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HUMAN RIGHTS COUNCIL BACKGROUND GUIDE 2017

Written by: Estefani Morales, Stéphanie Toschi, Ruitong Zhou, and Citlali Mora Catlett
Contributions by: Ana Palma-Gutierrez



NATIONAL MODEL UNITED NATIONS



THE 2017 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2017 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the Human Rights Council (HRC). This year's staff is: Directors Estefani Morales (Conference A) and Stéphanie Toschi (Conference B), and Assistant Directors Ruitong Flora Zhou (Conference A) and Citlali Mora Catlett (Conference B). Estefani completed her B.A. in International Relations at San Francisco State University in 2011 and earned her M.A. in Environment, Politics, and Globalization at King's College in London in 2016. She currently works for a U.S. Member of Congress. Stéphanie received her M.A. in International Relations and International Law at the Université Libre de Bruxelles. She is currently pursuing an Advanced Master's in EU International Relations and Diplomacy at the College of Europe. Ruitong Zhou studied International Relations, Political Science, and Public Relations at Syracuse University and earned a Master of Public Administration in 2016. She currently works for the Department of Management at the United Nations. Citlali received her B.A. in Political Science, Business Administration, and Economics in 2013 and her M.A. in Political Science at Ludwig-Maximilians-Universität München in 2016.

The topics under discussion for the HRC are:

- I. Protecting and Promoting Human Rights to Prevent and Counter Violent Extremism
- II. Contribution of Firearms Regulation to the Protection of Human Rights
- III. Human Rights Violations and Abuses Against Rohingya Muslims and Other Minorities in Myanmar

The HRC plays a unique role as the primary intergovernmental body within the United Nations system responsible for the promotion and protection of human rights as they are defined within the *Charter of the United Nations*. HRC plays a critical role in the monitoring and implementation of the *Universal Declaration of Human Rights* and other human rights instruments. It is a subsidiary body of the General Assembly and possesses a comprehensive mandate that allows it to take proactive measures to address and provide recommendations on all human rights violations.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2017 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

Two essential resources for your preparation are the [Delegate Preparation Guide](#) and the [NMUN Rules of Procedure](#) available to download from the NMUN website. The [Delegate Preparation Guide](#) explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. The [NMUN Rules of Procedure](#) include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. In tandem, these documents thus serve as essential instruments in preparing for the Conference and as a reference during committee sessions.

Please take note of information in the [Delegate Preparation Guide](#) on plagiarism and the prohibition of pre-written working papers and resolutions. Additionally, please review the [NMUN Policies and Codes of Conduct](#) on the NMUN website regarding the Conference dress code; awards philosophy and evaluation method; and codes of conduct for delegates, faculty, and guests regarding diplomacy and professionalism. Importantly, any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. Adherence to these policies is mandatory.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Under-Secretaries-General for the Human Rights & Humanitarian Affairs Department, Sarah Walter (Conference A) and Jess Mace (Conference B), at usg.hr_ha@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

Conference A

Estefani Morales, *Director*
Ruitong Zhou, *Assistant Director*

Conference B

Stéphanie Toschi, *Director*
Citlali Mora Catlett, *Assistant Director*



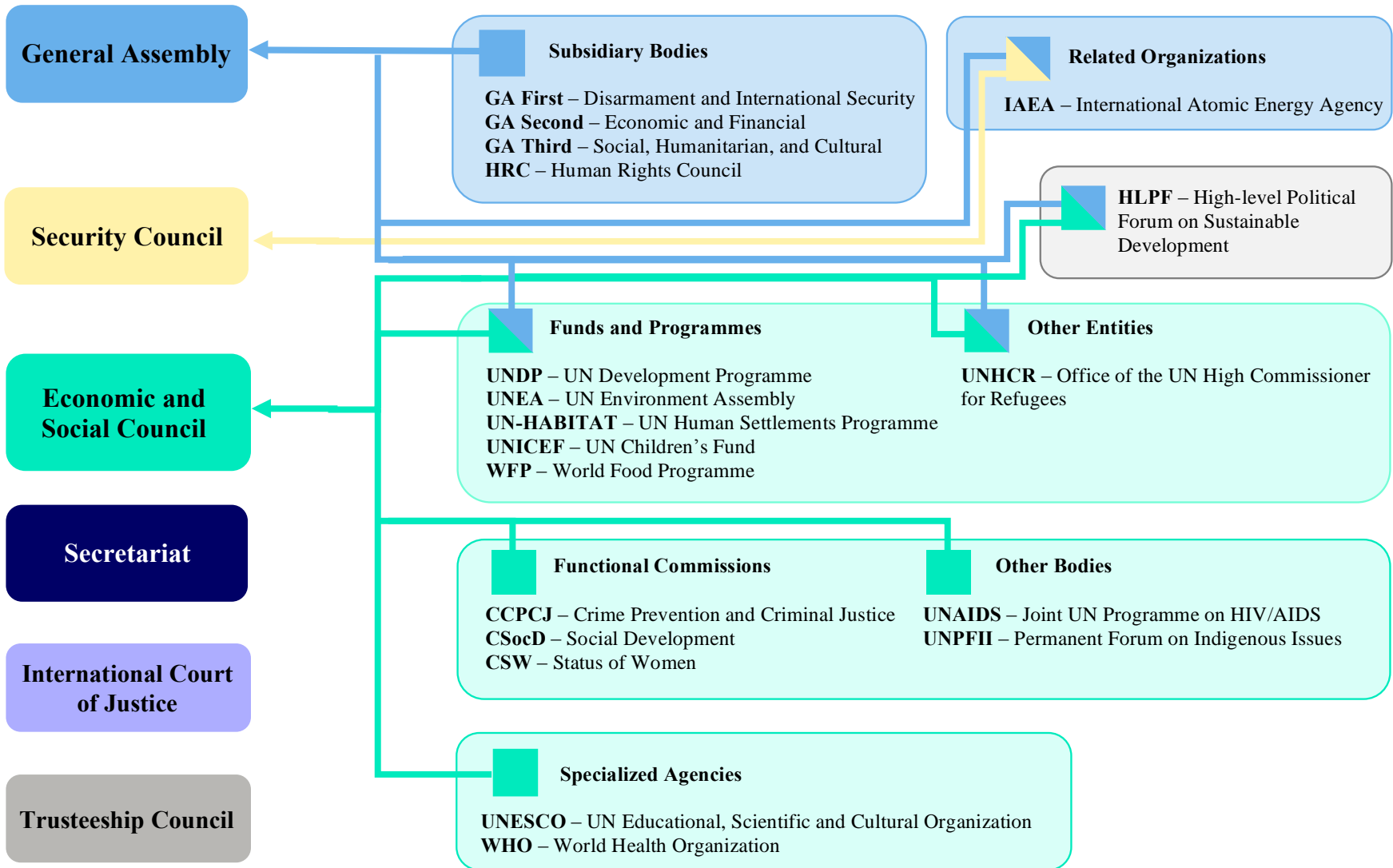
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United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.





Abbreviations

ATT	<i>Arms Trade Treaty</i>
CASA	Coordinating Action on Small Arms
CHR	Commission on Human Rights
CRC	<i>Convention on the Rights of the Child</i>
CTC	Counter-Terrorism Committee
CTED	Created the CTC Executive Directorate
CTITF	Counter-Terrorism Implementation Task Force
CVE	Countering violent extremism
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
EU	European Union
GA	General Assembly
HRC	Human Rights Council
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ISACS	International Small Arms Control Standards
ISIL	Islamic State in Iraq and the Levant
KNFP	Kenya National Focus Point on Small Arms and Light Weapons
NGO	Non-governmental organization
NHRI	National Human Rights Institution
OHCHR	Office of the UN High Commissioner for Human Rights
PCVE	Prevent and counter violent extremism
PoA	<i>Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects</i>
PVE	Preventing violent extremism
SALW	Small arms and light weapons
SIDS	Small island developing states
UDHR	<i>Universal Declaration of Human Rights</i>
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNODA	United Nations Office of Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review



Committee Overview

“All victims of human rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action.”¹

Introduction

This year marks the 10th anniversary of the creation of the Human Rights Council (HRC). In 2006, Deputy Secretary-General Jan Eliasson, then President of the General Assembly, described the event as “a new beginning for the promotion and protection of human rights.”² Recently, Secretary-General Ban Ki-moon commended the work of HRC in its “progress towards putting the human rights pillar back at the center of the United Nations system.”³

The HRC is the main organ of the United Nations (UN) “responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.”⁴ Its duty entails responding to urgent human rights situations by addressing issues regarding accountability and liability for violations of international human rights and humanitarian law.⁵ HRC currently focuses on several regions of Africa, Latin America, and the Middle East, with special attention placed on the ongoing conflict in Syria.⁶

Since the adoption of the *Universal Declaration of Human Rights* (UDHR) in 1948, the human rights agenda has expanded greatly.⁷ To facilitate the implementation of UDHR, the UN Secretariat established a UN department responsible for overseeing its human rights program.⁸ This department, known as the Center for Human Rights, expanded its reach in the 1980s and moved from New York to Geneva.⁹ In 1993, at the World Conference on Human Rights, Member States created the Office of the UN High Commissioner for Human Rights (OHCHR) with the responsibility of coordinating the human rights agenda across all intergovernmental agencies and departments within the UN.¹⁰ OHCHR is responsible for the substantive, logistical, and administrative needs of all UN human rights mechanisms, including core treaty-based bodies, thematic working groups, and the HRC.¹¹

As international human rights law has evolved, specialized agencies within the UN system have also emerged due to the urgent need to respond to human rights violations.¹² Among these was the Commission on Human Rights (CHR), which was an intergovernmental organization of the UN established in 1946 to address human rights challenges and concerns.¹³ Over time, the CHR met increasing criticism from the international community for “excessive politicization.”¹⁴ Persistent controversy led to the CHR’s loss of credibility, which severely damaged the UN’s reputation and work in human rights.¹⁵ Reform efforts culminated in the creation of the HRC in 2006.¹⁶ Pursuant to resolution 60/251, the General Assembly “decide[d] to establish the Human Rights Council, based in

¹ OHCHR, *United Nations Human Rights Council*, 2016.

² UN News Centre, *As UN Human Rights Council marks 10th anniversary, Ban urges body to increase 'impact'*, 2016.

³ Ibid.

⁴ OHCHR, *The 20th Anniversary of OHCHR – 20 human rights achievements*, 2016.

⁵ Ibid.

⁶ OHCHR, *31st regular session of the Human Rights Council (29 February to 24 March 2016)*, 2016.; Universal Rights Group, *Report on the 32nd Session of the Human Rights Council*, 2016.

⁷ Trindade, *Universal Declaration of Human Rights, Audiovisual Library of International Law*, 1948.

⁸ OHCHR, *Who we are: Brief History*, 2016.

⁹ Ibid.

¹⁰ Ibid.

¹¹ OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*.

¹² OHCHR, *Who we are: Brief History*, 2016.

¹³ Ibid.

¹⁴ UN DPI, *General Assembly Establishes New Human Rights Council by vote of 170 in Favour to 4 Against, with 3 Abstentions (GA/10449)*, 2006.

¹⁵ UN General Assembly, *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General (A/59/2005)*, 2005, p. 45.

¹⁶ Spohr, *United Nations Human Rights Council: Between Institution-Building Phase and Review of Status*, 2010, pp. 174-175.

Geneva, in replacement of the [CHR].¹⁷ The HRC had in essence the same responsibilities as CHR, but possessed an enhanced scope of action under its new mandate.¹⁸ As stipulated by the General Assembly, the HRC submitted to a five-year review in 2011.¹⁹ All areas of the HRC were subject to scrutiny and critical assessment to ensure mechanisms and frameworks were streamlined and efficient.²⁰ The review identified only minor areas for improvement; the HRC's "strong and largely well-functioning" nature led to its preservation as a subsidiary body of the General Assembly without significant changes to its structure or operations.²¹

As 2016 is the 10-year anniversary of its establishment, the HRC is looking back on successes, challenges, and ways to continue strengthening the application of human rights.²² Over the last 10 years, the Council has adopted over 1,250 resolutions and has held nearly 60 sessions.²³ Member States still urge the HRC to become more effective in putting pressure on states to follow through with recommendations provided by the Council regarding human rights abuses.²⁴ Accountability continues to be difficult to achieve.²⁵ In response, UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has proposed that the Council develop more systematic follow-up procedures with Member States.²⁶

Governance, Structure, and Membership

Through a majority vote, the General Assembly elects the HRC's 47 Member States, which serve for a period of three years.²⁷ The 47 Member States are distributed in regional groups: 13 from Africa, 13 from Asia, 6 from Eastern Europe, 8 from Latin America and the Caribbean, and 7 from the Western European and Others Group.²⁸ The last change in Member States represented at the Council took place in October 2015.²⁹ The Member States elected to the Council in 2015 effective as of 1 January 2016 are: Belgium, Burundi, Côte d'Ivoire, Ecuador, Ethiopia, Georgia, Germany, Kenya, Kyrgyzstan, Mongolia, Panama, Philippines, Republic of Korea, Slovenia, Switzerland, Togo, United Arab Emirates, and Venezuela.³⁰ The General Assembly Third Committee, which is responsible for evaluating questions related to human rights, considers the annual reports of HRC and works closely with the HRC's Special Procedures mandate holders.³¹

Each year in March, June, and September, the HRC holds regular sessions to discuss issues under its purview.³² Combined, these sessions last a minimum of 10 weeks, and at any time, one third of the HRC's Member States can request a special session "to address human rights violations and emergencies [related to human rights]."³³ There have been a total of 24 special sessions, of which the last session, held in December 2015, focused on the prevention of the deterioration of human rights in Burundi.³⁴ Each annual series of regular sessions is referred to as a "cycle."³⁵ At the start of each annual meeting, Member States elect a President and four Vice Presidents that make up the Bureau, which is responsible for all issues relating to the organization and procedures of the HRC and for leading

¹⁷ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

¹⁸ *Ibid.*

¹⁹ UN General Assembly, *Review of the Human Rights Council*.

²⁰ UN DPI, *Five Years after Creation, General Assembly Maintains Human Rights Council as Subsidiary Body, Concluding Review of Work, Functioning (GA/11101)*, 2011.

²¹ *Ibid.*

²² OHCHR, *United Nations Human Rights Council 10th Anniversary 2006-2016*, 2016.

²³ *Ibid.*

²⁴ OHCHR, *Human Rights Council holds High-Level Panel discussion on the occasion of its tenth anniversary*, 2016.

²⁵ Amnesty International, *10 Years of the United Nations' Human Rights Council: Remarks by Salil Shetty*, 2016.

²⁶ OHCHR, *Human Rights Council holds High-Level Panel discussion on the occasion of its tenth anniversary*, 2016.

²⁷ OHCHR, *Welcome to the Human Rights Council*, 2016.

²⁸ UN News Centre, *General Assembly elects 18 members to UN Human Rights Council*, 2015.

²⁹ OHCHR, *Human Rights Council Elections*, 2016.

³⁰ UN News Centre, *General Assembly elects 18 members to UN Human Rights Council*, 2015.

³¹ UN General Assembly, *General Assembly of the United Nations: Social, Humanitarian & Cultural - Third Committee*.

³² OHCHR, *Sessions*, 2016.

³³ *Ibid.*

³⁴ OHCHR, *24th special session of the Human Rights Council on preventing further deterioration of the human rights situation in Burundi*, 2016.

³⁵ OHCHR, *Sessions*, 2016.

the cycle.³⁶ The President is responsible for convening and chairing organizational meetings and regular sessions, as well as proposing candidates to serve as Special Procedures mandate holders.³⁷ The current President is Choi Kyong-lim, a Permanent Representative to the UN from the Republic of Korea.³⁸ The Vice Presidents are Ramon Alberto Morales Quijano, Janis Karklins, Negash Kebret Botor, and Bertrand de Crombrugge from Panama, Latvia, Ethiopia, and Belgium, respectively.³⁹

Partnerships

The HRC strengthens its efforts by forming partnerships with non-governmental organizations (NGOs), National Human Rights Institutions (NHRIs), and other civil society actors.⁴⁰ Partnerships facilitate many of the HRC's initiatives, including specific programs or frameworks targeting groups deprived of their access to fundamental human rights and freedoms.⁴¹ NGOs that have received Economic and Social Council (ECOSOC) consultative status and NHRIs can directly address HRC during discussions and debates and inform it of situations occurring in their home states.⁴² Groups and NGOs that have not achieved ECOSOC consultative status can also provide written documents on a Member State as part of the Universal Periodic Review (UPR) Process.⁴³

Mandate, Functions, and Powers

The HRC possesses a unique and comprehensive mandate outlined in General Assembly resolution 60/251 of 2006 on the "Human Rights Council" and guided by the principles of "universality, impartiality, objectivity and non-selectivity, constructive international dialogue, and cooperation."⁴⁴ The General Assembly mandated the HRC to promote universal respect for human rights and fundamental freedoms; to address and provide recommendations on all, particularly grave and systematic, violations of human rights; and to promote an effective system of coordination within the UN system, including mainstreaming mechanisms, with respect to human rights issues.⁴⁵ Further, the General Assembly designated the HRC as a forum for debate and dialogue on all human rights issues, including addressing violations and responding to emergencies, promoting cooperation and education on human rights, reviewing Member States' history and performance, and preventing abuses from occurring.⁴⁶

Also crucial in informing the mandate and work of the HRC is the *International Bill of Human Rights*, which encompasses the UDHR, the *International Covenant on Economic, Social and Cultural Rights* (1966), and the *International Covenant on Civil and Political Rights* (1966) with its two Optional Protocols.⁴⁷ These documents are the pillars that guide the HRC in its recommendations by outlining the fundamental obligations and commitments of Member States in international human rights law.⁴⁸ Additionally, the *2030 Agenda for Sustainable Development* (2015) and the 17 Sustainable Development Goals (SDGs) guide the work of the HRC.⁴⁹

In 2007, the HRC adopted resolution 5/1 on "institution building," which established mechanisms and structures to guide its program of work, rules of procedure, and other operational functions.⁵⁰ The resolution also established the format for the Special Procedures, the UPR, and the Complaint Procedure, which comprise the main powers of the HRC.⁵¹ Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on

³⁶ UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007.

³⁷ Ibid.; OHCHR, *Special Procedures of the Human Rights Council*, 2016.

³⁸ OHCHR, *President of the 10th Cycle*, 2016.

³⁹ OHCHR, *Officers of the Human Rights Council's Tenth Cycle (2016)*, 2016.

⁴⁰ OHCHR, *NGO and NHRI Information*, 2016.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*; UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

⁴⁵ UN General Assembly, *Human Rights Council (A/RES/60/251)*, 2006.

⁴⁶ OHCHR, *The Human Rights Council and the role of the Office of the High Commissioner for Human Rights*.

⁴⁷ OHCHR, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

⁴⁸ OHCHR, *Human Rights: A Basic Handbook for UN Staff*.

⁴⁹ UN General Assembly, *Transforming our world: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁵⁰ OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 75.

⁵¹ Ibid.

country-specific or thematic situations for the HRC.⁵² Each investigation has a mandate, namely the topic under advisement, and a mandate holder, who is typically a Special Rapporteur, an independent expert, or a working group, to carry out the investigation.⁵³ Special Procedures are empowered to undertake country or field visits, with the support of OHCHR, and to bring specific cases and concerns to the attention of Member States.⁵⁴ They can send communications detailing accusations of violations or abuses of human rights, often engage in advocacy efforts, and offer technical assistance when possible.⁵⁵

The UPR is one of the most important functions of the HRC.⁵⁶ Through the HRC, each Member State of the UN submits to a periodic review to assess the fulfillment of its human rights obligations.⁵⁷ The cycle of the UPR process takes around four years and includes several steps.⁵⁸ At the preparation stage, information is gathered that will form the basis of the review, including national reports from the state under review, stakeholder submissions, and information prepared by OHCHR.⁵⁹ At the review stage, documents are presented at the regular sessions of the Working Group on the UPR, which is composed of all 47 Member States of the HRC.⁶⁰ At the adoption and considerations stage, each Member State provides comments, and the state under review can offer reservations on specific issues.⁶¹ Finally, during the follow-up stage, each state under review demonstrates how effectively it has acted upon the recommendations received.⁶²

Recent Sessions and Current Priorities

The 31st regular session of the HRC, which took place from 29 February to 24 March 2016, adopted 37 resolutions.⁶³ Discussions included decisions regarding the UPR of 13 Member States, a high-level panel on the 10th anniversary of the Council, the commencement of the third cycle of the UPR, and one presidential statement.⁶⁴ While HRC resolutions 31/3 and 31/30 focused on “human rights and terrorism” an additional meeting addressed calls to action made in HRC resolution 30/15 on “Human rights and preventing and countering violent extremism” of October 2015.⁶⁵ It reached consensus and developed further ideas on actions in countering and preventing violent extremism.⁶⁶ Other resolutions focused on spotlighting human rights issues in Myanmar, the Democratic People’s Republic of Korea, the Islamic Republic of Iran, South Sudan, Syria, and the Syrian Golan.⁶⁷

The 32nd regular session of the HRC, held from 13 June 2016 to 8 July 2016, celebrated the 10th anniversary of the establishment of the Council.⁶⁸ It was the first time all Member States attended the Council, a feat accomplished by the HRC Trust Fund, which supported the participation of small island developing states (SIDS) and least developed countries (LDCs).⁶⁹ The session adopted outcomes of UPRs for 14 countries and 33 resolutions, hosted six panel sessions, considered 55 reports, and organized more than 180 side events.⁷⁰ Topics covered included the situation of human rights in Syria, protection against violence and discrimination based on sexual identity, and youth and human rights.⁷¹

⁵² OHCHR, *Special Procedures of the Human Rights Council*, 2016.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ OHCHR, *Universal Periodic Review*, 2016.

⁵⁷ OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 80.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ OHCHR, *31st regular session of the Human Rights Council (29 February to 24 March 2016)*, 2016.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Universal Rights Group, *Report on the 32nd Session of the Human Rights Council*, 2016.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

The HRC also adopted resolution 32/12 on the “Impact of arms transfers on human rights,” which underscores the effect arms trade, and in particular the illicit arms trade, has on human rights, especially on the rights of women, children, and the elderly.⁷² The resolution also called on the Council to present a report at the 35th regular session, detailing the way in which the arms trade impacts human rights.⁷³ Additionally, the UN High Commissioner for Human Rights submitted a report on the situation of human rights for Rohingya Muslims and other minorities in Myanmar.⁷⁴ The report details how human rights abuses have led Rohingya Muslims to flee to neighboring Thailand and Malaysia, with 94,000 having left Myanmar since 2014.⁷⁵

Conclusion

The HRC addresses human rights on global, regional, and national levels by endeavoring to ensure all Member States safeguard the fundamental freedoms and rights articulated by international law.⁷⁶ A focus remains on the deterioration of human rights in various parts of the world, especially in Burundi, Eritrea, the Democratic People’s Republic of Korea, South Sudan, Myanmar, and Syria.⁷⁷ Meanwhile, efforts persist to challenge the growing threat of violent extremism and intolerance.⁷⁸ The SDGs and the momentum of the Council’s 10th anniversary present opportunities for significant progress in the field of human rights.⁷⁹ As such, in light of the numerous challenges faced by the HRC and the human rights agenda, delegates must utilize all the tools and frameworks available in order to devise durable solutions to the problems at hand.

Annotated Bibliography

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Human Rights: A Basic Handbook for UN Staff*. Retrieved 22 August 2016 from: <http://www.ohchr.org/Documents/Publications/HRhandbooken.pdf>

This handbook provides delegates with a comprehensive view of the human rights system within the context of the UN. Even though some parts may be slightly outdated, the handbook provides a very detailed account of the UN’s human rights instruments. The handbook also describes the international mechanisms that evolved to monitor the implementation of rights and process complaints, and the strategies engaged to promote and protect human rights within the UN.

Office of the United Nations High Commissioner for Human Rights. (2008). *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. Retrieved 22 August 2016 from: http://www.ohchr.org/en/AboutUs/CivilSociety/Documents/Handbook_en.pdf

This handbook, which is designed to explain how civil society can engage with various UN human rights bodies and mechanisms, provides delegates with a comprehensive view of all human rights instruments within the UN system. It addresses how the UN human rights bodies and mechanisms can be used, provides information on funds and grants, lists key contacts at OHCHR, and includes links to other resources. This is an extremely useful tool for delegates to understand the mechanisms as a whole, and how civil society engages with human rights at the UN.

Office of the United Nations High Commissioner for Human Rights. (2016). *31st regular session of the Human Rights Council (29 February to 24 March 2016)* [Website]. Retrieved 24 August 2016 from: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Pages/31RegularSession.aspx>

This website provides delegates with access to all reports resulting from the 31st session of the HRC, including all country-specific reports. It also includes progress reports on a wide variety of topics, such as the Periodic Review of various Member States, an assessment of business and human rights, and the human rights of internally displaced persons. This forum provides an

⁷² Universal Rights Group, *Report on the 32nd Session of the Human Rights Council, 2016*; UN HRC, *Impact of arms transfers on human rights (A/HRC/RES/32/12)*, 2016.

⁷³ UN HRC, *Impact of arms transfers on human rights (A/HRC/RES/32/12)*, 2016.

⁷⁴ UN HRC, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016.

⁷⁵ Ibid.

⁷⁶ Ibid.; OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, p. 75.

⁷⁷ OHCHR, *United Nations Human Rights Council 10th Anniversary 2006-2016*, 2016.

⁷⁸ UN HRC, *Human rights and preventing and countering violent extremism (A/HRC/RES/30/15)*, 2015.

⁷⁹ OHCHR, *Human Rights and Post-2015 Development Agenda*, 2016.



excellent starting point for delegates researching new topics in the area of human rights, a comprehensive list of all topics covered during the 31st session, as well as the most updated information coming from the Council.

Office of the United Nations High Commissioner for Human Rights. (2016). *32nd session of the Human Rights Council (13 June to 1 July and 8 July 2016)* [Website]. Retrieved 24 August 2016 from:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/32RegularSession.aspx>

This website provides delegates with access to all reports resulting from the 32nd session of the HRC, including all country-specific reports. It also includes progress reports on a wide variety of topics, such as the Periodic Review of various Member States, an assessment of business and human rights, and the human rights of internally displaced persons. This forum provides an excellent starting point for delegates researching new topics in the area of human rights, a comprehensive list of all topics covered during the 32nd session, as well as the most updated information coming from the Council.

Office of the United Nations High Commissioner for Human Rights. (2016). *Welcome to the Human Rights Council* [Website]. Retrieved 24 August 2016 from:

<http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx#ftn1>

This website provides delegates with a basic overview of the history and structure of the HRC. It also includes rules of procedure and key background documents that are crucial to the HRC's mandate and functions. Finally, the page provides information on Commissions of Inquiry and Special Procedures.

United Nations, Human Rights Council, Fifth session. (2007). *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)* [Resolution]. Retrieved 13 September 2016 from:

<http://www.refworld.org/docid/4ae9acbbd.html>

One of the most important and crucial resolutions of the HRC, resolution 5/1 details an agreed package that established the procedures, mechanisms, and structures to form the basis for its future work. This included the HRC's agenda, program of work, and rules of procedure. The resolution also modified the system of expert advice and the Complaint Procedure inherited from the Commission. This document is fundamental for delegates to understand how the HRC operates.

United Nations, Human Rights Council, Thirty-second session. (2016). *Situation of human rights of Rohingya Muslims and other minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*. Retrieved 25 August 2016 from: <http://undocs.org/A/HRC/32/18>

This document is a detailed report submitted to the Council's 32nd regular session detailing the situation of human rights in Myanmar for Rohingya Muslims. The report covers the historical context that has led to the discrimination faced by Rohingya Muslims and discusses human rights' abuses in this context. Additionally, the document provides recommendations for how the Council may address the steps Myanmar may take in order to restore human rights of this ethnic minority. Delegates will gain great insights from the analysis of this report in respect to the recent human rights abuses in Myanmar, as well as ways the Council can use a report to respond to a crisis.

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Amnesty International. (2016, February 29). *10 Years of the United Nations' Human Rights Council: Remarks by Salil Shetty*. Retrieved 27 September 2016 from: <https://www.amnesty.org/en/latest/news/2016/02/10-years-of-the-und-nations-human-rights-council/>

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I. Protecting and Promoting Human Rights to Prevent and Counter Violent Extremism

“Prevention of violent extremism is not for the faint hearted or the indifferent. For it demands of us mobilization of a multitude of actors drawn from a wide range of perspectives, across a range of sectors and diverse programmatic areas. It requires of us all, a strong grounding in human rights and reliance on the buttress that is the rule of law. And it asks of us all, a higher tolerance for being disagreed with.”⁸⁰

Introduction

In 2015, the Human Rights Council (HRC) adopted resolution 30/15 on “Human rights and preventing and countering violent extremism,” which defined acts of violent extremism as activities that deprive fundamental human rights, endanger legitimate governments, and threaten territorial integrity and security.⁸¹ This definition is distinctive and broader in scope than the often used term of “terrorism.”⁸² Terrorism, which is often discussed alongside issues concerning violent extremism, encompasses both an ideology and actions that are precursors to future violent acts.⁸³ However, as stated in the Secretary-General’s *Plan of Action to Prevent Violent Extremism* of 2015, violent extremism as a whole is more prevalent and widespread than terrorism.⁸⁴ Thus, violent extremism is seen as a contributing factor to the rise of terrorist acts such as suicide attacks, cyber-attacks on enterprise and institutions, and hijackings for political demands.⁸⁵

Many human rights advocacy groups, such as ARTICLE 19, criticize HRC’s definition of violent extremism due to its ambiguity and lack of distinction between “extremism” and “violent extremism.”⁸⁶ As a whole, the international community has yet to agree upon a universal definition of violent extremism, since the term has been highly politicized and emotionally charged.⁸⁷ HRC resolution 30/15 serves as the first resolution urging governments to protect human rights while adopting mechanisms and policies in combating violent extremism.⁸⁸ In his *Plan of Action to Prevent Violence Extremism*, Secretary-General Ban Ki-moon highlighted the importance of human rights and the rule of law in preventing radicalization and violent extremism.⁸⁹ The Plan puts forward seven priority areas including the empowerment of youth, dialogue and conflict prevention, and utilizing social media tools as a way to prevent the recruitment of others into extremist ideologies.⁹⁰ It warns governments to fully respect human rights and international laws while creating policies to combat violent extremism since immoral approaches, including censorship and punishing activists for their political speech, have been proven as counterproductive.⁹¹ These kinds of violations to human rights further alienate marginalized communities and widen socio-economic gaps within society.⁹² Hence, Member States can reduce threats to security and address violent extremism in a sustainable way by considering human rights as a priority and by complying with international human rights law.⁹³

International and Regional Framework

The 1945 *Charter of the United Nations* states that all human beings should enjoy “rights to life, liberty, and security of person.”⁹⁴ It not only serves as a fundamental framework for further developing international humanitarian law,

⁸⁰ OHCHR, Ms. Kate Gilmore, Deputy High Commissioner for Human Rights, at the Panel discussion on the Human Rights Dimensions of Preventing and Countering Violent Extremism, 2016.

⁸¹ UN HRC, *Human rights and preventing and countering violent extremism (A/HRC/30/15)*, 2015.

⁸² ARTICLE 19, *ARTICLE 19 Submission to OHCHR report on “best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism”*, 2016.

⁸³ Ibid.

⁸⁴ UN General Assembly, *Plan of Action to Prevent Violent Extremism: Report of the Secretary-General (A/70/674)*, 2015.

⁸⁵ OSCE, *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policy Approach*, 2014.

⁸⁶ ARTICLE 19, *UN HRC: Resolution on “violent extremism” undermines clarity*, 2015.

⁸⁷ International Institute for Democracy and Electoral Assistance, *Reconciliation after Violent Conflict: A Handbook*, 2003.

⁸⁸ UN News Centre, *Addressing violent extremism ‘urgent human rights priority,’ warns UN chief*, 2016.

⁸⁹ Ibid.

⁹⁰ OHCHR, *Respecting human rights is key to prevent and counter violent extremism*, 2016.

⁹¹ UN News Centre, *Addressing violent extremism ‘urgent human rights priority,’ warns UN chief*, 2016.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ *Charter of the United Nations*, 1945.

but also highlights the universality of human rights.⁹⁵ Under the values and principles of the *Charter*, all Member States have the obligation to secure the “inherent dignity” of all human beings.⁹⁶ This fundamental document underscores the importance of good governance in protecting human rights and dealing with violent extremism.⁹⁷ One of the principal documents from which all United Nations (UN) organs derive their understanding of human rights is the *Universal Declaration of Human Rights* (UDHR) (1948), which formed a milestone in the history of the development of human rights.⁹⁸ It outlines the human rights all Member States should strive to create policies to protect, among which are the rights to freedom, dignity, security, freedom from slavery or servitude, freedom from torture, arbitrary arrest or detention, freedom from interference of one’s privacy, and asylum from persecution.⁹⁹ There are a total of 19 international instruments that serve to provide a framework to which Member States must adhere in continuing to respect and ensure human rights to all of their citizens.¹⁰⁰

The 1966 *International Convention on the Elimination of All Forms of Racial Discrimination* prohibits different forms of discrimination based on protected categories such as race, gender, age, religion, and country of origin, and highlights Member States’ obligations to protect and fulfill human rights obligations.¹⁰¹ Additionally, the 1966 *International Covenant on Civil and Political Rights* (ICCPR) further underscores this notion by calling upon Member States to respect civil and political rights including the right to life; freedom of religion, speech, and assembly; electoral rights; and rights to due process and a fair trial.¹⁰² The 1993 Vienna World Convention on Human Rights served as the first and largest human rights conference after the Cold War and produced the *Vienna Declaration and Programme of Action*, which urged governments to protect all human rights by connecting democracy and economic development.¹⁰³ It describes all rights as indivisible, interdependent, and interrelated, and it asserts that all human rights are dependent on each other.¹⁰⁴ As such, those who violate one human right are often also seen as having infringed on other human rights as well.¹⁰⁵ The declaration also stresses that governments cannot take away a person’s human rights without probable cause and by following due process.¹⁰⁶

Regionally, the 1969 *American Convention on Human Rights* proposes strengthening human rights through regional initiatives such as training courses for government officials.¹⁰⁷ In 1998, the League of Arab States developed the *Arab Convention on the Suppression of Terrorism* to promote regional cooperation amongst Arab-speaking countries, to strengthen mutual trust and collaboration between political and military leaders in sharing information, and discussing common concerns.¹⁰⁸ The 2003 *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa* guarantees women the right to dignity, education, protection during conflict, and peace.¹⁰⁹

The General Assembly has focused on creating a unified strategy to fight against violent extremism and maintain the balance between protecting human rights and attempting to counter-extremism in its fifth “UN Global Counter Terrorism Strategy Review” through resolution 70/291 of 2015 and during its high-level debate on “Promoting

⁹⁵ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

⁹⁶ *Charter of the United Nations*, 1945.

⁹⁷ *Ibid.*

⁹⁸ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

⁹⁹ *Ibid.*

¹⁰⁰ OHCHR, *The Core International Human Rights Instruments and their monitoring bodies*, 2016; UN General Assembly, *Optional Protocol to the International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966; UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

¹⁰¹ UN General Assembly, *Declaration on the Elimination of Discrimination against Women (A/RES/2263 (XXII))*, 1967.

¹⁰² UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/RES/2106 (XX))*, 1965.

¹⁰³ UN OHCHR, *International Covenant on Civil and Political Rights*, 1966.

¹⁰⁴ OHCHR, *World Conference on Human Rights*, 2016.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ OHCHR, *What are human rights*, 2016.

¹⁰⁸ OAS, *American Convention on Human Rights "Pact of San Jose, Costa Rica"*.

¹⁰⁹ League of Arab States, *Arab Convention on the Suppression of Terrorism*, 1998.

¹¹⁰ AU, *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa*, 2003.

Tolerance and Reconciliation: Fostering Peaceful, Inclusive Societies and Countering Violent Extremism.”¹¹⁰ At the General Assembly’s seventieth session, Secretary-General Ban Ki-moon proposed the *Plan of Action to Prevent Violent Extremism*, which aimed to address strategies that prevent and counter violent extremism (PCVE) through both security-oriented measures and systematic preventative steps.¹¹¹

Role of the International System

In 2005, the Commission on Human Rights, the predecessor to the HRC, appointed a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to establish regular communications with other agencies inside and outside the UN system in regards to protecting human rights while combating terrorism.¹¹² The Special Rapporteur also provides concrete recommendations, fosters information exchange, pays special attention to gender-sensitive issues, and promotes best practices regarding the state of human rights while countering terrorism.¹¹³ In March 2016, the HRC hosted a panel during its 31st session to address the human rights dimension in the efforts of fighting violent extremism.¹¹⁴ During the discussion, many participants called for a working definition of violent extremism and expressed concerns over the misuse of PCVE laws and policies.¹¹⁵

In 2001, the Security Council established the Counter-Terrorism Committee (CTC) through resolution 1373 (2001) “Threats to International Peace and Security Caused by Terrorist Acts,” which encouraged all Member States to take appropriate measures to comply with national and international human rights laws.¹¹⁶ In 2004, the CTC created the CTC Executive Directorate (CTED) to serve as a liaison between the Office of the UN High Commissioner for Human Rights (OHCHR) and other human rights organizations in matters related to counter-terrorism.¹¹⁷ In 2010, Security Council resolution 1963 on “Threats to international peace and security caused by terrorist acts” highlighted CTED’s function and stressed the importance of respecting human rights in developing effective counter-terrorism strategies.¹¹⁸ To enhance coordination of counter-terrorism efforts within the UN system and strengthen the implementation of the UN Global Counter Terrorism Strategy, the Secretary-General created the Counter-Terrorism Implementation Task Force (CTITF).¹¹⁹ Within the CTITF’s structure, a Working Group on Protecting Human Rights and the Rule of Law While Countering Terrorism was formed, which promotes further exchange of information on human rights, the rule of law and capacity-building to counter terrorism.¹²⁰

More recently, the Security Council adopted resolution 2250 (2015) on “Maintenance of international peace and security,” in which it urged all Member States to give youth a greater voice in decision-making at the local, national, regional, and international level, especially when creating strategies for empowering youth and counter recruitment to violent extremism.¹²¹ Security Council resolution 2178 on “Threats to international peace and security caused by foreign terrorist fighters” (2014) underlines that empowering youth to voice their concerns can prevent the spread of violent extremism among adolescents.¹²²

¹¹⁰ UN General Assembly, *The United Nations Global Counter-Terrorism Strategy (A/RES/60/288)*, 2006.

¹¹¹ UN CTITF, *Plan of Action to Prevent Violent Extremism*, 2016.

¹¹² UN Commission on Human Rights, *Protection of human rights and fundamental freedoms while countering terrorism (E/CN.4/RES/2005/80)*, 2005.

¹¹³ *Ibid.*

¹¹⁴ UN HRC, *Promotion and protection of human rights in post-disaster and post-conflict situations (A/HRC/RES/22/16)*, 2013.

¹¹⁵ OHCHR, *Human Rights Council holds Panel Discussion on the Human Rights Dimensions of Preventing and Countering violent extremism*, 2016.

¹¹⁶ UN Security Council, *Threats to international peace and security caused by terrorist acts (S/RES/1373 (2001))*, 2001.

¹¹⁷ UN Security Council Counter-Terrorism Committee, *Protecting Human Rights While Countering Terrorism*, 2015; UN Security Council, *Threats to international peace and security (S/RES/1624 (2005))*, 2005.

¹¹⁸ UN & Swiss Confederation, *Geneva Conference on Preventing Violent Extremism – The Way Forward*, 2016

¹¹⁹ UN Counter-Terrorism Committee Executive Directorate, *The Role of The Counter-Terrorism Committee and Its Executive Directorate In the International Counter-Terrorism Effort*.

¹²⁰ UN CTITF, *Promoting and Protecting Human Rights and the Rule of Law While Countering Terrorism*.

¹²¹ UN General Assembly, *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General (A/59/2005)*, 2005; UN Security Council, *Maintenance of international peace and security (S/RES/2250 (2015))*, 2015.

¹²² UN Security Council, *Threats to international peace and security caused by terrorist acts (S/RES/2178 (2014))*, 2014.

In 2013, the Inter-American Committee against Terrorism of the Organization of American States issued the *Declaration on Strengthening Hemispheric Cooperation to Address Terrorism Financing and Money Laundering* to combat terrorism by cutting off the financial support systems of extremist groups at a regional level.¹²³ The Association of Southeast Asian Nations' (ASEAN) 2007 *Convention on Counter Terrorism* provided the foundation for regional cooperation for PCVE strategies and stressed the need to ensure basic human rights for detainees.¹²⁴ In 2011, the Council of the European Union (EU) approved the EU Counter-Terrorism Coordinator's *EU Plan of Action on Combating Terrorism*, which outlined four specific actions: prevent, protect, pursue, and respond to address issues of PCVE.¹²⁵ The framework advocated for eradicating violent extremism through collecting intelligence and addressing the root causes of the proliferation of terrorism such as personal humiliation and isolation.¹²⁶ When minority groups have been further marginalized and their human rights have been deprived and abused, these groups may be more attracted to radical beliefs and extremist ideologies.¹²⁷ When marginalized groups are dissatisfied with national policies and blame governments for abusing their human rights, they can be extremely vulnerable to the recruitment practices of extremist ideologies.¹²⁸

Amnesty International initiates advocacy campaigns and monitors the PCVE work of UN agencies.¹²⁹ In a recent report by Amnesty International and other organizations, *Initiatives to "Counter and Prevent Violent Extremism" Raise Serious Human Rights Concerns*, Amnesty International questioned the potential impacts of PCVE on human rights, especially on the freedom of speech and right to privacy.¹³⁰ Furthermore, several local civil society organizations (CSOs) have achieved significant success with PCVE.¹³¹ One advocacy group based in Pakistan, the Jinnah Institute, organized peace rallies to increase public awareness of PCVE strategies and policies, and to reduce public support of extremist organizations.¹³² They encouraged over 25,000 people to march on National Flag Day and brought together the support of counter insurgency operations across different sections of civil society.¹³³ This campaign provided a platform from which the people of Pakistan could express their opinion, practice their rights to peacefully assemble, and show their support in combating violent extremism.¹³⁴

Preventing and Countering Violent Extremism

PCVE can be broadly defined as any group of initiatives which aim to contain violent extremist ideologies.¹³⁵ According to a document by the CTITF, both preventing violent extremism (PVE) and countering violent extremism (CVE) serve two different counter-terrorism strategies.¹³⁶ PVE refers to "systematic preventive steps to address the factors that make individuals join violent extremist groups," and CVE refers to security-based counter-terrorism measures.¹³⁷ The Secretary-General's *Plan of Action to Prevent Violent Extremism* encourages governments to develop and implement effective and human rights-based PCVE strategies and shift away from the "security only" approach.¹³⁸ In a panel discussion of HRC, held in Geneva in 2016, Secretary-General Ban Ki-moon urged governments to address violent extremism by using the following methods: addressing discrimination, ensuring

¹²³ Inter-American Committee against Terrorism, *Declaration: Strengthening Hemispheric Cooperation to Address Terrorism Financing and Money Laundering*, 2013.

¹²⁴ ASEAN, *ASEAN Convention on Counter-Terrorism Completes Ratification Process*, 2013.

¹²⁵ Council of the European Union, *EU Plan of Action on Combating Terrorism*, 2004.

¹²⁶ *Ibid.*

¹²⁷ OSCE, *Countering Terrorism, Protecting Human Rights: A Manual*. 2007; UN HRC, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, Ben Emmerson, 2014.

¹²⁸ UN HRC, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, Ben Emmerson, 2014.

¹²⁹ Human Rights Watch, *World Report 2013: Syria*.

¹³⁰ ARTICLE 19 et al., *Initiatives to "counter and prevent violent extremism" raise serious human rights concerns*, 2016.

¹³¹ Jinnah Institute, *Annual Report 2010-2011*.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ United States of America, *Empowering Local Partners to Prevent Violent Extremism in the United States*, 2011.

¹³⁶ UN DPI, *General Assembly Decides to Take More Time in Considering Secretary-General's Proposed Action Plan for Preventing Violent Extremism GA/11760*, 2016.

¹³⁷ UN CTITF, *FAQ – Geneva Conference on Preventing Violent Extremism*, 2016.

¹³⁸ UN HRC, *Human rights and preventing and countering violent extremism (A/HRC/30/15)*, 2015.

good governance, and providing access to education, as well as to social and economic opportunities as a means to enhance trust between state institutions and local citizens.¹³⁹ The Plan of Action also includes seven priority areas: strengthening good governance, dialogue and conflict prevention, engaging communities, empowering youth, empowering woman, enhancing gender equality, education and skill development, and improving strategic communications.¹⁴⁰

Dilemma between PCVE and Respecting Human Rights

Since terrorist groups have become more powerful, Member States struggle with maintaining the right balance between protecting human rights while continuing to pursue PCVE policies.¹⁴¹ Terrorist attacks aim to “impose economic, psychological, sociological, and political costs on the targeted society to coerce its government into granting political and territorial concessions.”¹⁴² As such, extremists use new technologies to launch unconventional terrorist attacks such as cyber-terrorism, nuclear terrorism, and bioterrorism.¹⁴³ Furthermore, terrorist groups have been known to hack into governmental databases to access confidential information and create security breaches that can undermine the trust citizens have in their governments.¹⁴⁴ In light of such attacks, it becomes extremely difficult to effectively and efficiently tackle violent extremism while protecting human rights.¹⁴⁵ Some governments have taken actions undermining basic human rights to combat violent extremist groups such as extrajudicial killings, enforced disappearances and torture, and the use of immigration and deportation laws to bypass their own criminal justice system.¹⁴⁶ Such practices, however, challenge the right to due process, as a fair trial may not be guaranteed or provided in these circumstances.¹⁴⁷ The report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,¹⁴⁸ encourages all Member States to actively safeguard the lives of civilians by taking proactive steps within their jurisdictions to observe human rights at all times.

Whole-of-society Approaches and the Fight against Violent Extremism

Many international organizations recommend that Member States develop community-based PCVE strategies and cooperate with international and local CSOs to address the root causes of violent extremism, which can lead to a more sustainable counter strategy.¹⁴⁹ A government has both social and legal obligations to protect its citizens that can be difficult to balance when trying to ensure respect for human rights while combating violent extremism.¹⁵⁰ Member States are also encouraged to pay close attention in creating de-radicalization programs and avoid the effect of prisoners becoming radicalized by extremists who serve their time in the same penitentiaries.¹⁵¹ Furthermore, through the promotion of good governance and reduction of political and identity-driven marginalization, governments can fight root causes of violent extremism.¹⁵² This requires effective training programs for governments that also include strategies to further the economy since poverty and a high unemployment rate are considered factors that add to violent extremism.¹⁵³ Since youth are highly vulnerable to recruitment to extremist ideologies, it is also highly important for governments to focus on empowering youth; one component is to provide youth with the groundwork to achieve economic self-reliance, which is why the promotion of the right to education is of special importance.¹⁵⁴

¹³⁹ UN News Centre, *Addressing violent extremism ‘urgent human rights priority,’ warns UN chief*, 2016.

¹⁴⁰ UN General Assembly, *Plan of Action to Prevent Violent Extremism: Report of the Secretary-General (A/70/674)*, 2015.

¹⁴¹ United States of America, *The Caliphate’s Global Workforce: An Inside Look at the Islamic State’s Foreign Fighter Paper Trail*, 2016.

¹⁴² Benmelech et al., *The Economic Cost of Harboring Terrorism*, 2010.

¹⁴³ United States of America, *The Five-Year Interagency Counterterrorism and Technology Crime*, 1999.

¹⁴⁴ UN CTITF, *Countering the Use of the Internet for Terrorist Purposes – Legal and Technical Aspects*, 2011.

¹⁴⁵ Ganor, *Identifying the Enemy in Counterterrorism Operations: A Comparison of the Bush and Obama Administrations*, 2014.

¹⁴⁶ Freedom House, *The Civil Liberties Implications of Counterterrorism Policies: Full Chapter*, 2016.

¹⁴⁷ *Ibid.*

¹⁴⁸ UN HRC, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, Ben Emmerson, 2014.

¹⁴⁹ Ganor, *Identifying the Enemy in Counterterrorism Operations: A Comparison of the Bush and Obama Administrations*, 2014.

¹⁵⁰ *Ibid.*

¹⁵¹ Hannah et al., *Radicalization or Rehabilitation: Understanding the Challenge of Extremist and Radicalized Prisoners*, 2008.

¹⁵² OHCHR, *Digest of Jurisprudence of the UN and Regional Organizations on the Protection of Human Rights while Countering Terrorism*.

¹⁵³ *Ibid.*

¹⁵⁴ OHCHR, *Human Rights Council holds Panel Discussion on the Human Rights Dimensions of Preventing and Countering violent extremism*, 2016.

Human Rights Promotion to PCVE

Rights to Education

The promotion of human rights can actively work to combat violent extremism as highlighted by the UN Deputy High Commissioner for Human Rights, who underlined the importance of quality education for mutual understanding and respect between different identities and backgrounds.¹⁵⁵ Furthermore, education can help address issues of racial and religious intolerance, genocide, war crimes, and crimes against humanity worldwide.¹⁵⁶ The UN Educational, Scientific and Cultural Organization (UNESCO) has been a strong supporter of combating violent extremism and advocates for de-radicalization through empowering young adults through educational programs and promoting mutual understanding across different cultures.¹⁵⁷ UNESCO's Executive Board highlighted the role education can play in combating violent extremism in its 197th session.¹⁵⁸ In support of the Secretary-General's *Plan of Action to Prevent Violent Extremism*, UNESCO decided to provide more support for all Member States as they develop national PCVE strategies to prevent youth from joining in violent extremism groups.¹⁵⁹ This acknowledged education as an "important component of societal commitment to curb and prevent the rise of violent extremism" and set priorities for fighting against violent extremism with regards to education, youth empowerment, strategic communications, gender equality, and women's empowerment.¹⁶⁰ UNESCO recently hosted the International Conference on the Prevention of Violent Extremism through Education in cooperation with the Mahatma Gandhi Institute of Education for Peace and Sustainable Development and invited senior education policymakers from around the world to partake in the conference.¹⁶¹ The conference also attempted to establish a common understanding of suitable approaches to ensure that education systems remain unbiased and help prevent violent extremism.¹⁶²

Rights to Privacy

Among other human rights, counter-terrorism measures may violate the right to privacy through, for example, the use of security surveillance methods without sufficient safeguards.¹⁶³ Recently, the Special Rapporteur on the right to privacy, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism all voiced their concerns about the threat to privacy rights posed by a new French law expanding "surveillance of international electronic communications."¹⁶⁴ In their opinion, PCVE measures that violate human rights can lead governments to further suppress marginalized groups and can promote clashes within communities, a situation that can be used by extremist groups to exaggerate the negative influences of these measures and can use them to recruit new members.¹⁶⁵ It has become increasingly evident that methods restricting human rights in the name of combating violent extremism do not work effectively and often do more harm by generating support for extremist groups than effectively preventing violent extremism.¹⁶⁶

Rights to Free Speech

The UN Special Rapporteur on freedom of expression has warned that governments may use PCVE measures as a "perfect excuse" to restrict lawful expressions, thus violating the right to free speech.¹⁶⁷ Furthermore, he has raised concerns about governments labelling journalists, activists, and human rights defenders as "extremists" or "terrorists" to criminalize and detain them unlawfully.¹⁶⁸ Governments could also use PCVE strategies as a reason to censor media content in the name of protecting their civilians and national security from violent extremism.¹⁶⁹ Some

¹⁵⁵ Ibid.

¹⁵⁶ UNESCO, *A Teacher's Guide on the Prevention of Violence Extremism*, 2016.

¹⁵⁷ UNESCO Executive Board, *Decisions Adopted by the Executive Board at its 197th Session*, 2015.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ UNESCO, *Preventing Violent Extremism through Education: Taking Action. UNESCO International Conference*, 2016.

¹⁶² Ibid.

¹⁶³ Freedom House, *The Civil Liberties Implications of Counterterrorism Policies: Full Chapter*, 2016.

¹⁶⁴ OHCHR, *UN rights experts urge France to protect fundamental freedoms while countering terrorism*, 2016.

¹⁶⁵ Ibid.

¹⁶⁶ OHCHR, *OHCHR Report 2015*, 2016.

¹⁶⁷ UN News Centre, *UN expert warns combat against violent extremism could be used as 'excuse' to curb free speech*, 2016.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

governments may attempt to block social media accounts and websites of alleged terrorist groups to prevent their citizens from viewing recruitment information.¹⁷⁰ These actions not only take away the right of free speech but also the right to know the truth.¹⁷¹ Since freedom of speech serves a significant role in a democratic society to promote equality and reduce discrimination, limiting the space for free speech can lead to further radicalization and extremism.¹⁷² As Nils Muižnieks, the Council of Europe's Commissioner for Human Rights stated that the past 15 years of combating terrorism has proven that depriving human rights in the name of counter-terrorism is ineffective, insufficient, and counterproductive.¹⁷³

Conclusion

Using human rights in conjunction with PCVE strategies has been complicated in nature. The lack of clear definitions on many key terms has imposed challenges for governments in combating violent extremism. Moreover, it remains difficult for Member States to maintain the balance between protecting human rights while pursuing PCVE strategies and policies. As such, all Member States should continue to empower CSOs and create community-based strategies for PCVE since they seem to be the most effective means.¹⁷⁴ Only in respecting human rights while pursuing PCVE can Member States address the root causes of violent extremism and create sustainable results.¹⁷⁵ The UN Secretary-General as well as UN agencies highly encourage all Member States to address the roots causes of the proliferation of violent extremism by creating and implementing the national Plan of Action to PVE which emphasizes an adherence to and respect for human rights.¹⁷⁶ Otherwise, radicalization and injustice will be mutually reinforced and will continue to lead to a more dangerous world.

Further Research

In pursuing further research, delegates should consider the following questions: How has the lack of a universal definition of violent extremism contributed to or hindered collective action on PCVE? How can the HRC prevent human rights violations as Member States continue combating violent extremism? What other human rights can be promoted to effectively tackle the root causes of violent extremism? How can governments and CSOs work together to pursue these efforts? What can HRC do to continue to empower CSOs?

Annotated Bibliography

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Digest of Jurisprudence of the UN and Regional Organizations on the Protection of Human Rights while Countering Terrorism* [Report]. Retrieved 28 September 2016 from: <http://www.ohchr.org/Documents/Publications/DigestJurisprudenceen.pdf>

This document explains the legal framework and human rights considerations that the UN and Member States must uphold while combating violent extremism. It shows a holistic view of how to maintain the balance between combating violent extremism and maintaining human rights. Specifically, section II discusses protocols that can be utilized in the states of emergency. Section III focuses on human rights issues such as the right to life, a fair trial, and privacy and the rights of freedom of speech. It aims to guide policymakers to maintain the right balance between protecting human rights while fighting against violent extremist groups.

Office of the United Nations High Commissioner for Human Rights. (2016). *OHCHR Report 2015*. Retrieved 26 August 2016 from:

http://www2.ohchr.org/english/OHCHRreport2015/allegati/Downloads/1_The_whole_Report_2015.pdf

This annual report lays out the current focus of the OHCHR and its important programs. It provides a broad view for the delegates to gain a better understanding of OHCHR's function and

¹⁷⁰ Aidi, France's Almost Funny Attempt to Block the Web, *Al Jazeera*, 2015.

¹⁷¹ Ibid.; OHCHR, *The Right to the Truth*, 2010.

¹⁷² UN DPI, 'Stop Feeding Terrorism with Blood of Our Youth' Jordan's Crown Prince Tells Security Council During Debate on Violent Extremism SC/11872, 2015.

¹⁷³ Radsch, Why Countering Violent Extremism Measures Can Be a Threat to Press Freedom, *Huffington Post*, 2015.

¹⁷⁴ Jinnah Institute, *Annual Report 2010-2011*.

¹⁷⁵ United States of America, *The Caliphate's Global Workforce: An Inside Look at the Islamic State's Foreign Fighter Paper Trail*, 2016.

¹⁷⁶ UN General Assembly, *Plan of Action to Prevent Violent Extremism: Report of the Secretary-General (A/70/674)*, 2015.

position within the UN system. It talks about OHCHR's mandate and funding structure. The report includes detailed OHCHR programs such as combating human rights violations through education. It also presents some significant accomplishments that the OHCHR has achieved in different thematic aspects and in different field offices. Additionally, the report contains a summary of recent activity taken by the HRC in respect to upholding and strengthening human rights throughout the world. This can provide a succinct overview of the different resolutions, actions, and reviews the Council has done within the past year.

Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights. (2007). *Countering Terrorism, Protecting Human Rights: A Manual*. Retrieved 28 September 2016 from: <http://www.osce.org/odihr/29103?download=true>

This document provides a unique perspective for delegates to understand how other intergovernmental organizations deal with the dilemma between human rights protection and PCVE. It has three general sections and 17 chapters. Part one provides an overview of the international framework has been used in different states; part two concentrates on different human rights of concerns while countering terrorism, such as the right to life, the right to education, and the right of free expression; and the third part explores the relationship between human rights and democracy. The document helps delegates to understand the complexity of protecting human rights while combating violent extremism. It also assists delegates in thinking about suggestions to improve the current situation.

United Nations, General Assembly, Fifty-ninth session. (2005). *In Larger Freedom: Towards Development, Security, and Human Rights for All: Report of the Secretary-General (A/59/2005)*. Retrieved 26 August 2016 from: <http://undocs.org/A/59/2005>

The former UN Secretary-General Kofi Annan published this five-year progress report after the creation of the Millennium Development Goals. In this report, the UN Secretary-General urged Member States to guarantee rights to their citizens and address the major challenges. This report can help delegates to understand the vision of the former Secretary-General regarding human rights and how different UN agencies can protect human rights in different ways. Delegates can also compare this report with the current Secretary-General's Plan of Action on Prevent Violent Extremism.

United Nations, General Assembly, Sixtieth session. (2006). *The United Nations Global Counter-Terrorism Strategy (A/RES/60/288)* [Resolution]. Adopted without reference to a Main Committee (A/60/L.62). Retrieved 12 August 2016 from: <http://undocs.org/A/RES/60/288>

This resolution serves as one of the first UN resolutions to discuss maintaining the balance between protecting human rights and countering terrorism. It also marks the first time that all Member States have agreed on the same strategies and approaches to fight terrorism. The resolution recommends Member States to fight terrorist threats through strengthening state capacity and actively participating in UN counter-terrorism initiatives. The resolution helps delegates to gain a comprehensive understanding of the Global Counter-Terrorism Strategy.

United Nations, General Assembly, Seventieth session. (2015). *Plan of Action to Prevent Violent Extremism: Report of the Secretary-General (A/70/674)*. Retrieved 17 July 2016 from: <http://undocs.org/A/70/674>

The report highlights the importance of international cooperation due to the transnational nature of violent extremism. The Plan encourages all Member States to share knowledge and resources to address the root causes of violent extremism, as well as to develop National Plans of Actions with an "all-of-government" approach. A great understanding of this plan can help delegates to gain a holistic view of what the UN has been doing to combating violent extremism. The document helps delegates to understand what plans have been implemented by the General Assembly on the issue of PVE.

United Nations, Human Rights Council, Twenty-second session. (2013). *Promotion and protection of human rights in post-disaster and post-conflict situations (A/HRC/RES/22/16)* [Resolution]. Retrieved 26 August 2016 from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/A-HRC-RES-22-16_en.pdf

This report provides guidance for delegates to think about protecting human rights in post-conflict societies, and the unique challenges they may face. It has three main sections. The first one explains the current situation by different geographic regions. The second part introduces some good practices of humanitarian action. The last section provides many recommendations about safeguarding human rights in the post-conflict situations and addressing the root causes of the conflicts. It provides delegates a unique point view of analyzing how some countries get involved in conflicts in the first place and what should have been done to prevent the atrocities from occurring. Also, the report discusses the role of the government and the importance of good governance.

United Nations, Human Rights Council. Twenty-ninth session. (2014). *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson (A/HRC/29/51)*. Retrieved 12 August 2016 from: <http://undocs.org/A/HRC/29/51>

The Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, submitted this report to provide updates on his key activities about promoting human rights while fighting against terrorism. Furthermore, the report identifies major challenges posed by the Islamic State in Iraq and the Levant (ISIL) and explains the impacts of military response on civilians. It also highlights the role of the UN Security Council in authorizing the use of force to respond to ISIL. Finally, the report concludes with recommendations to combat ISIL.

United Nations, Human Rights Council. Thirtieth session. (2015). *Human rights and preventing and countering violent extremism (A/HRC/RES/30/15)* [Resolution]. Retrieved 12 August 2016 from: <http://undocs.org/A/HRC/RES/30/15>

This resolution introduces the work of the UN in combating violent extremism at the international and national levels. It requests OHCHR to compile a report regarding best practices and lessons learned on the advancement of PCVE through safeguarding and strengthening human rights by the thirty-third session of the Council. The resolution urges all Member States to respect human rights when implementing counter-terrorism laws. Moreover, it encourages states to prevent violent extremism by utilizing a “whole-of-society approach” and focusing on the empowerment of youth through education, targeted employment, and human rights training.

United Nations & Swiss Confederation. (2016). *Geneva Conference on Preventing Violent Extremism – The Way Forward* [Concept Note]. Retrieved 17 July 2016 from: <https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/Geneva%20PVE%20Conference%20Concept%20Note%20Final.pdf>

The Geneva Conference on Preventing Violent Extremism builds upon the Secretary-General’s Plan of Action and the formal debate of the General Assembly on the Plan in February 2016. The Conference provided a platform for the international community to share best practices and lessons learned about combating violent extremism at the international and national level. The document helps delegates to think about the future of combating violent extremism.

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II. Contribution of Firearms Regulation to the Protection of Human Rights

“Small arms in the wrong hands destroy lives and livelihoods, impede peace efforts, hinder humanitarian aid, facilitate the illicit trade in narcotics and obstruct investment and development.”¹⁷⁷

Introduction

Firearm-related violence affects a wide array of human rights, including economic and social rights.¹⁷⁸ Effective regulation regarding the access to firearms has been acknowledged by the Human Rights Council (HRC) to contribute to the protection and promotion of human rights, such as the right to life and security, and in the end, helps reduce the number of overall firearms victims.¹⁷⁹ As the United Nations (UN) High Commissioner for Human Rights highlighted in his report to the HRC in 2016, effective regulation is of utmost importance because firearms are the “main tool” used in acts of violence in conflict and post-conflict situations.¹⁸⁰ From 2007 to 2012, 44.1% of all violent deaths were traced back to firearms.¹⁸¹ Furthermore, it is estimated that at least two million people worldwide were victims of non-fatal firearms incidents in the last decade.¹⁸² Firearm misuse is connected not only to acts of sexual violence, abduction, torture domestic violence, and violence against women and children, but also to a wide array of economic, social, and cultural rights.¹⁸³

Firearms were defined in the *Protocol Against the Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime* (Firearms Protocol) (2001) as “any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas.”¹⁸⁴ During the 1990s, firearms were understood as civilian arms and differentiated from small arms, which were linked with the term light weapons and understood as military weaponry mostly used in armed conflicts.¹⁸⁵ Both terms are often used synonymously, as they often conceptually overlap, such as when firearms are utilized in the context of violent conflicts, terrorist attacks, or criminal activities.¹⁸⁶ Still, firearms can be distinguished from some types of small arms and light weapons (SALWs) as firearms are only those that can be used by a single person, use cartridge-based ammunition, and expel projectiles.¹⁸⁷ Weaponry needing multiple persons to be transported or operated, as well as arms launching projectiles do not qualify as firearms, but rather as SALWs.¹⁸⁸

International and Regional Framework

The 1948 *Universal Declaration of Human Rights* (UDHR) stipulates that all humans are born free and equal and granted inalienable human rights, such as the right to life and security; freedom from torture, inhumane behavior, and slavery; and freedom of movement.¹⁸⁹ The *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), both adopted in 1966, further

¹⁷⁷ Ban, *Remarks to the thematic debate of the UN General Assembly on Disarmament and World Security*, 2010.

¹⁷⁸ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*, 2016, p. 3.

¹⁷⁹ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms (A/HRC/RES/29/10)*, 2015.

¹⁸⁰ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*, 2016, p. 3; UNICEF, *No Guns Please: We are Children!*, 2001.

¹⁸¹ Geneva Declaration Secretariat, *Global Burden of Armed Violence 2015: Every Body Counts*, 2015, p. 2.

¹⁸² Small Arms Survey, *Small Arms Survey 2012: Moving targets*, 2012, p. 79.

¹⁸³ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*, 2016, p. 4.

¹⁸⁴ UN General Assembly, *United Nations Convention against Transnational Organized Crime: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (A/RES/55/255)*, 2001, art. 3(a).

¹⁸⁵ UNODC, *UNODC Study on Firearms 2015*, 2015, p. 77.

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*, p. 78.

¹⁸⁸ *Ibid.*

¹⁸⁹ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

codify human rights law and Member States' due diligence obligations to protect human rights.¹⁹⁰ Article 2 of the ICCPR clearly states that parties are obliged to uphold the rights protected by the ICCPR and initiate changes in legislation or other measures to effectively secure those rights.¹⁹¹ The right to life encompasses an obligation of states to prevent civilians from being harmed or their life being arbitrarily taken, including by firearms.¹⁹²

Several UN bodies, including the HRC, and regional organizations have launched programs to regulate firearms' and SALWs' production, trade, and tracing.¹⁹³ In particular, the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects led to the unanimous adoption of the *Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA).¹⁹⁴ The PoA emphasized that the wrongful and illegal use of firearms, not their possession itself, is the main reason for their harmful effects.¹⁹⁵ The PoA, as well as the adoption of the *Arms Trade Treaty* (ATT) on 24 December 2013, have marked important steps in international arms regulation.¹⁹⁶ The ATT is intended to create international regulation on conventional arms trade.¹⁹⁷ Article 7 of the ATT specifies that States parties shall take into regard the potential effects arms exportation could have on the human rights situation in the recipient states.¹⁹⁸ Article 14 notes: "Each State Party shall take appropriate measures to enforce national laws and regulations that implement the provisions of this Treaty."¹⁹⁹ The importance of firearms regulation has been also incorporated into the Sustainable Development Goals (SDGs) under Goal 16 in the form of targets to reduce all forms of violence, combat the illicit arms trade, promote freedoms and rights, and end violence against children.²⁰⁰ Additionally, combating violence in schools is incorporated in Goal 4, while Goal 5 aims to end violence against women.²⁰¹

Several regional agreements have also been adopted concerning arms regulation, such as the *Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials* (2001) and the *Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly* (2010).²⁰² The ECOWAS Convention emphasizes the negative effects of illicit arms transfers on human rights and the necessity for regulation.²⁰³ Through the Central African Convention, members of the Economic Community of Central African States commit themselves to "combat and eradicate, in Central Africa, the illicit trade and trafficking in small arms and light weapons" to combat the human suffering caused by arms.²⁰⁴

Role of the International System

The HRC provides a forum for dialogue regarding national legislation, international cooperation and coordination, and mainstreams efforts regarding firearms.²⁰⁵ In particular, HRC resolution 24/35 of 25 September 2013 stresses

¹⁹⁰ UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

¹⁹¹ UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

¹⁹² UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*, 2016, p. 6.

¹⁹³ *Ibid.*, p. 2.

¹⁹⁴ UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Programme of Action to Prevent Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)*, 2001.

¹⁹⁵ *Ibid.*

¹⁹⁶ UN General Assembly, *Arms Trade Treaty*, 2013.

¹⁹⁷ *Ibid.*, p. 1.

¹⁹⁸ *Ibid.*, p. 5.

¹⁹⁹ *Ibid.*, p. 8.

²⁰⁰ UN General Assembly, *Transforming our World: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015, p. 14.

²⁰¹ *Ibid.*

²⁰² ECOWAS, *ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials*, 2001; ECCAS, *Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly*, 2010.

²⁰³ ECOWAS, *ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials*, 2001.

²⁰⁴ ECCAS, *Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly*, 2010, art. 1(1).

²⁰⁵ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms (A/HRC/RES/29/10)*, 2015, p. 2.

that arms transfers can seriously undermine the human rights of civilians, especially vulnerable groups such as women.²⁰⁶ The HRC articulated the necessity of effective national regulations regarding civilian access to firearms in resolution 26/16 from 20 June 2014.²⁰⁷ Additionally, the HRC adopted resolution 29/10 acknowledging the nexus between effective national regulation and past efforts, as well as requesting a report by the Office of the UN High Commissioner for Human Rights (OHCHR) addressing effective regulation with the aim of identifying best practices.²⁰⁸ Both resolutions stress the negative impact of fatal and non-fatal firearm misuse on human rights.²⁰⁹ In 2016, the HRC adopted resolution 32/12, in which the rights to life, liberty, and security are asserted.²¹⁰ The resolution clearly acknowledges that the misuse of arms results in human rights violations.²¹¹ More specifically, the resolution emphasized that human rights violations are caused by the misuse of firearms, and not by firearms in general.²¹²

The UN Office of Disarmament Affairs (UNODA) directs inter-agency efforts within the context of Coordinating Action on Small Arms (CASA) mechanisms to tackle the negative effects of small arms.²¹³ Through CASA, holistic approaches are developed that streamline different issue areas such as crime and terrorism, human rights, and gender and health aspects.²¹⁴ Several measures were initiated to promote capacity-building, technical assistance, international standards, and fact-finding missions to strengthen the implementation of the PoA and the UN Firearms Protocol.²¹⁵ CASA and leading experts also developed the International Small Arms Control Standards (ISACS).²¹⁶ The ISACS were launched in 2012 and have been utilized as a tool by more than 20 UN entities and other organizations to assist in capacity-building, evaluation, monitoring, and designing to enhance policies in over 50 states.²¹⁷ These standards are in accordance with international legislation, such as the PoA, the International Tracing Instrument, UN Firearms Protocol, and the ATT.²¹⁸ Moreover, the ISACS' Inter-Agency Support Unit fosters cooperation by providing assistance to CASA partners, other organizations, and training institutes.²¹⁹ The positive effect of ISACS implementation were noted by the Security Council in resolution 2220 from 22 May 2015.²²⁰ In addition, the UN Development Programme (UNDP) assisted a national commission in Côte d'Ivoire to develop procedures to apply ISACS and supported the national police forces to start the establishment of electronic weapons' registration systems.²²¹ International efforts have been strengthened through the work of the Inter-Agency Standing Committee, which was established following General Assembly resolution 46/182 in December 1991.²²²

Vulnerable Groups

UNODA began the inclusion of gender aspects into disarmament policy in 2001.²²³ A *Gender Action Plan* was developed in 2003.²²⁴ The action plan intends to promote gender perspectives in disarmament policies and increase

²⁰⁶ UN HRC, *Impact of arms transfers on human rights in armed conflicts (A/RES/HRC/24/35)*, 2013, p. 2.

²⁰⁷ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms (A/HRC/RES/29/10)*, 2015, p. 2.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ UN HRC, *Impact of arms transfers on human rights (A/HRC/RES/32/12)*, 2016, p. 1.

²¹¹ Ibid., p. 2.

²¹² Ibid.

²¹³ UN PoA-ISS, *CASA: Coordinating Action on Small Arms*, 2016.

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ International Small Arms Control Standards, *About ISACS*.

²¹⁷ Ibid.; UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them; and the illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General (A/70/183)*, 2015.

²¹⁸ International Small Arms Control Standards, *About ISACS*.

²¹⁹ Ibid.

²²⁰ UN Security Council, *Small Arms (S/RES/2220 (2015))*, 2015.

²²¹ UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them; and the illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General (A/70/183)*, 2015, p. 16.

²²² UN General Assembly, *Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations (A/RES/46/182)*, 1991.

²²³ UNODA, *Gender Perspectives*, 2016.

²²⁴ UNODA, *Gender Mainstreaming Action Plan*, 2016.

awareness of the human rights violations of women.²²⁵ In addition, the guidelines for *Mainstreaming gender for the effective implementation of the UN PoA* were developed during the Fourth Biennial Meeting of States to Consider the Implementation of the PoA in June 2010 to update existing CASA guidelines.²²⁶ Likewise, within the 2013 *Impact of Arms Transfers on Human Rights in Armed Conflicts* report HRC highlights particular groups that are disproportionately vulnerable to firearms-related violence, such as women, children, and persons with disabilities.²²⁷

The United Nations Children’s Fund (UNICEF) promotes children’s SALW risk education and offers policy support activities in Member States, such as in Eritrea, Jordan, Cambodia, and Colombia, to increase awareness about firearms misuse and its negative effects, particularly on children.²²⁸ It is noted that firearms misuse coincides with a de facto limitation of children’s rights, such as the rights to health care, education, and freedom from violence.²²⁹ Unregulated firearms access corresponds to a higher risk of children suffering from domestic violence, unintentional gun injuries, and exploitation.²³⁰ In the past UNICEF has developed programs teaching non-violent conflict resolution and has promoted schools as gun and violence free zones through the implementation of children protection laws, and weapon destruction.²³¹ UNICEF has launched the #END violence against children campaign and a Global Partnership to End Violence Against Children was created to contribute to fulfilling the SDGs.²³²

Preventative Measures

In addition to fatal and non-fatal injuries, arms misuse affects the economic development of Member States and poses a threat to national security.²³³ Firearms regulation can foster sustainable development and help address a wide range of socio-economic issues including sexual violence, inter-ethnic clashes, food insecurity, torture, and the excessive use of force, such as in the case of Kenya.²³⁴ The Kenyan government created several initiatives as a reaction to the aggravated security situation, in accordance with the *Nairobi Declaration on the Problem of the Proliferation of illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa* (2000) and the PoA.²³⁵ The Kenyan government created the Kenya National Focus Point on Small Arms and Light Weapons (KNFP) to address issues regarding stockpile management, capacity-building of law enforcement agencies, and awareness raising about the misuse of firearms.²³⁶ In addition, the Kenyan government initiated Operation Dumisha Amani, a disarmament and development program, wherein firearms and ammunition were collected, awareness programs were initiated, and national policies were drafted to emphasize the illegality of firearms possession.²³⁷ However, a study by the Small Arms Survey and KNFP showed mixed results; policy initiatives and regulation measures have shown a positive effect on illicit arms possession in general, but at the same time led to an aggravated increase in certain regions.²³⁸ Kenya has exemplarily ratified firearms legislation and incorporated international, as well as regional, agreements into their national legislation.²³⁹ Moreover, Kenya was actively involved in the negotiations of agreements such as the ATT.²⁴⁰ Still, effective firearms regulation has suffered due to the lack of

²²⁵ Ibid.

²²⁶ UNODA, *Mainstreaming Gender for the Effective Implementation of the UN PoA: Update of the 2006 CASA Guidelines*, 2010.

²²⁷ UN HRC, *Impact of arms transfers on human rights in armed conflicts (A/RES/HRC/24/35)*, 2013; Small Arms Survey, *Small Arms Survey Yearbook 2014: Women and Guns*, 2014.

²²⁸ UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them; and the illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General (A/70/183)*, 2015, p. 20.

²²⁹ UNICEF, *No Guns, Please: We are Children!*, 2001.

²³⁰ Ibid.

²³¹ Ibid.

²³² UN Partnerships for SDGs, *Global Partnership to End Violence against Children*, 2016.

²³³ De Martino, *Reducing Armed Violence, Enabling Development*, *Small Arms Survey Research Notes*, 2012, p. 1.

²³⁴ Small Arms Survey, *Availability of Small Arms and Perceptions of Security in Kenya: An Assessment*, 2012, pp. 27, 55.

²³⁵ Ibid., p. 33.

²³⁶ Ibid., p. 32.

²³⁷ Small Arms Survey, *Availability of Small Arms and Perceptions of Security in Kenya: An Assessment*, 2012.

²³⁸ Ibid., p. 88.

²³⁹ Saferworld, *Effective SALW control in Kenya: community-driven approaches*, 2015, p.1.

²⁴⁰ Ibid.

inclusion of civil society actors.²⁴¹ Firearms management and multi-stakeholder approaches might further tackle the misuse of firearms and ultimately promote human rights in the region.²⁴²

Case Study: Firearms Regulation in Mexico and the United States of America

In 2015, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein stressed the need for action regarding human rights abuses in Mexico, such as disappearances, killings, torture, harassment, and gender-based violence.²⁴³ In the continuing “war on drugs” in Mexico, the harassment of human rights defenders and journalists, as well as the physical and psychological abuse of migrants by governmental security forces and organized crime members mostly crossing Mexico on their way to the United States of America contributed to an aggravated human rights situation.²⁴⁴ These human rights violations have often been connected to gun-related crimes and the increasing accessibility to firearms.²⁴⁵ Due to strict national firearms regulation in Mexico, firearms are often bought in the US and then sold to arms traffickers, in order to avoid background checks.²⁴⁶ The US Government Accountability Office estimates that up to 90% of seized arms in Mexico, or intended to be illicitly trafficked to Mexico, could come from the US, but estimations are difficult due to the lack of reliable data.²⁴⁷

In Mexico, civilian possession of firearms is a constitutional right.²⁴⁸ This right is however tightly regulated by the *Federal Penal Code*, *Federal Law on Firearms and Explosives*, and the *Regulations of the Federal Law on Firearms and Explosives*.²⁴⁹ Mexican legislation regulates the manufacturing, possession, importation, and exportation of firearms.²⁵⁰ In addition, it is very difficult to acquire a firearm license, as only individuals who have not committed a gun-related crime and have a legitimate reason to carry a firearm, for example due to the nature of their employment or living conditions, can apply for a gun permit.²⁵¹ Moreover, civilians can purchase guns with only a caliber of .38 or smaller.²⁵² Federal and local jurisdictions are required to create educational campaigns under the Law on Firearms and Explosives as a manner of tackling the misuse of firearms.²⁵³ To combat human rights violations, Mexico’s National Human Rights Commission investigates cases of human rights abuses and develops reports, legislative recommendations, and prevention programs.²⁵⁴ The aggravated human rights situation can be resolved only through effective management of illicit arms trafficking through the US-Mexican border.²⁵⁵

Conclusion

The HRC has continuously reiterated the role of firearms regulation in the protection of human rights.²⁵⁶ Ineffective regulation or its insufficient implementation leads to human rights violations, such as acts of sexual violence, torture, and arbitrary loss of life.²⁵⁷ There have been several regional and international initiatives to tackle illicit arms transfers and encourage firearms regulation, such as the ATT or PoA.²⁵⁸ These measures have further highlighted the link between firearms and human rights violations. OHCHR has investigated the effectiveness of firearms regulation on the basis of reports from Member States, civil society actors, and UN agencies. These reports emphasized the

²⁴¹ Ibid.

²⁴² Ibid., p. 2.

²⁴³ OHCHR, *Mexico’s relentless wave of human rights violations*, 2015.

²⁴⁴ Human Rights Watch, *World Report 2015: Mexico*.

²⁴⁵ Washington Office on Latin America, *Impact of Lax U.S. Gun Laws Does Not Stop at the Border*, 2013.

²⁴⁶ Ibid.

²⁴⁷ Small Arms Survey, *Small Arms Survey 2013: Chapter 12 Summary*, p. 295.

²⁴⁸ United States of America, *Firearms-Control Legislation and Policy: Mexico*, 2015.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Ibid.

²⁵² Cave, At a Nation’s Only Gun Shop, Looking North in Disbelief, *New York Times*, 2012.

²⁵³ United States of America, *Firearms-Control Legislation and Policy: Mexico*, 2015.

²⁵⁴ Comisión Nacional de los Derechos Humanos, *Funciones*, 2016.

²⁵⁵ Washington Office on Latin America, *Impact of Lax U.S. Gun Laws Does Not Stop at the Border*, 2013.

²⁵⁶ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*, 2016.

²⁵⁷ Ibid., p. 3.

²⁵⁸ UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Programme of Action to Prevent Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)*, 2001.

necessity to create firearms regulation standards and mechanisms such as ISACS, as well as the need to more strongly tailor measures with regard to those disproportionately affected by firearm misuse, including women and children.²⁵⁹ The HRC can facilitate the development of holistic and effective approaches by providing a forum for dialogue, in which Member States can share their expertise and develop new approaches, while fostering cooperation between Member States to reinforce the positive effects of firearms regulation.

Further Research

Delegates should consider the following questions during their research regarding this topic: How can the international community promote human rights through firearms regulation? What can the HRC do to encourage international cooperation on the topic of firearms regulation? How could efforts to reduce the accessibility of firearms be better coordinated regionally? How can best practices and standards be mainstreamed and more strongly incorporated into the promotion of human rights? What aspects have to be considered for effective regulatory measures to better promote human rights? Overall, what steps can be taken by the HRC to increase the contribution of firearms regulation in the protection of human rights?

Annotated Bibliography

International Small Arms Control Standards. (n.d.). *About ISACS* [Website]. Retrieved 22 October 2016 from: <http://www.smallarmsstandards.org/about-isacs.html>

The International Small Arms Control Standards (ISACS) are standards developed for practitioners and policymakers to ensure SALW control by governments and avoid misuse. Delegates should study the ISACS as an example of international standardization of firearms regulation. In addition, taking a close look at this document gives delegates a better understanding of previous actions and aspects that might need further improvement.

Small Arms Survey. (n.d.). *Small Arms Survey Yearbooks*. Retrieved 20 October 2016 from: <http://www.smallarmssurvey.org/publications/by-type/yearbook.html>

The Small Arms Survey Yearbook gives detailed information on specific issues, regions, and states, as well as general insight on current developments regarding small arms, including an analysis of more general firearm topics such as stockpile management, as well as specific case studies. It is advisable for delegates to use the Yearbooks as potential source for examples and general questions regarding firearms regulation, as well as to gain a better understanding of areas of regulation, which may have to be improved and/or amended in the future.

Small Arms Survey. (2014). *Small Arms Survey 2014: Women and Guns*. Retrieved 20 October 2016 from: <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2014.html>

The Small Arms Survey Yearbooks give detailed information on specific issues, regions, and countries. This specific Yearbook provides broader insight on small arms and firearms in relation to violence against women and girls, as well as the nexus between women, peace, and security. It is advisable for delegates to use the Yearbooks as potential sources for examples and general questions regarding firearms regulation, as well as for researching areas of regulation, which have to be improved and amended.

United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (2001). *Programme of Action to Prevent Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)*. Retrieved 21 October 2016 from: <http://www.iansa.org/system/files/UNPoA-Eng.pdf>

This document provides detailed information regarding the conference in which the PoA was adopted. Furthermore, the PoA is presented in detail. The document can help delegates avoid proposing double structures. National, regional, and global levels of implementation are separately presented. Delegates should study the PoA to familiarize themselves with measures for arms regulation and study cases of (sub-) regional existing regulation to check for possible links to the work of HRC.

²⁵⁹ UN HRC, *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*, 2016, p. 3.

United Nations, General Assembly, Sixty-seventh session. (2013). *Arms Trade Treaty*. Retrieved 20 October 2016 from: <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

The ATT is one of the foundational documents regulating international arms transfers. Delegates addressing firearms regulation should study the ATT in detail to deepen their understanding regarding existing international regulations to in order to propose measures that will enhance existing regulations and mechanisms. It is also important to keep in mind both the overall similarities and the differences between firearms and SALWs, as well as the different variations of small arms, light weapons, and firearms.

United Nations, Human Rights Council. Thirty-second session. (2016). *Human rights and the regulation of civilian acquisition, possession and use of firearms: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/21)*. Retrieved 20 October 2016 from: <http://undocs.org/A/HRC/32/21>

This report by OHCHR summarizes some of the most important aspects of firearms regulation and their connection to human rights. Delegates can use this document as a source to begin research on this topic and help to develop points on which they can expand their ideas. In particular, this report allows delegates to understand what has already been done by HRC in regards to firearms regulation and, the Annex further provides a list of cases, in which international assistance has been delivered.

United Nations Office for Disarmament Affairs. (2010). *Mainstreaming Gender for the Effective Implementation of the UN PoA: Update of the 2006 CASA Guidelines* [Report]. Retrieved 20 October 2016 from: <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/HomePage/gender/docs/Mainstreaming%20gender%20for%20effective%20implementation%20ofUN%20PoA%20-%20Updated%20guidelines%20-%20UNODA-RDB%20and%20IANSAs%20-%20June%202010.pdf>

This document offers an example on how gender aspects can be incorporated into the implementation of the PoA. It also highlights the importance of considering women as a particularly vulnerable group affected by firearms. Delegates should utilize this resource as an example on how human rights, such as the right to life and security and the right to education, are interconnected with firearm regulation.

United Nations Office on Drugs and Crime. (2015). *UNODC Study on Firearms 2015* [Report]. Retrieved 20 October 2016 from: https://www.unodc.org/documents/firearms-protocol/UNODC_Study_on_Firearms_WEB.pdf

This study on firearms by the United Nations Office on Drugs and Crime (UNODC) provides important information on worldwide trends regarding firearms, such as seized firearms or firearms trafficking. Delegates should read the study to expand their understanding of global trends regarding firearm trafficking to help them find regulation gaps and develop their own proposals. The study further provides insight into firearms trafficking and addresses possible policy implications.

United Nations Programme of Action, Implementation Support System. (2016). *CASA: Coordinating Action on Small Arms* [Website]. Retrieved 20 October 2016 from: <http://www.poa-iss.org/CASA/CASA.aspx>

The PoA has been implemented through CASA. The CASA website provides a more detailed overview on the application of the Programme of Action and its implementation in different Member States, as well as participation organizations. Delegates should study the implementation mechanisms to avoid proposing double structures during the Conference and identify possible areas requiring further developments, which could be addressed by the HRC.

United States of America, Library of Congress. (2015). *Firearms-Control Legislation and Policy: Mexico* [Website]. Retrieved 24 October 2016 from: <https://www.loc.gov/law/help/firearms-control/mexico.php>

This website provides an example of firearms control legislation in Mexico. There is also the possibility to examine other approaches to firearms control legislation. When developing propositions for the HRC regarding effective firearms regulation, delegates should take a closer look at already existing firearms control measures, such as this document. Understanding gun control legislation, provides delegates with a deeper understanding of existing models and their shortcomings. Thus, the website provides a good starting point to develop new ideas, as well as a comprehensive overview of legislation in Mexico.



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III. Human Rights Violations and Abuses against Rohingya Muslims and Other Minorities in Myanmar

Introduction

Myanmar is considered a diverse country with numerous ethnic and religious groups living within its territory.²⁶⁰ Eight ethnic groups are recognized under the 1982 Citizenship Law: the Bamar, Chin, Kachin, Kayah, Kayin, Mon, Rakhine, and Shan, though Myanmar is also home to many other ethnicities as well.²⁶¹ The Bamar make up the majority of the population, with around 68% of the population in Myanmar being of Bamar ethnicity.²⁶² In addition to ethnic diversity, there are also multiple religious groups.²⁶³ The majority of the population is Buddhist, but Christian, Muslim, and Hindu minorities also reside there.²⁶⁴ Most Christians belong to one of the eight recognized ethnic groups; however, people who are not Buddhist and are not a member of one of the recognized ethnic groups experience disenfranchisement and discrimination.²⁶⁵ This is the case for Rohingya Muslims, who identify as their own ethnic group and who represent the majority of Muslims in Myanmar.²⁶⁶ According to the United Nations (UN), the Rohingya, predominately living in Rakhine State, are considered the most persecuted minority group in the world.²⁶⁷ Other minorities that are discriminated against in Myanmar include Muslims, in addition to those identifying as Rohingya, and people who are not recognized as one of the eight ethnic groups under the 1982 Citizenship Act.²⁶⁸

The history of Myanmar is marked by political instability and civil unrest.²⁶⁹ In 1947, before Myanmar became independent from the British Empire, leaders set out to draft and sign an agreement that would conciliate frictions between the various ethnic groups and minorities; this was known as the Panglong Agreement.²⁷⁰ After independence, however, Myanmar's young representative democracy was overthrown in 1962 by a military coup.²⁷¹ This led to almost 50 years of military rule.²⁷² In 1974, a new Constitution was adopted that divided the state into different levels of administrative areas, giving those areas the autonomy needed to potentially impose regulations on the freedom of movement.²⁷³ The discrimination against several ethnic groups was institutionalized by the 1982 Citizenship Law, which only recognized eight ethnic groups and established different levels of citizenship.²⁷⁴ According to this law, to acquire one of the three categories of citizenship, one has to prove that they belong to one of the eight recognized national ethnic groups, or that their ancestors settled in Myanmar before 1823.²⁷⁵ This makes the process of acquiring citizenship for ethnic minorities extremely burdensome, as they do not belong to one of the recognized ethnic groups and it is hard for them to prove when their ancestors settled in Myanmar.²⁷⁶ As a result, these ethnic minorities are not protected by the state, as the state does not consider them to fall under its jurisdiction.²⁷⁷ Consequently, they are stateless, in the sense of them not having a nationality, which makes them

²⁶⁰ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁶¹ Socialist Republic of the Union of Burma, *Burma Citizenship Law*, 1982, art. 3; UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁶² United States of America, *The World Factbook: Burma*, 2016.

²⁶³ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁶⁴ United States of America, *The World Factbook: Burma*, 2016.

²⁶⁵ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

²⁶⁶ *Ibid.*

²⁶⁷ Amnesty International, *Rohingya People: The Most Persecuted Refugees in the World*, 2015.

²⁶⁸ UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 8.

²⁶⁹ The Data Team, *An Unfinished Peace*, *The Economist*, 2016.

²⁷⁰ *Ibid.*

²⁷¹ Human Rights Watch, *Chronology of Burma's Constitutional Process*, p. 1.

²⁷² The Data Team, *An Unfinished Peace*, *The Economist*, 2016.

²⁷³ Human Rights Watch, *Chronology of Burma's Constitutional Process*, p. 2.

²⁷⁴ Human Rights Watch, *Burma/Bangladesh – Burmese Refugees in Bangladesh: Still No Durable Solution*, 2000.

²⁷⁵ Socialist Republic of the Union of Burma, *Burma Citizenship Law*, 1982, art. 3.

²⁷⁶ Human Rights Watch, *Burma/Bangladesh – Burmese Refugees in Bangladesh: Still No Durable Solution*, 2000.

²⁷⁷ UN General Assembly, *Situation of human rights in Myanmar: Report of the Secretary-General (A/70/332)*, 2015, p. 13.

extremely vulnerable.²⁷⁸ As a result of the 1974 Constitution, giving more administrative autonomy to the states, and the 1982 Citizenship Act, their human rights continue to be systematically violated.²⁷⁹

In 2010, Myanmar replaced military rule with a civilian government that was backed by the military.²⁸⁰ Since then, the country has made some progress in the granting of the rights to peacefully assemble and to the freedom of expression.²⁸¹ Nonetheless, in recent years, the systematic discrimination and incitement to hatred perpetrated by authorities has continued and has led to an increase in violence against the Rohingya and other minorities.²⁸² In 2012, violence erupted in Rakhine State between ethnic Rakhine Buddhists and Rohingya Muslims, leading to killings that have since been described by human rights organizations, like Human Rights Watch, as ethnic cleansing.²⁸³ As a result of this violence, thousands of Rohingya have been forcefully displaced and remain internally displaced today.²⁸⁴ The displacement and violence continues to impede the Rohingya's and other minorities' access to fundamental rights and has left them in a precarious situation.²⁸⁵ In 2015, the Myanmar parliament approved the four "race and religion laws," which aim at regulating the freedom of religion and pose constraints on the right to marry.²⁸⁶ These laws were seen as a move backwards from the liberalization process that had started with the adoption of a new Constitution in 2008.²⁸⁷

International and Regional Framework

Myanmar is party to several integral human rights treaties including the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) (1979) and the *Convention on the Rights of the Child* (CRC) (1989).²⁸⁸ Additionally, it is a signatory to the *International Covenant on Social, Cultural, and Economic Rights* (ICESCR) (1966), but not to the *International Covenant on Civil and Political Rights* (ICCPR) (1966).²⁸⁹ Nonetheless, Myanmar, as a Member State of the UN and an actor in the international system, is bound not only by treaties and conventions but also by customary international human rights law.²⁹⁰ Therefore, it is crucial to also consider documents such as the *Universal Declaration of Human Rights* (UDHR) (1948), as it enumerates rights that all people should enjoy, no matter their legal status.²⁹¹ Together with the ICCPR and the ICESCR, the rights guaranteed include non-discrimination, as stipulated in article 7 of the UDHR, article 26 of the ICCPR, and article 2 of the ICESCR, and the freedom of movement, as laid out in article 29(2) of the UDHR and article 12 of the ICCPR.²⁹²

In addition, the UN also adopted the *Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities* (1992), which underlines the importance of non-discrimination.²⁹³ The declaration reiterates the right of minorities to exercise their culture, religion, and language.²⁹⁴ The declaration, although not legally binding, follows the UN's rationale that human rights apply not only to citizens, but to everyone under a

²⁷⁸ UNHCR, *Protecting the Rights of Stateless Persons*, 2014, p. 1.

²⁷⁹ UN General Assembly, *Situation of human rights in Myanmar: Report of the Secretary-General (A/70/332)*, 2015, p. 13.

²⁸⁰ *Timeline: Reforms in Myanmar*, BBC, 2015.

²⁸¹ *Ibid.*

²⁸² Human Rights Watch, *Burma: End "Ethnic Cleansing" of Rohingya Muslims*, 2013.

²⁸³ Human Rights Watch, "All You Can Do is Pray": *Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Arakan State*, 2013.

²⁸⁴ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

²⁸⁵ *Ibid.*

²⁸⁶ Human Rights Watch, *Burma: Discriminatory Laws Could Stroke Communal Tensions*, 2015.

²⁸⁷ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 6.

²⁸⁸ OHCHR, *Status of Ratification – Interactive Dashboard*, 2014.

²⁸⁹ *Ibid.*

²⁹⁰ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 4.

²⁹¹ *Ibid.*

²⁹² UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

²⁹³ UN General Assembly, *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/RES/47/135)*, 1992.

²⁹⁴ *Ibid.*, art. 2.

state's jurisdiction, meaning within the territory the state effectively controls.²⁹⁵ In the case of Myanmar, this means that even members of ethnic minorities who are not recognized under the Citizenship Law of 1982, and are considered stateless by the government, would be under the protection of the state since they reside within the state's territory.²⁹⁶ However, this geographical definition of jurisdiction and the protection obligation that derives from it is not applied by the Myanmar government, as they only consider as citizens people falling under the Citizenship Law of 1982.²⁹⁷ In addition, the ICCPR lays out the obligation for states to not incite hatred or discrimination against certain groups in society.²⁹⁸ It further obligates States parties to offer special protection to children, without discriminating on the grounds of parentage or other factors.²⁹⁹ This provision is echoed in the CRC, wherein States parties should refrain from applying the rights granted through the CRC in a discriminatory manner.³⁰⁰ In addition, article 30 of the CRC grants the right of every child belonging to a minority group, to enjoy their culture, practice their religion, and speak their native language.³⁰¹

Role of the International System

The UN General Assembly has noted concerns regarding the discrimination against minorities in Myanmar and the state's non-compliance with obligations under international human rights law in previous resolutions, most recently in its resolution 70/233 on the "Situation of human rights in Myanmar" adopted on 4 March 2016.³⁰² Examples of the General Assembly's reporting function can be found in the Secretary-General's report on the "Situation of human rights in Myanmar" (A/70/332), presented at the General Assembly's 70th session.³⁰³

Additionally, the Human Rights Council (HRC) has called for Myanmar to integrate all minority groups into society at almost every session within the past few years including resolution 29/21 on the "Situation of Rohingya Muslims and other minorities in Myanmar" and resolution 31/24 on the "Situation of human rights in Myanmar."³⁰⁴ Both resolutions call upon the government to stop discriminating against Rohingya Muslims and other minorities and to stop actions that are inciting hatred and violence against them.³⁰⁵ HRC is also monitoring the situation in Myanmar and publishing its findings, which is exemplified in the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71) presented at HRC's 31st session.³⁰⁶ Whereas the Secretary-General's report focuses on human rights abuses, the Special Rapporteur's report places more of a focus on recommendations for the government to strengthen the rule of law, its democratic institutions, and promote human rights.³⁰⁷ The measures recommended include a review of the legislative provisions in place that violate fundamental freedoms and the development of a program for victims of severe human rights violations belonging to an ethnic minority.³⁰⁸ The Office of the UN High Commissioner for Human Rights (OHCHR) has been trying to establish a country office with a full mandate in Myanmar.³⁰⁹ However, these efforts have been halted by the authorities in Myanmar who have imposed strict visa regulations making the travels of the OHCHR staff and other external actors cumbersome and complicated.³¹⁰ Country offices are an important tool used by OHCHR, as they have a mandate that is agreed upon in cooperation with the host government and allows OHCHR's staff to directly communicate with the local

²⁹⁵ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 5.

²⁹⁶ *Ibid.*, p. 5.

²⁹⁷ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 5.

²⁹⁸ UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966, art. 20.

²⁹⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966, art. 10.

³⁰⁰ UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989, art. 2.

³⁰¹ *Ibid.*, art. 30.

³⁰² UN General Assembly, *Situation of human rights in Myanmar (A/RES/70/233)*, 2016.

³⁰³ UN General Assembly, *Situation of human rights in Myanmar: Report of the Secretary-General (A/70/332)*, 2015.

³⁰⁴ UN HRC, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/RES/29/21)*, 2015; UN HRC, *Situation of human rights in Myanmar (A/HRC/RES/31/24)*, 2016.

³⁰⁵ UN HRC, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/RES/29/21)*, 2015, art. 3; UN HRC, *Situation of human rights in Myanmar (A/HRC/RES/31/24)*, 2016, art. 5.

³⁰⁶ UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016.

³⁰⁷ *Ibid.*, p. 18.

³⁰⁸ *Ibid.*, p. 20.

³⁰⁹ *Ibid.*, p. 17.

³¹⁰ *Ibid.*, p. 17.

authorities.³¹¹ The tasks of the country offices include monitoring human rights abuses more closely and offering technical assistance to governments when promoting human rights.³¹²

Furthermore, non-governmental organizations (NGOs) such as Human Rights Watch and Amnesty International are closely monitoring developments in Myanmar and have been reporting on human rights abuses.³¹³ In addition to the monitoring function, Human Rights Watch undertakes efforts to directly communicate with leaders in Myanmar.³¹⁴ This was exemplified through a letter that Human Rights Watch Executive Director Brad Adams sent to the newly elected authorities in Myanmar in 2016, in which he noted the priorities Human Rights Watch set for the new government.³¹⁵ These priorities included a request to reform laws that violate basic human rights, such as the right to peacefully assemble, to protect and promote women’s rights, as well as land rights.³¹⁶ In addition, Amnesty International has advocated for the rights of women belonging to the Rohingya minority directly to the Committee on the Elimination of Discrimination against Women in July 2016.³¹⁷

Civil and Political Rights

During the 2015 general elections in Myanmar, Rohingya Muslims and other religious and ethnic minorities were banned from voting and from entering the elections as candidates.³¹⁸ This disenfranchisement was facilitated by the government, which revoked temporary identity certificates that were the only means of identification for Rohingya Muslims.³¹⁹ Over 800,000 people were barred from voting in these elections as a result of this action.³²⁰ Without the temporary identity certificates, the owners of such certificates are de facto stateless.³²¹ Additionally, in 2014, the Political Parties Registration Law was amended in order to prevent “residents without full citizenship from forming political parties or contesting elections.”³²² This political exclusion was further enhanced by discriminatory practices in the right to peacefully assemble and associate.³²³

A majority of Rohingya Muslims live in Rakhine State in southwest Myanmar.³²⁴ Regulations are currently in place that prevent Rohingya Muslims and other minority groups from moving freely from township to township.³²⁵ Additionally, since the 2012 violent outburst, some townships have imposed a curfew that is vehemently implemented.³²⁶ These restrictions are against international human rights law, as they are discriminatory and do not comply with the provisions as laid out in article 29(2) of the UDHR, which offers guidelines on the restriction of freedoms.³²⁷ Many Rohingya Muslims that have been displaced in the past years are still unable to return to their homes due to the travel restrictions, and continue to live in camps.³²⁸

Additionally, Rohingya Muslims and other minorities are systematically disenfranchised due to the continued inactivity of the authorities when confronted with instances of hate speech and incitement of violence against

³¹¹ OHCHR, *Country Offices/Stand-alone Offices*, 2016.

³¹² *Ibid.*

³¹³ Human Rights Watch, *World Report 2016 – Burma*, 2016; Amnesty International, *Annual Report – Myanmar 2015/2016*.

³¹⁴ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

³¹⁵ *Ibid.*

³¹⁶ *Ibid.*

³¹⁷ Amnesty International, *Oral Statement by Amnesty International, the Women’s Peace Network-Arakan and the Arakan Project in Light of the Review of Myanmar’s Fourth and Fifth Combined Report to the Committee on the Elimination of Discrimination against Women*, 2016, pp. 1-2.

³¹⁸ Ramzy, After Myanmar Election, Few Signs of a Better Life for Muslims, *The New York Times*, 2015.

³¹⁹ Amnesty International, *Annual Report – Myanmar 2015/2016*.

³²⁰ Human Rights Watch, *World Report 2016 – Burma*, 2016.

³²¹ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 11.

³²² Freedom House, *Freedom in the World 2016: Myanmar*, 2016.

³²³ *Ibid.*

³²⁴ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 2.

³²⁵ *Ibid.*, p. 8.

³²⁶ *Ibid.*

³²⁷ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, art. 29(2).

³²⁸ Raymond, Myanmar’s Muslim Minority: The Plight of the Rohingya, *Freedom House*, 2015.

minorities.³²⁹ This hate speech is primarily directed towards the Muslim minority in Myanmar.³³⁰ This situation is being worsened by the rise of ultra-nationalist groups within the Burmese population that feel threatened by Muslims.³³¹ One of the most prominent ultra-nationalist groups is Ma Ba Tha, which translates as the Association for the Protection of Race and Religion.³³² Ma Ba Tha uses techniques such as death threats and public accusations of members of civil society to promote their hate speech directed at non-Buddhist minorities.³³³ The association was also the main promoter of the adoption of the four race and religion laws, and held victory rallies across Myanmar after they were adopted.³³⁴ The threat to the right to life and security of Rohingya Muslims and other minorities is closely linked to this incitement of hate and violence.³³⁵ In 2012, Myanmar saw the worst surge of violence since the beginning of the military rule, with 200 people killed and 140,000 displaced, most of which identified as Rohingya.³³⁶ As a result of this violence, the state has reinforced its practices of arbitrary arrest and detention of Rohingya Muslims.³³⁷ Those practices often lead to acts of torture and ill-treatment.³³⁸

The four race and religion laws have had a direct impact on the lives of many women of ethnic and religious minorities in Myanmar.³³⁹ The *Buddhist Women's Special Marriage Law* in particular, discriminates on both gender and religious grounds, and officially aims at preventing Buddhist women from being forced to convert to another religion in case they marry a non-Buddhist man.³⁴⁰ It therefore undermines their freedom of religion and prevents women from voluntarily choosing to convert to another religion.³⁴¹ In addition, the *Population Control and Healthcare Law* and the *Monogamy Law* both restrict women's sexual and reproductive rights.³⁴² The *Monogamy Law* establishes harsh punishments for married people that have sexual relations outside of their marriage, thus violating the right to privacy, especially for people who come from a minority in which polygamy is common practice.³⁴³ The *Population Control and Healthcare Law* aims at regulating a couple's family planning by imposing restrictions on when couples can have children.³⁴⁴

Economic, Social, and Cultural Rights

After decades spent under military rule, Myanmar struggles to ensure and promote land and property rights for the many farmers and land owners that have been displaced and had their lands dispossessed.³⁴⁵ The situation has created land disputes, as Rohingya and other minorities try to claim the land they previously owned, but are now being administered by the governments.³⁴⁶ One of the tasks of the new government will be to enhance its cooperation with local communities and other stakeholders when addressing such disputes and adopting new regulations on land issues.³⁴⁷

³²⁹ UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 7.

³³⁰ C4ADS, *Sticks and Stones – Hate Speech Narratives and Facilitators in Myanmar*, p. 6.

³³¹ *Ibid.*

³³² Human Rights Watch, *World Report 2016 – Burma*, 2016.

³³³ *Ibid.*

³³⁴ *Ibid.*

³³⁵ Amnesty International, *Annual Report – Myanmar 2015/2016*.

³³⁶ C4ADS, *Sticks and Stones – Hate Speech Narratives and Facilitators in Myanmar*, p. 4.

³³⁷ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 8.

³³⁸ *Ibid.*

³³⁹ *Ibid.*

³⁴⁰ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*, 2016, p. 7.

³⁴¹ *Ibid.*; UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 6.

³⁴² Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*, 2016, p. 7; UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 6.

³⁴³ Human Rights Watch, *Burma: Discriminatory Laws Could Stroke Communal Tensions*, 2015.

³⁴⁴ UNFPA, *UNFPA Statement on the Population Control Healthcare Law in Myanmar*, 2015.

³⁴⁵ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

³⁴⁶ *Ibid.*

³⁴⁷ UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 21.

Due to their forced displacement during and after the violence in 2012, Rohingya Muslims and other minorities have not been able to enjoy their right to health and their right to education.³⁴⁸ Two factors are responsible for the denial of their right to health: the overall poverty of Rakhine State, which results in understaffed and under-developed health facilities, and the underlying discrimination against Muslims within existing health facilities.³⁴⁹ In addition to limited access to healthcare, the social exclusion of Rohingya and other minorities has further been enhanced by their impeded access to education.³⁵⁰ Rakhine State, in which most of the Rohingya reside, has the lowest literacy rate in the state and schools are not easily accessible for Rohingya and other internally displaced persons.³⁵¹ In camps for displaced persons in which education is accessible, it is often facilitated by humanitarian organizations and schools sometimes lack qualified personnel and adequate equipment.³⁵² Outside of the camps, discriminatory practices prevent children from being taught in their mother tongue.³⁵³ Non-citizens, are not allowed to enroll in certain university courses or professional training, which further excludes them from the rest of society.³⁵⁴

Besides the barriers in education that children face in Myanmar, other violations of children's rights include child labor and the use of child soldiers.³⁵⁵ A recent International Labour Organization study found that child labor is still seen as a remedy for poverty in large parts of Myanmar.³⁵⁶ Furthermore, 95 cases of underage recruitment were verified in Myanmar in 2015.³⁵⁷ The situation for children becomes increasingly precarious, as some local orders in Rakhine State limit the number of children Rohingya couples can have, and all children born that exceed this number are not counted as part of the household.³⁵⁸ As those children do not receive birth certificates or any other form of identification, they become increasingly vulnerable to human rights violations, such as limitations to their right to education.³⁵⁹

In addition, women of the Rohingya community and other Muslim minorities face additional human rights violations, for example when being detained by the Myanmar security forces.³⁶⁰ According to civil society organizations on the ground between 2010 and 2014, 118 cases of gender-based violence were allegedly committed by members of the military.³⁶¹ As a result of their displacement and due to the poor living conditions in settlements of Rohingya Muslims, women in those communities often also face domestic violence.³⁶² In order to alleviate this situation, Amnesty International has called for the establishment of a more effective justice system, that would try those cases and hold perpetrators accountable for their actions.³⁶³

³⁴⁸ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 12.

³⁴⁹ *Ibid.*, p. 10.

³⁵⁰ UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 10.

³⁵¹ *Ibid.*

³⁵² *Ibid.*

³⁵³ Save the Children, *Child Rights Situation Analysis*, p. 2.

³⁵⁴ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 10.

³⁵⁵ ILO, *Project Updates: Myanmar Programme on the Elimination of Child Labour (Volume 4)*, 2016; UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 14.

³⁵⁶ ILO, *Knowledge, Attitudes, and Practices (KAP) Study on Child Labour in Yangon, Ayeyarwady Region and Mon State*, 2015, p. 35.

³⁵⁷ UN General Assembly, *Children and armed conflict: Report of the Secretary-General (A/70/836)*, 2016, p. 17.

³⁵⁸ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 11.

³⁵⁹ *Ibid.*

³⁶⁰ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*, 2016, p. 13.

³⁶¹ UN HRC, *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*, 2016, p. 11.

³⁶² *Ibid.*, p. 9.

³⁶³ Amnesty International, *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*, 2016, p. 13.

Conclusion

For several decades, Rohingya Muslims and other minorities have seen discrimination and violence directed at them, preventing them from fully enjoying their human rights and fundamental freedoms.³⁶⁴ At the basis of this discrimination is the 1982 Citizenship Act and the recently adopted race and religion laws, which the international community has continuously criticized.³⁶⁵ Due to the restrictions in their freedom of movement, Rohingya Muslims are not able to enjoy other connected rights, such as the right to health and education.³⁶⁶ The new government in Myanmar has the opportunity to publicly condemn such practices and change the discriminatory system in the country.³⁶⁷ The role of the international community remains to continue its efforts in placing pressure on Myanmar to reform and strengthen its existing National Human Rights Commission in order to create more visibility of, and accountability for, human rights violations.³⁶⁸

Further Research

For delegates delving further into the current human rights situation in Myanmar, it will be crucial to study the existing human rights framework and the norms of international law that are in place. Delegates should consider what strategies the international community could employ to make sure that Myanmar grants human rights to everyone living within its territory? How can the international community support Myanmar in its efforts to remove the stigma that is attached to Rohingya and the Muslim minority population in general? What role should the Special Rapporteur on the human rights situation in Myanmar take when moving towards reforming the discriminatory system in Myanmar? How can HRC strengthen its existing cooperation with NGOs in reporting and verifying reports of human rights abuses? How can HRC assure that Myanmar fully supports OHCHR in establishing a fully operational country office, while keeping in mind the constraints of national sovereignty? What benefits would such a country office bring in the long-term? What opportunities does the cooperation with the newly elected government bear, keeping in mind its efforts to liberalize the country?

Annotated Bibliography

Amnesty International. (2016). *Myanmar: Briefing to the UN Committee on the Elimination of Discrimination Against Women*. Retrieved 20 July 2016 from: <http://www.refworld.org/docid/577e09054.html>

This briefing was submitted by Amnesty International to the UN Committee on the Elimination of Discrimination against Women, in preparation for its 64th session in July 2016. It gives a clear overview of the content and the consequences of the four race and religion laws. Additionally, and in a separate chapter, the briefing introduces the reader to the specific situation of women and girls belonging to the Rohingya and other minorities. It highlights, amongst other things, restrictions imposed upon Rohingya couples relating to marriage and the birth of children.

Amnesty International. (2016). *Myanmar: Ending Discrimination and Violence Against the Rohingya – Amnesty International’s Written Statement to the 32nd Session of the UN Human Rights Council 13 June – 1 July 2016*.

Retrieved 28 August 2016 from: <https://www.amnesty.org/en/documents/asa16/4147/2016/en/>

This written statement, submitted by Amnesty International at the latest session of HRC in July, offers a global overview of the situation of Rohingya Muslims in Myanmar in the wake of the elections of 2015. Furthermore, it lists key recommendations the HRC should make to the government in Myanmar in order to alleviate this situation. As this appreciation of the situation in Rakhine State is based on information collected by the NGO itself, it offers insights that can be seen as complementing the data that the UN collects on its side. While delegates should handle the information with care, the recommendations made by Amnesty International can be used as inspiration for how to address the topic.

³⁶⁴ UN General Assembly, *Situation of human rights in Myanmar: Report of the Secretary-General (A/70/332)*, 2015, p. 4.

³⁶⁵ Amnesty International, *Annual Report – Myanmar 2015/2016*.

³⁶⁶ Human Rights Watch, *World Report 2016 – Burma*, 2016.

³⁶⁷ UN HRC, *Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/31/71)*, 2016, p. 18.

³⁶⁸ Human Rights Watch, *HRW Letter to President U Htin Kyaw*, 2016.

C4ADS. (n.d.). *Sticks and Stones – Hate Speech Narratives and Facilitators in Myanmar*. Retrieved 28 August 2016 from:

<https://static1.squarespace.com/static/566ef8b4d8af107232d5358a/t/56b41f1ff8baf3b237782313/1454645026098/Sticks+and+Stones.pdf>

This report was recently published by C4ADS, a not-for-profit organization that specializes in data collection and analysis in conflict situations. The report delves into the underlying reasons, driving factors, and consequences of hate speech in Myanmar and the actors involved. Using discourse analysis, C4ADS offers a holistic overview of hate speech in Myanmar, identifying as the main lines of discourse the existential physical threat Muslims supposedly pose to Myanmar; the threat to Burmese purity they allegedly pose; and the threat to religious sanctity. This source is the most exhaustive study on hate speech that can be found in this bibliography and offers an in-depth analysis of it, as well as recommendations for delegates wishing to address this issue in committee.

Human Rights Watch. (n.d.). *Chronology of Burma's Constitutional Process*. Retrieved 28 August 2016 from:

<https://www.hrw.org/sites/default/files/reports/burma0508chronology.pdf>

This chronology, published by Human Rights Watch, lists the key events in Myanmar's history since its independence until 2008. Although it does not list events that have happened after 2008, it is a good starting point for delegates wishing to be more aware of the institutional and societal developments in Myanmar. It leads delegates from Myanmar's beginnings as a parliamentary democracy, through its time under military rule, and the subsequent institutional changes that were undertaken by authorities. As discrimination in Myanmar is highly institutionalized and structural, this source is a helpful guide through the legislation that has led to this institutionalization.

Human Rights Watch. (2016, May 4). *HRW Letter to President U Htin Kyaw*. Retrieved 28 August 2016 from:

<https://www.hrw.org/news/2016/05/04/hrw-letter-president-u-htin-kyaw>

Human Rights Watch sent this letter to the newly elected President, to make the authorities in Myanmar aware of the priorities the organization is setting for the new legislators and government. The source is an appeal to the authorities identifying areas in which reforms are needed in order to make Myanmar a freer and open country. These issue areas include laws that are discriminatory in nature, the promotion of women's rights, and the promotion of land rights, to name a few. As this document is an appeal, it gives delegates an overview of direct recommendations Human Rights Watch makes to the government, which could be used as inspiration for the work of the HRC.

Human Rights Watch. (2016). *World Report 2016 – Burma* [Website]. Retrieved 20 July 2016 from:

<https://www.hrw.org/world-report/2016/country-chapters/burma#73fcc>

This webpage, drafted by the Human Rights Watch, offers a synthesis of the current political and social environment in Myanmar. It breaks down the issues and the specific human rights violations in very basic terms, and it is a great resource for delegates wishing to have a first overview of the topic. The information on the webpage is from 2015, thus covering recent events, including updated data on, amongst others, the number of refugees that were forced to flee and the locations where they fled, as well as the number of internally displaced persons.

Save the Children. (n.d.). *Child Rights Situation Analysis*. Retrieved 20 July 2016 from:

http://resourcecentre.savethechildren.se/sites/default/files/documents/brief_crsa_lowres_16mar15.pdf

This factsheet, published by Save the Children in 2015, focuses specifically on the issues children face in Myanmar, such as statelessness, limited access to education, and malnutrition. It also formulates policy recommendations to alleviate this situation. Although the factsheet addresses children's rights in general, it also points out that some issues are especially serious for children from ethnic minorities. For example, it points at the systemic discrimination against minority children resulting from language barriers and structural discrimination.

United Nations, General Assembly, Seventieth session. (2015). *Situation of human rights in Myanmar: Report of the Secretary-General (A/70/332)*. Retrieved 20 July 2016 from: <http://undocs.org/A/70/332>

This report was submitted by the Secretary-General to the General Assembly as a way to monitor the implementation of General Assembly resolution 69/248 on the “Situation of human rights in Myanmar.” The report covers the events and measures taken during the period from 7 August 2014 to 6 August 2015. Through its overview of recent developments, it offers insight into the democratization process that is being undertaken by the government in Myanmar. The report additionally covers the 2015 Rohingya refugee crisis, giving an appreciation of the events leading up to the crisis as well as suggestions as to how to prevent further discrimination.

United Nations, General Assembly, Seventieth session. (2016). *Children and armed conflict: Report of the Secretary-General (A/70/836)*. Retrieved 28 August 2016 from: <http://undocs.org/A/70/836>

This report, presented by the Secretary-General to both the General Assembly and the Security Council, is an overview of the situation of children in armed conflict. Apart from making general observations about the hardship of children in armed conflict, the report also addresses country situations that are currently on the agenda of the Security Council, including Myanmar. In the part on Myanmar, the Secretary-General notes the alarming situation of underage recruitment in military and private armed groups. This source is a useful guide for delegates wishing to gain more insight into the violation children’s rights in Myanmar.

United Nations, Human Rights Council. (2016). *Situation of human rights of Rohingya Muslims and other Minorities in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/32/18)*. Retrieved 20 July 2016 from: <http://undocs.org/A/HRC/32/18>

This report, which deals specifically with the situation of human rights of Rohingya Muslims and other Minorities in Myanmar, was submitted by the UN High Commissioner for Human Rights to the latest session of the HRC in June 2016. The report starts by pointing out the systematic human rights violations and abuses against minorities in Myanmar, such as the deprivation of a nationality and the denial of the right to health. It concludes with specific recommendations as to how to alleviate the situation for minorities and what measures to be taken by the authorities in Myanmar.

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