

Delegation from

Represented by

São Tomé and Príncipe

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Position Paper for the Special Political and Decolonization Committee

São Tomé and Príncipe thinks that these two topics are very important for all the international community so they must be faced and concrete measures must be taken to solve them. We invite every country to address them and not underestimate them. Our country underlines the importance of the international cooperation in order to address the problems.

I. The Rights And Relocation Of Indigenous Peoples Of Southeast Asia

Introduction

There were two major votes about the issue of minorities: in 1989 in International Labour Organization (ILO) convention No.169, and in 2007 with United Nations Declaration on the Rights of Indigenous People (UNDRIP); these two documents which describe the issue specifically. In Southeast Asia the States have generally reacted in three distinct ways to the concept of Indigenous land ownership: not recognizing ownership by an indigenous individual; providing limited protection for indigenous land rights; providing strong protection for indigenous land rights. Furthermore, the conditions of the Indigenous are in contrast with Article 17 of the Universal Declaration of Human Rights, which states “everyone has the right to own property alone as well as in association with others” and that “no one shall be arbitrarily deprived of his property”.

Policy of São Tomé and Príncipe

São Tomé and Príncipe does not have a specific viewpoint about the issue of the indigenous people of the Southeast Asia so we did not vote nor expressed opinion about the documents. However, we think that the indigenous people should be integrated in the society because it would help International community, minority groups and United Nations would achieve one of the goal which it had set.

Our country is home to several ethnic groups and the laws set the equality between people so we intend to give everyone - both indigenous and other people - the same rights and duties. As a consequence, the constitution of São Tomé and Príncipe prohibits discrimination based on race or social status, Human Rights in our country are given to the most part of the population and the government grantees rights also to the women and children.

In general the situation of indigenous peoples in Africa is extremely serious so the African Union wants to address the issue. Anyway only a few African states have so far recognized the existence of indigenous peoples: in fact, they are poorly represented in decision-making and political bodies at both the local and national level, similar to the situation in Southeast Asia. This causes further difficulties for the indigenous populations to advocate for their cause and determine their own future development. [...] Furthermore, African indigenous populations are also victims to violent conflict and land dispossession, similar to the forced relocation that exists in Asia, leading to severe impoverishment, as legal frameworks promoting and protecting their rights are weak or nonexistent.

Description of the issue

The 1989 ILO Convention and the 2007 UNDRIP claim indigenous people to be “tribal people whose social cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.”

They have their own distinct languages, culture, customary laws, and social and political

institutions, self-identification is therefore crucial for the indigenous peoples in Southeast Asia.

The problem regarding these peoples is that they are emarginated and isolated, in fact they have lower levels of educational achievement and higher dropout rates than other segments of the population.

An ILO study from 2001 on tribal migrants in Thailand showed that the majority of street children under the age of fifteen were migrants from indigenous areas.

Non-governmental organizations (NGOs) have an important role because they could help indigenous populations to defend their life, their lands, their fundamental Human Rights against racism, genocide and persecutions.

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Solutions

We propose to sign and ratify the UNDRIP and the ILO convention no. 169 which have been rejected by many UN member states, in order to formally ensure equality between indigenous and the rest of the population and eliminate discriminations. However, international community should take concrete steps: we want Indigenous people, especially those from Southeast Asia, to know they can do something and they are not powerless, so they can form a legal party and ask for their rights, in particular collective rights. To achieve it we think it is important to support information campaigns and associations; more important is to give them an appropriate education building

schools and encouraging indigenous youth people to attend schools with the rest of the population engaging them even in sport activities that could eliminate every type of discrimination and marginalization and giving them access to all the facilities, but first of all, all the countries should integrate them in the society! Countries should accept them as citizens and not just as people that can be moved whenever the government wants. Involving them in the community life would be convenient for the countries, in fact they can constitute workforce and we think that, because of their attachment to the land, they would be able to find solutions for the progress which are environmentally sustainable.

II. The Lost Children Of India: Addressing Child Trafficking

Introduction

Child Trafficking is an issue that must be address as children are vulnerable to abuses and violence. The United Nations has made a great amount of global effort to combat children trafficking. United Nations Office on Drugs and Crime (UNODC) offers practical assistance to states in drafting laws and developing anti-trafficking strategies. In 2000 the “Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children” was adopted by the UN General Assembly and signed and ratified by a vast majority of States. Other UN efforts are achieved by the International Labor Organization (ILO) and the UN Children’s Fund (UNICEF); UNICEF supports the Global Initiative to Fight Human Trafficking (UN.GIFT). The main problem is to turn them into reality because they are not successfully implemented especially in India.

Policy of São Tomè and Príncipe

Our country is very sensitive to the issue of child trafficking, because most of the population (44%) is made of children that means under the age of 14. We did not signed or ratified the Immoral

Traffic Prevention Act (ITPA) of 1956, but we ratified another document called Convention on the Rights of the Child (CRC) in 1991. Furthermore we are developing some programs in order to ensure children attend school up to 15 years, we are giving microcredit loans to support families in need so they can send their children to school; since the law requires all children born in our country to be registered at the nearest precinct office we are also creating a registry to document undocumented minors and data collection to better understand the current state. Our government is making media campaigns against child labor as Community of Portuguese Countries held a conference in São Tomé and Príncipe in December 3 – 6 2012 to raise awareness of child labor and we allow further inspections by the General Inspection of the Labor in cases of child labor and other inspections.

Description of the issue

The development of sexual tourism in Central and Western Africa has led to an increase in child prostitution in São Tomé and Príncipe. In order to satisfy the sexual demands of tourists, human trafficking in women and children is on the rise. So our country is quite vulnerable to this problem and thinks it should be solved in fact we took action on it. As the third largest profitable industry in the world, human trafficking exposes children to violence, abuse, neglect and exploitation. According to the United Nations Children Fund (UNICEF) a child victim is “any person under eighteen who is recruited, transported, transferred, harbored or received for the purpose of exploitation, either within or outside a country.” India specifically is a source, destination and transit country for the trafficking for many purposes, especially sexual exploitation, with 40% of prostitutes in India being under the age of eighteen. However, the national government is not being held accountable continuing to fail in providing comprehensive child protection systems like birth registration, access to education, combating early marriage and more. There is a big disregard of child trafficking especially because the laws exist but they are not implemented successfully so the situation continues to expand throughout India. Poverty and the lack of educational and economic

opportunities represent the primary cause, in addition there are low employment prospects, a patriarchal culture, low regard for women's rights, discrimination and marginalization of women. Trafficking is promoted also by desperate parents who sell children to pay off debts, by the lack of awareness on the part of the victims and by internet which encourages the sex trade. The uses of these children include forced labor, sexual exploitation, the armed forces, the drug trade, and begging. Other problems are the corruption and the lack of transparency in government. The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and some officials were viewed widely as corrupt. The World Bank's 2011 Worldwide Governance Indicators reflected that corruption was a problem. The police were viewed as ineffective and corrupt. The law does not require public officials to disclose their assets or income, but since such disclosures are permitted, the audit court reviews and makes them public. However, public disclosure of these financial statements rarely occurred. We think this is an important problem for everyone as children –also girls- have fundamental Rights which include first of all have a name and an identity and nationality, go to school and have an appropriate education, stay with their parents, protection, assistance for health and this trafficking really goes against their rights and it is not either convenient for the countries of the whole world; in fact the child trafficking plump the organized crime who works with drugs and begging and it sustains wars because some of these children are trained to use weaponry, fight and use violence even against the government. The UN prohibits the use of the violence and weaponry.

Solutions

São Tomè and Príncipe underlines the importance of keeping in mind the existing laws which are complete and precise, in particular the Immoral Traffic Prevention Act of 1956 which is applied to India, gives all the definitions on the issue and describes every item detail. We believe the real problem is that India does not apply and respect laws. In order to solve it we ask all the UN countries, especially the rich one to provide international funding to ensure an appropriate education

for children and to support families that can not send children to school making them work because of economic problems. Indian government should also operate in the legal field with a Law Reform increasing penalties against this crime. Another measure could be an assistance given by others ms to help the improvement of the constabulary and judges ensuring they are prepared and not corrupt because they are responsible for the respect of the laws. We also propose to improve the data collection that has been already created in India and to connect it to the others existing in the world, in fact we suggest the creation of an online portal where police can keep a registry of missing children and the parents can access to it. Our country is open for lectures to sensitize people to the problem because we must combat this unacceptable situation. The UN should intervene with campaigns for the legality and the justice and which inform people on the issue. We want transferred and abused people to become aware of their rights and of the existence of associations which can help them.

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