

Committee/Council: Social, Humanitarian and Cultural Committee

Issue: Prohibiting any form of torture based on discrimination

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Position: Co-Chair

Introduction

“
Article 1: All human beings are born free and equal in dignity and rights.
Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration [the UN Declaration of Human Rights], without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Article 3: Everyone has the right to life, liberty and security of person.
Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading
treatment or punishment.”¹

Torture, both physical and mental, and discrimination are two phenomena that have existed for a long time. Due to the progress of today's society, one would imagine that they do no longer exist. However, people are still faced with crucial issues, such as torture, while nowadays discrimination is more frequent and brutally shown without the minimum consideration. Torture and discrimination are also directly linked with each other and both violate basic human rights.

Torture aiming to obliterate the self-esteem of a person also destroys his personal integrity by methods that cause physical and mental pain resulting in his/her humiliation. Discrimination refers to the consideration or the distinction either in favor of or against a person based on the group, class, or category to which the person is perceived to belong. One can therefore understand that, if the discrimination is against a person, it can easily lead to the act of torture.

¹ Articles of the UN Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>

Discrimination can be divided in many sub-categories including racial, religious and cultural discrimination. As such, it is no wonder that the groups being discriminated are often the non-white people, the poor, foreign nationals, people with disabilities and nowadays mainly the immigrants. The reasons behind all the types of discrimination mentioned above are the deterioration of human relations, the individualistic behavior, the exaggerated social comparison and the disloyal competition all encouraged by our society but also by the “dogma” of racism. They can all lead to inhuman behavior, which, in the worst-case scenario, would even be torture in various forms, such as physical torture including beatings, sexual abuse, slavery, lynching, human trafficking, police brutality, prisoner abuse and immigrant detention, as well as mental torture including blackmailing and long periods of interrogation with psychological pressure.

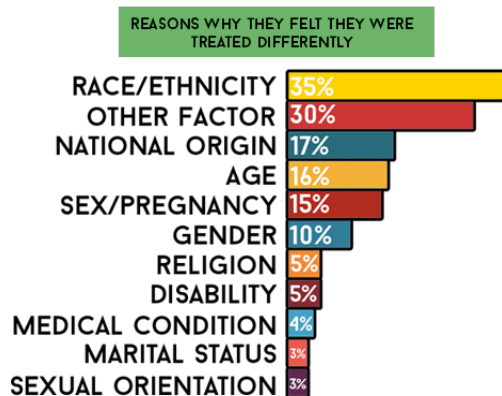
Examining the above facts, what needs to be seriously taken into consideration are the physical, emotional and mental effects of torture. The first include specific symptoms and signs, such as scars. The second and third are mainly persistent and refer to anxiety, depression, emotional instability, behavioral disturbances and social difficulties, especially among the refugees.

All in all, over the last five years, Amnesty International has reported on torture in 141 countries —three-quarters of the world. Torture being one of the dominant international human rights issues of the early twenty-first century with very serious effects both on the individual and on the society needs to be tackled immediately, especially when its basis is discrimination, which does the most harm to each person.



Figure 1: <https://worldwithouttorture.org/resources-and-media/>

Definition of Key-terms



sanctions.²

Torture:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful

Figure 2:

<https://workingfordignity.ucsc.edu/discrimination-and-harassment/>

Discrimination:

The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex. Either it can be in favor or against a person and further criteria for the distinction are ethnicity, family status, gender identity, genetic characteristics, marital status, nationality, religion, and sexual orientation.³

² According to the U.N. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

³ According to the Oxford Dictionaries and Wikipedia:
<https://en.oxforddictionaries.com/definition/discrimination>
<https://en.wikipedia.org/wiki/Discrimination>

Human Rights:

Human rights are rights inherent to all human beings, regardless our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. They can never be taken away, although they can sometimes be restricted—for example if a person breaks the law, or in the interests of national security.⁴

Lynching:

Lynching is a premeditated extrajudicial killing by a group. It is most often used to characterize informal public executions by a mob in order to punish an alleged transgressor, or to intimidate a group.⁵

Background Information

In dealing with issues such as discrimination and torture, it is very important to consider their historical background and their appearances throughout human history. The widespread practices of discrimination and torture worldwide provide us with an opportunity to examine the broader historical context of the issue.

From a historical perspective, issues, such as discrimination, have existed for a long time now. It is true that a lot of incidents that ended with mass killings or torture were caused by discrimination, which developed to such an extent that the result was inevitable.

Five decades ago, Martin Luther King Jr. fought for racial equality in the United States, since the situation then was much different than today. The separation of blacks and whites due to specific discriminatory state and federal laws led to the denial of basic human rights and freedoms to African Americans.

Holocaust

One of the first historic examples of discrimination that led to torture is the Holocaust, being a genocide during World War II, in which Nazi Germany, aided by its collaborators, systematically murdered between 1941 and 1945 approximately 6 million European Jews. Many groups, such as the Roma, Soviet prisoners of war,

⁴ According to the UN Human Rights Office of the High Commissioner:

<https://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>

⁵ According to Wikipedia: <https://en.wikipedia.org/wiki/Lynching>

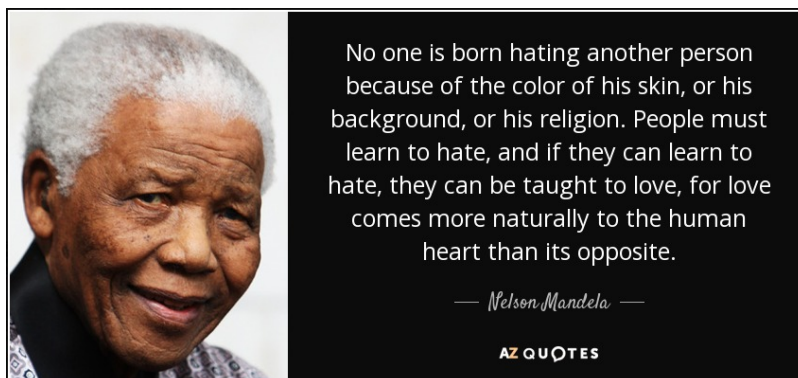
Slavs, Jehovah's Witnesses, homosexuals and mostly Jews, were persecuted and murdered by the regime leading to their extermination. The motive behind those atrocities was a pseudo-scientific racist theory, according to which the Jews were considered to be a race in combat with the Aryans for world domination. Such ideology did not see humans as racially equals with equal hereditary value. Therefore, this genocide was based on racial discrimination leading to the overall extermination of 17 million people.

Apartheid

Another important historic example is the Apartheid, which was a system of institutionalized racial segregation and discrimination that existed in South Africa from 1948 until the early 1990s. Apartheid's main aim was the exploitation of the overwhelmingly largest black population by a dominant white minority. This ideology of the white supremacy resulted in an authoritarian policy, which led to a state repression of black African, colored, and Asian South Africans. Race laws that sanctioned racial segregation and political and economic discrimination against nonwhites touched every aspect of life. The result of Apartheid was not only mass removals but also mass killings.

"We stand here today to salute the United Nations Organization and its Member States, both singly and collectively, for joining forces with the masses of our people in a common struggle that has brought about our emancipation and pushed back the frontiers of racism."

— Nelson Mandela, address to the United Nations as South African President, 3 October 1994.



Taliban crimes:

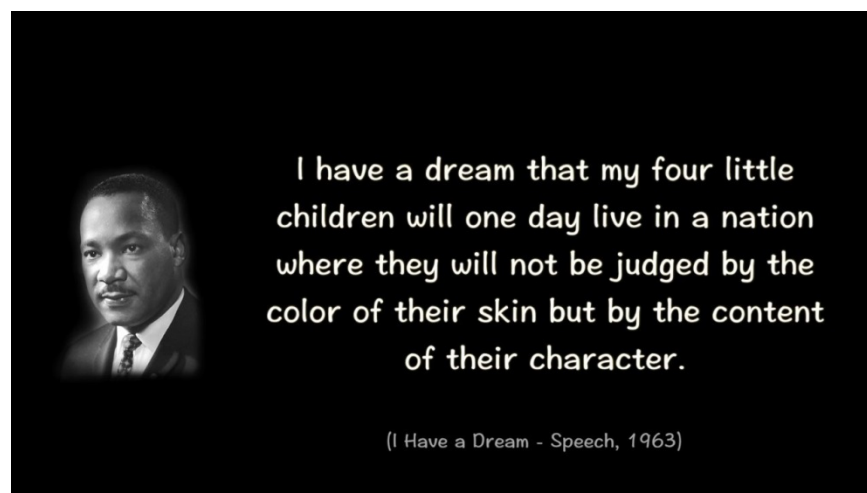
The Taliban is a Sunni Islamic fundamentalist political movement in Afghanistan. While in power in Afghanistan, the Taliban became notorious internationally for their sexism, misogyny, and violence against women. Punishments were often carried out publicly, either as formal spectacles held in sports stadiums or town

squares or spontaneous street beatings. Women were often treated with extreme violence. Some examples are women that had her thumbs cut off because of nail varnish, public executions, beatings, shootings and killings. All these forms of violence against women were caused by a discriminatory practice because of their sex.

Chicago 2017:

Despite all the historic examples, there are still incidents of torture based on discrimination taking place all around the world. In January 2017, a mentally disabled white youth in Chicago, was filmed being abused, threatened with a knife, being beaten and taunted by four black individuals. The suspects, who were African Americans, can be heard in the video using profanities against the victim. The incident was livestreamed on Facebook making it a live streaming crime. As one can understand, the motive of the perpetrators was not only the racial hatred but also the fact that the 18-year old was mentally disabled.

All in all, the issue of discrimination leading to any form of torture is a problem that has troubled humankind for decades now and still continues to be one of the most crucial human rights issues that needs to be tackled.



Major Countries and Organizations Involved

China

Human rights in China, such as political freedom, freedom of speech and press, and freedom of religion are a very controversial issue. Actually, they have been very limited since the 1970s, especially the freedom of religion, which continues to be stifled. Not only torture but also restrictions and violations of basic rights, as well as

forced confessions and the excessive use of the death penalty are very common in everyday life. Although China outlawed torture in 1996⁶, human rights groups and UN investigators reveal that it is still widespread, whereas brutalities are common in black jails too. Therefore, people who are imprisoned for their political views, their human rights activities or their religious beliefs have a high risk of being tortured. Strategies of torture include inhumane conditions, such as deprivation of sleep, food and medication. In May 2010, there have been some attempts to reduce the tortures, to which the prisoners were subjected, but little is known about the result. Finally, China has been criticized for its treatment towards people with disabilities. According to Human Rights Watch, the measures for the protection of the citizens are inadequate and serious discrimination takes place as far as both the employment and the education are concerned.

Japan

Undeniably, Japan is facing serious racism issues, since discussions on racism there continually prove to be problematic. Although Japan is among the signatories of the United Nations International Convention on the Elimination of All Forms of Racial Discrimination since 1995 and the Japanese laws are being implemented in order to tackle the high percentages of racism and discrimination, the government practices what is called “positive discrimination”, meaning that it shows low tolerance for refugees and people from other countries. Apart from that, according to a UN investigator, Japan lacks the necessary legislation to ban acts of discrimination, as the Japanese government seems to be reluctant to tackle the widespread xenophobia accordingly.

USA

Without doubt, the United States of America suffer from many incidents stemming from racist behavior. Even members of the police are infamous for their discrimination practices not hesitating to insult, injure or kill black people — admittedly with little repercussions. At the border with Mexico, security forces have also murdered hundreds of Mexican migrants and refugees with virtual impunity. Racial discrimination in the U.S. has become a major issue and national embarrassment. The FBI says the majority of reported hate crimes were motivated by race.

Russia

According to Human Rights Watch, the modern Russian government is now more repressive than its Soviet Union predecessors were⁷. As the international human

⁶ <https://www.nytimes.com/2005/12/02/world/asia/un-investigator-catalogues-torture-in-china.html>

⁷ <https://www.hrw.org/europe/central-asia/russia>

rights organizations reveal, the most common violations of human rights in Russia are deaths in custody and the widespread torture of persons by police, security forces and prison guards. According to Amnesty International, discrimination, racism, and murders of members of ethnic minorities are very common. Furthermore, freedom of expression and peaceful assembly remain severely restricted. As far as refugees are concerned, they face numerous obstacles in accessing international protection mainly because of racial discrimination. Some Russians are racists toward the people whom they feel are not ethnically and truly Russians. Apart from that, many of them are racist toward Africans, Asians, and Chinese people, among others. The Russian government, along with the U.N., has tried to put a stop to hate crimes, but they continue to occur not only in remote areas of the country but also in the big cities.

Saudi Arabia

Saudi Arabia is one of the richest countries in the world, but it is also one of the most racist and discriminatory, since it is known for the worst human rights records in the world. Many Syrians have fled from the violence in their country and have ended up in Saudi Arabia only to face racial discrimination there. The most common human rights issues in Saudi Arabia include the disadvantaged position of women, the capital punishment, especially for homosexuality, the exploitation of laborers, the religious discrimination, the lack of religious freedom and the activities of the so-called "religious police". Many reports abound of foreign workers being tortured by either employers or others. It is said that women are still facing "systemic discrimination" both legally and practically. Saudi Arabia is also known to conduct around two executions per week, mainly for murder, drug smuggling and abandoning Islam. Therefore, organizations such as Amnesty International and Human Rights Watch, disapprove of its judicial system and the severe punishments. Therefore, it is not strange that Saudi Arabia remains one of the very few countries that do not accept the UN's Universal Declaration of Human Rights.

Human Rights Watch

Human Rights Watch is a nonprofit, nongovernmental independent human rights organization composed of roughly 400 staff members around the globe that first appeared in 1978 as Helsinki Watch. Its aim and scope are to defend the rights of people worldwide. As far as torture is concerned, the prohibition against it is a principle of international law. Torture, as a cruel, inhuman or degrading treatment, was banned at all times, in all places, including in times of war. However, many countries and armed groups have engaged in torture. As far as its actions are concerned, Human Rights Watch records each use of torture all around the world and tries to press government authorities to implement measures for the prevention of torture, as well as to bring those, who engage in torture, to justice. It also ensures

the right to fair and adequate compensation, and full rehabilitation of the victims of torture.

OHCHR, Committee against Torture

The Committee Against Torture (CAT) is a body of 10 independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its State parties. It is one of eight UN-linked human rights treaty bodies. All state parties are obliged under the Convention to submit regular reports to the CAT on how human rights are being implemented. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

Amnesty International

Amnesty International is a London-based nongovernmental organization focused on human rights, with more than 7 million people from all around the world taking part in it. Its main aim is to ensure justice and build a world, where all enjoy human rights. All the funds for the implementation of its goals come from normal people and the organization is independent of any political ideology, economic interest or religious belief. Amnesty International investigates and exposes the facts, whenever and wherever abuses happen, as well as countries and governments committing torture. It also supports torture survivors to get justice because everybody is protected by international law. The main success of the organization was the ratification of the UN Convention against Torture 30 years ago, which was a first big step towards a world without torture.

International Rehabilitation Council for Torture Victims

The IRCT is the largest independent, international health-based professional organization that promotes and supports on the one hand, the rehabilitation of torture victims and on the other hand the prevention of torture worldwide. Based in Denmark, the IRCT includes more than 160 torture rehabilitation centers in over 70 countries with members committed to its global mission to advance the right to rehabilitation of every torture victim, through assistance to them and their families. They advocate the holistic rehabilitation for all victims that offers medical, psychological, legal but also social support services, access to justice and reparations. Professionals at the IRCT, taking into account the victims' needs as well as their cultural, social and political background, provide treatment and support to an estimated 100,000 survivors of torture every year. Another aim of the IRCT is to become a leading organization with reference to the global knowledge on health-based rehabilitation and consensus-making processes on the right to rehabilitation's contents, scope and standards.

Chart 3:
Percent of Black Americans Reporting
Various Forms of Individual Discrimination Because of Their Race

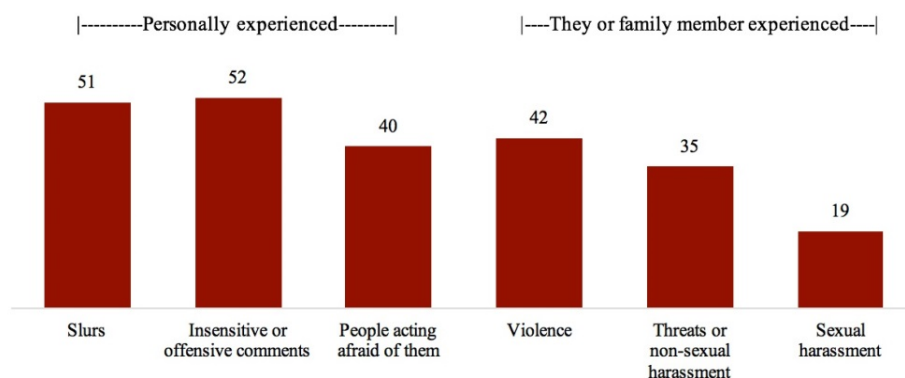


Figure 3: <https://www.hsph.harvard.edu/news/press-releases/black-americans-discrimination-work-police/>

Timeline of Events

DATE	DESCRIPTION OF EVENT
1961	British lawyer and labor activist Peter Berenson founded amnesty International, the first and largest «human rights» organization.
1984	International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ratified by the United Nations.
1989	International Convention of the Rights of the Child ratified by the United Nations.
1994	The U.N. creates the position of the United Nations High Commissioner for Human Rights.
1994	Apartheid system of racial segregation is dismantled in South Africa.
2017	Incident in Chicago, USA, where a white youth was tortured because of racial discrimination.

Relevant UN Treaties, Resolutions and Events

United Nations Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment

The convention was adopted in New York on the 10 December 1984 and entered into force on 26 June 1987. It was adopted by the thirty-ninth session of the General Assembly of the United Nations. The Convention is open for signature by all States, in accordance with its article 25. Its aim is to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world. According to the Convention, states should take the necessary measures to prevent torture and are not allowed to transfer citizens to other countries, where torture is widespread and common and there are reasons to believe that their citizens could be tortured.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is one of the most important documents in the history of human rights. The Declaration was announced by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations and signed by representatives from all regions of the world and from different legal and cultural backgrounds. It is the first Declaration to claim the universal protection of fundamental human rights and therefore it has been translated into over 500 languages. When the Declaration was about to be signed, of the then 58 members of the UN, it took 48 votes in favor, none against and 8 abstentions. Two members did not vote.

International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) is a treaty adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 2200A (XXI) on 16 December 1966, and it became applicable on 23 March 1976 in accordance with Article 49 of the Covenant. The United Nations Human Rights Committee is in charge of the ICCR and controls regular reports of all States parties on how the rights are being implemented. Article 3 of the Covenant provides an accessory non-discrimination principle. It is characterized as an accessory because it cannot be used independently but can only be relied on another right stated in the ICCR. In contrast, Article 26 contains a revolutionary rule by providing an autonomous equality principle with the view to widening the scope of the non-discrimination principle beyond the reach of ICCPR.

European Convention on Human Rights

The European Convention on Human Rights, officially named the Convention for the Protection of Human Rights and Fundamental Freedoms, was adopted in Rome on 4 November 1950 and came into force in 1953. All member states of the Council of Europe are party to the Convention and all new members are requested to ratify it as early as possible. It was the first document to give effect to certain of the rights stated in the Universal Declaration of Human Rights and make them binding. Therefore, many rights have been added to those set forth in the original text and the Convention has been amended accordingly a number of times. A result of the Convention is the establishment of the European Court of Human Rights (ECHR). If someone feels that his rights are violated according to the articles of the Convention, he can take the case to the court.

Possible Solutions

What the delegates have to deal with is how both citizens and governments can prevent not only torture but also all kinds of discrimination. They must take into consideration the policy of the country one represents, the current policy of different nations and the already existing legislation, as well as the signed and ratified Conventions and Treaties. However, they shall also focus on ways to rehabilitate and help the victims of torture and discrimination.

Delegates shall bear in mind that they should submit proposals, which will:

- First of all, give a clear definition of torture and discrimination, since nowadays there are a lot of debates going on as far as single cases are concerned. Many people are unable to understand if an incident falls under the category of torture or discrimination.
- Raise awareness both in schools and among adults as far as both topics are concerned, since children need to learn from a young age the negative effects of discrimination and the unfortunate stage of torture so as to be in a position to judge every incident when they are older.
- Encourage not only the victims but also the witnesses and governments not to tolerate and accept cruelty and humiliation, whether they qualify them as torture or not.
- Establish and implement a proper and fair process for investigating torture and prosecuting those responsible without using further torture.
- Suggest a more political will and commitment to enforcing the law from all sides, whether it is the government or organizations or normal citizens.

- Governments should set up systems to record key stages of arrest and imprisonment, so that if people in power behave illegally or abusively at any time, they can be prosecuted, since the phenomenon of police brutality is rather common nowadays.
- Recommend that governments encourage victims to express themselves and talk freely about their experiences so as not only for doctors and experts to be able to help them avoiding that nothing similar happens again but also for governments and organizations to be able to examine all cases and end up with better solutions.

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