITTEE: SOCIAL, HUMANITARIAN, AND CULTURAL

Purview of the Simulation: While the Committee's areas of concern and its work often overlap with other United Nations organs, the Third Committee focuses its discussions on social, humanitarian and cultural concerns that arise in the General Assembly. The Third Committee discusses, recognizes reports of, and submits recommendations to the General Assembly in coordination with other United Nations organs, such as the

Economic and Social Council (ECOSOC) and the United Nations High Commissioner for Refugees (UNHCR). For more information concerning the purview of the UN's General Assembly as a whole, see page 16.

Website: www.un.org/ga/61/third/third.shtml

ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

The international community has long been aware of the problems of discrimination based on race, gender and religion. The elimination of violence, discrimination and intolerance with respect to religion is of increasing concern to the international community and discrimination based on religion or belief is now considered a separate, unique issue. An acceptable worldwide standard of human rights cannot be achieved without an international consensus on the importance of religious freedom.

The subject of religious tolerance was first given official consideration in the United Nations on 10 December 1948, when the General Assembly adopted the Universal Declaration of Human Rights. The Declaration explicitly entitled citizens of all Member States to all the rights and freedoms set forth in the Declaration, including "freedom of thought, conscience and religion." This prompted the Sub-Commission on the Promotion and Protection of Human Rights, four years later, to add the area of religious discrimination to its series of studies on discrimination in various fields. The Declaration was affirmed and expanded in 1966 by Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which further forbade discrimination on the basis of religion.

In 1981 the General Assembly adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, calling on Member States to enact legislation that would prevent and eliminate discrimination on the grounds of religion. The Declaration was intended to bolster the Universal Declaration of Human Rights. To help reinforce the 1981 Declaration, in 1986 the Commission on Human Rights appointed a Special Rapporteur on Religious Intolerance, to report to the Commission annually on the mandate to implement the Declaration.

In recent years, UN resolutions adopted on the subject of the elimination of religious intolerance have focused on the following factors: 1) the importance of education in the promotion of religious tolerance, which requires the acceptance by the Member States of diversity with regard to religious expressions; 2) the elimination discriminatory registration procedures which limit the right to freedom of religion; 3) the scaling back of limitations placed on the circulation of religious publications and the construction of places of worship; 4) deliberate destruction of religious relics and monuments; and, most importantly, 5) religious extremism, which affects the rights

of individuals and groups based on religion or belief, specifically those groups that are more vulnerable to violence, such as women and religious minorities.

In 2001 the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa. The resulting declaration included recognition of the need to address discrimination based on religion and offered a framework through which to eliminate discrimination. Unfortunately, the Programme of Action outlined in the Durban Declaration has not been fulfilled or universally ratified by Member States.

Planning is currently underway for a Review Conference on the implementation of the Durban Declaration and Programme of Action, to take place in 2009. The Review Conference will assess the implementation of the Durban Declaration and Programme of Action among Member States and explore further avenues toward eliminating all forms of intolerance and discrimination, including those based on religion or belief. Moving forward, the United Nations must continue to actively promote religious freedom in order to ensure universal human rights are realized.

Questions to consider from your government's perspective on this issue include:

- What can the United Nations do to eliminate discrimination based on religion or belief?
- What is the role of the international community in encouraging education standards that promote understanding instead of intolerance?
- How is the freedom of religion or belief protected for religious minorities in your country?
- How can your country help others achieve the goals set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief?
- What effective education measures can be taken to guarantee the promotion of tolerance and encourage respect for religious diversity?

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A/CONF.189/12

A/HRC/2/3

A/RES/62/157

A/RES/62/154

A/RES/61/161

A/RES/50/183

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
International Covenant on Civil and Political Rights
Universal Declaration of Human Rights
World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration

Additional Web Resources:

www.tandemproject.com – The Tandem Project
www2.ohchr.org/english/issues/religion/index.htm - Special Rapporteur on Freedom of Religion or Belief

HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE

Following World War II, the Universal Declaration of Human Rights (UDHR) comprised the first international legal effort that limited the action of states and championed basic rights and freedoms on a global scale. The document specifically declares individual rights in areas such as freedom of religion and belief, rights to life, liberty, and security of the person, the right not to be subject to cruel, inhuman, and degrading punishment, and the right to an effective remedy to violations of human rights in national tribunals. Human rights have been significantly expanded in the 20th and 21st centuries through groundbreaking United Nations resolutions as well as the creation of key institutions such as the Human Rights Council.

A number of UN bodies and organs deal with the issue of human rights, primarily the High Commissioner for Human Rights and the Human Rights Council. There are also certain treaty-based bodies whose purview encompasses human rights issues (including the

Human Rights Committee; the Committee on Economic, Social, and Cultural Rights; Committee on the Elimination of Racial Discrimination; the Committee Against Torture; and Subcommittee on the Prevention of Torture; the Committee on the Rights of the Child; the Committee on Migrant Workers; and the Committee on the Rights of Persons with Disabilities). Some regional bodies also deal with human rights issues, such as the European Court of Human Rights and the Inter-American Court of Human Rights.

Historically, the Third Committee’s discussion has focused on such issues as the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the promotion of the right to self-determination. Through the work of the Third Committee and other UN organs, significant gains have been made such as the suspension of executions, release of detainees and medical treatment for prisoners, as well as changes in the domestic legal system of States which are parties to human rights instruments such as the UDHR. Some states, however, have come to view the rapid expanse of human rights and their administration as impositions on the sovereign right to establish independent, national legal systems.

The administration of human rights in the context of justice presents many challenges. There is a serious need for greater technical assistance to strengthen infrastructure in countries that often look to UN programs for such support. Recently the Third Committee has focused on drawing particular attention to the issues of incarceration, arrest, investigation, and treatment before tribunals as it relates to the rights of women and children. Administration of justice in post-conflict situations and the human rights of migrants have also attracted significant attention due to some of the problems that remain in those fields. In the wake of conflict, often the institutions necessary for adequate protection of human rights are not present, increasing the likelihood that those rights might be violated in the administration of justice. Migrant workers similarly have fewer protections due to lack of political representation and sometimes questionable legal status.

Past resolutions have urged States to provide training, including gender-sensitivity training, in the field of juvenile justice to all law and social work professionals. Several resolutions have addressed human rights abuses in particular regions, such as those suffered by migrant workers in Afghanistan, the occupied Palestinian territories, Myanmar, the Democratic People’s Republic of Korea, and the Democratic Republic of the Congo. In March 2008 the committee addressed devoting “particular attention to the issue of women in prison, including the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem.” Yet another resolution focused the Third Committee’s discussion on reform in the juvenile justice system, strengthening structures for the maintaining justice in post-conflict situations, and development of further training, resources, and common indicators as it relates to the administration of justice. Additionally, the Committee has addressed the gender specific challenges inherent in the administration of justice, including providing gender-sensitivity training at all levels.

In a 2007 report, the Secretary-General provided information on practical measures taken and planned activities to assist countries in strengthening their systems of administration of justice in juvenile justice, including in post-conflict situations, and gave a range of

examples of how assistance is delivered under a variety of conditions. The need for technical assistance and training of officials, as well as the various needs to focus on the concerns of rights of women and children in prison, the establishment of justice in post-conflict situations, and child justice reform will be important and often competing goals in current and future resolutions.

Questions to consider from your government's perspective on this issue include:

- What resources can be drawn upon to advance reform in the juvenile justice system among States?
- What tools are needed to address human rights violations for women in prison and their children? How can these tools be provided to States?
- What current monitoring mechanisms have been successful? Are there other methods of monitoring human rights abuses in the justice context? What role should the Human Rights Council play in this process?
- What can be done to encourage Member States to dedicate the financial resources necessary to provide technical and training assistance to improve the establishment of justice in States?

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A/RES/60/159
A/RES/58/183
A/RES/56/161
A/RES/217A
E/2004/23
Universal Declaration of Human Rights

Additional Web Resources:

www.hrw.org – Human Rights Watch
www.ohchr.org – Office of the High Commission for Human Rights
www.un.org/rights/morerights.htm – United Nations Human Rights