

SPCCMUN

HRC Chair Report 2

Committee: Human Rights Council (HRC)

Topic 2: The Right to Development – Popular Participation in Civil and Political Development

Chair: Victoria Kwok

Table of Contents

Introduction	2
Definition of Key Terms	3
Important Bodies Involved	5
Issues to Consider	7
Questions for Debate	9
Further Readings and References	10

Introduction

The right to participation refers to the ability and freedom to express one's views in a lawful way within society, and influence the decision making of governments and other organisations. It is often linked to the idea of democracy and the freedoms of speech, assembly and association (with various political or non-governmental organisations). As such, it is commonly regarded as a basic human right.

Political participation is any activity that shapes, affects, or involves the political sphere. These activities range from voting to attending a rally to sending a letter to a representative. Political participation can promote transparency, encourage openness in government, and build ownership of development decisions as well as projects and programmes. The right to political participation is meant to be applicable to each and every individual, including children, the disabled as well as non-citizens. Ideally, participation should result in action and change, but it should also be voluntary and subject to the personal wishes and views of each individual.

However, the right to political participation is controversial in many places. Since this right, in its most basic and undiluted form, is supposed to be universal, it often stands at odds with local culture and government policy where discrimination is the norm. For example, in countries such as Myanmar where there are large groups of minority residents not granted citizenship, in this case the Rohingya Muslims, political participation is often suppressed for certain groups within the population. Another pertinent example would be the political participation of ethnic minorities or indigenous peoples, such as the Aborigines in Australia, who were not given actual representation until the 1970s. Moreover, in undemocratic or transitional governments or regimes, the right to political development is often seen as a threat to stability. For example, in Cuba, opposition politicians were not allowed to stand for election until recently, and public criticism of the government remains rare.

The right to political participation, and the stagnation in civil society and political development caused, is often due to the lack of a democratic government, the use of legislations and police forces to suppress dissension, the ban on protests and tight control over the media.

While political participation with the aim of establishing a freer and better society within these environments is a difficult goal, international pressure and external criticism have been shown to be helpful in changing government policies. Establishing basic freedoms, such as the access to information, and the creation of a fair judiciary, can go a long way in extending this right to all and liberalizing regimes.

Definition of Key Terms

Right to Development: the right to participate in, contribute to, and enjoy economic, social, cultural and political advancement. It is the umbrella right of humanity to take part in development and to enjoy basic human liberties.

Some of its relevant constituent elements include:

- Person-centred development. The Declaration on the Rights to Development distinguishes the individual as the active participant in and recipient of development.
- A human rights-based approach. The Declaration requires that all development activities be carried out in a way “in which all human rights and fundamental freedoms can be fully realized”.
- Participation. The Declaration calls for the “active, free and meaningful participation” of people in development.

Right to Political and Civil Participation: is the fundamental right enjoyed by every citizen of a nation to actively engage and seek influence in the public sphere, primarily through the political process. Political participation can include official forms such as voting, joining a political organization or standing as a candidate. Unofficial forms may include participating in demonstrations or public forums. Under the following conditions, civil society is empowered, protected, and accountable.

- the media and press are independent of government influence
- citizens’ access to information and freedom of expression is defended
- political parties can freely form and are protected
- all stakeholders involved in the political process can prevent violent conflict by participating in lawful public forums and peaceful debate. This can allow citizens to peacefully participate in politics and monitor the government and influence government policies

The legal expression of this right can be found in the UN’s 1948 Universal Declaration of Human Rights, and later treaties, most notably the 1976 International Covenant on Civil and Political Rights (ICCPR). As currently implemented by the UN, various operating entities assess signatory states’ respect for this right and, when violations are determined to have occurred, may request for states to change their practices.

Civil Society: can be understood as a political space where voluntary associations independent of the state deliberately seek to shape the rules that govern aspects of social life. Civil society encompasses many actors, and includes a much wider range of actors than non-governmental organizations (NGOs), also including independent mass media, universities, social and religious groups, etc. The main roles of civil society include promoting political participation, limiting and controlling the power of the state, raising public concern about the abuse of power and/or corruption within the government. Civil society actors target formal rules, seek to change and/or impose social constructs or orders.

Important Bodies Involved

Organisations and treaties

The Intergovernmental Working Group on the Right to Development meets once a year reporting to the Human Rights Council and the General Assembly. It is responsible for reviewing as well as monitoring progress made in the promotion and implementation of the right to development and giving recommendations as well as identifying obstacles to its full implementation. The working group also reviews information submitted by a number of stakeholders including member states, NGOs and other UN agencies regarding activities related to the right to development.

United Nations Charter allows for a limit to state sovereignty where human rights are endangered. Delegates should note that the declaration did not make political rights dependent on multi-party democracy and lacks protection for ethnic minorities. The protection of individual rights does not encompass the protection of group rights either.

Office of the High Commissioner for Human Rights (OHCHR) and the post of High Commissioner (HC) include under their obligations “to promote and protect the realization of the right to development and to enhance support from relevant bodies of the UN system for this purpose.” The Secretary-General and the High Commissioner report once a year on the progress of the implementation of the right to development, including activities aimed at strengthening collaboration for development between Member States, development agencies and other relevant stakeholders such as financial and trade institutions. The OHCHR works closely in conjunction with UN chartered bodies such as the Human Rights Council (HRC).

Treaties and conventions: A number of important treaties and conventions have been established to show commitment to and guide global human rights development. Important treaties include but are not limited to the following:

The Universal Declaration of Human Rights (adopted by the UN General Assembly in 1948) which seeks to enshrine fundamental right of individuals including the right to civil and political participation in Articles 21 and 22.

The International Covenant on Civil and Political Rights (ICCPR) adopted by the UN General Assembly in 1966 builds upon the Universal Declaration of Human Rights and aims to provide specific protections in areas including freedom of speech, assembly and elections to name a few.

Countries

China's leaders and legal experts have realized in recent years that implementing reasonable and effective regulations in today's rapidly changing society requires a far greater degree of opening up of China's legislative and regulatory processes than ever before. Public participation – through open meetings and making public draft laws, rules and policies for public comment – is now increasingly a vital mechanism for gathering the information and expertise on which reasonable regulation is based as well as for gaining public legitimacy and compliance with new laws and regulatory decisions. Despite this, the right to political participation, though partially recognized in the constitution, is often suppressed at the local and national levels. Environmental and gender-equality activists are among the main targets of government censorship, and while China has a nominally multi-party political system, public political opposition to the ruling government remains subdued.

Russia has yet to build a truly participatory democracy. Some other forms of participation such as referenda and the popular initiation of legislation are stipulated in the Russian Constitution and by the Federal laws, but such forms are too cumbersome and unwieldy. However, efforts have been made to achieve public participation. One of the examples is the battle against corruption through public participation in Krasnoyarsk, Russia. In the Chechnya region of Russia, separatist agendas are suppressed and the official use of force is often implicitly sanctioned. The main bottlenecks concerning public participation in Russia today include structural economical crisis, absence of enforcement of the governmental and commercial sector, and the lack of democratic decisions in the planning process of municipalities.

South Africa has enjoyed relative racial equality since the end of apartheid in 1994. During the apartheid era, blacks were often politically segregated into nominally autonomous "homelands" and were deprived of the right to vote. This lack of equal political participation across the land was subsequently overturned through heavy foreign pressure and the work of South African political leaders. The example of South Africa shows that the right to political participation can be granted with the combined tools of local activism and international aid. The granting of voting rights to blacks in 1993 was widely seen as the cause of the end of apartheid with the first free general elections a year later, indicating the effects of the right to political participation in solving social injustices, liberalizing countries and protecting the rights of the majority of citizens. However, in recent years, South Africa has shown signs of granting overwhelming and disproportionate influence to traditional indigenous religious and community leaders, leading to the further division of society and problems such as xenophobia.

Issues to Consider

i) Representation

In many countries, the lack of the right to popular participation is not universal. Rather, only certain groups are deprived of this right. For example, in conservative Muslim states, women are not granted the right to political participation. In others, it is social hierarchy and ethnicity that are the main barriers. The Indian caste system placed the Dalits, or untouchables, at the bottom of the social ladder, and Dalits were not allowed to participate in everyday life, politically or otherwise. While India even then was a democratic society, it was not equally democratic towards or representative of all people. Although the situation has vastly improved, this example proves that to provide the right to political participation to all, it is not enough to adopt cookie-cutter policies or policies that focus on the whole of society. Often, the process involves helping vulnerable groups rather than focusing on the empowered majority.

ii) Governmental influence

Since the right to political participation requires legislative and governmental protection to flourish, this right is particularly vulnerable in non-democratic states. Even when constitutions and laws nominally protect this right for all, if government policy fails to back up official statements, then the right remains unprotected. Indeed, in many places, governments actively prevent the participation of opposition politicians or the formation of opposition parties. This is true in Venezuela, where in the past year, numerous opposition leaders have been imprisoned or forced to leave the country in exile. In order to remedy situations like these, government policy, both official and unofficial, needs to be changed, and regimes need to stop enforcing the suppression of rights and punish those who attempt to do so. By respecting the freedoms of speech and association, governments can go a long way in changing undesirable conditions.

iii) Educational policies

While official government policy often endangers the prevalence of this right, sometimes, it is social convention that stops the widespread upholding of the right to political participation. Issues such as women's rights or those of ethnic minorities are often contentious in areas where this right is not universal, and discrimination is a major stumbling-block. By educating the relevant vulnerable groups as well as the public at large, social discrimination can be stopped and the right fully extended, particularly in rural areas where official government policy is more often ignored. Furthermore, such policies can educate the public about the extent of their rights, in order to pave the way for changes in society. Work on such long-term measures can be done with the help of local or provincial governments, or in other cases, non-governmental organisations.

iv) Legal measures and unofficial avenues

When governments refuse to change the situation, often, judicial action proves to be the most revolutionary. In the past, in the situation of women's suffrage, many late hold-outs in giving women the vote, such as individual districts in Switzerland, were forced to abandon legal restrictions after court rulings in favour of granting women the right to political participation, even when referenda voted against it. By being relatively more impartial and uninfluenced by social trends, the judiciary can be a powerful tool in changing the status quo.

Unconventional methods may also be a solution. In China, in the face of official censorship and with the rise of social media, many young Chinese have expressed their political views through activism on networks such as Weibo, and petitioning the government. In a recent case, the arrest of five women's rights activists on International Women's Day for planning a protest garnered much attention online, and the activists were eventually released from prison. By placing popular pressure on governments, small steps can be taken to remedy situations.

v) Foreign policy and NGOs

Non-governmental organisations have a unique role to play in granting the right to political participation to all. They often work to provide financial or hands-on assistance to vulnerable groups and in finding legal representation for injured parties. At the same time, they tread a fine line between political impartiality and violating local laws. In Russia, NGOs are required to register as foreign agents, and by publicly opposing government policy, NGOs' work may be hindered and obstructed. Foreign assistance, while necessary in sending out a public message to the key offenders, can also backfire in making the situation worse in the countries affected.

Questions for Debate

How should the international community act in promoting the right to political participation?

The major aid the international community can give under this circumstance is to monitor the implementation of the universal right to political participation. Organisations such as the Organisation of Economic Co-operation and Development (OECD) have already sent monitors to elections to ensure that free and fair democratic elections take place. Such practices can be extended to ensure that vulnerable groups are allowed to vote. Promotion campaigns can also be financed by NGOs and other countries.

However, the right to political participation is, at its heart, a unique issue and problem for each region. The international community should not attempt to impose a single solution or approach for dealing with the implementation of this right. Rather, such guidelines should merely be a set of general principles of universality and safety, in order to allow specific policies to be tailored to the needs and problems of each individual country. An example of this is the International Covenant on Civil and Political Rights (ICCPR), a multilateral treaty signed in 1966.

Is the right to political participation absolute and unlimited? Should there be some curbs on this right for certain individuals or groups?

While the right to political participation ought to be universal for all individuals, there is much contention over whether this right extends to firms, industries or trade unions. The uncurbed right to political participation can often prove to be detrimental, as in the case of lobbying in the United States, which frequently serves only to defend entrenched interests. In addition, by granting the right to political participation to each and every individual to the same extent, the fact that the majority's wishes and interests always prove to be superior remains. Hence, it is not enough merely to grant all individuals, including minorities, the right to political participation. Rather, policies of affirmative action in government posts or elections may be necessary.

How should the problems of societal apathy towards political development be dealt with?

Across the world, voter turnout among the young is regularly lower than those of other age groups. Moreover, in countries where the lack of the right to political participation is the most prevalent, turnouts tend to be lowest due to popular disillusionment with the government and a belief in the intractability of the system and the impossibility of change.

The suppression of the right therefore proves to be a vicious cycle that encourages voluntary detachment from political development and civil society. In order to solve this, real action needs to be taken by governments and the voices of the public, in particular the young, heard. All this requires a flourishing media, regular public consultations and better education policies.

Further readings

International Covenant on Civil and Political Rights

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

UN Human Rights

<http://www.un.org/en/globalissues/humanrights/>

UN Right to Development Fact sheet

http://www.un.org/en/events/righttodevelopment/pdf/rtd_at_a_glance.pdf

References

Concepts of political development

<http://ann.sagepub.com/content/358/1/1>

Declaration of Human Rights

<http://www.un.org/en/documents/udhr/>

Rohingya Muslims Crisis

<http://www.bbc.com/news/world-asia-32740637>

Russian legislation and impact to civil society

<http://edition.cnn.com/2015/05/24/europe/russia-bans-undesirable-ngos/>

Indian caste system and discrimination

<http://idsn.org/caste-discrimination/>

Weibo and political participation

http://pg.com.cuhk.edu.hk/pgp_nm/projects/2012/Microblogging.pdf

Venezuelan political prisoners

<http://www.theguardian.com/world/2015/may/25/jailed-venezuelan-opposition-leader-leopoldo-lopez-goes-on-hunger-strike>