

2009

United Nations and NGO Updates

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Recommended Citation

Zarnow, Zach and Doug Keillor. "United Nations and NGO Updates." *Human Rights Brief* 17, no. 1 (2009): 62-65.

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UNITED NATIONS AND NGO UPDATES

UNITED NATIONS

UNITED STATES HOPES TO REFORM UN HUMAN RIGHTS COUNCIL FROM WITHIN

On September 14, 2009, the United States assumed its seat as a member of the United Nations Human Rights Council. Since the Council's formation in 2006, the United States has been one of its most vocal critics. According to the Bush Administration and U.S. Ambassador to the UN John Bolton, the United States believes that the Council is full of human rights abusers and that it disproportionately criticized Israel. Now, after abstaining from membership for three years, the United States hopes to reengage with the Council and reassert leadership on human rights issues within the UN.

According to critics, the structure of the Council is a major problem. Council membership is geographically pre-determined, requiring that a set number of countries from regions of the world be represented; this policy carries over from the Human Rights Commission, which the Council replaced. As a result countries that have been accused of human rights abuses are part the very body designed to hold abusers accountable. When Sudan sat on the Commission, for example, it was one of the leading proponents of efforts to end investigations into human rights abuses in Darfur.

Critics also blame this requirement for the Council's perceived overemphasis on Israel and lack of action on other issues. Domination of Council membership by African and Asian countries has muted criticism of regional allies. Arab countries on the Council often vote together to focus attention on Israel. Since its creation, the Council has held five urgent meetings on Israel, while there have been four such meetings about other country-specific issues.

According to U.S. State Department legal advisor David Koh, council membership is an "experiment" in fostering increased engagement with the UN and the Arab world. The Obama administration also hopes to reform the council from

within and to refocus the Council's efforts. Current U.S. Ambassador to the UN Susan Rice said that the United States hopes to "push back against the hostile rhetoric and hostile actions that have been often directed by the Human Rights Council at Israel" and instead try to focus "on the most egregious human rights abuses in places like Burma, Zimbabwe, and Sudan."

The United States has already begun these efforts, particularly with regards to Sudan. Almost immediately upon entering the 47-member Council, the United States won a continuation of the investigation by the Special Rapporteur into human rights abuses in Sudan. Under the leadership of Dr. Esther Brimmer, Assistant Secretary of State for International Organizations, the United States has begun to push for reform, pledging to "stand [its] ground when the truth is at stake." She encouraged fellow Council members to develop a "more strengthened and robust human rights mechanism."

UN REORGANIZES TO BETTER PROTECT WOMEN FROM CONFLICT-RELATED SEXUAL VIOLENCE

The UN has renewed its efforts to protect women from conflict-related sexual violence. On September 30, 2009, the Security Council unanimously adopted Resolution 1888, which recommends ways for the UN and Member States to improve responses to sexual violence committed during armed conflict. Recommendations include comprehensive legal and judicial reforms. The resolution won praise, but women's rights activists believe it is long overdue. Marianne Mollmann of Human Rights Watch characterized the resolution's adoption as a move to "finally generate the leadership to help the UN act swiftly and coherently to halt sexual violence in wartime," but warned it was not enough. This criticism has persisted since the UN passed the Convention on the Elimination of All Forms of Discrimination against Women in 1979.

In 2000, the UN adopted Resolution 1325, which demands that states recognize the necessity of having women actively promoting peace and security.

Involving women in conflict resolution, peacekeeping, humanitarian response, and post-conflict reconstruction ensures that the perspectives and needs of women are reflected. Resolution 1325 warned that failure to involve women in these processes makes it more likely there will be acts of sexual violence against women and girls during armed conflict. However, the UN failed to take concrete steps following this resolution, such as mandating experts on women's issues be part of peacekeeping and humanitarian response efforts, and eight years passed before the issue was reexamined.

In 2008, Resolution 1820 committed the Security Council to consider how to prevent and respond to sexual violence as a weapon of war. This resolution was adopted in response to sexual violence being used in warfare in Chad, Sudan, and the Democratic Republic of Congo.

Now, approaching the tenth anniversary of Resolution 1325, Resolution 1888 was adopted to reorganizes the UN to better combat sexual violence, filling in gaps of expertise. A special representative will be named to lead the efforts and a team of technical experts will also work to confront sexual violence. These experts will work with governments to improve justice systems by increasing capacity and making the systems more responsive to victims.

A new agency for women was also unanimously voted into creation by the General Assembly on September 14, 2009. This yet-to-be-named agency combines four offices into a streamlined and coordinated office. Most importantly, the office will be a part of the Secretary General's core team, representing a major elevation of women's issues within the UN.

The test for the UN will be to see how these structural changes translate into changes on the ground. Just two days before Resolution 1888 was passed, Guinean security forces perpetrated public killings and rapes in broad daylight. It remains to be seen whether the UN's efforts will provide justice for victims of such violence. The hope is that a better organized UN initiative will lead to more effective

protection of victims and potential victims of sexual violence during conflict.

UN SPECIAL RAPPORTEUR CALLS FOR CONVENTION ON THE RIGHTS OF DETAINEES

Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment, has seen enough. Around the world, he says, “states are not living up to their obligations to respect the basic dignity of human beings in detention.” At a press conference following the presentation of his annual report to the General Assembly, Nowak called on the UN to adopt a convention on detainee rights.

According to Nowak’s investigation, the belief that torture is only perpetrated on political prisoners is wrong. In fact, “most of the victims of arbitrary detention, torture, and inhuman conditions of detention are ordinary people, usually belonging to the poorest and most disadvantaged sectors of society.” These abuses are perpetrated on a worldwide population of ten million detainees, one million of whom are children, despite the existence of the UN Convention against Torture (CAT). The CAT clearly enumerates duties regarding prosecuting and preventing torture, but the national courts of some States Parties have limited those duties when they conflict with sovereignty and have been reluctant to hold states accountable that act as safe havens for torturers.

In both developed and developing nations, UN investigators have uncovered human rights violations against accused persons in pre-trial detention, illegal immigrants awaiting deportation, convicted prisoners, and detained minors. Even the UN and International Organization for Migration have been accused of tacitly allowing these practices to continue, underscoring the widespread nature of the problem.

To put an end to these practices, Nowak appealed to the UN to put forth a convention that would protect specific rights of detainees and ensure humane treatment. Based on Nowak’s public statements and the work being done by his office, it is possible to predict elements of the proposed convention.

One of the most important rights detainees are denied is the right to contact with the outside world. The convention would need to protect freedom of information and association, thus allowing detainees to

contact family, friends, or a lawyer. This contact would reduce the risk of detainees becoming forgotten prisoners or disappearing outright. The right to freedom of religion and expression would also likely be included, and Nowak favors including the right to vote. The convention would guarantee “an adequate standard of living,” including the provision of basic needs such as physical and mental medical care and adequate sanitation, food, clothing, and housing.

Creating and adopting this convention will take years. The drafting of the convention itself is a huge task, requiring input and debate from many parties. Most of this work will occur in a series of committees and working groups. Once written, the convention must be proposed as a resolution of the General Assembly and approved by a majority of member states. Then, individual countries must become signatories or parties to the convention. This often involves intense national debate and can result in countries adopting the convention with reservations disclaiming certain duties therein.

In the meantime, at the behest of UN investigators, progress has been made to better protect detainees. In Uruguay, President Vazquez agreed to do away with the practice of holding prisoners in tiny metal boxes for months or years on end at Libertad Prison. The former president of Nigeria closed down what had been a torture room at police headquarters in Lagos. For detainee rights activists at the UN, these steps may indicate growing momentum for their cause, which will hopefully result in the eventual passage of a convention.

NGO UPDATES

NGOs COORDINATE AND MOBILIZE FOR INTERNATIONAL DISARMAMENT

The 62nd Annual Department of Public Information Non-Governmental Organization (DPI/NGO) Conference focused on the particularly timely issue of peace and disarmament. Recent international headlines have been full of arms proliferation issues: the latest negotiations on the Comprehensive Test Ban Treaty; President Obama’s September 24 address to the UN Security Council on disarmament; the continued threat of Iran’s nuclear enrichment program; and disarmament talks between the United States and Russia. The

UN-sponsored conference in Mexico City, Mexico, held September 9 to 11, 2009, provided a forum for non-governmental actors to coordinate and mobilize for disarmament on all fronts — nuclear, biological, and chemical weapons; land mines; and small arms.

The DPI/NGO Conference is the United Nations’ key NGO event during the year. It provides an opportunity for UN-affiliated NGOs to meet, discuss, and organize around specific topics. This year’s conference theme, “For Peace and Development: Disarm Now!” was strategically designed to create momentum for upcoming disarmament discussions, including the 2010 Nuclear Non-Proliferation Treaty Review Conference in March.

This year’s conference hosted 1,300 attendees representing 340 NGOs from over fifty countries, and encouraged interactive participation via daily roundtable discussions and two dozen breakout workshops. These workshops presented attendees with the opportunity to work with colleagues from around the world on critical areas of disarmament. The workshop topics included mobilizing youth against war, the effect of the arms trade on vulnerable populations, and the health implications of regional nuclear war.

The conference mobilized NGOs with the goals of promoting public awareness and lobbying for governmental action. Rather than seeing disarmament as a distant, unattainable goal, attendees discussed methods for generating grassroots movements to promote the actual elimination of nuclear weapons. Emphasizing that this is a critical time for NGOs to push for disarmament, in his opening address, UN Secretary-General Ban Ki-moon called on the NGOs to provide a message of concrete, viable disarmament to the global community. Tadatoshi Akiba, Mayor of Hiroshima, Japan, and president of the worldwide network Mayors for Peace, urged participants to encourage their governments to visit Hiroshima and see the effects of nuclear weapons first-hand.

At the close of the conference, Sergio Duarte, UN High Representative for Disarmament Affairs, stressed, “Today is not simply the date the Conference ends, but a potential turning point leading to a new era in the growth of our expanding global family of disarmament.” As the issue of nuclear proliferation and arms control con-

tinues to dominate international headlines, the NGOs that met in Mexico City hope to make this “new era” a reality.

INTERNATIONAL JUSTICE MISSION
MOBILIZES SUPPORTERS TO PASS CHILD
TRAFFICKING LAW

Approximately 1.2 million children worldwide are victims of child trafficking each year, primarily for purposes of domestic labor and sexual exploitation. Although the majority of countries where child trafficking occurs have outlawed the practice, they often lack the necessary resources and training to successfully enforce their laws. This gap in enforcement has moved the International Justice Mission (IJM) to launch a new campaign to raise public awareness and advocate the passage of the U.S. Child Protection Compact Act of 2009 (CPCA).

The CPCA would provide additional tools for the U.S. State Department Office to Monitor and Combat Trafficking in Persons (G/TIP) to specifically address child trafficking. The CPCA, if passed, would provide a total of U.S. \$50 million in grants to countries that have laws in place to fight child trafficking, but lack the capacity and resources required to succeed. Grants may be given directly to national or local governments, as well as to non-governmental organizations with expertise in combating child trafficking. G/TIP would then establish a compact with the recipient organization to create goals and monitor their success with anti-trafficking efforts. “Those funds will be a significant ‘carrot’ to encourage countries to adopt national plans to protect children and prosecute perpetrators, and the ‘compact’ will get them to formally agree to particular strategies,” noted Holly Burkhalter, IJM’s Vice President of Government Relations.

IJM currently partners with local governments where child trafficking is a significant problem, such as India and the Philippines. IJM helps train law enforcement officers to identify and investigate child trafficking, and provides after-care for rescued victims. As G/TIP Ambassador-at-Large Luis CdeBaca noted, “IJM is a very important partner [in combating trafficking].”

In its 12 years of existence, IJM has developed a broad network of supporters, from individuals to civic and faith-

based organizations. IJM is mobilizing that network to increase awareness of human trafficking and encourage the passage of the CPCA.

Recently, their supporters have been hosting “house parties” to view a new documentary, *At the End of Slavery: The Battle for Justice in our Time*. The film, produced by IJM, is narrated by actor Danny Glover and features various governmental and non-governmental experts who explain potential solutions to human trafficking. The “house party” participants receive postcards to sign and send to their congressional representatives, urging for the passage of the CPCA. This is the first time IJM has performed this type of outreach, and Burkhalter said they hope their 100 to 200 hosts can reach out to thousands of viewers.

At the premier of *At the End of Slavery* in Washington, D.C. on September 30, Ambassador CdeBaca showed the famous drawing of the Brookes slave ship that abolitionists used to educate and motivate British and American citizens in the 18th and 19th centuries. CdeBaca said he hopes films like *At the End of Slavery* will have the same impact of raising community awareness and mobilizing supporters to take action against international child trafficking.

NGOS PARTNERSHIP KEY TO CHINA’S
HIV/AIDS POLICY

The Chinese government has only recently taken steps to address the nation’s HIV/AIDS epidemic. Earlier efforts focused primarily on foreigners, because the Government believed that HIV/AIDS only affected homosexuals and that homosexuality was limited in China. China’s inability to effectively address this problem is partly due to the suppression of community-based groups that seek to raise awareness, and partly due to deep-seated discrimination against at-risk communities.

During the 1990s, the Chinese government resisted large-scale HIV/AIDS programs and was unwilling to address the growing epidemic. Although a few social groups and community-based organizations (CBOs) emphasized treatment and prevention in China, HIV/AIDS advocates were mostly unregistered networks of disease victims’ friends and families. However, since China announced a reversal in its HIV/AIDS policy and launched

China CARES (China Comprehensive AIDS Response) in 2003, the prevalence of CBOs concentrating on HIV/AIDS has dramatically increased. The Aizhixing Institute of Health Education (Aizhixing), a national NGO based in Beijing, has been at the forefront of the HIV/AIDS battle. Wan Yanhai, the president and founder of Aizhixing, estimates that just a handful of these CBOs existed in 2003, but that today there may be between 300 to 500 throughout China.

Despite the change in official government policies, significant gaps remain. For example, while all HIV/AIDS treatment is now provided free of charge, rural Chinese must incur high costs to travel to larger cities to receive treatment. Also, education efforts have been largely unsuccessful. A recent survey indicated that 89 percent of female respondents did not believe they could be infected. In addition, UNAIDS found that over 48 percent of people believe they can become infected by mosquitoes and almost 32 percent believe that those infected deserve the disease because of their high-risk behaviors. CBOs seek to fill these gaps by providing transportation and housing to rural Chinese infected with HIV/AIDS, and developing education programs.

As one of the largest Chinese NGOs working on HIV/AIDS, Aizhixing focuses its efforts on marginalized populations such as the LGBT community, drug users, sex workers, ethnic minorities, and migrant workers. These populations are at a higher risk for HIV/AIDS infection, are underserved by existing government programs, and face social stigmatization. Aizhixing also coordinates the activities of rural CBOs, implements new research policies, and provides legal assistance.

Aizhixing has had a difficult relationship with the Chinese government. Wan Yanhai was detained in 2002 and 2006 for raising HIV/AIDS awareness and for pointing out deficiencies in government policies. Since then, Aizhixing has developed a more positive working relationship with the government, which is rare for NGOs in China, as advocacy organizations are usually denied government registration. Aizhixing’s policy reports, such as *Sex Worker Laws and Rights and AIDS* and *Human Rights and the Law*, are important resources for identifying weaknesses in government programs. The *UNAIDS*

2008 China Situation Sheet specifically addresses the need for more involvement by civil society organizations to improve China's HIV/AIDS situation. Government partnership with NGOs and CBOs such as Aizhixing will be critical for China to continue making progress on battling HIV/AIDS. **HRB**

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