



# THE GENERAL ASSEMBLY THIRD COMMITTEE

## SOCIAL, HUMANITARIAN & CULTURAL

### PURVIEW OF THE GENERAL ASSEMBLY THIRD COMMITTEE

While the Committee's areas of concern and its work often overlaps with other United Nations organs, the Third Committee focuses its discussions on social, humanitarian and cultural concerns that arise in the General Assembly. The Third Committee discusses issues with, recognizes reports of, and submits recommendations to the General Assembly in coordination with other United Nations organs, such as the Economic and Social Council (ECOSOC) and the United Nations High Commissioner for Refugees (UNHCR). For more information concerning the purview of the United Nations's General Assembly as a whole, see page 24.

**Website:** [www.un.org/ga/third/index.shtml](http://www.un.org/ga/third/index.shtml)

### INTENSIFICATION OF EFFORTS TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN

The United Nations, in its Declaration on the Elimination of Violence against Women, defined violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Violence against women remains a significant problem, particularly violence by intimate partners. According to the World Health Organization, almost one third (30 percent) of all women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner; in some regions this rate is much higher. These forms of violence affect women physically, but they also have severe negative psychological effects, including post-traumatic stress disorder, sleep difficulties, eating disorders and emotional distress. The social and economic costs are also enormous. Women may suffer isolation, inability to work, loss of wages, lack of participation in regular activities and limited ability to care for themselves and their children.

In 1948, the Universal Declaration of Human Rights recognized the rights of women as an issue that merits special attention. Much of the United Nations' early work on the topic was focused on establishing legal rights for women and encouraging gender equality under the law. One of the first major international agreements specifically focused on women's rights was the 1976 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The General Assembly approved the Convention in 1979, and it entered into force in 1981. Today it has been ratified by 188 Member States – making it one of the most universally ratified human rights treaties within the United Nations system. The Convention addresses the civil rights and the legal status of women in great detail. The Convention established the Committee on the Elimination of Discrimination Against Women, a body of twenty-three women's rights experts from around the world, mandated to collect reports of Parties' compliance with the convention and initiate inquiries into grave or systemic abuses. Despite this substantial progress on women's legal status, women are disproportionately the targets of violence, intimidation and other crimes. In many cases, violence is a response to women trying to exercise their established legal rights. Thus the attention of the United Nations eventually shifted to preventing, with the hope of eradicating, violence against women. In the 1980s, when violence against women first became a major issue

for women's movements in every region, the focus was on acts of overt physical and sexual violence. This included, for example, female infanticide, female feticide, incest, battery, burning, mutilation, marital rape and "honour killings" in the private sphere, and sexual harassment, stoning and rape in public arenas. By the 1990s, the definition had been expanded to include more structural forms of gender-based violence. Certain cultural practices, like son-preference, dowry customs, and virginity tests, for example, were highlighted as demeaning to women and fostering conditions that normalize and tolerate abuses of women's rights. In this way, violence against women increasingly has been understood as encompassing all forms of discrimination that create an environment in which such abuses can be perpetrated with impunity and, sometimes, even with social sanction. In 1993, the General Assembly adopted the Declaration on the Elimination of Violence Against Women, a broad outline of the underlying principles and recommended actions in support of eliminating violence against women. Shortly thereafter, the General Assembly established the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. This fund supports national, regional and international actions taken by non-governmental organizations and governments to eliminate violence against women. In 2006, the General Assembly stressed the need to treat all forms of violence against women and girls as a criminal offense punishable by law and highlighted the obligation of Member States to exercise due diligence in preventing, investigating and punishing perpetrators of violence against women and girls.

Other United Nations bodies and organizations have also addressed violence against women. In 2012, the United Nations Human Rights Council passed a resolution encouraging Member States to prosecute perpetrators of violence against women, ensure equal access to justice for women, and adequately address the needs of victims of sexual violence. Additionally, several United Nations organizations have strengthened their collaboration under the Inter-Agency Network on Women and Gender Equality. In 2007, a report by the Secretary-General outlined some additional goals in this topic area. Secretary-General Ban Ki-moon is spearheading a multi-year, system-wide campaign to eliminate violence against women and girls through 2015. While organizations and countries have made progress, there have been difficulties with tracking and accountability. The General Assembly has also recently called for more data and investigations on the issue to support efforts both in prevention and prosecution.

Despite these efforts, violence against women is a tenacious challenge. Many Member States have laws and regulations on local and national levels that discourage and criminalize violence against women. However, many of these laws have been rendered ineffective due to inadequate enforcement, legal loopholes, and social or cultural stigmas that prevent victims from reporting. Fully ending violence against women requires the involvement of the United Nations system, Member States, communities, individuals, and shifting cultural norms. The last few years have seen particularly heinous acts of violence against women, such as the 2012 Delhi rape case. Increasingly civil society organizations are rallying to address societal taboos around reporting cases of violence against women. They are also putting increasing pressure on governments to address the legal and law enforcement challenges. Social media



has been an important tool for advocating on behalf of victims. At the same time, not all victims want the publicity, and too much attention can result in further harm or violence being targeted against victims. Balancing the promise of mobilization and information inherent in social media with the risk poised to victims and campaigners will be vital as individuals and organizations adopt it as a tool. Ultimately, ending the culture of immunity will be vital to stopping violence against women.

Questions to consider from your government's perspective on this issue include the following:

- How can the United Nations support judicial systems prosecuting perpetrators of violence against women, and how can this be improved?
- How can Member States work with civil society to change social norms around reporting and prosecuting violence against women? What about social norms that encourage violence against women?
- What positive role could social media play in addressing violence against women? How can it complement or enhance existing reporting regimes?

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## PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHILE COUNTERING TERRORISM

Countering terrorism is one of the most complex and multi-faceted issues facing the international community, which continues to struggle with the best way to address the issue. Terrorism is not a new phenomenon; the era of modern terrorism began with the assassination of Tsar Alexander II of Russia in 1881. Yet the last several decades have seen new complexities. First and foremost, the ease of global communication enabled by the Internet and other communication technologies makes it increasingly simple for terrorists to reach larger audiences, communicate with associates around the world and recruit more easily. Second, the globalized trade and transportation systems have enabled terrorists to more easily move and acquire resources. Third, the number and diversity of terrorist attacks have increased significantly. The National Consortium for the Study of Terrorism and Responses to Terrorism estimates that there were around 650 terrorist incidents in 1970 and approximately 5,000 in 2011. The reasons have also changed: while nationalism was the primary motivator in the 19th century, political ideology, religion and independence movements all emerged as motivating factors in the 20th century. The methodologies employed by terrorists are equally diverse: ranging from fear and coercion through major violent attacks to drug and human trafficking. Individual governments are increasingly struggling with counter-terrorism efforts and are turning to the international community for support and cooperation. The United Nations plays an important role as a key platform for multilateral, systemic approaches to addressing these threats.

Preventing international terrorism has been on the United Nations General Assembly's agenda since 1972. The General Assembly adopted its earliest counter-terrorism conventions in 1973 and 1979: the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons and the International Convention against the Taking of Hostages. These conventions were spurred by the growing trend of terrorists to seize or attack embassies, or hijack planes and other vehicles. The Conventions were designed to create effective measures to prevent, address and punish the taking of hostages and targeting of diplomats and government employees. Further work was done on condemning and suppressing terrorists' access to bomb-making materials, financing and access to nuclear weapons, with conventions passed on each topic through the late 90s.

The terrorist attacks on 11 September 2001 in the United States brought the topic of combating terrorism to the forefront of the international agenda. After considerable discussion and debate, the General Assembly adopted the United Nations Global Counter-Terrorism Strategy in 2006. It was the first time the international community agreed to a comprehensive and strategic approach to combating terrorism and was the clearest condemnation yet of terrorism as a legitimate tactic. The Strategy centered on four pillars: measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism. This strategy is designed to enhance national, regional and international



efforts to counter terrorism. Though the Strategy was agreed to and adopted, Member States struggled in its formulation on how to approach the issue, with ongoing debate on whether prevention of radicalization or suppression of terrorism is the more effective approach. This debate is further compounded because there is no agreement over what motivates or causes individuals to turn to terrorism. Limited economic opportunity, poverty, weak governance and conflict are some of the conditions that can motivate individuals to become terrorists, issues that will be unaffected by security measures taken by domestic security measures taken by an individual state to prevent terrorist attacks.

Unfortunately, actions taken in the name of countering terrorism can have a negative impact on human rights. In order to prevent terrorism, governments may create direct restrictions on the exercise of individual human rights, including life, liberty, security and self-determination, many of the rights threatened by the actions of terrorists themselves. Operational activities to find and dismantle terrorist operations may also have a range of collateral effects, unintentionally violating the human rights of bystanders.

Human rights are universal and must be protected during the conduct of counter-terrorist activities. Some conventions, like the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, explicitly note that war and national emergency are not valid reasons for the derogation of human rights obligations. The United Nations Security Council established the Counter-Terrorism Committee in 2001, with a goal of monitoring implementation of Security Council Resolution 1373 on combating terrorism. The Counter-Terrorism Committee Executive Directorate advises the Committee, including on ensuring that human rights are protected while Member States implement counter-terrorism policies. In addition, the United Nations has passed numerous resolutions that describe principles of how to protect human rights while countering terrorism, including in the General Assembly and the Human Rights Council. The Special Rapporteur on Human Rights and Fundamental Freedoms while Countering Terrorism serves as a monitoring mechanism under the United Nations Human Rights Council. He makes monitoring visits to countries, including to the United States after the terrorist attacks in 2001, and offers recommendations. Through these actions this issue has received closer attention from all over the world.

Several recent high-profile issues have highlighted the conflict between human rights and activities intended to counter terrorist activities. Persons suspected of being terrorists have been captured, deported and detained without charge and allegedly subjected to torture. Non-governmental organizations and some States have expressed concern that cyber-espionage and data collection on civilians carried out in furtherance of counter-terrorism activities conflicts with the right to privacy described in the Universal Declaration of Human Rights. A serious debate about interpreting this right to privacy in the digital age, complicated by States' determination to protect themselves and their people, is ongoing. A January 2014 report from the Special Rapporteur outlines an inquiry into the lethal use of drones in counter-terrorism operations and its effects on civilians, noting that the use of drones may violate the right to life of civilians and may also violate the right to trial of the accused terrorists. The report also recommends States conduct their own independent and impartial investigations when civilian casualties occur. Even with these recommendations, the Special Rapporteur cautions that issues of accountability and transparency may be raised in regard to

drone strikes even if there is no violation of international law. In every case, all issues must be examined while keeping in mind the framework laid out in the Global Counter-Terrorism Strategy, in which States must ensure that any means of combating terrorism needs to adhere to international law.

A key difficulty faced by activists on all sides of the issue is defining what laws are applicable in countering terrorism. The laws of war, specifically the Geneva Convention, offer very limited protections for unlawful combatants, a category applied to terrorists by some States. Resolving this debate is essential for an international understanding of alleged terrorists' rights to trial, free speech and other issues. Unfortunately, the debate is compounded by the practice of labeling opposition or minority parties in some States as terrorists to justify their harsh treatment. Finally, Member States must deal with cultural, linguistic and religious diversity while countering acts of terror. The Kurdish, Uighur, and Chechen movements for independence or autonomy have all witnessed spates of violence and repression, a cycle fueled by the failure of integration. If this diversity is not taken into account, the inadvertent discriminatory actions taken may lead to further marginalization and radicalization of communities affected by these policies.

Questions to consider from your government's perspective on this issue include the following:

- What are the implications of data collection as it becomes more significant in efforts to counter terrorism?
- What safeguards are in place to allow for investigation into allegations of the violations of human rights, especially those of civilians harmed by State-sponsored violence, during efforts at countering terrorism?
- Does the question of the applicability of international law need to be resolved for an effective reporting regime to exist?
- What opportunities are available while countering terrorism to improve the mediation and management of sectarian conflict, and how could they be leveraged to improve the underlying human rights situation?

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