



THE GENERAL ASSEMBLY THIRD COMMITTEE

SOCIAL, HUMANITARIAN & CULTURAL

PURVIEW OF THE GENERAL ASSEMBLY THIRD COMMITTEE

While the Committee's areas of concern and its work often overlaps 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 issues with, 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 25.

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

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

Torture is strictly defined by the United Nations as the intentional infliction of physical or emotional distress by a public official for the purposes of gathering information, compelling a confession, or intimidation or coercion. It is important to note that this definition only covers actions by public officials or people acting in an official state-sponsored capacity. The Universal Declaration of Human Rights expressly states that, "no one shall be subjected to torture or to cruel, inhumane, or degrading treatment or punishment." Furthermore, the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment explicitly prohibits States Parties from allowing acts of torture to occur within their borders. Even with these protections in place, the UN still receives numerous allegations of torture each year. These allegations range from the mistreatment of prisoners to the physical and mental abuse of alleged terrorist detainees.

The United Nations has a long history of condemning the use of torture; one of the first documents to prohibit torture, the Universal Declaration of Human Rights, was passed by the UN General Assembly in 1948. The General Assembly passed its first resolution on the issue in 1973, outlining the continuing global problems concerning torture and the need for all nations to join and uphold existing international accords. In 1984, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the General Assembly. Currently, there are 153 States Parties to the Convention.

These agreements are intended to protect persons and detainees from torture—both in wartime and peacetime. The Committee against Torture, housed within the Office of the High Commissioner for Human Rights, monitors the implementation of the Convention Against Torture by its States Parties. States are required to submit regular reports to the Committee; the Committee also has the power to investigate claims of violations, initiate inquiries and address inter-state complaints. The Committee also meets regularly to discuss current themes and issues regarding torture concerns and publishes "general comments" on interpretations of the Convention.

In 2002, the General Assembly passed the Optional Protocol to the Convention, which creates an inspection system for detention centers. The Istanbul Protocol, a manual created by the High Commissioner for Human Rights in 2004, outlines guidelines for effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment. Additionally, the United Nations Commission on Human Rights appointed a Special Rapporteur to examine questions relevant to torture, an appointment renewed by the UN Human Rights Council. The mandate of the Special Rapporteur covers all countries, irrespective of whether a State has ratified the Convention. The current Special Rapporteur submits an annual report to the Human Rights Council and General Assembly outlining what steps States should take to eradicate the practice of torture within their borders. The Special Rapporteur also conducts site visits to Member States to examine their compliance with the Convention.

Despite the legal and political responsibilities to prevent torture, cases of torture have been regularly reported in both developed and developing countries over the last decade. In the first half of 2013 alone, Human Rights Watch reported cases of torture or alleged cases of torture in two dozen countries. Ethnic and regional conflict, civil war, and terrorist activity all elevate the risk of torture. The continued threat of terrorism worldwide has pushed many countries to engage in extrajudicial detention of suspected terrorists and in many cases created an environment conducive to torture. These extrajudicial detentions create an environment of legal impunity. Over the past two years, countries within the Middle East and North Africa have faced increased scrutiny over allegations of torture as they seek to quell political unrest. However, many of the countries involved argue that their actions are well within their rights and within international protocols. Countries in transition also face allegations of torture, as they seek to build new accountability structures.

While it is unlikely that the General Assembly will be able to fully address the conditions that allow for torture to take place, the UN has numerous opportunities to improve monitoring, support the creation of judicial remedies for torture and to improve human rights training for security personnel. For many States, torture is actively discouraged by national policy, but ineffective legal remedies and impunity for State officials allow torture to continue. The Third Committee is also uniquely suited to consider how supporting other human rights—such as freedom of speech and association—can also help to combat torture. Finally, many States with alleged cases of torture have refused to allow the Special Rapporteur to conduct site visits in their country or have refused the Special Rapporteur permission to interview alleged torture victims. Encouraging States to allow visits from the Special Rapporteur could improve monitoring and accountability, particularly in States with strong existing judicial remedies for torture.

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

- How can States that have not ratified the Convention Against Torture and Other Cruel or Degrading Treatment or Punishment be convinced to do so?



- What steps can the UN take to encourage States to cooperate with the Special Rapporteur on Torture and other monitoring mechanisms?
- How is the UN supporting judicial systems in prosecuting torture cases, and what additional actions are necessary to prevent impunity for torture?
- What steps can the UN take to prevent torture in countries in transition?

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RIGHTS OF THE CHILD

Since its founding, the United Nations has regarded children as deserving special protections. Unable to defend and provide for themselves, children are dependent on their family and the State for education, food, protection, health care and many other vital services. Protecting children from violence, exploitation and abuse is an integral component of protecting their rights to survival, growth and development. Education is a basic human right, vital to the development and well-being of individuals and societies as a whole. Unfortunately, only 63 percent of the secondary school aged population globally is

enrolled, and over 71 million children of secondary school age are not in school. Education is critically important to helping adolescents develop the skills they will need as adults in the work force and in the community. Girls are less likely than boys to attend and complete secondary school – even though educated girls earn more income for their families and have healthier, better-educated children. In the least developed countries, a quarter of young men and a third of young women are illiterate. Decades after the adoption of the Universal Declaration of Human Rights, children especially continue to suffer the abuse of many of their most basic rights.

The Convention on the Rights of the Child (CRC), adopted in 1990, recognizes that children have special rights in addition to those presented in the Declaration of Human Rights and other documents. The Convention became the first legally binding international treaty to denote specific civil, cultural, economic, political and social rights for children. The treaty details these rights in 54 articles and is expanded upon in three Optional Protocols. Formally adopted by 193 States, the Convention is currently the most widely endorsed human rights treaty in history. The Committee on the Rights of the Child has been tasked with monitoring the progress of the Convention.

The Convention has been built upon as an instrument in transforming the way children are viewed and treated worldwide. Having established that children have distinct and unique rights, it became possible for the international community to determine the responsibility of States to uphold, protect and expand those rights. The UN established a Special Rapporteur on the Sale of Children in 1990 and a Special Representative of the Secretary-General for Children and Armed Conflict in 1996. The Security Council strengthened the Office of the Special Representative in 2005 by establishing a monitoring and reporting mechanism specifically for six grave violations, which include attacking schools, recruiting child soldiers and killing or maiming children. Going further in 2000, the UN General Assembly adopted the first two optional protocols, specifically addressing the exploitation of children in sex trafficking and armed conflicts. The protocols use a multifaceted approach to tackle child exploitation by reducing demand for children and increasing awareness of these problems. By strengthening the international legal framework, the Convention continues to play a major role in creating local and global policies and programs that support the advancement of children. As a result of Member States' commitments to the Convention, more children are surviving, attending school and fewer are forced into labor or armed conflict. Over the last decade, secondary school completion has risen from 60 percent in 2000 to over 71 percent in 2011. Similarly, child mortality has gone from 73 per 1000 live births in 2000 to 51.4 per 1000 live births in 2011.

Unfortunately, these documents and norms have not benefited every child. In many places, children continue to fall victim to disease, are enlisted into militaries and paramilitary forces, recruited into criminal gangs and are trafficked. Verification and supervision of States' respect for their international obligations to protect children remains weak, with the Special Rapporteur and Special Representative's work limited by state cooperation. However, in 2011 the General Assembly opened the Optional Protocol to the Convention on the Rights of the Child on a communication procedure (OPIC). OPIC would allow the Committee on the Rights of the Child to address accusations raised by private parties—including individual children—of violations of a party's responsibilities and obligations under the CRC or the two other



optional protocols. The Protocol will enter into force once ten States have ratified it. Pushing Member States to ratify OPIC will be an issue for the Third Committee. The Protocol improves accountability for Member States' obligations under the Convention.

There are several other issues that the Third Committee will also need to address at its upcoming session. The ongoing economic crisis has continued to force governments to reduce spending, particularly on social services. Social service spending cuts tend to disproportionately affect children, who are significant consumers of health and education services. Member States will need to consider how the international community can ensure that the rights of children are protected in this more austere budget environment. As the General Assembly prepares to set the post-2015 development agenda, the Third Committee may also want to evaluate what issues pose the greatest threat to the well-being of children. Unprecedented progress has been made in reducing poverty and bringing more children to school, in reducing child mortality and providing safe water to drink. The daunting task ahead is to extend these gains, which have yet to reach everyone. Stark disparities that remain or are even widening put the poorest communities in many countries consistently at a disadvantage.

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

- What are the most pressing threats to the welfare of children?
- What steps can the United Nations take to strengthen Member States' protection of children?
- How has the world financial and economic crisis affected Member States' protection of children?
- How effective are the Optional Protocols in protecting children from being trafficked or used in armed conflicts? What additional steps can the international community take to prevent trafficking in children?

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