



Committee: Human Rights
Question of: Human Rights at Work
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Background Information:

Abstract:

The authority of the international community regarding human rights implications has been widely disputed since the United Nations' conception and commitment to the preservation of human rights. Proclaimed in 1948, the Universal Declaration of Human Rights continues to stand as a benchmark for the treatment of human beings universally.¹ Although almost all countries agree to the claims set forth in the declaration, there has previously been dissent as to how the UN should approach human rights violations. In this paper, I will outline the different proposals set forth, along with the advantages and disadvantages of each.

Essentially, debate will include what powers the UN and international community should hold when enforcing human rights violations and how delegates may adapt the current framework to change the effectiveness and efficiency at which the UN handles human rights. In some instances, countries may opt for a less intrusive human rights plan in which they may handle human rights violations through their own processes and national treaties while respecting national sovereignty. For others, a unified and more powerful system could simplify the issue and end many of the injustices taking place around the world.

Human Rights:

National Commitments:

Each country's approach to human rights is intrinsically different. As such, each country commits to individual human rights treaties. Oftentimes in agreements between counties, these treaties often adapt or pass new laws regarding the involved countries commitment to human rights. The involved countries are often given the name "duty bearers" under the presumption that most human rights treaties are legally binding.² Many countries support this approach to human rights stating that it is most effective at combating each country's unique individual human rights violations. It also prevents potential national sovereignty implications by solving the problem internally rather than requiring outside assistance. The potential setbacks of this approach is that oftentimes the human perpetrators are those in positions of power and it is unlikely that such individuals would sign treaties to target themselves.

¹ <http://www.un.org/en/universal-declaration-human-rights/>

² <http://www.institut-fuer-menschenrechte.de/en/topics/development/frequently-asked-questions/5-how-are-human-rights-implemented-and-how-is-this-monitored/>

Nations are also expected to release concluding observations and general comments for each human rights treaty they ratify. A concluding observation must be submitted two years directly after ratification and then subsequently every four or five years detailing the effectiveness of the treaty.³ A general comment reflects a country's interpretation of the treaty. In effect, a country may spin a treaty to fit their individual intentions and is always up to the interpretation of the duty bearer seeing as national sovereignty must be respected outside of extreme situations.

International Commitments:

“We the peoples of the United Nations [are] determined... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” –Preamble of the UN Charter

The international approach to human rights violations is broken up into two bodies. The first consists of Charter based bodies of the UN. The UN charter entrusts the following bodies to ensure the enforcement of human rights on a universal scale: General Assembly, Economic and Social Council, Commission on the Status of Women, Commission of Human Rights (previous), Human Rights Council, High Commissioner of Human Rights.⁴ Often, these bodies are politically charged seeing as they consist of state representatives. Additionally, some believe that the bodies responsible for maintaining Human Rights are too disjunct from one another and often result in convoluted solutions that do not apply to every individual nation.

The second set of bodies is made of specific committees established after the ratification of each international human rights treaty. They function to monitor the compliance of member states and signatories. While they have the power to observe with the help of media organizations and National Human Rights Institutions (NHRI's) in the region, they have a difficult time enforcing them due to the nature of the UN and its stance on national sovereignty. Current prominent committees include the Committee on Economic, Social, and Cultural Rights, Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on the Rights of the Child, and the Committee on Migrant Workers.⁵

The UN undoubtedly has a commitment to the preservation of human rights, as the adoption of the Declaration of Human Rights was one of the initial acts by the General Assembly upon the establishment of the UN. However, seeing the many human rights violations that have occurred and continue to occur under the watch of the UN, many speculate the effectiveness of its processes.

Enforcement:

³ <http://www.institut-fuer-menschenrechte.de/en/topics/development/frequently-asked-questions/8-what-are-concluding-observations/>

⁴ <https://www.humanrights.ch/en/standards/un-bodies/getting-started/>

⁵ *ibid*



Outside of the Security Council, the UN is incapable of forcing member states to act on resolutions. Other than advising countries and recommending courses of action, there is not much the UN bodies can do to enforce the human rights resolutions set forth in council. The Security Council has made decisions to uphold human rights in the past through the mobilization of UN Peacekeepers, however, they are trained only to retaliate when threatened or fired upon, and only as a last resort.⁶ Therefore, UN peacekeepers are not always effective in making necessary long-term changes and often focus on alleviating the marginalized group in the short term. However, the Security Council also has the ability to place sanctions on violating countries as they did to Libya in 2011 with resolution 1970.⁷ The effectiveness of this move varies from case to case, but is another way in which the Security Council may choose to intervene.

The UN system of solving human rights is reliant on morality of member states and the desire for a strong positive public image. However, as we have seen in previous examples, countries committing Human Rights violations are often not concerned with public image as shown through the continued violation even after a large media outcry (ie. Rwandan Genocide, and more recently the events occurring in North Korea).

Additionally, influential and developed countries are often exempt from human rights reform. For example, the repeated allegations against China for their religious discrimination against the Uyghurs have gone unacted upon.⁸ This may in part be due to the economic implications that may occur should the UN and foreign countries interfere with China. Therefore, many smaller countries have complained about the hypocrisy of the system.

International Criminal Court:

The International Criminal Court (ICC) was created to deal with the most serious human rights issues facing the global community. Oftentimes, the ICC is used when dealing with genocides or war crimes.

The ICC does not consist of a police force, so when sentencing an individual to prosecution, the national military is needed to arrest and send them to the ICC. Several ICC signatories including Kenya and Chad have refused to arresting political leaders in the past.⁹ These cases exemplify the fact that human rights violators can still escape justice if they retain support of their citizens and national sovereignty is respected.

Previous Attempts to Solve Human Rights Violations:

⁶ <https://www.reuters.com/article/us-un-peacekeepers-civilians/u-n-study-finds-peacekeepers-avoid-using-force-to-protect-civilians-idUSBREA4F0M220140516>

⁷ <http://www.institut-fuer-menschenrechte.de/en/topics/development/frequently-asked-questions/6-what-is-the-role-of-the-united-nations-for-the-monitoring-of-human-rights/>

⁸ <https://www.hrw.org/world-report/2017/country-chapters/china-and-tibet>

⁹ <http://www.bbc.com/news/world-11809908>

In 2006, the UN adopted the Human Rights Council (HRC) in favor of previous Commission on Human Rights (1947-2006). This new council would continue the mission of targeting human rights violations and making the world a better place for all. The HRC meets three times annually while the Commission met annually. The new HRC reports to the General Assembly in an effort to more clearly articulate its actions and motives to the global community. The HRC also commits to frequent press releases to further educate people around the world about the current human rights violations and what they are doing to combat them.¹⁰ In this regard, the HRC has found that communal involvement and public support can be effective in fighting human rights violations.

Due to the extensiveness and range of human rights violations, the UN depends on the work of NGO's and other funds. Some of the largest contributing organizations include CARE (specifying in women's rights), World Vision (specifying in youth), and Amnesty International.¹¹ As a result, action is both faster and receives less resistance from sovereign nations.

General Human Rights Solutions:

Although each country's view and solution to this problem is very different, here are a few common ones to think about when addressing all four of the topics in this council.

- The current framework is effective and the UN should continue to follow it.
 - The HCR is still relatively new (2006) and still has room to expand
 - Creating a new framework from scratch so soon after the adoption of the HCR just shows weakness and proves that the UN and international community doesn't know how to approach human rights violations.
- In cases of human rights violations, allow the loosening of national sovereignty in an effort to more efficiently deal with and end conflict.
- Human Rights treaties are more effective when drafted and ratified by individual countries based on their specific and unique situation. Under no circumstances should national sovereignty be infringed.

Here is a link to National plans of action regarding Human Rights. I implore you to take a look at the official releases of your respective countries.

<http://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx>

Human Rights in the Workplace:

Introduction:

Under the 23rd article of the UN charter,¹²

¹⁰ <http://research.un.org/en/docs/humanrights/charter>

¹¹ <https://www.raptim.org/focus-on-ngos-20-international-human-rights-organizations/>

¹² <http://www.un.org/en/universal-declaration-human-rights/>

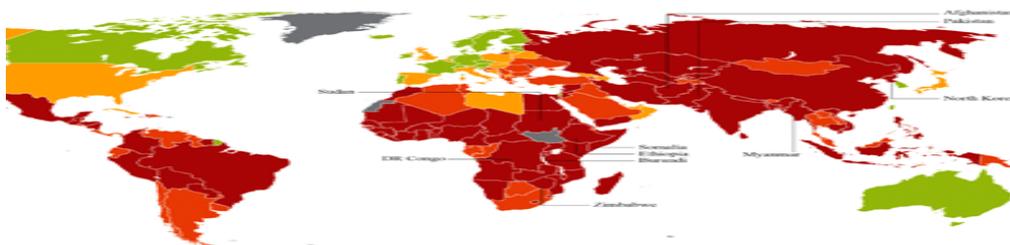
1. “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. “
2. “Everyone, without any discrimination, has the right to equal pay for equal work”
3. “Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.”
4. “Everyone has the right to form and to join trade unions for the protection of his interests.”

However, under the current global framework, disenfranchised groups have become most susceptible to neglected working rights entitled to them under this charter. Oftentimes children and women are perpetrated the most. The UN is committed to seeking out these human rights violations and putting an end to them using both efficient and effective solutions. The International Labor Organization (ILO) is an agency used by the UN to oversee international labor standards, social protection, and work opportunities for all. Rather than simply responding to human rights violations, the ILO implements measures to educate citizens of their rights so that they can prevent violations and stop them from persisting.

The Issue:

Child Labor:

Although child labor has become a large problem in both developing and developed countries in recent years, clamping down on the issue has either been difficult or nonfunctional in each respective country. In 2012, the number of countries labeled as an extreme risk with regard to child labor rose by 10 percent (79 of 197 countries), and the ILO have stated that children take the lowest wages for longest hours in comparison to other working groups.¹³



Specifically in India, specialists believe that in such a vast country with a decentralized economic sector it would take about a century to overturn child labor across the board.¹⁴ Although the practice does indeed bolster a country’s GDP with cheap labor, UNICEF has stated that by sending children aged 5 to 14 to school rather than to work, that the global unemployment rate would drop 200 million.¹⁵

¹³ <http://www.businessinsider.com/countries-worst-child-labor-risks-2012-1>

¹⁴ https://www.washingtonpost.com/news/wonk/wp/2017/08/21/child-labor-the-inconvenient-truth-behind-indias-growth-story/?utm_term=.2cdcf807bc0b

¹⁵ *ibid*

The effort to remove child labor in alleged countries is currently not effective, seeing the recent rise in child labor numbers. Although many children have the opportunity to receive free basic schooling, many decide to enter the work force to deal with impoverishment. And when one-third of all children in developing countries fail to complete four years of education, more and more impoverished children are forced into the work force under terrible conditions.¹⁶ Countries are not taking immediate action at this time, and the ones who do are not very effective. In addition, the UN has had trouble intervening in several cases of alleged child labor violations due to the National Sovereignty of all countries. As such, changes that have been made are slow and ineffective. While action is important, voluntary regulations are often ignored by corporations and countries at the expense of children and other workers.

Gender Inequality:

Gender inequality has been prevalent in the workplace for many years but has recently received more coverage after media outlets have focused on the wage gap and #metoo movement. Across the globe, women are victimized of both inequality and assault in the workplace. Not only is this a blatant violation of the 23rd article in the UN charter, it harms both the employer and employees. While, women experience trauma, stigma, and forms of suffering as a result of workplace inequality, sexual harassment is proven to yield a large cost to employers including lost productivity, legal expenses, high turnover, sick leaves, and harm to corporate reputation.¹⁷

Discussions regarding the rights of women, specifically in the workplace, have continued to take place as we strive towards an effective solution to the problem. The ILO and the Commission on the Status of Women continue to lead the charge as they push for women equality in the work place.¹⁸

Working Conditions:

Every 15 seconds, a worker dies from a work-related accident or disease.¹⁹ With this statistic alone, it is evident that working conditions across the globe are less than optimal. It is the fundamental duty of employers to provide a safe environment for their workers. Under the ILO constitution, it is required to protect “the worker against sickness, disease, and injury arising out of his [or her] employment” However, most workers are condemned to terrible working conditions including toxic inhalation, machinery accidents, extended hours without break, or sexual misconduct.

¹⁶ Geneva, Switzerland: ILO; 2003. International Labour Organisation Combating Child Labour through Education 2003.

¹⁷<http://www.un.org/apps/news/story.asp?NewsID=56363#.WINUIFd8XFI>

¹⁸ *ibid*

¹⁹ http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/28abril_09_en.pdf

Key Events:

Event	Description
Established ILO (1919)	UN agency dealing with international labor standards
International Labor Conference in Geneva (May 30, 2016)	Changes to the ILO and global supply chains
Core Labor Standards Publication (2006)	Outlines global labor standards and current plans of action (included in the bibliography)

Previous Attempts to Solve the Issue:

- UN Charter
- ILO Constitution
- International Covenant on Economic, Social, and Cultural Rights
- Implementing Free Education on a national level

Possible Solutions:

- Specific age range of mandatory education to eliminate potential to work
- Variation in minimum age restriction regarding different types of employment
- Implementation of a stronger network in which human rights labor violations may be documented
 - Perhaps even anonymously, to protect individuals and encourage speaking out

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