

The Groningen Model United Nations 2017



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Human Rights Council

***NGO's role in Protecting the Rights
of Children of Ethnic Minorities***

Welcome Letter

Honourable delegates,

Welcome to the heart of human rights. The Human Rights Council (HRC) is an intergovernmental body within the United Nations (UN) system where together 47 States are responsible for the promotion and protection of human rights around the globe. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.

Please find in front of you the background paper for the Human Rights Council of GrunnMUN 2017. We encourage you to read this paper carefully so that you will acquire useful background information concerning the topic.

As for ourselves, Max is a third year International Law student who is originally from Berlin. His MUN experience started in High School and he has been a delegate, chair and Secretary-General since then. His key interests are in diplomacy and international relations.

Tjitske is a third year History student from the Netherlands. Her MUN experience started at GrunnMUN two years ago and besides her love for history, she is especially interested in Russian-European relations. Tjitske and Max both served in the TEIMUN 2016 board, Max as Participants Coordinator Western, Tjitske as Programme Coordinator. Having worked together before, we are confident that this council is going to be particularly special.

We look forward to a productive and a substantive debate, as we try to find solutions for one of today's greatest challenges. If you have any questions, please do not hesitate to contact us.

Yours sincerely,

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Introduction

Ethnic minorities exist in nearly every state, and protecting the rights of minorities has been one of the principal goals of the United Nations (UN) since its inception.¹ UNICEF counts more than 5,000 minority groups in over 200 countries, with about 900 million people belonging to a minority that faces disadvantages because of its minority status.² The discrimination experienced by minorities is not limited to poorer or less developed countries. On the contrary, exclusion from socio-economic life and the resulting long-term poverty, as well as restrictions in the ability to exercise the own culture, language and identity are common problems around the world.³ Women and especially children of minority groups are often the most affected by these disadvantages, and typically are in the most vulnerable position of all.⁴

For children these disadvantages and challenges come at a particularly difficult time, as they are still developing, learning, and growing and their environment can be detrimental to these processes. Their development is often severely inhibited as demonstrated by the fact that half of the 101 million children without access to school are children of minorities or indigenous groups.⁵ It is for these reasons that the protection of children, especially those belonging to minority groups, must be at the forefront of the fight for equality and minority protection.

Non-governmental organizations (NGOs) play a key role in this discussion, as the protection of minorities should not be entrusted in its entirety to states, which frequently violate the rights of these groups. Furthermore, while intergovernmental organizations, such as the UN, are making considerable efforts in this regard, NGOs can aid and provide extra assistance. The following sections will seek to provide background information in order to help delegates answer the question of how NGOs can best aid in the protection of children from ethnic minorities.

Non-Governmental Organizations: Benefits and Disadvantages

NGOs are defined as not-for-profit groups which are organized on a local, national or international level to address a wide range of social, political, religious, and moral issues.⁶ As part of the non-state sector, their increasing proliferation and

¹ see, General Assembly resolution 1021, *Convention on the Prevention and Punishment of the Crime of Genocide* (9 December 1948), Art. 2

² UNICEF, *The State of World's Children 2006: Excluded and Invisible*, New York, UNICEF, 2006. Accessed December 29, 2016, <http://www.unicef.org/sowc06/profiles/discrimination.php>

³ McDougall, G., *Minorities, Poverty and the Millennium Development Goals: Assessing Global Issues*, Report of the Independent Expert on Minority Issues, HRC fourth session, 2007;

⁴ Volkmann, C.S., 'Children's rights and the MDGs: the right to health within Vietnam's transition towards a market economy', *Health and Human Rights*, vol. 9, no. 1, 2006, pp. 56-79

⁵ Curtis, Mark. "State of the World's Minorities and Indigenous Peoples 2009." *State of the World's Minorities and Indigenous Peoples 2009*, July 2009, 13. http://www.oei.es/historico/pdf2/estado_mundial_minorias_unicef_2009.pdf

⁶ Leverty, Sally. *NGOs, the UN and APA*.

influence produces the conditions through which states are more dependant and must recognize non-state interests. NGOs growing diversity demonstrates their importance in many areas in which interstate organizations, like the UN, are actively involved in and cooperation between these entities can be beneficial to achieving shared goals. As non-state actors NGOs have advantages not enjoyed by state or interstate organizations as they are able to accept donations from "individuals, corporations or foundations" for a specific aid project. They are also not accountable to a population of people.⁷

NGOs are increasingly becoming alternative drivers for actions that usually were left to the competence of states. In fact, the growing importance and legal recognition of NGOs activities are representative of a changing paradigm in the international system and in international law. However, while some scholars argue that the state is losing its formerly dominant position, it is certain that states will continue to play an essential and vital role in the protection of minorities and their rights. Nevertheless, other actors, such as NGOs and intergovernmental organizations, are definitely playing an important role in the international order and the importance of NGOs will most likely only grow in the future.⁸

According to professor of anthropology Richard Robbins, a number of reasons can explain why NGOs have become increasingly important in the past decades. These include the following:

- "Communications advances, especially the Internet, have helped create new global communities and bonds between like-minded people across state boundaries;
- Increased resources, growing professionalism and more employment opportunities in NGOs;
- The media's ability to inform more people about global problems leads to increased awareness where the public may demand that their governments take action of some kind;
- NGOs have developed as part of a larger, neoliberal economic and political agenda. Shifts in economic and political ideology have lent to increasing support of NGOs from governments and official aid agencies in response."⁹

Despite the considerable potential of NGOs in regards to the protection and promotion of human rights, this development is also accompanied by certain risks and

<http://www.apa.org/international/united-nations/publications.aspx>

⁷ McCoskey, S. NGOs in the Aid Community: Do Funding Source or Economic Conditioning Matter to Decisions of Country or Activity Involvement? *The Journal of Humanitarian Assistance*, 2009. Accessed February 18, 2017,

<https://sites.tufts.edu/jha/archives/381>

⁸ Hobe, S. Global Challenges to Statehood: The Increasingly Important Role of Nongovernmental Organizations. *Indiana Journal of Global Legal Studies*, Vol 5 No1. 1997; Martens, Kerstin. "Union of International Associations." The role of NGOs in the UNESCO System | Union of International Associations. Accessed February 9, 2017.

<http://www.jstor.org.proxy-ub.rug.nl/stable/pdf/20644676.pdf>

<http://www.uia.org/archive/role-ngos-unesco>

⁹ Shah, A. Non- governmental Organizations on Development Issues. *Global Issues*. 2005. Accessed December 30, 2016,

<http://www.globalissues.org/article/25/non-governmental-organizations-on-development-issues>

disadvantages. While a clear international framework exists in regards to accountability for state actions, such as abuses of rights or transgressions in international law, accountability for NGOs is much less clear. The independent and international character of many NGOs, for instance, makes them hard to police. While states are responsible to their constituents and other states, the headquarters and main operations of major NGOs are often not based in their primary target area. As a result, this discrepancy leads to a situation in which NGOs are frequently hardly accountable to the people for whom they claim to speak. Corruption is therefore a possibility within NGOs and instituting measures of prevention is an important step NGOs and their partners can take.¹⁰

Protecting Children from Ethnic Minorities: Past International Action

Since the adoption of the Convention on the Rights of the Child (CRC) in 1989, which all Member States, with the exception of the United States, have signed and ratified, the protection of children's rights has been institutionalized within a clear framework. A few important articles from the CRC are as follows:

- "Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status [and] ... shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."¹¹
- "Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention."¹²
- "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language."¹³

The protection of minority children has also been advanced significantly through other international bodies. UNICEF has been a leader in advancing the level of and access to education for children worldwide and has been involved in the shaping of international standards, as well as of local legislation. The struggle against discrimination and racism has also been a constant effort of UNICEF.

¹⁰ Larche, Jerome. Corruption in the NGO world: what it is and how to tackle it. *HPN*. November 1999. Accessed February 18, 2017,

<http://odihpn.org/magazine/corruption-in-the-ngo-world-what-it-is-and-how-to-tackle-it/>

¹¹ Article 2 of the Convention on the Rights of the Child. Accessed February 18, 2017,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

¹² Article 4 of the Convention on the Rights of the Child. Accessed February 18, 2017,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

¹³ Article 30 of the Convention on the Rights of the Child. Accessed February 18, 2017,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

The International Labour Organization's (ILO) efforts regarding child labor, manifested in the International Program on the Elimination of Child Labour (IPEC) in the 1990's, have also helped to decrease or even eliminate child labor in several countries. Despite this success, its focus on specific industries and exports has limited the impact these efforts.¹⁴ An estimated 70% of children in developing countries work in agriculture and informal sectors, largely excluded from public scrutiny and not covered by the efforts of the IPEC.¹⁵ Currently, important areas of focus by the international community include the protection of children in war-zones and of refugee children, situations in which the rights of children are at particular risk.

The Relation Between the UNHRC and NGOs

NGOs have been actively involved in the UN system ever since its inception and contribute to numerous activities, such as raising awareness, services and expertise and participation in joint operational projects. Article 71 of the UN Charter outlines how the relationships between NGOs and the UN can be established through consultative relationships with the Economic and Social Council (ECOSOC). The specifics, the rights and obligations, are outlined in ECOSOC resolution 1993/31.¹⁶ Currently, there are 4,189 NGOs who hold an active consultative status.¹⁷ NGOs that have obtained such status have the competence for the following activities:

- Attending and observing all proceedings of the Council with the exception of the Council deliberations under the Complaints Procedure;
- Submitting written statements to the Human Rights Council;
- Making oral interventions to the Human Rights Council;
- Participating in debates, interactive dialogues, panel discussions and informal meetings;
- Organizing 'parallel events' on issues relevant to the work of the Human Rights Council.¹⁸

Also in the context of the HRC, there is a myriad of ways in which NGOs interact with the Council. They provide expert analysis, serve as an early warning agent, help monitor and implement international agreements and help raise public awareness on human rights issues. Furthermore, they play a major role in advancing UN goals and objectives and contribute essential information to events. As former High Commissioner for Human Rights Navanethem Pillay put it, "[o]ne cannot overestimate the contribution [of NGOs] towards the development of international

¹⁴ Annan, Koffi. *We the Children: Meeting the Promises of the World Summit for Children, Report on Children's protection and civil rights*. New York: UNICEF, 2001

https://www.unicef.org/specialsession/about/sgreport-pdf/sgrep_adapt_part2c_eng.pdf

¹⁵ *ibid.*

¹⁶ The Economic and Social Council. Resolution 1993/31, Consultative relationship between the United Nations and non-governmental organizations, July 25, 1996,

<http://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm>

¹⁷ UN. *An NGO's guide to an consultative status*.

<http://csonet.org/content/documents/Brochure.pdf>

¹⁸ *NGO Participation in the Human Rights Council*. OHCHR

<http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx>

human rights."¹⁹

Conclusion

Given the increasing importance of NGOs in a more connected and international world, it will become imperative to establish a comprehensive framework regarding the role of NGOs. The protection of ethnic minorities, and especially of children from these groups, is of utmost importance and any progress that can be made, be it in the private sphere, non-governmental sphere or through direct government reforms, should be welcomed. However, a continuous devolution of power to NGOs has inherent risks that should be addressed. The lack of accountability, especially to those directly affected by the actions of the NGO will need to be carefully considered and balanced with the freedom to operate globally and freely by NGOs.

The UN Human Rights Council will have to carefully consider these various points, promoting the potential positive impact that NGOs can have in furthering progress, while also acknowledging the dangers of those same organizations. The promotion of human rights and the protection of those most vulnerable will have to take center stage in the discussion, however conservatively shying away from any progress and change in the situation will also not help create a better and more secure landscape for the children of ethnic minorities affected by human rights abuses.

Questions a Resolution Must Answer (QARMAs)

1. To what extent, if at all, should the UN promote more devolution of responsibilities to NGOs regarding the protection of children from ethnic minorities?
2. Which form and content, if any, should be attributed to NGOs in regards to protecting the rights of children of ethnic minorities?
3. What are the benefits and risks of NGOs collaborating with the UN and states? How can the HRC enhance these positive effects while mitigating disadvantages, such as the issue of accountability?

Additional Suggested Readings

Multi-ethnic States and the Protection of Minority Rights:

<http://www.un.org/WCAR/e-kit/minority.htm>

The rise and role of NGOs in sustainable development:

<https://www.iisd.org/business/ngo/roles.aspx>

State of the World's Minorities and Indigenous Peoples 2009, UNICEF

http://www.oei.es/historico/pdf2/estado_mundial_minorias_unicef_2009.pdf

A Loss of Credibility: Patterns of Wrongdoing Among Nongovernmental Organizations

<http://www.jstor.org.proxy-ub.rug.nl/stable/pdf/27927933.pdf>

¹⁹ UN. *An NGO's guide to an consultative status.*

<http://csonet.org/content/documents/Brochure.pdf>

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Non- governmental Organizations on Development Issues
<http://www.globalissues.org/article/25/non-governmental-organizations-on-development-issues>

Message from the president of CoNGO (Conference of NGOs)
<https://www.ngocongo.org/>

General Assembly resolution 1021, *Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948)*, Art. 2

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https://www.unicef.org/specialsession/about/sgreport-pdf/sgrep_adapt_part2c_eng.pdf

NGO Participation in the Human Rights Council. OHCHR
<http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx>

NGO's guide to a consultative status
<http://csonet.org/content/documents/Brochure.pdf>