



AtidMUN 2023



# SOCHUM Study Guide



**SOCHUM**

SOCIAL, CULTURAL &  
HUMANITARIAN COMMITTEE

**Topic A: The Right to Truth -  
Applications and Challenges**

**Topic B: The Applicability of the UDHR  
to the Protection of Human Rights**



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## CHAIR LETTER

Dear Esteemed Delegates,

It gives us great pleasure to serve as the Social, Humanitarian, and Cultural Committee's (SOCHUM) chairs and to welcome you all to our committee. We want to express our sincere excitement for this conference and our chance to have thoughtful discussions before starting our diplomatic discourse and resolution journey. Our committee will focus on two critical issues with a significant global impact.

The first topic, "The Right to Truth," explores the foundational concepts of justice, accountability, and human rights. To uphold democratic principles, ensure transparency, and address historical injustices, the pursuit of truth is crucial. We will look at ways to establish rules for this right and discuss how it might be used in various situations. The second topic, "The Applicability of the Universal Declaration of Human Rights (UDHR) to the Protection of Animal Rights," discusses how human rights and animal welfare are intertwined. As we acknowledge the sentience of animals and the responsibilities that go along with it, we must examine the ethical, moral, and legal facets of how we treat them.

Please keep in mind that every delegate's contribution is significant. We encourage you to confidently engage in productive conversation, speak up during our sessions, and collaborate with other participants. The quality of our committee's collective effort determines the effectiveness of our resolutions, and we have complete faith in every one of you to be the best delegate you can be while, most importantly, having a blast! Please don't hesitate to contact us anytime via whatever platform you are comfortable with.

Good Luck!

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## INTRODUCTION TO THE COMMITTEE

The United Nations Committee on Social, Humanitarian, and Cultural Issues (SOCHUM), the Third Committee of the General Assembly, was established with the UN Charter in 1945. It serves as a platform for UN Member States to discuss and address various global social and human rights challenges. The committee aims to promote and protect human rights, foster social and economic development, and maintain cultural diversity worldwide.

The committee has no unique specific restrictions that are different from other committees regarding decisions and laws. However, like all other UN committees, SOCHUM operates by international law and the principles of the UN Charter.

In its early years, the UN General Assembly recognized the need to tackle social, humanitarian, and cultural issues to promote peace and cooperation. This led to the establishing of the Third Committee, SOCHUM, to address these critical matters.

The committee's extensive agenda covers diverse topics, including women's rights advancement, protection of children, indigenous affairs, treatment of refugees and economic migrants, combating racism and racial discrimination to promote fundamental freedoms, and the right to self-determination.

Additionally, SOCHUM actively addresses critical social development concerns related to youth, persons with disabilities, criminal justice, and the international drug epidemic.

As one of the General Assembly Committees, SOCHUM convenes annually, gathering representatives from all UN Member States to engage in discussions and find solutions to these pressing global challenges.



## TOPIC A: THE RIGHT TO TRUTH: APPLICATIONS AND CHALLENGES

### *BACKGROUND TO THE ISSUE*

#### Origin of The Right to Truth

The right to truth is the right to know the whole and complete truth about events in which a severe violation of human rights<sup>1</sup> or international humanitarian law<sup>2</sup> has occurred. This right aims to grant the victims of such violations, as well as their families and communities, the opportunity to understand precisely what happened during the infringement of their rights. Discovering this truth includes but is not limited to finding out the manifestation of these violations, the identity of the perpetrators, the circumstances in which the violations took place and the causes that gave rise to them.

This truth can help victims, their families, and communities understand what happened, find closure, and seek justice. The right to truth can also help prevent future violations by illuminating the causes of the abuses. The right to reality can be challenging to achieve. In some cases, the perpetrators of the violations may be unknown or protected by the government. In other cases, the evidence of the violations may have been destroyed.

The first formal recognition of the right to truth (though not precisely under this name) was made by Articles 32 and 33 of the 1977 Additional Protocol I to the Geneva Conventions (which first took place in 1949) that proclaimed the right of families to know the fate of their relatives. In 2006, the UN High Commissioner for Human Rights concluded that the right to the truth is inalienable and

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<sup>1</sup> Human rights are rights we have simply because we exist as human beings - they are not granted by any state and cannot be revoked regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status.

<sup>2</sup> International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict.



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autonomous, linked to the duty of States to protect human rights, investigate violations, and provide victims with access to the facts as well as grant the right to effective remedy and reparations.

The right is not a fundamental human right (although it is a part of the list of international human rights, it isn't defined as a basic human right) - meaning it will lose in a case against a fundamental human right such as the right to life. This right is used in cases where a person has been violated, disappeared, acted forcefully upon, or been violently handled. This person or their family in their name may use their right to truth to get fully disclosed information and complete truth of the events that transpired.

The right to truth is especially examined when transitional justice is needed - society's attempt to come to terms with a legacy of large-scale past conflict, repression, violations, and abuses to ensure accountability, serve justice, and achieve reconciliation, which means that during these moments, most citizens, victims, and families are looking for the truth. However, it isn't as simple as that. In some cases, most governments that committed gross human rights violations would like to hide their wrongdoings for as long as possible and often is their condition for stepping down. This brings the problem with the right to truth and the need for guidelines, especially during transitional times. In this study guide, we will first explore cases in which the right to truth was needed/used and then will explain the current situation regarding the right and the conflict surrounding it.

### **Chilean Secret Police Under the Pinochet Dictatorship**

#### **The Rise to Power**

On September 11, 1973, Commander-in-Chief of Chile, Augusto Pinochet, led a coup and overthrew the sitting left-winged government of Chile. The persecution during this period affected various individuals and groups, including indigenous communities, the Catholic Church, rural communities with labor unions, former government officials, and leftist political parties, all facing intense repression. The four months following the coup, up until December 1973, witnessed a higher death toll than any other year of the dictatorship. According to Amnesty International and the U.N. Human Rights Commission, approximately 250,000 individuals were arrested on political grounds during this timeframe.



1974, following his coup, Pinochet created the Dirección Nacional de Inteligencia (DINA), also known as the National Intelligence Directorate. A sizable secret police force and a paramilitary wing of DINA were in operation. The organization oversaw military intelligence and was notorious for enabling a lot of brutality and cruelty. It's worth noting that during this period, foreign nationals in Chile, including diplomats, were among those who were either killed or disappeared. Beyond Chile's borders, DINA conducted surveillance on Chilean expatriates. It was implicated in the 1976 assassination of Orlando Letelier, a former foreign minister under Allende who had been an outspoken critic of the military regime.

### **The Dictatorship in Action and the Violation of the Right to Truth:**

The Chilean military used television outlets to conceal the reality of the uprising. Using violence, murder, and kidnapping, the DINA ensured no reports were filed. Additionally, the DINA took concern to influence foreign cable news networks to falsify information about Chile's social and political issues and not present the actual picture to stop the truth from getting out.

The Desaparecidos, or Disappeared Ones, were political prisoners Pinochet's forces took. Over 3000 Chilean citizens were killed or disappeared under Pinochet's rule, though to this day, little is known about the circumstances of their detention and subsequent execution. Concerning the crimes of forced disappearances and, later, additional human rights violations, this case violated the right to the truth. The systematic human rights violations that were committed by the military dictatorship of Chile under General Augusto Pinochet included gruesome acts of physical and sexual abuse, as well as psychological damage. From 1973 to 1990, Chilean armed forces, the police, and all those aligned with the military junta were involved in institutionalizing fear and terror in Chile.

Following Pinochet's defeat in the 1988 referendum, the 1991 Rettig Commission, a bipartisan effort from the Aylwin administration to discover the truth about the human rights violations, listed several torture and detention centers (such as Colonia Dignidad, the ship Esmeralda or Víctor Jara Stadium), and found that at least 3,200 people were killed or disappeared by the regime. However, the Pinochet regime is a clear example of the question that the right to truth raises: do we want to know?



For the government to step down, they wanted to be sure they would not be punished for their actions, meaning that no trial would be held. This, of course, is a clear violation of the families of Desaparecido's human rights.

## **The Bolivarian Republic of Venezuela**

### **Background**

Since 2014, the situation in Venezuela has progressively gotten worse and worse. According to Foro Penal, a Venezuelan organization recently offering free legal representation to detainees, more than 13,100 people have been detained in connection with anti-government protests since 2014. These include bystanders, protesters, and those forcibly removed from their homes. More than 7,500 people have received conditional releases but still face criminal charges. Over 800 civilians have been charged with crimes against humanity since 2017 by military courts. Along with the utterly arbitrary arrests, there were also killings, and their details were kept secret.

### **The Dictatorship in Action and the Violation of the Right to Truth**

Despite implementing legal changes to improve the judicial system, significant hurdles still existed in providing victims of human rights abuses access to the right to truth and reparations. By the end of 2022, UN special rapporteurs and treaty bodies were still pending official invitations to visit the nation. The mandate of the UN Fact-Finding Mission (FFM) was extended; however, up until the end of the year, Venezuelan authorities had not granted the FFM access to their country.

According to testimonies from the UN Human Rights Office (OHCHR), the families of those killed during protests have encountered numerous pervasive barriers to their rights to the truth, justice, and reparations. According to data gathered by OHCHR, authorities have not exercised due diligence as international law requires to carry out prompt, exhaustive, independent, and impartial investigations into the killings of protestors and to punish the alleged perpetrators, including bringing them to justice. All 19 victims' relatives interviewed by OHCHR who died during protests in 2017 said they had lost faith in the legal system and did not think the government would permit proper accountability. The victims' relatives also claimed that the prosecution had neglected to direct crucial investigative steps and that evidence had vanished from the files.



Information about the Bolivarian National Guard of Venezuela (GNB)'s refusal to assist with the investigations was also provided to OHCHR. The GNB has routinely refused to give the list of names of GNB members who had taken part in the security operations that resulted in the killing of protestors, despite formal requests from the former attorney general. The unwillingness to cooperate has effectively prevented criminal investigations into several cases from moving forward.

## Junta Regime in Argentina

### Background

From 1976 to 1983, Argentina was ruled by a military dictatorship that perpetrated horrific human rights abuses, including torture, extrajudicial killings, and extrajudicial detention of thousands. A hallmark of political repression in Argentina has been the practice of enforced disappearances.

### The Dictatorship in Action and the Violation of the Right to Truth

The military regime of Argentina from 1976 to 1983 was the most violent and cruel in the country's history. It used the full power of the state to terrorize the Argentine people, the very people it was supposed to protect. The military junta passed Law No. 22.924 on September 22, 1983, to avoid prosecution for their crimes. This law, known as the "Law of National Pacification," granted the military amnesty for crimes committed between May 25, 1973 and June 17, 1982. The law was designed to end the question of responsibility for human rights abuses by granting members of the military regime immunity from prosecution. This was the military's last resort to ensure they would not be punished for their atrocities in their fight against subversion. Although subsequent governments attempted to investigate the crimes perpetrated by the military junta and hold the criminals accountable, many cases remained unresolved, and many families were still searching for information about their loved ones.

The right to truth is especially debated in the fall of such governments, a time when all citizens and victims are seeking **transitional justice**, which has four pillars: 1) Truth-seeking, 2) Prosecution, 3) Reparations, and 4) Institutional reforms. However, transitional justice and the right to truth may also stop totalitarian governments from stepping down due to their realistic fear of facing charges for their



actions while in power, similar to the Junta regime in Argentina. This brings us to the philosophical question and need for clear guidelines for the right to truth: when transitional justice is necessary, would the demand for justice through accountability eventually undermine that society's ability to move forward through a transition? Or, in other words, is the right to truth needed in all cases? And in transitional justice issues, will admitting to the past rulers' wrongdoings allow that society to transition onwards or leave it in the past?

### David Irving vs. Deborah Lipstadt case

#### **Background:**

The 1993 book, 'Denying the Holocaust: The Growing Assault on Truth and Memory,' by Deborah Lipstadt describes how David Irving became the notorious Holocaust denier he is in the late 1980s after being persuaded by "evidence" that it was chemically and physically impossible for the Germans to have gassed Jews on a significant scale. After the book was published, Irving filed a lawsuit for defamation against Lipstadt.

#### **The Case, its Outcomes, and their Significance:**

Irving opted to defend himself even though the defense hired specialists in history to investigate the case. The court found that the defendant's historiographical criticisms of Irving's work were legitimate. The case ended with a verdict against Irving: "For the most part, the falsification of the historical record was deliberate, and Irving was motivated by a desire to present events in a manner consistent with his own ideological beliefs, even if that involved distortion and manipulation of historical evidence."

Of course, the purpose of this trial was not to ascertain the accuracy of Irving's work on the Holocaust but rather to assess the veracity of Lipstadt's assertions. Lipstadt herself ironically opposed prosecuting deniers in the book that served as the basis for the trial because doing so might "transform the deniers into martyrs on the altar of freedom of speech." The well-deserved verdict, however, was celebrated as a "victory for truth." This is one of the best examples of two rights clashing and the right to the truth triumphing.



## Past UN Actions Regarding the Issue of Entitlement to the Right to Truth

International human rights instruments indicate who has a right to the truth. They grant victims, families, or representatives the right to the facts—both domestic courts and the jurisprudence of international human rights courts and treaty monitoring bodies back this. The term "victim," however, might have a communal dimension. In this way, it is possible to think of the right to the truth as both a personal and a social responsibility.

The verification of the facts and full and public disclosure of the truth is one of the modalities of reparation, as part of satisfaction, according to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (from now on Basic Principles and Guidelines). According to the Set of Principles agreed upon, every person has an innate right to know the truth about the past. Other human rights organizations, including the Working Group on Enforced or Involuntary Recent Disappearances Developments International and the law, have acknowledged society's right to the truth.

## Article 24 of the International Convention for the Protection of All Persons from Enforced Disappearances

Contains a clause regarding the right to truth:

“Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the investigation's progress and results, and the disappeared person's fate. Each State Party shall take appropriate measures in this regard.”

## International Day for the Right to Truth

The International Day for the Right to the Truth Regarding Gross Human Rights Violations and the Dignity of Victims is celebrated every year on March 24.

This annual celebration honors Monsignor Oscar Arnulfo Romero, assassinated on March 24, 1980. Monsignor Romero was actively involved in exposing abuses of the most defenseless people's human rights in El Salvador.



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The day highlights the importance of the right and gives it the stage it deserves, spreading the significance, recognition, and support.

### *CURRENT SITUATION*

#### **Changes Since the Establishment of the Right**

A fundamental human right that is very important in the contemporary world is the right to the truth. Respecting the right to the facts is consistent with democratic principles like openness, responsibility, and information freedom. We can combat authoritarian behavior by highlighting these principles and promoting more transparent, democratic governance.

Accountability and justice are closely related to the right to the truth. Justice for the victims and their families is promoted by ensuring those responsible for government abuses are brought before the law or international tribunals. In addition, the right to the truth is a deterrent against future crimes, ending impunity by revealing the truth and holding offenders accountable. The right to the fact draws attention worldwide and puts pressure on offending governments. The international community may enact sanctions, diplomatic moves, or other forms of coercion to defend citizens' rights when proof of breaches of human rights emerges.

The right to the truth is vital on personal, national, and governmental levels. Truth-seeking is essential for identifying and empowering victims. Recognizing victims' pain and experiences enables them to heal, find closure, and regain dignity. Furthermore, since an open admission of past wrongdoing encourages communication and understanding, the truth is a cornerstone for societal healing and reconciliation.

Additionally, there is the historical value, which emphasizes how important it is to preserve historical memory and an accurate record of the past. This is crucial in preventing attempts by governments to censor or falsify information and ensuring that essential historical lessons are not lost.



## The Relationship of the Right to Truth with Other Rights

### **Freedom of Speech**

Numerous debates can be had against freedom of speech and the right to the truth. Freedom of speech is a crucial element of any democracy, and we know that it is essential for participating in protests, upholding democratic ideals, and allowing individuals to speak their minds without fear of repercussion.

It also allows people to hear opinions other than their own and to express viewpoints that are not on the same level as those of their society. There is a glaring contrast between the right to freedom of expression and the right to the truth.

Can people use their freedom of speech to say untrue things? Is it possible for people to express their opinions without regard for the truth? In this situation, the right to the facts is crucial. As is the right to the truth, freedom of speech is regarded as a potent and essential right in a democracy. As mentioned above, the Irving versus Lipstadt case is a prime example of a situation where the right to the truth won.

### **The Right to Privacy**

Every person has the fundamental right to privacy in every democracy. A person, being a human being, deserves the right to privacy, free from any outside intrusion or observation by a person with whom the individual concerned does not wish to share. Court cases in which one or more political conflicts are discussed are one example of where the right to the truth supersedes the right to privacy. In any case involving a politician, the court proceedings are conducted publicly so everyone can observe what is happening. In this situation, the right to the truth triumphs.

The point is that the people of the nation and any individual would have access to the information and may assess whether the politician is found guilty, whether there was bribery, and whether corruption occurred. The right to the truth easily outweighs and surpasses the right to privacy in a society that advocates complete transparency of public figures.



## **Rights Related to Legal Processes**

The right to the truth does not conflict with any legal rights, including those just mentioned, but rather, it strengthens them. The need for legal proceedings to be conducted under the law is strongly emphasized and reinforced by the right to the truth, and this provides a solid foundation for their demand and claim. Because everyone has the right to the truth, everyone has the right to disclose the truth in all matters of legal proceedings.

The case of Johnny Depp and Amber Heard is a prime example of a trial in which the right to the truth was realized. The test showed that Amber Heard was not innocent and was the abuser in the home when she claimed that Johnny Depp had abused her. Johnny Depp would not have been able to prevail in this case if the right to the truth did not exist and did not support each legal right to which he was entitled.

## **The Relationship of the Right to Truth with Governments**

### **Individual States' Obligation to Facilitate the Right to Truth**

The right to the truth is connected to the State's responsibility to uphold human rights, particularly the duty to conduct thorough investigations. Amnesty laws and similar policies that hinder the study of human rights violators and their prosecution may thus violate the right to the truth. Due to the need to end impunity for these crimes and ensure that victims and their loved ones are aware of the truth, human rights organizations and some national and international courts have generally rejected amnesty for serious human rights violations.

### **Totalitarian Regimes**

The right to the truth is frequently severely restricted and denied in totalitarian systems. These regimes impose strict controls on information, the media, and public discourse to keep their hold on power and shield their actions from scrutiny. The right to truth faces formidable obstacles as the government conceals information, falsifies historical accounts, and muzzles dissenting voices.

Propaganda and censorship are tools totalitarian governments use to manipulate the narrative and spread false information. They employ fear, intimidation, and surveillance to stifle attempts to discover



the truth or contest their version of events. As a result, citizens have little to no access to reliable, unbiased information, which makes it difficult for them to participate in public life and make informed decisions.

Those who try to learn the truth about government wrongdoing or human rights violations face harsh consequences. Anyone challenging the official narrative, including journalists, activists, and activists, risks being detained, tortured, or simply vanished. A great example is the Junta regime in Argentina, as mentioned in previous chapters.

## **Democratic Regimes**

Democratic governments have a close relationship with the right to the truth. Transparency and accountability are fundamental values in democracies, and the right to the fact guarantees that the public can access accurate information about their government's decisions, policies, and actions. As a result, the government is trusted more, and citizens are better equipped to participate in the democratic process.

Democracy values the freedom of expression and information, which promotes open discourse and a variety of information sources. Investigative journalism and whistleblowers are essential to find the truth and reveal government wrongdoing. They must also be protected from retaliation, as done in democracies.

For example, IACHR says democratic systems cannot function without the right to know the truth. Similarly, the Peruvian Constitutional Tribunal has determined that the right to the fact is a tangible manifestation of the constitutional principles of human dignity, the rule of law, and a democratic form of government.

## **Challenges**

The lack of jurisdiction in countries with a criminal tribunal and the unwillingness of governments to facilitate the right to truth (e.g., Russian soldiers not knowing they were going to fight in Ukraine).

There are some nations where the right to the truth is not upheld; these nations deprive their citizens of the rights they are due and do not in any way tell the truth. As previously stated, these actions are typically taken by nations that do not support democracy.



The right to the truth frequently clashes with other rights. The factors of the country itself, such as the type of government, are all significant, as stated in the chapters before. The conflicts between one right and the other are ultimately particular and can only be distinguished by the individual judgment it deserves when they are not on a national level. Which rights are more significant will depend on a country's policies. Balancing these rights is a difficult task that calls for careful consideration of various contexts and the potential effects on both individuals and society. But there is no doubt that everyone should be able to exercise their fundamental right to the truth in every nation.

## Applications of the Right to Truth

### **National Criminal Judicial Proceedings and Trials**

Many of the goals of the international criminal trial now depend strategically on telling the truth. The right to truth ensures that in national criminal proceedings, the truth about alleged crimes is made known through in-depth investigations, the gathering of evidence, and fair trials. This aids in establishing the truth, determining guilt or innocence, and ensuring that victims and society receive justice. The right to the truth is crucial to uphold the rule of law and preserve public confidence in the justice system.

### **Truth Commissions**

Truth commissions are impartial organizations set up by governments to look into past human rights violations, particularly during times of conflict or authoritarian rule. These commissions give victims a forum to share their stories and testimonies, aiding in documenting historical facts and promoting healing and reconciliation nationally. Truth commissions seek to stop the repetition of past crimes by exposing the truth about them and advancing a culture of accountability. The Uganda Human Rights Commission (UHRC), also known as the Truth and Reconciliation Commission in Uganda, is an instance of how the right to truth has been used. It was founded in 1995 to look into historical cases of human rights violations under oppressive regimes and times of conflict. It uncovered the truth, located the criminals, and suggested steps for restitution through open hearings and victim testimonies. The UHRC's work demonstrated the significance of addressing historical injustices through truth-seeking mechanisms and helped heal and prevent further abuses.



## **National Human Rights Institutions**

Promoting and defending human rights, including the right to the truth, is a significant responsibility of national human rights organizations (such as ombudsperson offices or human rights commissions). They strive to guarantee that people have access to information, that they are compensated for rights violations, and that they can hold government officials accountable for their deeds. These organizations serve as watchdogs, promoting openness and investigating human rights violations.

## **Access to Information and, in particular, to Official Archives**

The right of people to access information held by public authorities and official archives is included in the right to the truth. It guarantees the public can learn about the government's policies, decisions, and actions. In democratic societies, having access to information is essential because it enables people to engage in public affairs, make informed decisions, and hold their government accountable.

## **Historical Projects**

Locating historical facts and shedding light on historical events, historical projects - including academic research and initiatives by civil society organizations - contribute to the right to the truth. These initiatives support preserving collective memory, recording historical wrongdoings, and offering insightful information about the setting and consequences of earlier human rights violations.

## **Administrative and Civil Proceedings**

To ensure transparency and accountability in the operation of public institutions, the right to the truth extends to administrative and civil proceedings. Truth-seeking in civil proceedings enables fair dispute resolution and the recognition of rights, while organizational transparency aids in fostering trust between citizens and governmental authorities.

## **Definition of the Right**

We do not have an explicit law definition regarding the right to truth. In the committee, delegates should investigate the need for such a right and work to develop rules and principles for its implementation under the policies of their respective nations.



## Defining The Right to Truth in The Committee

Delegates may debate whether the right to the truth should be universally applicable, meaning it should apply to all people and countries without distinction of context. They might also consider whether the right can be more individualized, defending the rights of victims or impacted communities. Delegates may also consider whether the right to truth is best used nationally to address historical wrongdoings in particular nations or if it can have broader implications for dealing with global human rights violations. To improve accountability, access to justice, and the defense of human rights, look into its potential use in courtrooms.

## *QUESTIONS TO CONSIDER—*

- Does my country support the right to the truth? Does it have a history of infringing on this right? If so, has it tried to repent and right its past wrongs?
- Will my country's citizens benefit from the right to the truth, or does my nation lean towards totalitarianism, making the right to the truth a threat?
- Is the right to truth urgently needed, and if so, what should its parameters be?
- Should the application of the right to truth be general or situation-specific?
- How can the right to the truth be effectively supported and safeguarded nationally and globally?
- How should truth commissions and other mechanisms address past human rights violations?
- How can access to official records and information be balanced with worries about national security and personal privacy?
- How can those who seek the truth, such as journalists, whistleblowers, and human rights advocates, be safeguarded?
- How can truth-seeking procedures aid in rapprochement and healing in oppressive or post-conflict environments?
- What effects does the right to the truth affect democracy, ethical leadership, and transparency?
- How can global solidarity and cooperation support the right to the truth under oppressive regimes?



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- How can potential conflicts be navigated and settled with other rights, like privacy and national security?
- What judicial systems and regulatory agencies can uphold the right to the truth?
- How can victims of human rights violations receive compensation and support thanks to the right to the truth?
- How can the right to truth be better understood and promoted among the general public?
- How can technology help advance the right to the truth?
- How do current international human rights laws support the right to the truth, and how can their national application be more effective?
- How can we ensure that countries are held accountable with the right to truth, as they often have conflicts of interest?
- Could specific stipulations be placed so that even if certain “problematic” countries do not fully grant a right to the truth, some advancements in this area could still be made?

### *FURTHER READING*

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## TOPIC B: THE APPLICABILITY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) TO THE PROTECTION OF ANIMAL RIGHTS

### *BACKGROUND:*

#### History & Importance of the UDHR

On December 10, 1948, as a response to the atrocities committed during World War II, the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly. This document was a milestone in the history of human rights. The UDHR was drafted by a committee led by Eleanor Roosevelt, a prominent human rights advocate and the widow of U.S. President Franklin D. Roosevelt.

The UDHR is intended to establish a common standard of human rights for all people and serve as a basis for international human rights law. It comprises 30 articles describing fundamental rights and freedoms, including civil, political, economic, social, and cultural rights.

The Universal Declaration of Human Rights (UDHR) was a milestone for several reasons. First, an international consensus, the UDHR was the first document to formulate a comprehensive set of human rights that were agreed upon without a single dissenting vote by countries worldwide, symbolizing a broad international consensus on the importance of human rights. The document also emphasized the inherent dignity and equality of all human beings. It promoted the idea that respect for human rights is essential for fostering peace, justice, and social progress. In addition, it presented universal principles, the standard established to apply to all individuals, regardless of nationality, race, gender, religion, or any other characteristic. It recognized that all humans are inherently entitled to certain fundamental rights and freedoms. The UDHR impacts international law, and its principles and provisions have been incorporated into binding legal documents, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Another impact the document had was in inspiring activism. The UDHR inspired people, organizations, and movements advocating for human rights worldwide. It served as a powerful tool



for raising awareness, promoting responsibility, and demanding justice in cases of human rights violations.

### UDAW- The Universal Declaration on Animal Welfare

The Universal Declaration on Animal Welfare (UDAW) is an initiative that aims to establish global recognition of animal welfare as an essential issue. The protection of animal rights is not explicitly addressed in the UDHR. However, recognizing the importance of animal welfare and the need for their safety has gradually evolved.

While the UDAW is not legally binding, it represents an international effort to encourage governments, organizations, and individuals to consider and protect the welfare of animals. The UDAW seeks to promote the understanding that animals are sentient beings capable of experiencing pain, suffering, and well-being and should be treated accordingly.

Efforts to address animal welfare concerns aim to alleviate animal suffering, regulate work practices, and increase awareness regarding the ethical treatment of animals and protect their welfare, which the international community has become more aware of in recent decades.

The World Organization for Animal Health (OIE) has developed guidelines and recommendations for animal welfare, and these guidelines serve as a reference for governments and stakeholders to improve animal welfare standards.

In addition, non-governmental organizations, such as the International Fund for Animal Welfare (IFAW), have helped animal welfare worldwide. They worked to raise awareness, provide aid in disaster situations, and promote the ethical treatment of animals.

It is important to note that the concept of animal rights and the extent of their protection remain subjects of ongoing debate. While the UDHR does not explicitly address animal rights, some argue that the principles of the UDHR, such as the recognition of inherent dignity and the prohibition of cruelty, can be extended to include the ethical treatment of animals.

It is difficult to determine the exact starting point or date for the protection of animal rights because of the gradual development of attitudes towards animal welfare over time. However, significant



advances in the protection of animal rights can be attributed to the efforts of early animal protection organizations and legislative measures implemented in the 19th and 20th centuries. For example, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) was founded in Britain in 1824, marking it one of the first organizations dedicated to animal welfare.

### The Applicability of the UDAW

#### **The Impact of the UDHR on the Creation of the UDAW**

The Universal Declaration of Human Rights (UDHR) has significantly impacted the recognition and consideration of animal rights. While the UDHR itself does not explicitly address animal rights, its principles and the growing awareness of the importance of the ethical treatment of human beings have influenced the creation of initiatives such as the Universal Declaration on Animal Welfare (UDAW).

#### **Applicable Rights in the UDHR**

The Right to Life: While the UDHR explicitly addresses the right to life for human beings, its principles have prompted discussions about extending this right to animals. For instance, in the context of rabies control in India, efforts have been made to address the issue through vaccination programs and humane animal control measures. These initiatives reflect the recognition of animals' right to life and the importance of safeguarding their well-being.

Freedom from Cruelty: The UDHR's emphasis on freedom from cruelty has implications for animal rights. One example is the avian influenza outbreak, where concerns about the welfare of poultry and the prevention of unnecessary suffering have driven efforts to implement humane farming practices, disease control measures, and regulations to minimize animal cruelty and suffering.

Freedom from Torture: The UDHR's principle of freedom from torture could also be applied to animals. Instances such as separating baby monkeys from their mothers in China for various purposes, such as biomedical research, have drawn attention to the ethical considerations surrounding animal welfare. Discussions around animal experimentation, the use of alternative methods, and the reduction of unnecessary harm to animals are driven by the understanding that animals should be protected from torture and undue suffering.



## *CURRENT SITUATION*

### **The Importance of UDAW in the Modern World**

The applicability of UDHR principles to UDAW is essential for several reasons. First, recognizing animal welfare as a critical aspect reduces animals' suffering. By recognizing the rights and considering the welfare of animals, society can adopt a more compassionate and ethical treatment of animals in various forms, such as agriculture, research, entertainment, and domestication.

Another advantage is the public health of us humans, which animal welfare directly affects. When animals are kept in healthier conditions and are not subjected to cruel treatment, the risk of diseases transmitted from animals to humans is reduced. This is something that can prevent outbreaks of many epidemics of animal origin. An example of this is the importance of vaccinating dogs against rabies.

We can see that raising animals significantly affects our living environment. Poorly managed animal husbandry will contribute substantially to greenhouse gas emissions and climate change. Recognizing animal welfare as part of our critical responsibility may encourage adopting more sustainable and climate-friendly agricultural practices that can contribute to global efforts to mitigate climate change.

Another fact is that animal agriculture is a significant and even central cause of deforestation in many areas, which is an action that leads to significant environmental degradation and the loss of biodiversity. By promoting animal welfare, there may be an increased focus on sustainable and less intensive land practices, which can reduce the pressure on forests and natural habitats and improve the climate situation or at least not make it worse as it is now.

Overall, recognizing the applicability of UDHR principles to UDAW encourages society to acknowledge the interdependence between human welfare and the welfare of animals with various benefits for a better relationship between humans and animals.

### **Animal Welfare VS Animal Rights Today**

We would first like to explain each concept separately to focus on the differences between animal welfare and animal rights.



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**Animal Welfare** aims to ensure that animals are treated humanely and compassionately, even when used for humane purposes such as food, research, entertainment, etc. The goal is to improve the living conditions of animals, reduce suffering, and promote ethical treatment.

**Animal Rights** go beyond the concept of welfare. The message is that animals have the right to live without exploitation, cruelty, and harm. Under the heading of "Animal Rights" is the belief that animals have rights just like humans and should not be treated as property or used for human purposes. That's why the ideology often calls for an end to practices like animal testing, factory farming, and the captivity of animals for entertainment because they believe these practices inherently violate the rights of animals.

The main difference between the two concepts is that the widespread belief among those who advocate animal welfare is that if their treatment is without suffering, their use for human purposes is accepted. On the other hand, those who support animal rights believe that using animals for anything that would violate their natural life is not taken in any way.

### **What is Better for the Animals?**

Whether promoting animal welfare or animal rights is better for animals is a subject of ongoing debate. Both perspectives aim to improve the lives of animals and reduce suffering, but they differ in their approach and ultimate goals.

One side of the debate claims that granting inherent animal rights is the most ethical approach. They believe that any animal exploitation, even if done more humanely, is fundamentally unjust and goes against the principle of respecting the autonomy and rights of other living beings. From this point of view, the best outcome for animals is recognizing their rights and eliminating practices that harm and exploit them.

The other side of the debate claims that although granting animal rights is the primary goal, achieving it immediately in all companies and industries is unrealistic. They believe that incremental improvements in animal welfare can make a tangible difference in the lives of animals in the short term in a far more significant way than an impractical aspiration for perfect animal treatment.



## **The Relevance of the UDAW**

The applicability of the Universal Declaration of Human Rights (UDHR) to the Universal Declaration of Animal Welfare (UDAW) is mainly consistent with the animal welfare perspective. UDHR is a human-centered document emphasizing the rights and freedoms of individuals. Although it does not directly apply to animals, the basic principles of compassion, respect for life, and dignity can be extended to UDAW to support better animal care and welfare.

Although the UDHR does not grant animals the same rights as humans (this is because it mainly deals with human rights), by recognizing the importance of animal welfare and treating animals with kindness and empathy, companies can take significant steps toward protecting animal welfare. The UDAW can use the UDHR to encourage global cooperation and the adoption of more compassionate and humane practices, promoting animal welfare on a broader scale.

In summary, while animal rights strive to end all forms of animal exploitation and consider animals' inherent rights, animal welfare gradually improves living conditions and reduces suffering. The applicability of UDHR to UDAW is more related to the perspective of animal welfare, as it emphasizes the importance of compassion and ethical treatment of animals, even if they do not have the same rights as humans.

## **Interesting Approaches of Different Countries to the UDAW**

### **New Zealand**

In 2015, New Zealand amended its Animal Welfare Act to recognize animals as sentient beings officially. This groundbreaking legal change realized that animals are capable of experiencing emotions such as joy, pain, and distress. By recognizing the sentience of animals, the law aims to reinforce the importance of considering their welfare and promoting better care and treatment.

### **Austria**

In 2005, Austria introduced a unique legal approach by granting certain animals the status of "protected beings" in its legal system. These animals, including vertebrates such as mammals and birds,



are given legal protection, similar to legal guardianship. This law assigns a designated person to act in the animal's best interest while maintaining its well-being.

## **India**

India took a significant step in animal welfare by banning the use of animals for cosmetic testing in 2014. The country was the first in South Asia to implement such a ban. This resolution demonstrated India's commitment to reducing animal suffering in the testing industry and encouraged the development and use of alternative cruelty-free testing methods.

## **Costa Rica**

1. In 2019, Costa Rica changed its constitution to recognize the right to a healthy environment for all its citizens, including animals. This constitutional recognition emphasizes the value of animals within the country's legal framework.
2. Costa Rica has established a vast protected area network comprising over 25% of its territory. These protected areas provide essential habitats for diverse wildlife species while preserving their natural environment.
3. In 2002, Costa Rica passed a law prohibiting the use of animals in circuses. This step aims to stop the exploitation and abuse of animals in entertainment settings to promote more ethical treatment and respect for animals.
4. The country has set ambitious goals for achieving carbon neutrality and significant progress in promoting renewable energy, reforestation, and biodiversity conservation.
5. Costa Rica has several wildlife rescue and rehabilitation centers caring for injured, orphaned, or confiscated animals. These centers contribute to wildlife conservation efforts in the country.

## **Protection of Animal Rights Today**

The protection of animal rights is demonstrated through various laws and acts aimed at ensuring animal welfare and humane treatment. These legal measures share similarities with the protection of human rights as enshrined in the Universal Declaration of Human Rights (UDHR) in their commitment to compassion, dignity, and the prevention of cruelty.



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1. Animal Welfare Act (AWA): The AWA is a federal law in the United States that establishes minimum standards of care for animals used for research, exhibition, transportation, and commerce. It focuses on ensuring the care animals deserve, with provisions to prevent neglect and abuse.
2. The 28-hour rule: The 28-hour law in the United States deals with the transportation of animals and ensures that they receive proper conditions such as food, water, and rest. The law limits continuous transit to 28 hours, after which a rest period is required for the animals.
3. Humane Slaughter Law, or the Humane Methods Law for Animal Slaughter: This law in the United States requires humane methods when slaughtering animals for human consumption. This requires stunning or making animals unconscious before slaughter to minimize pain and distress.
4. The PACT Law (Prevention of Animal Cruelty and Torture): The PACT Act is a federal law in the United States that criminalizes animal cruelty at the national level. It prohibits intentional acts of cruelty against animals (such as crushing, burning, drowning, strangulation, etc.) and the creation and distribution of videos depicting such acts.
5. Lacey's Law: The Lacey Act in the United States addresses the illegal trade and commerce of wildlife and plants. It prohibits the import, export, transport, sale, and purchase of illegally obtained wild animals and plants.

Today's protection of animal rights is demonstrated through various laws and acts prioritizing animals' well-being, welfare, and ethical treatment. These legal measures share similarities with the protection of human rights in the UDHR, as both emphasize compassion, respect, and the prevention of cruelty.

### ***QUESTIONS TO CONSIDER***

1. How do different countries treat animal rights and welfare? What are the similarities and differences in their legal frameworks and practices?
2. How is the concept of animal sentience recognized in different legal systems and ethical discussions? How does the recognition of sense affect the attitude toward animals?
3. How do cultural and social attitudes affect animal perception and attitude?
4. How do different countries regulate the use of animals in entertainment, such as circuses and zoos? What measures are taken to ensure the safety of animals in such settings?
5. How effective are animal rights laws and regulations in different countries? What challenges exist in enforcing these laws and ensuring compliance?



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6. What efforts are being made at the international level to promote animal rights and welfare?  
How do international treaties and agreements affect the treatment of animals worldwide?
7. Would it be better to come up with a more practical approach supporting *animal welfare* to reduce the suffering of animals in the shorter term, or would it be more beneficial to completely overhaul the way we see our relations with animals by promoting *animal rights*, thus effectively completely solving the problem?
8. Is animal welfare still lacking because people are okay with its occurrence or because of a lack of transparency in specific industries that prefer to keep their practices far from the eye?
9. Would an education-promoting approach regarding this issue be easier to implement in the short term while yielding great potential results in the foreseeable future?

### ***SUGGESTED READING***

<https://www.worldanimalprotection.org/>

<https://www.peta.org/>

<https://www.hsi.org/>

<https://www.humanesociety.org/>

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