



ACADEMY MODEL UNITED NATIONS  
THE NINETEENTH SESSION

United Nations Humans Rights Council

*Topic Bulletin*

# Academy Model United Nations

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Dear Delegates,

My name is Alana Chernyak and I am looking forward to serving as one of your chairs for the UNHRC committee at AMUN XIX. I am currently a Senior in the Music Academy of Visual and Performing Arts and have been involved with Model UN at BCA for 3 years. I started in the Model UN club Sophomore year and since I have attended multiple conferences since. This is my second year serving as a chair at AMUN and I am looking forward to all the ideas and solutions that you have to bring to the resolutions that you will be able to put forward about imminent, global issues. I am sure that this will be a rewarding experience for you to converse with others who are just as passionate about debate and current events as you are. I cannot wait to meet you and see what we can achieve as the UNHRC committee.

Sincerely,  
Alana Chernyak, Co Chair, UNHRC

Halie:  
Hello delegates,

My name is Halie Kim and I am super excited to be serving as one of your chairs for the UNHRC committee at AMUN XIX. I am currently a Senior in the Academy for Visual and Performing Arts and I have interests in debate, current events, and the United Nations. Ever since freshman year, I have been an active participant of the Model UN team at BCA and have attended numerous conferences such as: PMUNC, FAIRMUNC, WAMUNC, and AMUN XVII. I am looking forward to trying to be the best chair I can be by incorporating



all my Model UN past experiences. I believe that both issues present are very prominent and relevant problems in our world today and look forward to this day of stimulating debate to formulate smart and effective solutions.

Sincerely,

Halie Kim, Co Chair, UNHRC

## TOPIC A: Criminal Justice Reform

### Overview

The United Nations Human Rights Council (UNHRC) is an intergovernmental body within the United Nations system, consisting of 47 Member States. All responsible for cooperation for the promotion and protection of Human Rights. Utilizing the Charter of the UN, the Universal Declaration of HR (UDHR) and HR instruments to which each state is a party, and especially considering the interrelated nature of HR law and international humanitarian law; focus on the latter. The council was created by the General Assembly in 2006 in order to replace the UN Commission on Human Rights. The aim of the council is to promote universality, interdependence, indivisibility of HR, inherent cooperation, to be a transparent intergovernmental process and to be realistic. Their focus is not only on Member States but also on Non Governmental Organizations (NGOs) and national HR institutions. Topics dealt with mostly are specific HR situations involving certain countries, however affecting a lot of Member States, groups of certain people and individuals. For AMUN XIX, we have chosen the topics of criminal justice reform in post-conflict states and rights of indigenous people. Criminal justice reform has recently become a prominent issue as the UN is trying to make the world safer from crime, drugs, and terrorism. Through this conference, we hope that you can create the best resolutions in order to solve the issue at hand.

### Topic History

One of the primary needs of a post-conflict state is to strengthen and develop rule of law. Strengthening the rule of law is fundamental to recovering from a conflict because it strengthens institutions and restores citizens' faith in the legitimacy of their government. In many conflict-affected societies, gross violations of human rights have occurred and/or are ongoing, and there are demands for accountability from domestic and international actors, from victims and the society at large. It is for this reason that transitional justice processes have been developed. At the

same time, many of the structural elements that enabled or actively created these violations endure, and require reform. Thus, rule of law reform and security sector reform processes have also emerged in such conflict-affected societies. This paper examines the interactions amongst these processes, as well as the role of actors at various levels: locally, nationally, transnationally and internationally, to identify key challenges for practitioners. Transitional justice processes developed domestically and internationally to address past abuses, including trials of perpetrators, vetting or lustration, commissions of inquiry, amnesties, memorials and reparations, and traditional or non-state justice. These were developed first, largely, in Latin America in the wake of transitions from authoritarian rule beginning in the early 1980s, but have increasingly taken place in the wake of violent conflicts and during ongoing conflicts, or in fragile, conflict-prone states. As these processes evolved, so too did processes to resolve internal conflicts, with a rapid growth in multidimensional peacekeeping and peacebuilding operations accompanied by related development programming. These latter operations have included significant rule of law components addressing everything from constitutional and judicial reform to legal assistance and alternative legal dispute mechanisms. These conflict-mitigating activities have also promoted security sector reform (SSR), as well as ensure the disarmament, demobilization and reintegration of ex-combatants (DDR), with activities including vetting of members, particularly on the basis of past abuses, and retraining of those retained. Over the past few years, the reform of criminal justice systems has become a major concern for the international community in its efforts to assist post-conflict countries in re-establishing their laws. In various parts of the world—from Afghanistan to Lebanon, Liberia to Guatemala—numerous organizations are engaged in a variety of movements aimed solely at rebuilding or developing criminal justice systems. The requirements of operating in unstable and unpredictable post-conflict environments is complex and every aspect of the system is interconnected, with each component affecting all others. Such connected systems cannot be successfully reformed in an unconnected manner. In addition, successful improvements in the systems also depend on changing the capacity of the courts, enhancing respect for human rights, restructuring public

attitudes towards law enforcement, and introducing a range of other measures, some of which may seem only distantly related to policing. In recognition of these complexities, the United Nations Office on Drugs and Crime (UNODC) and the United States Institute of Peace (USIP) have collaborated to produce a guide designed to introduce individuals whose experience in promoting the rule of law may be limited—whether in extent or scope—to the entire landscape of criminal justice reform. Other organizations have explored specific areas of criminal justice reform, from the formal justice system to customary courts to civil society. criminal justice reform in post-conflict states. The UN has been working actively to develop best practices to rehabilitate a state in post-conflict recovery. After a conflict has ended, ensuring the security of the citizens is a primary goal. Efforts to develop the rule of law and the subsequent institutions require a developed and integrative plan. Finding justice in the aftermath of atrocities is an important step in establishing respect for the law; many post-conflict states pursue transitional justice to this end, which is “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation.” When reconstructing a post-conflict state, strengthening access to security and justice and protecting at-risk groups should be prioritized as foundational to supporting the rule of law.

## Past UN Action

In the past, the United Nations has done much to rebuild the criminal justice system; however, most have failed in further mainstreaming human rights and assisting countries in the areas of crime prevention and criminal justice. The Charter of the United Nations includes an obligation to promote universal respect and observance for human rights. Resolution 51/12 of the Commission on Narcotic Drugs reaffirmed the importance of countering the world drug problem in a multilateral setting with full respect for all human rights and fundamental freedoms, and requested UNODC work closely with the United Nations human rights agencies in this endeavour. In his subsequent Note to the governing bodies

of UNODC entitled Drug control, crime prevention and criminal justice: A human rights perspective, the UNODC Executive Director indicated a way forward to further mainstreaming of human rights in the work of the Office. Within UNODC, overall responsibility related to crime prevention and criminal justice reform lies within the Justice Section, which performs both normative work and operational work, to assist countries in the areas of crime prevention and criminal justice.

In 2000, the Report of the Panel on UN Peace Operations was published as an integral framework document for promoting the rule of law in post-conflict peacebuilding. After the shortcomings of the Security Council in Rwanda, the UN prematurely engaged in post-conflict peacebuilding before conflicts had concluded. Following up on the Brahimi Report, the High-Level Independent Panel on Peace Operations was commissioned to evaluate the status of peace operations. Later on, through resolution 2004/25 (2004), ECOSOC requested collaboration between UN entities including with the United Nations Office on Drugs and Crime (UNODC) and the Department of Peacekeeping Operations (DPKO) to create specific programming for post-conflict recovery planning with a primary focus on crime prevention and criminal justice reform. Subsequent resolutions on this topic, including ECOSOC resolutions 2006/25 and 2014/19 adopted in 2006 and 2014, respectively, call upon the Commission on Crime Prevention and Criminal Justice (CCPCJ) to strengthen international cooperation in upholding the rule of law, with an emphasis on criminal justice reform in post-conflict situations. One of the ways CCPCJ has addressed rule of law in its work is through resolution 17/2 (2008), which established professional standards for prosecutors in their role in criminal proceedings. In 2012, the UN reaffirmed its commitment to strengthening the rule of law after hosting a High-level Meeting of the General Assembly on the Rule of Law at National and International Levels. The outcome declaration of the meeting reignited the discussion on rule of law and applied the rule of law to the three pillars of the UN: development, human rights, and peace and security. In 2015, the 13th Congress convened in Doha, where participants focused on the rule of law and reforming the criminal justice system internationally and nationally. The outcome document, the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations

Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels and Public , reaffirmed the UN and CCPCJ's commitment to upholding and strengthening the rule of law. 100 The declaration also outlined specific areas of focus for continued efforts, such as strengthening cooperation to develop criminal justice systems and to continue to train criminal justice officials.

## Current Situation and Possible Solutions

Determining the correct timing and sequencing is an ongoing challenge in delivering transitional justice, the rule of law, and security sector reform in fragile and conflict-affected societies. People in conflict-affected and post-conflict societies want immediate change and overall security and safety. Yet without functioning institutions and a security sector which respects human rights and the rule of law, this remains wishful thinking. However, the process of addressing past abuses can take a generation or more. The challenge is not only to address multiple competing urgent demands, but to address demands that may not be immediately resolvable and to rationally sequence responses given limited resources. Addressing the needs of vulnerable populations in a post-conflict environment might not be a first priority for advisors engaged in improving or reforming the criminal justice system but it is a crucial component of building the rule of law. When vulnerable populations are supported, this can help to safeguard citizens' respect for the rule of law, send a message of support to disadvantaged groups, make a strong contribution to the underlying security environment, and build confidence in a new, fragile justice system.

## Bloc Positions

### *Africa and the Middle East:*

Although efforts are being made across North Africa and the Middle East to ensure criminal justice systems reflect international standards and comply with human rights law, there are some significant challenges for reform.

These include prison overcrowding, delays in the trial process, poor coordination between criminal justice agencies, lack of resources and, in some countries of political will, and a lack of reliable data about prison systems.

Current work focuses on developing gender-sensitive and child-friendly justice systems, promoting non-custodial sanctions, particularly for vulnerable groups, supporting countries to adopt national and integrated plans for reform, building regional human, and resource capacity through networks of expertise

*Latin America:*

Judicial reform has long been seen as a prerequisite for the consolidation of democracy and for sustainable development in Latin America. Most countries in the region approached the last decade of the twentieth century with weak, politically vulnerable, and ineffective judicial institutions. Few were capable of holding executive power in proper balance, of guaranteeing the effective observance of basic human and civil rights, of promoting an atmosphere conducive to economic development, especially to foreign and domestic investment, or of providing basic security to citizens. They suffered from antiquated criminal codes, poorly organized and underfunded courts, inadequate training and compensation of judges, judicial officials, and police, legal procedures that minimized transparency, and often-deplorable prison conditions. In recognition of these problems and with the encouragement and support of the international community, many countries in the region have undertaken programs and projects to overhaul their judicial systems and institutions. These efforts have spanned the gamut, from constitutional reform and the implementation of new criminal and civil codes, to structural change in the administration of justice, to far less ambitious schemes aimed at making technical improvements to the existing systems.

*Asia:*

Within Asia, there are various international programs for reform in criminal justice. These programs focus on reforms and modernization in criminal justice in Asia.

However, criminal justice and penal reform in Asian regions face a number of challenges.

Problems include: prison overcrowding, lack of alternatives to imprisonment, little training for criminal justice officials and lack of specialised systems and measures for vulnerable groups including women and child detainees.

Asia has worked since the mid-1990s in order to focus on the poorer countries such as Bangladesh, India and Pakistan. However, the region seeks to influence criminal justice good practice and standards within the whole region.

#### *Europe and USA:*

The European region has worked in order to combat crime and strengthen dialogue and action between the criminal justice authorities of EU countries. For a long time, the EU has tried to build the European criminal justice area with one hand tied behind its back: the unanimity rule, which required agreement of all EU governments for decision-making, often led to a 'lowest common denominator' approach; the Commission did not have enforcement powers; and parliaments and courts had little to say. Progress in this field has therefore been limited, and the focus has been more on security issues. Criminal justice reform in the United States is a type of reform aimed at fixing perceived errors in the criminal justice system. Goals of such reform include decreasing the United States' prison population and reducing prison sentences and eliminating mandatory minimum sentences for low-level drug offenders.

## Questions to Consider

What is your country's stance on this topic?

How would you make sure that other countries would agree with your plan?

How do you plan to create a plan that effectively modernizes the system?

Is your country willing to work in partnership with other countries?

How is your country's relationships with other countries?

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## TOPIC B: Rights of Indigenous Peoples

### Topic History

There does not seem to be one definitive definition of indigenous people, but generally indigenous people are those that have historically belonged to a particular region or country, before its colonization or transformation into a nation state, and may have different cultural, linguistic, traditional, and other characteristics to those of the dominant culture of that region or state. Indigenous rights belong to the original people of a land that has been conquered and colonized by outsiders. These rights include basic human rights of physical survival and integrity and the preservation of their land, language, religion, and other elements of cultural heritage that are a part of their existence as a people. There are 370 million Indigenous people in the world and while these groups are very diverse, there are common issues that affect Indigenous people globally. Due to the lingering effects of colonisation and oppression, Indigenous people are vulnerable to discrimination and mistreatment and excluded from effectively participating in processes that affect their rights. Around the world, the seizure of land for fossil fuel extraction and oil pipelines, and the clearing of forests for the exploitation of resources like timber, minerals and palm oil not only impacts the planet's ecosystems but also ravages countless indigenous and local communities. In parts of the world, such as India, Brazil, Thailand, and Malaysia, multinational companies have been accused of participating in "biopiracy" whereby biological resources used by communities openly for generations have been patented away, leaving the local people unable to use their own local plants and other resources. On the other hand, some people have been critical of indigenous peoples' treatment of the environment, noting examples such as the deforestation of Easter Island or the disappearance of large animals from parts of America and Australia caused by native people. However, others have argued that more generally, many indigenous people have accumulated important knowledge and traditions that allow them to work with nature rather than destroy it, because they

are dependent on it. Also, Indigenous people have often found their lands and cultures overridden by more dominant societies. During the era of European colonial expansion and imperialism, it was common for Europeans to think of themselves as more superior over others. Many Europeans at that time saw native peoples from regions such as Africa, Asia and the Americas as “savages” to be dominated. This would help justify settlement and expansion into those lands, and even slavery. Without civilization these people could be regarded as inferior, and if seen as “non-people” then European colonialists would not be impeding on anyone else’s territory. It was after World War I and II that movements for indigenous rights starting gaining more traction. Witnessing the immense destruction, violence and barbarism of those wars, colonized people began questioning the European claim that their civilizations were superior and peaceful. Weakened European countries could no longer hold on to their colonies, and a wave of anti-colonial and nationalist movements sprung up as people around the world saw their chance to break free. European countries began conceding territories, and for many indigenous groups, accepted that they should have more rights to determine their own destiny.

## Past UN Action

Due to the past and ongoing violence and abuse of Indigenous individuals and peoples, The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly in 2007 as an aspiration for how Indigenous individuals and peoples should be treated. The Declaration sets out the individual and collective rights of Indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. The goal of the Declaration is to encourage countries to work alongside indigenous peoples to solve global issues, like development, multicultural democracy and decentralization. There are 46 Articles, or rules, in the Declaration including that “Indigenous peoples are free and equal to all others and have the right to be free from any kind of discrimination, including discrimination based on their Indigenous

origin or identity" (Article Two) and "Indigenous peoples have the right to practice and revitalise their cultural traditions and customs" (Article Eleven). This Declaration is unique in that it was the first UN document created for the people, by the people: Indigenous People from all over the world helped to develop it, and it took more than two decades of discussions.

## Current Situation and Possible Solutions

Although the declaration by the UN and action by other entities have made progress towards attaining Indigenous Rights, there are many states who oppose such progress and do not comply with the Indigenous peoples' rights. The process to draft the aforementioned declaration moved very slowly because of concerns expressed by particular countries at some of the core provisions of the draft declaration, especially the right to self-determination of indigenous peoples and the control over natural resources existing on indigenous peoples' traditional lands. However, many corporations continue biopiracy within mineral and oil rich regions and leave Indigenous people without proper resources in order to survive. Indigenous people around the globe face discrimination, racism, oppression, marginalization and exploitation daily. The challenge is to simultaneously reform the current policies on Indigenous rights and compromise with nations opposing to them.

## Bloc Positions

### *Europe and USA:*

These regions have all signed the United Nations Declaration on the Rights of Indigenous Peoples. These countries believe that no government can accept the notion of creating different classes of citizens. Furthermore, the delegations claimed that the indigenous land claims ignore current reality by appearing to require the recognition to lands now lawfully owned by other citizens. There is often a debate about whether some European settlers colonized land that was not inhabited before, or were used by nomadic people, in which case European

settlers could argue that the land was not properly settled. Also, European settlers can also note that sometimes agreements were made with indigenous people to obtain certain lands. These regions often deny the rights of indigenous people and defy that their mistreatment.

*Africa and Middle East:*

Although the human rights situation in Africa and the Middle East is diverse, complex and varies from country to country, the human rights situation of indigenous peoples shows remarkable similarities including discrimination, poor health and education, and little representation. However, both individual and collective rights are provided for in the African Charter on Human and Peoples' Rights (African Charter). The rights to equality and human dignity in Articles 2, 3 and 5 are available to all individuals, including individual members of indigenous communities. Both the African Charter and the recourse it provides to international law can thus be seen to protect the rights of indigenous peoples. It is immensely important for a major human rights body to draw attention to the fact that, in the present-day decolonised and multicultural African states, there is a serious human rights issue concerning specific marginalized peoples who are being oppressed and discriminated against and whose cultures are under threat.

*Latin America:*

The last 15 years have produced significant changes in the relations between indigenous peoples and the nations of Latin America. Indigenous peoples have gained strength and now constitute an emerging social sector and political force within our country's majority. Every day their territorial and demographic presence grows. Their languages are gaining strength through public and educational use. The communities and peoples have developed a consciousness of their cultural differences. They have proposed a series of demands impelled by a vast network of ethnically-based organizations from the local level to national confederations. Together with the strengthening of indigenous communities in most Latin American countries and as part of the process of modernization, important constitutional, legal, and institutional reforms have occurred which affect or modify the traditional relationships with indigenous peoples. Together with the strengthening of

indigenous communities in most Latin American countries and as part of the process of modernization, important constitutional, legal, and institutional reforms have occurred which affect or modify the traditional relationships with indigenous peoples.

### **Asia:**

Two thirds of the world's indigenous peoples live in Asia, which is home to more than 2,000 civilizations and languages. While the concept of "indigenous peoples" is rarely incorporated into national laws and constitutions, discriminatory approaches and stigma that depict indigenous peoples as "economically backward and primitive" persist. There is some progress, though. For example, the Philippines Indigenous Peoples Rights Act is one of the first laws in Asia that recognizes indigenous peoples' rights to their ancestral domains and to cultural integrity, including the right to self-governance and self-determination. Overall, Asian indigenous peoples can make major contributions to their countries. Their traditional knowledge and the effective use and preservation of their lands, forests and natural resources can inspire worldwide measures for conservation and mitigation, particularly in the face of climate change, and disaster risk reduction.

## **Questions to Consider**

What is your country's stance on this topic?

How would you make sure that other countries would agree with your plan?

How do you plan to create a plan that effectively modernizes the system?

Is your country willing to work in partnership with other countries?

How is your country's relationships with other countries?

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