

**Forum:** *Youth Action Committee*

**Issue:** *Adding enforcement mechanisms to the UDHR as applied to discrimination and equality*

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## Introduction

Human rights have always been a major concern for the United Nations. In 1948, the United Nations passed a milestone document that is known as the Universal Declaration of Human Rights, or UDHR. This marks an important milestone in the protection of human rights as it is the first document to ever to address the rights of all of humanity. After this document was adopted by the United Nations, many other treaties were also passed in the subsequent years that protects human rights. However, despite this, there are still many cases human rights abuse occurring member nations due to negligence or lack of infrastructure. Worse, some nations have allegedly purposely violated human rights code through governmental policies or actions. The inability of the UDHR to be enforced causes human rights crisis around the world. The status quo has been plagued by wars, terrorism, refugee crisis, illegal immigration and ethnic suppression, all of which has either directly or indirectly caused human rights violation to manifest. The scope and urgency of the crisis demand a solution to alleviate the problems before it worsens.

## Definition of Key Terms

### UDHR

The Universal Declaration of Human Rights (UDHR) is one of the most important documents defining universal human rights, or as the UN calls it “a milestone document in the history of human rights.” The UDHR is drafted by representatives from different cultural and ethnic background to ensure that different views regarding human rights are represented fairly. The declaration was passed by the UN General Assembly in Paris on December 10, 1948, as a common standard for all nations. It is this first time for universal human rights to be set to be protected. This document influenced many that came after this.

## Rights

Rights are specific legal, social, or ethical freedoms or entitlements. These rights protect people from being persecuted for certain actions or qualities. In the UDHR, several fundamental human rights are protected. These include the rights to freedom, equality, life, fair trial, citizenship, etc.

## Discrimination

The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex. (Oxford Dictionary). Discrimination is a violation of rights protected by the UDHR because articles 1, 7, and 10 specifically states that all people are regarded equal before law and equality is an inalienable human right.

## Background Information

### History of the UDHR

The UDHR was formally adopted in 1948 in the United Nations and has since served as one of the most important documents outlining fundamental rights unalienable to any individual on the planet. The UDHR was first drafted in 1946, possibly as a reaction to the atrocities and human rights abuses that occurred during the Second World War-- of which the most infamous being the Holocaust. Countries, astounded and furious at these crimes against humanity, proposed to draft a “Bill of Rights” outlining and protecting rights of all, especially the poor, abused, and disenfranchised.

The General Assemblies reviewed the draft then transmitted it to the Economic and Social Council (ECOSOC) “for reference to the Commission on Human Rights for consideration... in its preparation of an international bill of rights.” In 1947, the drafting of the present-day UDHR is taken up by a formal committee initiated by the Commission and comprised of 18 members from varying geographical locations to ensure diversity in cultural, linguistic, and ideological representation.

The committee was chaired by Eleanor Roosevelt, the wife of President Franklin D. Roosevelt, and a renowned civil activist. Alongside her was Rene Cassin, one of the composers of the first draft of the UDHR, the Committee Rapporteur Charles Malik of Lebanon, Vice President Peng Chung Chang of China, and John Humphrey of Canada, Director of UN Human Rights Division. With multiple experts and

activists from different backgrounds guiding and monitoring the drafting process, the UN shows its will in composing a well-rounded paper regarding the paramount issue of universal human rights.

In the drafting process, this committee was extremely avid in maintaining the representation of different perspectives, ensuring that not only the Western notion of “human rights” is adopted. In this light, the committee has fulfilled its duty in drafting a truly global document. Specifically, Dr. Chang has suggested incorporating Confucianist ideology into the resolution and went as far as to suggest the secretariat to study the fundamentals of Confucianism for a few months. Through rigorous proofreading and suggestions to incorporate novel or underrepresented perspectives, the committee completed the first draft in 1948. The draft was handed to the Commission of Human Rights held in Geneva. Then, the draft (dubbed the Geneva draft) was handed to all UN member states.

On December 10, 1948, the General Assembly adopted the Universal Declaration of Human Rights draft with 8 abstentions and none against.

## Key Issues

### Human rights abuse by denying equal rights

Despite the creation of the UDHR and subsequent treaties, a substantial amount of serious human rights abuses were reported in the past year. Amnesty International specifically points out this situation in more than ten nations, ironically many of which were signatories of the UDHR. The 2017 travel ban on several Muslim countries ordered by the US President Donald Trump was considered a violation of human rights by the Amnesty International. It pointed out that Trump's travel ban is a discriminatory practice against people of different religion. However, on June 26, 2018, the US supreme court actually ruled Trump's travel ban as constitutional, reversing the ruling in a federal appeals court in 2017 that regards the president's action as unconstitutional. Regardless of the ruling, there is still much controversy around Trump's policy and whether it constitutes a violation of human rights. The Amnesty International also noted the discriminatory practice the Saudi Arabian regime has against human rights defenders and Shi'a activists. The frequent detention and execution of these groups are considered by some to be not only a violation of equal treatment but violations on both entitlements to fair trial and freedom of speech. Furthermore, the “systematic discrimination” (Amnesty International) against women by the Saudi government is well documented by news reports and its national policies. It should also be noted that Saudi Arabia is not a signatory of the UDHR. Among the mentioned countries above, the Amnesty International also explains the allegations of many countries for violating human rights. The documentation of frequent human rights abuses in member nations (even those who have signed the

UDHR) can mean that there is a lack of enforcement mechanisms in the document. This lack can find its roots in three aspects. First, there are not enough binding treaties to enforce human rights in member nations. The lack of negative incentives prompts negligence against human rights violations. Second, the lack of monitoring. Though human rights abuses are well documented by NGOs and the media, member nations do not effectively monitor human rights abuses within their countries. They also do not examine the effect of the policies implemented on the situation of human rights. Third, other considerations interfere with a nation's determination to uphold human rights. For example, the US chooses to enforce national security over the protection of human rights. This disparity of priorities should be addressed by member nations.

### Immigration and the violation of human rights

Currently, approximately 3 percent of the global population, or around 258 million people, reside in a country outside their country of origin. These migrants, regardless of their reason of migration, are, according to the Office of the United Nations High Commissioner for Human Rights, "disproportionately vulnerable to discrimination, exploitation and marginalization, often living and working in the shadows, afraid to complain, and denied their human rights and fundamental freedoms." The office also expresses concern over the fact that it is "increasingly clear that a lack of human rights-based migration governance at the global, regional and national levels is leading to the routine violation of migrants' rights in transit, at international borders, and in the countries they migrate to." Indeed, immigrants are still subjected to large degrees of discrimination in member nations around the world. One of the most recent and controversial issues regarding discrimination and abuse against immigrants involves the United States' "zero-tolerance" immigration policy. A Human Rights Watch article, "US: Separated Families Report Trauma, Lies, Coercion," explores the separation of illegal immigrant parent and children at the US border. This article highlights the trauma that the children go through and point out this policy's incongruence with the current humanitarian standards. Though the US cites national security as its highest priority, the failure to realize the harms of such policy proves to be a major concern for many. Immigrant human rights are not only abused at the borders, but they are also abused in the workplace. An Austrian study published on the European Foundation for the Improvement of Living and Working Conditions (Eurofound), finds that more than a third of immigrants feel very or rather discriminated against in the workplace. This highlights the scope of the issue of discrimination as a very significant portion of workers feels discriminated. This situation is perhaps worse for illegal immigrants, who were subject to low pay, abuse, and human rights violation. They, because of their status, are afraid to speak

up due to fear of deportation. This can result in worse violations of human rights conducted by their employers.

### **Denying equal opportunities for refugees**

Since 2015 when the European Migrant Crisis have arisen, many refugees from the Middle East (especially from Syria) has fled to Europe. This massive influx has wreaked havoc on Europe; many countries were struggling to create and enforce policies regarding these refugees. There have been varying responses, with some country granting asylum with others denying. In this process, humanitarian problems have arisen again and again-- from overcrowded and ill-maintained refugees camp to shelterless refugees deported back into their nations where their lives will be constantly at risk. The Human Rights Watch points out that the EU has been actively preventing refugees from seeking asylum within Europe by containing them in Libya, a country that has not signed the Refugee Convention and has a barely functioning asylum system. Though national security played a major role in the EU's decision, this act does not exempt the EU from allegations of discriminatory and inhumane actions. In particular, according to the Human Rights Watch, the EU has allegedly made this decision "despite overwhelming evidence of [the Libyan government's] pervasive and routine brutality against asylum seekers and other migrants arbitrarily detained by those authorities, or otherwise deprived of their liberty." This problem is not only evident in Europe. The US has also enforced similar measures, restricting migration, even for asylum seekers. These practices can directly or indirectly lead to human rights violations. With no functioning mechanism regarding refugee relocation, refugees will be deprived of food, shelter, and the necessities of life. This denies refugees an equal opportunity to survive in the world.

## **Major Parties Involved and Their Views**

### **United States**

The United States views the protection of human rights as paramount. In fact, one of the chief architects of this very document is no other than the American First Lady, Eleanor Roosevelt. As a country created hundreds of years ago based on the pillars of equalities and rights, the US strives to protect and uphold this document. As a major and influential nation, United States has been pushing human rights through the UN or more localized movements. Though under the current administration, the US follows an "America First" policy regarding socioeconomic developments, the US is still very much entangled with international politics and bears major influence on the topic of human rights. Though the US has had some dark histories regarding human rights abuses (slavery, relocation camps,

colonization), it nevertheless potentially one of the most major contributor to a resolution that can solve the issue at hand.

### United Kingdom

The United Kingdom stands firmly behind human rights. In 2000, it passed the Human Rights Act granting and protecting numerous facets of rights for all inhabitants of the United Kingdom, including the non-citizens, criminals, and the disenfranchised. This document not only guarantees people rights but also prohibits any kind of discrimination. This marks a significant policy change in the United Kingdom as many, including the LGBTQ, which have been long stigmatized and ostracised, now enjoy legal rights with the general population. As one of the most influential nations in the world, the United Kingdom had adopted an open stance and is willing to help all countries preserve human rights. According to Amnesty International UK, the UK is “rightly proud of [their] tough stance around the world on human rights.” However, despite their reputation as one of the champions of human rights, Brexit possibly causes some human rights concerns. According to *The Guardian*, Brexit poses a danger to the human rights situation in the UK because “the [EU charter] provides some rights and judicial remedies that have no clear equivalents in UK law.... Furthermore, by keeping the wide and complex body of EU law while throwing away the charter, which is the code to unlock it, the government risks creating confusion, jamming itself in a mountain of legal cases.” Multiple experts on law and human rights also raised similar concerns, and if not dealt with properly, this problem can manifest into a legal disaster. The United Kingdom should not only act as an advocate of universal human rights but adopt an active role in resolving problems arising from Brexit.

### Russian Federation

Though the Russian Federation has ratified a few human rights documents (specifically the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social, and Cultural Rights*), it is yet to ratify the UDHR. The UDHR was ratified and created during the period of Cold War where the NATO bloc and Warsaw Pact bloc expressed aggression to the opposing political ideology. The result is that the USSR (present-day Russian Federation) saw the UDHR as a political tool the West used to interfere with the affairs of the USSR. Furthermore, it believed that the UDHR incorporated too many Western ideologies (despite the fact that the document has attempted to incorporate socialist values). This resulted in the USSR abstaining from signing the document, which has been regarded by many countries as the fundamental instrument of protecting human rights. The Russian Federation in the present also has not ratified the UDHR yet, despite its claims of protecting citizen's rights through its socialist system. The Russian Federation, in the past and recent few years have conducted various instances of human rights abuses. Reported by the Human Rights Watch, an IGO that conduct research

on human rights situation around the world, the Russian Federation has allegedly denied freedom of assembly, denied the freedom of association, suppressed political opposition, suppressed freedom of expression online, freedom of religion, and many other different categories. These violations are well documented by the organization. The Russian Federation is also alleged of interfering with the government of other nations (Ukraine, in particular) and launching proxy attacks that harm the lives of civilians. Though the latter accusation is not clearly proven, it still offers insight to the Russian Federation's policy regarding human rights.

## China

China has been one of the signatories of the UDHR since countries first came together to ratify the document in 1948. However, the communist revolution in 1949 removed the Republic of China and Mao Zedong took over. The communist party ruled China since then. This incident marked a departure of China from the Western sphere as they grew increasingly close with the communist USSR. Because of this revolution, the Chinese stance changed. China, like the Russian Federation, has cited their socialist ideologies as the safeguard of people's rights. They have claimed to respect different cultures and promote human rights. However, According to the Human Rights Watch, China has committed numerous human rights offenses just in the past year, not to mention other cases in the past. In particular, China has seriously limited its citizens' freedom of expression, heavily monitoring the internet for their activities. It also tightened control on the internet, further limiting its citizens' access to information. Another major issue is the issue of Xin Jiang. In recent years, the due civil unrest in Xin Jiang, China has utilized several methods to suppress such activities. Some of these methods include violence and unfair regulations. These methods are cited by the Human Rights Watch as cases of human rights violation.

## France

France has long been an advocate of human rights. In fact, the UDHR was adopted by the UN GA at Paris, France. The Permanent Mission of France to the United Nations, a diplomatic mission of France to the United Nations, stated in its official website that "Human rights are the foundations of the French Republic and its foreign policy....Human rights are inalienable to all human beings, whatever their nationality, whatever their gender, ethnic or national origin, color, religion, language or any other condition, and France is advocating the universal and indissociable nature of human rights." In the same statement, the mission states that France is especially concerned on the topics of "recruitment of child soldiers, forced disappearances, respect for women's rights, freedom of expression and protection of journalists and the fight against discrimination based on sexual orientation and gender identity." However, despite France's image as a progressive nation that fights for human rights, there are still cases of human rights violations reported. According to the Human Rights Watch, "France continues to

rely on abusive counterterrorism powers introduced following the November 2015 attacks. A November 2017 security law formally ended the two-year long state of emergency, while incorporating some emergency powers into ordinary law, granting the authorities powers without judicial safeguards that undermine the rights to liberty, freedom of movement, privacy, security and freedoms of association and expression. The government has failed to pursue necessary reforms to tackle abusive and discriminatory police identity checks. Asylum seekers and other migrants face police abuse. Many unaccompanied asylum-seeking children from Calais were left in limbo after the camp's dismantlement." France needs to address these downfalls and failures to protect human rights despite its status as one of the most important signatories of UDHR.

## Timeline of Relevant Resolutions, Treaties, and Events

Date	Description of event
	<b>The Holocaust</b>
1941-1945	Six million European Jews were killed by the Nazi Germany regime. It was one of the human rights violations during the era and prompted the creation of a document that protects universal human rights.
	<b>UDHR passed by the UN GA</b>
December 10, 1948	The document was adopted by the United Nations and marked a milestone in the global struggle for universal human rights
	<b>International Covenant on Economic, Social and Cultural Rights adopted by UN GA</b>
December 16, 1966	This is an important document that corroborates the standards set in the 1948 UDHR and further expands the rights all humans possess
	<b>International Covenant on Civil and Political Rights adopted by UN GA</b>
December 16, 1966	Alongside the International Covenant on Economic, Social and Cultural Rights, this document further secures the measures and standards set in the UDHR. It offers more specific methods through which human rights can be protected.
	<b>European Migrant Crisis</b>
June 30, 2015	The massive influx of refugees from the Middle East flooded into Europe. Many human rights violations were documented during this process.

## Relevant UN Treaties and Events

- The International Covenant on Civil and Political Rights (ICCPR), 23 March 1966 (Resolution 2200A (XXI))
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966 (Resolution 2200A (XXI))
- Mandate of the Special Rapporteur on the human rights of internally displaced persons, 1 July 2016 (A/HRC/RES/32/11)
- Human rights and mass exoduses, 20 April 2005 (E/CN.4/RES/2005/48)

## Evaluation of Previous Attempts to Resolve the Issue

The United Nations Human Rights Council has adopted resolutions in attempts to resolve different humanitarian crises around the world. These resolutions are effective on varying degrees, but despite the effort, many countries still prioritize national security, welfare, and economy above protection of human rights, especially those of foreign origins. It should be acknowledged that with the adoption of the International Bill of Human Rights (the constituents are the UDHR, ICCPR, ICESCR) a major step in the protection of human rights is made as countries have a common standard and goal to work towards. However, with only the standards set and a little mechanism to maintain, the system proves to be ineffective to a degree. Also, previous attempts fall short as new problems plague the modern world. Travel bans, sanctions, terrorism, refugee crisis all contribute to continual neglect and abuse of human rights. Especially the victims of wars, who through exoduses seek refuge in other nations, are often discriminated against due to their status, ethnicity, or culture. New problems need new solutions. Only with the situation of the status quo in mind will a resolution provide an effective solution.

## Possible Solutions

### Mutual efforts in the international committee

Perhaps one of the most effective solutions to this issue is the collaboration between countries. The following are specific ways through which countries can work together.

#### 1. Treaties and Resolutions

Though there are already several resolutions and treaties regarding the general state of human rights, they prove to be insufficient to prevent abuses. This problem manifests because of two reasons. First, too little treaties focus on the specifics of preventing discriminatory actions by individuals or nations. The general vagueness of the resolutions proves to make them hard to enforce. Second, nations are unwilling to change their policies even if deemed discriminatory to certain groups. For example, China's alleged human rights abuse against the Uyghur people is a clear violation of the UDHR, but they are unwilling to change their policies by citing national security. Israel discriminates against Palestinians citing historical and cultural reasons. As such, resolutions and treaties should be made to address the clash and inconsistency between national policies and human rights. Only through tackling these incongruences, the committee can come up with enforceable resolutions and treaties.

## **2. Collaboration to build infrastructure**

In LEDCs, the lack of infrastructure to protect fundamental human rights is clearly an issue. For example, Libya's lack of an asylum system leading to human rights abuses. War-torn countries are unable to monitor and protect human rights. Only through collaborations and the help of NGOs and IGOs can the LEDCs maintain and uphold human rights. The international community should be also keen that countries involved in wars do not violate international laws and treaties in their endeavors (so that human rights are still upheld in times of turmoil).

## **3. International conferences/ summits**

The creation of a regularly held international conference can facilitate the discussion of human rights around the world. With a wide representation of different ethnicities, cultures, and nationalities, the international community will have a greater understanding of the status of human rights in different places. The conference can also promote a communal sense, through which, fosters collaboration and understanding. This force can be used to resolve human rights conflicts.

### **NGO participation in monitoring human rights**

NGOs currently play an important role in offering humanitarian aid to those in need and documenting the human rights situation around the world. These organizations offer timely alleviations to the abused and offer a platform through which citizens understand the human rights abuses occurring.

By imbuing them with a greater role, perhaps the situation can be alleviated in some places. Monitoring humans rights violation requires great responsibility, for any individual or group given this great a power can abuse it. Therefore, clear regulations should be set for NGOs responsible for overseeing human rights situations. Also, clear goals and incentives (rewards) should also be discussed if this solution is to be implemented. Through NGOs, more objective reports can be obtained as they are third-party actors in the international community. Through objective and effective methods, greater results can be obtained.

## **Education**

Education is an integral component in preventing discrimination and promoting equality. By imbuing students with this concept early in school, discrimination based on background, race, culture, ethnicity, or gender can be greatly lowered in future generations. Also, through lectures and government promotion, the concept of equality can be promoted in the general population. Education serves as both an immediate and latent solution to the issue. However, clear guidelines and deliberation must be made beforehand to ensure the effectiveness of this solution.

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