

# Geneva Reporter

*Quaker United Nations Office - Geneva*

## Detention and Prisoners at the UN Human Rights Council

An expert panel on the detention of irregular migrants and others in an irregular situation was held during the 12th Session of the Human Rights Council (14 September to 2 October 2009). This included a valuable exposé of the Australian experience of mandatory detention under the previous government. The Australian Human Rights Commission reflected on the negative consequences for those detained and the apparent failure of the policy to deter continued asylum-seeking.

The Commission reported that

Australian legislation now includes a principle of last resort for the detention of children, providing evidence that 94% of participants complied with reporting or other community based conditions. Moreover, community-based options are more likely to result in voluntary (as opposed to forced) returns where a visa is refused, and in the other cases integration into the community is smoother and cheaper, and mental and physical health are better than when people are detained pending a decision.

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Credit: www.Flickr.com —Danny Birchall

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## Climate Change and Migration

As early as 1990, the Intergovernmental Panel on Climate Change (IPCC) found that the greatest single impact of climate change could be on human migration. Estimates of the numbers of people who might have to leave their homes for climate-related reasons such as coastal flooding, storms, encroaching deserts or agricultural disruption vary hugely – from 25 million by 2010 to up to a billion by 2050. In the weeks before this issue of Geneva Reporter went to press,

QUNO staff attended no less than four separate events on climate change related migration. Speakers at all these events highlighted the uncertainty about how the issue should be treated, and the inadequacy of current legal and operational frameworks for addressing the issue. This is most basically illustrated by the lack of agreement as to how one should refer to people who have to leave their homes because of climate change.

Terms sometimes used are  
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## Detention and Prisoners at the UN Human Rights Council (cont)

► The Mexican delegation tabled a resolution on ‘Migration and the Human Rights of the Child’ covering a broader issue than just detention. The Resolution utilises the principles of the Convention on the Rights of the Child and its broad non-discrimination as the basis for the protection of children in the context of migration, whether in the country of origin, of transit, or of destination, including in the return processes. However, it also has a particular focus on the arrest, imprisonment or detention of children and families. The resolution encourages States to use alternatives to detention, and draws at-

tention to the negative human rights impacts of treating irregular migration of children as a criminal offence. Finally, it requests the Office of the UN High Commissioner for Human Rights to prepare a study on challenges and best practices for the protection of the rights of the child in the context of migration in time for the 15th Session of the Council (September 2010).

Arising out of QUNO’s work on women in prison, QUNO organised a side event on Health and Prisons. This event included speakers from the WHO on HIV/AIDS and TB in prisons, and a presentation by the WHO Euro-

pean Office on their Health in Prisons Project. The event created sufficient interest to ensure that the Brazilian delegation’s resolution on HIV/AIDS made specific mention of the need for national policies and programmes in prisons, and of the situation of women and girl prisoners with HIV/AIDS. The broader situation of female prisoners and the development of new draft UN Rules specific to women female prisoners was the focus of a side event organised by Thailand, where QUNO presented findings about the use of the best interests of the child by courts sentencing the primary carer of a child.

## Climate Change and Migration (cont)

► ‘climate refugees,’ ‘climate displaced people,’ ‘climate migrants,’ or ‘persons affected by climate change.’

The difficulty of finding an acceptable term points to broader challenges and gaps hindering a clear or fair response to the flows of people displaced because of climate change. For instance, international law treats a person moving across a border very differently from someone who moves within his or her country. Whether the migration or dis-

placement is ‘voluntary’ or not is another feature that distinguishes migrants, and that is key

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***“the international community will have to rise creatively to the challenges posed by this particular human consequence of climate change.”***

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to determining how they should be treated. More fundamentally,

the world is likely to have to deal with people from small island States that have disappeared as sea levels rise, i.e. whose State of nationality no longer has a territory. The text that will be on the negotiating table at Copenhagen does contain some references to people displaced by climate change but the international community will have to rise creatively to the challenges posed by this particular human consequence of climate change.

## Churches Called to Uphold Conscientious Objection to Military Service

On 1 September 2009, the Central Committee of the World Council of Churches (WCC) adopted a Minute on the right of conscientious objection to military service.

The Minute reiterates and reaffirms WCC support for the human right of conscientious objection; and calls on WCC member churches to:

- uphold this right;

- encourage their members to address their governments and military organisations to recognise and honour conscientious objection to military service;
- encourage their members to object to military service in situations when the church considers armed action illegal or immoral;
- and also encourage churches

to study and address the issue of military or war taxes.

QUNO welcomed and drew attention to this Minute in a statement to the UN Human Rights Council. Conscientious objection to military service continues to be a major issue in a number of countries, in several regions of the world.



## Secretary General's Report on Armed Violence and Development Breaks New Ground



Credit: UNICEF/HQ01-0093/Stevie Mann

On 5 August 2009 UN Secretary General Ban Ki-Moon issued a new report entitled *"Promoting Development through the Reduction and Prevention of Armed Violence"*. This document breaks new ground in urging increased attention to this fundamental human security area, and makes a range of specific recommendations for global action. At its core, the report reflects appeals from those operating within conflict zones to formulate policies that seek holistic and harmonious approaches to reducing armed violence and promoting development. Furthermore, the report

gives recognition to the growing voice - and evidence - that without committed efforts to reduce armed violence the Millennium Development Goals (MDGs) will, at best, see limited success. Armed Violence both impedes and reverses progress in development, whilst at the same time, high levels of poverty and inequality are amongst the major risk factors for high levels of violence.

Although outlining the responsibility of states to address the issues of armed violence and development (AVD), the report insists that effective efforts must be multi-stakeholder in nature and outlines important roles to be played by local actors, civil society organizations and international bodies. The report urges, amongst other things, that efforts are made to record, analyse, and consolidate knowledge and lessons learnt from programmes that seek to address AVD. To quote the report, *"Practical evidence of how and when armed violence undermines development prospects, and of effective strategies to prevent and reduce armed violence, is indispensable to assisting affected societies to meet their Millennium Development Goals."*

The underlying message of the

Report is clear: without a sustained, collaborative and holistic effort to tackle the corruptive AVD relationship, injustice and human insecurity will persevere. It builds constructively on the already considerable work being undertaken by the Geneva Declaration on Armed Violence and Development process ([www.genevadeclaration.org](http://www.genevadeclaration.org)). It also provides an important prelude to the preparations underway for the MDG review process which will take place in 2010.

As part of its ongoing work to enhance civil society engagement in the implementation of the goals of the Geneva Declaration on Armed Violence and Development, the Quaker United Nations Office (QUNO) in Geneva hosted a civil society workshop, 28 – 29 September 2009, entitled *"Next Steps for Civil Society Involvement in the Geneva Declaration Process."* The meeting brought together representatives from a range of organizations from around the world to develop a strategy for work by civil society organizations over the next 18 months. The meeting provided a timely opportunity for practical engagement with the observations and recommendations of the Secretary General's report.

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### For Further Information on Conscientious Objection

*The Minute, and the Background Study prepared for the WCC Central Committee, are available from:*

<http://www.oikoumene.org/en/resources/documents/central-committee/geneva-2009/reports-and-documents/report-on-public-issues/minute-on-the-right-of-conscientious-objection-to-military-service.html>

For the Complete Secretary General's Report on Armed Violence and Development  
*"Promoting Development through the Reduction and Prevention of Armed Violence"*

[http://www.undp.org/cpr/documents/armed\\_violence/g\\_s\\_armed\\_violence\\_09.pdf](http://www.undp.org/cpr/documents/armed_violence/g_s_armed_violence_09.pdf)

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## Staff News

Since the last issue of Geneva Reporter, we have said good bye to last year's Programme Assistants — **Adam Drury** and **Jenny Rosenberg** — as well as to our previous Office Manager, **Helen McEvoy**, whose warmth, geniality and encyclopaedic knowledge of Quaker House will be sorely missed. Taking over the role of QUNO Office Manager is **Sylviane Trousseau**. Sylviane holds a law degree and has worked in industry. She has already proven herself to be a highly competent multi-tasking, bilingual, administrative saviour

— ably rising to the many challenges of day-to-day life at QUNO.

**Tom Richardson** is the new Programme Assistant for Disarmament and Peace. Tom studied Conflict Resolution at the University of Bradford's Peace Studies Department. Previously he has assisted Cambodian education and human rights projects in, whilst more recently he has worked for a community peacebuilding NGO in Sri Lanka. Tom looks forward to supporting David Atwood with QUNO's work on armed violence and

development.

The new Programme Assistant for Human Rights and Refugees is **Holly Mason-White**. Holly grew up in Tasmania where she attended the Hobart Friends' school before going on to obtain a double degree in politics and law. Holly has spent 5 years working for an organisation that supervised court-ordered access visits for children and separated parents. More recently, Holly worked for a consultancy that specialises in the management of overseas development projects in Asia and the Pacific.

## Readers' Survey

A big thank you to all of you who responded to our Survey. We received 82 responses — many of them from old friends around the world — and enjoyed reading your thoughts about our publication.

We were glad to read that so many of you feel that we have got the Geneva Reporter right in

terms of length and frequency, as well as in the mix and length of its articles. Most of you read almost every issue, and the majority of you prefer the articles relating to our three programme areas, as well as staff news.

We have taken note of the comments some of you made about improvements to layout

and presentation of the Geneva Reporter, as well as suggestions for content and plan to introduce some changes next year. In the meantime, those of you who would like to see longer articles can also read the Briefing Papers and other reports that QUNO Geneva publishes.

## Recent QUNO Publications

**Children Need Dads Too**, by Jenifer Rosenberg, *now available in Spanish.*

**Orphans of Justice**, by Jean Tomkin

**Oral Statement on Conscientious Objection to Military Service**, by Rachel Brett, *reflecting a minute of the WCC, delivered to the 12th Session of the Human Rights Council.*

**Peacebuilding in Geneva: Mapping the Landscape**, by the Geneva Peace Building Platform with input from Adam Drury, *an analysis of the strengths and weaknesses of Geneva's peacebuilding community.*

**The Curate's Egg**, by Rachel Brett, *a review of the UN Human Rights Council June 2008 - June 2009.*

**These documents are available on our website or can be delivered on request.**

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