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## GENERAL ASSEMBLY THIRD COMMITTEE BACKGROUND GUIDE 2014

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# NATIONAL MODEL UNITED NATIONS



## Table of Contents

<b>Welcome Letter</b> .....	<b>2</b>
<b>NMUN•NY Position Paper Guidelines</b> .....	<b>3</b>
<b>Abbreviations</b> .....	<b>4</b>
<b>Committee History</b> .....	<b>5</b>
Introduction .....	5
Mandate .....	5
Governance, Structure and Membership.....	5
Powers and Functions .....	6
General Assembly Third Committee .....	8
Recent Sessions .....	8
Conclusion .....	9
Annotated Bibliography.....	9
Bibliography .....	10
<b>I. Migration and Human Rights</b> .....	<b>12</b>
Introduction .....	12
International Framework .....	12
Role of the United Nations System.....	14
The Criminalization of Migrants and the Rights of Migrant Workers.....	15
Case Study: Hirsi Jamaa and Others v. Italy.....	15
Conclusion .....	16
Annotated Bibliography.....	17
Biography .....	18
<b>II. Crime Prevention and Criminal Justice Systems and Their Development in a Changing World</b> .....	<b>22</b>
Introduction .....	22
International Framework .....	22
Role of the United Nations System.....	23
Methods of Crime Prevention.....	23
Criminal Justice Systems.....	25
The Role of Technology in Crime Prevention and Criminal Justice Systems .....	27
Conclusion .....	28
Annotated Bibliography.....	28
Bibliography .....	30
<b>III. Intensification of Efforts to Eliminate All Forms of Violence Against Women</b> .....	<b>34</b>
Introduction .....	34
International Framework .....	34
Role of the United Nations System.....	35
The Relationship Between Violence Against Women and Development.....	37
Preventing and Responding to Violence Against Women.....	38
Conclusion .....	39
Annotated Bibliography.....	39
Bibliography .....	41
<b>Rules of Procedure of the General Assembly Third Committee (GA 3<sup>rd</sup>)</b> .....	<b>45</b>

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# THE 2014 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2014 National Model United Nations in New York ( NMUN•NY) Conference and the General Assembly Third Committee (GA3). We are excited to serve as the volunteer staff for this committee. The Directors of this Committee are Clarissa Manning (Conference A) and Jenna Gleaton (Conference B). The Assistant Directors are Julie Black (Conference A) and Mark Marchant (Conference B). Clarissa Manning obtained her BA in Political Science from the University of California - Los Angeles; it will be her fourth year on NMUN staff. Jenna Gleaton obtained a BS in Political Science from Texas Christian University. This will be her fourth year on NMUN Staff. Julie Black obtained her BA in Political Science in 2009 and her JD in 2012 from Brigham Young University. This will be her second NMUN conference. Mark Marchant studied Political Science at Vassar College with an emphasis on African Studies. This will be his sixth NMUN conference and first year on staff.

The topics for consideration for the General Assembly Third are:

- I. Migration and Human Rights
- II. Crime Prevention and Criminal Justice Systems and Their Development in a Changing World
- III. Intensification of Efforts to Eliminate All Forms of Violence Against Women

The General Assembly Third Committee, also referred to as the Social, Humanitarian and Cultural Affairs Committee, is tasked with deliberating topics that relate to social and humanitarian affairs and human rights issues. As the organ of the General Assembly responsible for discussing human rights topics, the Third Committee works closely with the Human Rights Council.

The Background Guide serves as a tool to prepare you for your research by providing you with an overview of the three topics and the Committee. Its purpose is to serve as an introduction to your topics and should not be the only resource utilized in your research. The references provided in the Annotated Bibliography and Bibliography are meant to aid you in your research as well and provide you with a strong starting point. Please be sure to take advantage of the numerous resources that are available on each topic in order to have a well-rounded view of the topics. The research done on these topics will assist you in the writing of the [Position Paper](#). The position paper provides you with an opportunity to discuss each topic from the perspective of the country you are representing. Please be sure to pay close attention to the formatting requirements for your position paper. For additional information on [NMUN policies](#), please refer to the [Delegate Preparation Guide](#).

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the substantive staff listed below or the Under-Secretaries-General for the General Assembly, Sonia Patel (Conference A) and Roger Tseng (Conference B) at: [usg\\_ga@nmun.org](mailto:usg_ga@nmun.org)

We wish you all the best for your preparation for NMUN•NY and look forward to seeing you at the Conference!

Sincerely,

### Conference A

Clarissa Manning, *Director*  
Julie Black, *Assistant Director*  
[ga3.nya@nmun.org](mailto:ga3.nya@nmun.org)

### Conference B

Jenna Gleaton, *Director*  
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# NMUN•NY Position Paper Guidelines

**Due 1 March 2014**

Each committee topic should be addressed in a succinct policy statement representing the relevant views of your assigned country, Non-Governmental Organization (NGO), or expert role. You should identify and address international and regional conventions, treaties, declarations, resolutions, and programs of action that are relevant to the policy of your country or NGO. You should also include recommendations for action to be taken by your committee. A delegate's role as a Member State, Observer State, or NGO should affect the way a position paper is written. To understand these differences, please refer to the [Delegate Preparation Guide](#). It may also be helpful to view a [Sample Position Paper](#).

A position paper should be submitted for each assigned committee.

- The two page position paper should cover all the topics in the background guide, not a separate paper for each topic.
- Do not submit papers for committees not assigned to your country/NGO (see matrix for [Conf. A](#) or [Conf. B](#)).
- No more than two delegates can represent a single country/NGO in a committee. If you assign two delegates to represent a country/NGO on a committee, they submit one position paper jointly, not separate position papers from each individual.

Please pay careful attention to the following guidelines when drafting and submitting your position papers. Only those delegations that follow the guidelines and meet the submission deadline will be eligible for [position paper awards](#).

All papers must be typed and formatted according to the standards below:

- Length must not exceed two pages
- Margins must be set at 1 inch or 2.54 cm. for the whole paper
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Country/NGO name, school name, and committee name must be clearly labeled on the first page
- Agenda topics must be clearly labeled in separate sections
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers

Please note that position papers must be comprised of entirely original writing. **The NMUN Conference will not tolerate plagiarism**, including copying from Committee Background Guides. Violation of this policy may result in dismissal from the conference. Although United Nations documentation is considered within the public domain, the conference does not allow the verbatim re-creation of these documents.

## How to Submit Your Position Papers

Position papers need to be submitted by email in .pdf or .doc formats. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the email subject line and in the filename (example: GA1\_Cuba\_Conf A\_State College).

1. Send one complete set of all position papers for each of your country/NGO assignments to the Deputy Secretary-General for the conference you are attending:

Conference A: [positionpapers.nya@nmun.org](mailto:positionpapers.nya@nmun.org)

Conference B: [positionpapers.nyb@nmun.org](mailto:positionpapers.nyb@nmun.org)

2. Send a copy of your position paper for each assigned committee to the corresponding committee email address listed on the [Committee Background Guides page](#).

Your delegation may wish to submit a copy of their position papers to the permanent mission of the country/NGO headquarters along with an explanation of the conference. This is encouraged if requesting a [briefing](#). Many, many papers will be read by the Secretariat. Your patience and cooperation in adhering to the above guidelines is greatly appreciated.

## Abbreviations

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CCPCJ</b>	Commission on Crime Prevention and Criminal Justice
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CMW</b>	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
<b>CSW</b>	Commission on the Status of Women
<b>DESA</b>	Department for Economic and Social Affairs
<b>DGACM</b>	Department for General Assembly and Conference Management
<b>DPKO</b>	Department of Peacekeeping Operations
<b>ECOSOC</b>	Economic and Social Council
<b>GA</b>	General Assembly
<b>GFMD</b>	Global Forum on Migration and Development
<b>GMG</b>	Global Migration Group
<b>HRC</b>	Human Rights Council
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migrants
<b>MDG</b>	Millennium Development Goals
<b>NGO</b>	Non-governmental organization
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the Convention against Torture
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNCIO</b>	United Nations Conference on International Organization
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNITAR</b>	United Nations Institute for Training and Research
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>WHO</b>	World Health Organization

## Committee History

### ***Introduction***

Delegates to the 1945 United Nations Conference on International Organization (UNCIO) in San Francisco set out to create a unique intergovernmental organization with ambitious goals.<sup>1</sup> Above all, they realized the need for a forum for cooperation in global politics in the aftermath of two world wars in the span of thirty years, stating the impact of both World War I and World War II “brought untold sorrow to mankind.”<sup>2</sup> The political visionaries who drafted the *Charter of the United Nations* (1945) sought an organization that would improve the lives of those living in relative peace and “to reaffirm faith in the fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.”<sup>3</sup> The General Assembly was established as the main deliberative organ of the United Nations (UN), and it was given a broad mandate to discuss virtually any matter in the scope of the Charter and make recommendations to Member States and the Security Council.<sup>4</sup>

### ***Mandate***

The United Nations (UN) General Assembly is one of the five principal organs laid out in the *Charter of the United Nations* (1945).<sup>5</sup> Its mandate is laid out in Chapter IV of the Charter, with Article 10 stating that the body:

“May discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.”<sup>6</sup>

One of the most important characteristics of the General Assembly is its universal nature and ability to discuss any issue within the UN system. This is core to the mandate of the General Assembly, and illustrated by the diversity and range of topics discussed within its Main Committees.

The Third Committee is the Social, Humanitarian and Cultural Affairs Committee, but its primary focus has more recently been the examination of various human rights questions.<sup>7</sup> Originally, the Third Committee was considered the least important because social issues were deemed less important than peace and security or economic issues. Further, the presence of female delegates, the first at the United Nations, in the 1940s and 1950s contributed to the perception that the Third Committee was less influential.<sup>8</sup> The strong female presence in the Third Committee contributed to its strong human rights agenda and the prominence of women’s rights on its agenda both historically and today.<sup>9</sup> The rise in importance of human rights issues at the UN in the decades after the end of the Cold War has seen a like rise in the relative importance of the Third Committee among the six General Assembly committees.<sup>10</sup>

### ***Governance, Structure and Membership***

The General Assembly is comprised of all 193 Member States of the United Nations as outlined in Article 9 of the Charter.<sup>11</sup> Each Member State has one vote, regardless of its population or geography.<sup>12</sup> Additionally, non-Member States, non-governmental organizations, and intergovernmental organizations have received invitations to participate

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<sup>1</sup> Peterson, *The UN General Assembly*, 2006, p. 3.

<sup>2</sup> *Charter of the United Nations*, 1945, Preamble.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, art.10.

<sup>6</sup> *Ibid.*

<sup>7</sup> United Nations, *Social, Humanitarian & Cultural: Third Committee* [Website]; United Nations, *Delegates Handbook: Sixty-eighth Session of the General Assembly of the United Nations (ST/CS/63)*, 2013.

<sup>8</sup> Peterson, *The UN General Assembly*, 2006, p. 61.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Charter of the United Nations*, 1945, art.9.

<sup>12</sup> *Ibid.*, art.18

as observers in the sessions and work of the General Assembly.<sup>13</sup> Decisions on important matters require a two-thirds majority of those present and voting; these questions include those on peace and security, admission of new members, and budgetary matters.<sup>14</sup> Though each Member State is granted one vote, there has been a significant effort in recent sessions to achieve consensus on issues rather than going through a formal vote.<sup>15</sup>

The work of the General Assembly is distributed to its six committees, each examining different topics that affect the international community. The First Committee examines topics pertaining to international security and peace; the Second Committee examines economic and financial topics; the Third Committee examines social, cultural, and humanitarian affairs; the Fourth Committee examines special political questions and decolonization, the Fifth Committee handles administrative and budgetary issues of the United Nations; and the Sixth Committee examines legal questions in the General Assembly.<sup>16</sup> In addition to the six Main Committees of the General Assembly, a number of Boards, Commissions, Committees, Councils, and working groups work to support the advancement of the General Assembly's mandate.<sup>17</sup>

The UN Secretary-General is tasked with serving as “Chief Administrative Officer” of the organization, which includes providing support – both substantive and logistical – to committees.<sup>18</sup> All Main Committees receive logistical support from the Department for General Assembly and Conference Management (DGACM).<sup>19</sup> For substantive support, including writing reports and undertaking research, the department within the Secretariat differs, depending on the thematic issue area of the committee.<sup>20</sup> For Third Committee, the Office of the High Commissioner for Human Rights (OHCHR), “is the main substantive secretariat,” however, depending on the issue area, a different department or entity within the Secretariat might take the lead, such as the Department for Economic and Social Affairs (DESA).<sup>21</sup>

### ***Powers and Functions***

The General Assembly assumes the role as the main deliberative, policymaking, and representative organ of the UN.<sup>22</sup> It provides a forum for multilateral discussions on a range of issues outlined in the Charter, specifically within Articles 10 – 22 which detail the functions and powers of the body as follows:

- The General Assembly is tasked with initiating studies and making recommendations to promote international cooperation in the political field, encouraging the development of international law, promoting the implementation of cultural, social, and human rights, and promoting fundamental freedoms free from discrimination (Article 13).<sup>23</sup>
- The General Assembly “receives and considers reports” issued by “the other principal organs established under the Charter as well as reports issued by its own subsidiary bodies” (Article 15).<sup>24</sup> The General Assembly Plenary receives recommendations from the six Main Committees.<sup>25</sup> Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.<sup>26</sup> Any decisions reached by the Assembly are non-binding in international law; however, their

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<sup>13</sup> United Nations, *Observers* [Website], 2013

<sup>14</sup> United Nations, *About the General Assembly* [Website], 2013.

<sup>15</sup> United Nations, *Functions and Powers of the General Assembly* [Website], 2013

<sup>16</sup> United Nations, *Main Committees* [Website], 2013

<sup>17</sup> United Nations, *Subsidiary Organs of the General Assembly* [Website], 2013

<sup>18</sup> Switzerland, *The PGA Handbook: A practical guide to the UN General Assembly*, 2011, p. 65; United Nations, *Delegates Handbook: Sixty-eighth Session of the General Assembly of the United Nations (ST/CS/63)*, 2013.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> United Nations, *Functions and Powers of the General Assembly* [Website], 2013; United Nations, *Delegates Handbook: Sixty-eighth Session of the General Assembly of the United Nations (ST/CS/63)*, 2013.

<sup>23</sup> *Charter of the United Nations*, 1945, art.12; United Nations, *Functions and Powers of the General Assembly* [Website], 2013.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> United Nations, *About the General Assembly* [Website], 2013

decisions have enacted actions that have affected millions of people around the world.<sup>27</sup>

- The General Assembly additionally “approves the budget of the UN and decides on the scales of assessment, i.e., Each Member State’s share of the budget” (Article 17).<sup>28</sup>
- Should the Security Council fail to address a breach of international peace and security due to deadlocks between permanent members, the Assembly can consider the matter immediately, laid out in Article 11, but further codified with the adoption of General Assembly resolution 377(V) (1950) entitled “Uniting for Peace.”<sup>29</sup>

### *Sessions*

The General Assembly can meet in either “regular annual sessions,” or “special sessions,” within which includes “emergency special sessions.”<sup>30</sup> The regular annual session begins on Tuesday of the third week of September and runs for one year – thus essentially, the General Assembly is “in session” for the entire year.<sup>31</sup> Special sessions are outlined in Chapter IV, Article 20 of the Charter.<sup>32</sup> These sessions have addressed topics that include settlement and decolonization, world health problems, international disarmament, gender issues, global development, and the environment.<sup>33</sup>

Discussions on issues of international peace and security which are not taken up by the Security Council, as detailed in Article 11 and the “Uniting for Peace” resolution have occurred under “emergency special sessions” and have occurred ten times.<sup>34</sup> The most recent “emergency special session” has held on and off meetings since April 1997, following the request from the Permanent Representative of Qatar to discuss the topic of Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory.<sup>35</sup> The tenth emergency special session resumed on 15 January 2009 under the consideration of the President of the General Assembly, Dr. Ali Abussalam Treki, after three years of no debate.<sup>36</sup>

### *Elections*

One noteworthy function of the General Assembly is the election of five non-permanent members of the Security Council, in addition to members of additional committees and bodies as well as the Secretary-General, upon recommendation by the Security Council.<sup>37</sup>

### *Subsidiary Organs*

Unlike other Main Committees, Third Committee does not have any subsidiary bodies reporting to it, as allowed per the Charter. However, “the Special Procedures of the Human Rights Council (i.e., special rapporteurs or working groups) report to the Third Committee and engage in interactive dialogue with it.”<sup>38</sup> Additionally, many of the “treaty bodies related to human rights are also requested to engage in an interactive dialogue with the Third Committee.”<sup>39</sup>

### *Agenda*

The General Assembly allocates agenda items to its Main Committees according to the respective thematic issues covered by each of the six Main Committees. However, there are some agenda items that are considered of such

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<sup>27</sup> Ibid.; Switzerland, *The PGA Handbook: A practical guide to the UN General Assembly*, 2011, p. 13.

<sup>28</sup> Switzerland, *The PGA Handbook: A practical guide to the UN General Assembly*, 2011, p. 13; *Charter of the United Nations*, 1945, art.17.

<sup>29</sup> United Nations, *Uniting for Peace (377 V)* [Resolution], 1950

<sup>30</sup> Switzerland, *The PGA Handbook: A practical guide to the UN General Assembly*, 2011, p. 14; United Nations, *UN Documentation: General Assembly – Introduction* [Website].

<sup>31</sup> Switzerland, *The PGA Handbook: A practical guide to the UN General Assembly*, 2011, p. 14.

<sup>32</sup> *Charter of the United Nations*, 1945, art.20

<sup>33</sup> United Nations, *Emergency Special Sessions* [Website], 2013

<sup>34</sup> Ibid.

<sup>35</sup> United Nations, *Tenth Emergency Special Session* [Website], 2013

<sup>36</sup> Ibid.

<sup>37</sup> United Nations, *Security Council: Current Members* [Website], 2013

<sup>38</sup> Switzerland, *The PGA Handbook: A practical guide to the UN General Assembly*, 2011, p. 65.

<sup>39</sup> Ibid.

paramount importance that they are not allocated and are considered only by the Plenary. These items include the Reports of the International Court of Justice and the International Criminal Court, as well as special country-specific agenda items, such as the “Question of Palestine.”<sup>40</sup>

### ***General Assembly Third Committee***

Article 13 tasks the General Assembly, among other responsibilities, with “assisting in the realization of human rights and fundamental freedom for all without distinction as to race, sex, language, or religion,” which is the focus of the Third Committee.<sup>41</sup> Delegates in the Third Committee should consider the precise range of activities of which the body is capable: making recommendations to Member States and calling upon other UN bodies, particularly subsidiary bodies of the General Assembly, to complete tasks like producing a study or expanding or limiting its work on a particular issue.<sup>42</sup>

The creation of the Human Rights Council (HRC) has helped guide the work of the Third Committee since 2006, when it was created as a subsidiary body of the General Assembly in resolution 60/251.<sup>43</sup> The mandate, expertise and focus of the HRC are assets in the Third Committee’s work towards meeting its responsibilities laid out by the Charter that delegates should consider.

### ***Recent Sessions***

In 2012, the 67<sup>th</sup> session of the Third Committee was chaired by Henry Mac-Donald of Suriname. Mr. Mac-Donald became the Permanent Representative of Suriname to the United Nations in 2007, and was previously a diplomat at the Organization of American States and served as the Charge d’Affairs ad interim at the Suriname Embassy to the United States in Washington, D.C.<sup>44</sup>

In its most recent sessions, the Third Committee discussed “the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the rights to self-determination.”<sup>45</sup> Nearly half of the 56 draft resolutions the body in the 67<sup>th</sup> session considered were submitted explicitly under the human rights agenda, with the remainder focused on the social, humanitarian or cultural affairs agendas.<sup>46</sup>

Under the leadership of its chair, Henry Mac-Donald, the Third Committee continued to demonstrate its strong focus on women’s issues. Its work on the advancement of women included draft resolutions on ending female genital mutilation (A/C.3/67/L.2), intensifying work to end all forms on discrimination against women (A/C.3/67/L.19), trafficking in women and girls (A/C.3/67/L.20), and efforts to ending the obstetric fistula (A/C.3/67/L.22).<sup>47</sup> Furthermore, the Committee considered draft resolutions on human rights and extreme poverty (A/C.3/67/L.32), extrajudicial, summary or arbitrary executions (A/C.3/67/L.36), the right to development (A/C.3/67/L.39), the protection of migrants (A/C.3/67/L.40), the right to food (A/C.3/67/L.42), and the freedom of religion or belief (A/C.3/67/L.48).<sup>48</sup> The Third Committee’s country-specific draft resolutions focused on human rights situations in Myanmar, the Democratic People’s Republic of Korea (DPRK), the Republic of Iran, and the Syrian Arab Republic.<sup>49</sup> These considerations were in relation to reports of special rapporteurs and representatives from the HRC, whose work the Third Committee is partly responsible for guiding.

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<sup>40</sup> UN General Assembly, *Organization of the sixty-seventh regular session of the General Assembly, adoption of the agenda and allocation of items (A/RES/67/1)* [Resolution], 2012

<sup>41</sup> *Charter of the United Nations*, 1945, Chapter IV, art.13(1).

<sup>42</sup> *Ibid.*; UN General Assembly, *Methods of work of the Third Committee: Report of the Chair of the Third Committee to be presented orally to the Ad Hoc Working Group on the Revitalization of the General assembly (A/C.3/67/CRP.1)*, 2012.

<sup>43</sup> UN General Assembly, *Human Rights Council, (A/RES/60/251)* [Resolution], 2006.

<sup>44</sup> UN Department of Public Information, *News and Media Division, (GA/SHC/4034)* [Press Release], 2012.

<sup>45</sup> UN General Assembly, *Social, Humanitarian & Cultural: Third Committee* [Website].

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> UN General Assembly, *Social, Humanitarian & Cultural: Third Committee* [Website].

## Conclusion

The Third Committee's work has changed dramatically with the increased global focus on human rights issues. Once considered the least important of the Main Committees, the topics on its agenda are now among the most pressing and hotly debated in international political dialogue inside or outside the UN. The topics delegates will address at the conference are central to the Third Committee's priorities and represent a meaningful opportunity to engage in discussions on migration, criminal justice and violence against women. Diligence in understanding these topics thoroughly is among the best means of service to the individuals so often called 'target populations,' and best represent the spirit of the Third Committee.

## Annotated Bibliography

*Charter of the United Nations*. (1945, June 26) Retrieved 20 July 2012 from:

<http://www.un.org/en/documents/charter/index.shtml>

*The Charter of the United Nations describes the functions and powers and sets out the organizational structure of the UN. The document gives the UN power to act and lays out the rules and procedures by which the organization operates today. It provides information for delegates on the capacity in which they operate to act on issues related to the Third Committee. It is an excellent starting point for any research about the UN.*

Peterson, M. (2006). *The UN General Assembly*. London and New York: Routledge

*This text provides a thorough description and analysis of the role of the General Assembly in international relations. Peterson provides an overview of the formation of the UN and focuses on the General Assembly as a unique forum in global politics through its development and the issues it addressed during its short history. He includes criticisms of the General Assembly and discusses the possibility of future changes to the body. It will be beneficial for delegates to understand the history and current functions of the Third Committee to pursue knowledge of the topics through the lens of its previous work.*

United Nations. (2010). *Functions and Powers of the General Assembly* [Website]. Retrieved 28 July 2013 from:

<http://www.un.org/ga/about/background.shtml>

*This web page outlines the basic structure and powers of the United Nations General Assembly. It provides a bulleted list of the different functions of the body that are a good guide for the types of resolutions delegates should prepare to write at the conference. Delegates should tailor their proposals and ideas at the conference to fit this list of functions.*

United Nations. (2012). Social, Humanitarian and Cultural. *General Assembly of the United Nations* [Website].

Retrieved 20 July 2013 from: <http://www.un.org/en/ga/third/index.shtml>

*This is the main webpage of the Third Committee. It provides basic information on the work and leadership of the Third Committee and links to additional information on its organizational and bureaucratic structure, and affiliated agencies. Most importantly, delegates can find links to the Committee's agenda and documents like draft resolutions and press releases, which are valuable tools for understanding the work of the Third Committee.*

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*This book is an important starting point for understanding basic facts about the UN, its structure and how its organs interact. It complements the UN Charter very well but updates the structure*

*laid out in the Charter to shape the organization it takes today. For delegates to the Third Committee, it will be useful to understand the broader UN system with which you can interact through resolutions at the conference.*

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## I. Migration and Human Rights

*“Human rights are not a matter of charity, nor are they a reward for obeying immigration rules. Human rights are inalienable entitlements of every human being, wherever they are and whatever their status.”*<sup>50</sup>

### **Introduction**

Since the United Nations (UN) was founded in 1945, the issues of migration and human rights have been a main theme at the UN. One of the first questions facing various UN bodies was what to do with millions of Jewish Holocaust refugees that migrated to Palestine after World War II.<sup>51</sup> This dispute remains as current and relevant as it was nearly 70 years ago.<sup>52</sup> Today, “Migration affects every region of the world,” and “an estimated 214 million people currently live outside their country of origin” having moved in search of protection, opportunity, family, and a host of other reasons.<sup>53</sup> When the rights of migrants are protected, “migrants have proven to be an asset for countries of destination, contributing not only their hard work and creativity, but also their entrepreneurial spirit. The mobility of people reduces labor market imbalances, promotes the exchange of expertise and ideas and allows for the training of younger generations.”<sup>54</sup> However, migrants are often marginalized and deprived of basic political and social rights. For example, migrants may be subjected to arbitrary detention and punishment without the due process guarantees afforded to citizens of a country, or they may be forced to work in conditions that are dirty, degrading, and unduly dangerous.<sup>55</sup>

Issues relating to migration and human rights are often broad and complex because they represent inherent conflict between basic international legal principles. “The [United Nations] is based on the principle of sovereign equality of all its members;” namely, that each Member State “has the power of a State to exercise supreme authority over all persons and things within its territory.”<sup>56</sup> Inherent in this power is the power to control the state’s borders and all migration thereon. On the other hand, the freedom to migrate across state borders is an internationally recognized and protected human right.<sup>57</sup> Because of this conflict, issues dealing with the human rights of migrants range from the deprivation of “life, liberty, and security of persons,” to discrimination, the creation of inhumane working conditions, and the deprivation of family relations.<sup>58</sup> Thus, this background guide will provide a brief description of the international legal framework protecting the human rights of migrants, an introduction to the international network that promotes the protection of those rights, and a non-exhaustive, exemplary list of the current trends and issues related to this topic.

### **International Framework**

The *Universal Declaration of Human Rights* (UDHR) (1948) is the foundation of all modern international human rights law. The inclusion of an “International Bill of Rights” into the Charter was considered at length at both Dumbarton Oaks and San Francisco, but Member States ultimately chose to give the Commission on Human Rights the task of creating a non-legally binding declaration.<sup>59</sup> Today, the UDHR is considered customary international law, or the general practice of the international community that is considered to be law. The creation of the UDHR gave rise to a number of regional human rights declarations, including the *Cairo Declaration on Human Rights*

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<sup>50</sup> OHCHR, *Address by Ms. Navi Pillay, High Commissioner for Human Rights to the Graduate Institute of International and Development Studies, Geneva: Equal rights for all migrants: A call for ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 2011.

<sup>51</sup> UN General Assembly, *Future Government of Palestine (A/RES/181(II)[A-B])* [Resolution], 1947.

<sup>52</sup> UN General Assembly, *Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources (A/RES/67/229)* [Resolution], 2013; UN Human Rights Council, *Institution-building Package (A/HRC/RES/5/1)* [Resolution], 2007.

<sup>53</sup> OHCHR, *Migration and Human Rights* [Website], 2013.

<sup>54</sup> OHCHR, *The Secretary General – Message to Global Forum on Migration and Development: Puerto Vallarta* [Website], 2010.

<sup>55</sup> OHCHR, *Migration and Human Rights* [Website], 2013.

<sup>56</sup> *Charter of the United Nations*, 1945, Art. 2(1); UN Office of Legal Affairs, *Address of the Legal Counsel to the 1999 Annual Conference of the Canadian Council of International Law, on 29 October 1999 (“From Territorial Sovereignty to Human Security”)*.

<sup>57</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A(III))*, 1948.

<sup>58</sup> *Ibid.*

<sup>59</sup> Tolley, *The U.N. Commission on Human Rights*, 1987.

(1990) for the Organization of the Islamic Conference, the *European Convention on Human Rights* (1950) for the European Union, the *African Charter on Human and Peoples' Rights* (1986) for the African Union, and the *ASEAN Human Rights Declaration* (2012).

The UDHR was later codified by two treaties: the *International Covenant on Civil and Political Rights* (ICCPR) (1966); and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966). The ICCPR codifies protections of a person's autonomy and participation in civil society from government interference.<sup>60</sup> These civil and political rights include the right to self-determination; physical integrity; liberty and security of person; procedural due process; political participation; non-discrimination; and individual liberty, such as the rights to movement, speech, thought, conscience and religion, peaceable assembly, nationality, privacy, and family.<sup>61</sup> The ICESCR codifies socio-economic, or second-generation, rights, including labor rights and rights to social security, family law, adequate standard of living, health, education, and participation in cultural life.<sup>62</sup> Both documents codify rights relating to migrants, such as the prohibition of arbitrary detention and the right to adequate working conditions.

Human rights relating specifically to migrants are contained in three main international documents: the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW), the *International Labor Organization Convention 97 on Migration for Employment* (ILO Convention 97) and *International Labor Organization Convention 143 Concerning Migrant Workers* (ILO Convention 143).<sup>63</sup> The CMW provides a framework for protecting internationally recognized human rights in the context of migration. Further, it “[d]efines the rights of migrant workers before departure, in transit, and in the country of employment” based upon the migrant’s regular or irregular status while “[e]stablish[ing] obligations for countries of origin, transit, and employment.”<sup>64</sup> In addition to protecting general human rights, such as those listed in the ICCPR and the ICESCR, the CMW codifies rights specific to migrants, such as the prohibition of the destruction of identity documents; protection of family unity; prohibition of collective expulsion; rights to trade unions, urgent medical care, and participation in public affairs of the state of origin; and the right of a child to a name, registration of birth, nationality, and education.<sup>65</sup> ILO Convention 97 defines migrants for the International Labor Organization (ILO) and establishes provisions for the equal treatment of migrants in the workplace.<sup>66</sup> Specifically, it provides for equality relating to salary, working conditions, social security, trade union rights, and collective bargaining rights and benefits.<sup>67</sup> It further obligates Member States to prevent discrimination and to provide benefits to put migrants on equal footing in the workplace. ILO Convention 143 expounds on the principles of ILO Convention 97 and provides for equality of opportunity for migrants and respect for basic human rights.<sup>68</sup> The Convention provides for cooperation against irregular migration and the sanction of recruiters of irregular migrant workers, but not the workers themselves.<sup>69</sup> It further provides for a ban on expulsion in cases of loss of employment, and insists migrants be paid social security and salaries regardless of status as an irregular migrant. Lastly, it provides for the right to equal opportunity, job changes, and family reunification.<sup>70</sup> Unfortunately, the CMW is not ratified by many Member States considered to be countries of destination, and the ILO Conventions are not considered binding international treaties. As such, the international documents focusing specifically on the human rights of migrants do not have the strength of other international human rights law.

However, because the rights of migrants cover a broad spectrum of human rights topics, there are several international legal and other documents related to migrant rights. Of those, the *Declaration on the Elimination of All*

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<sup>60</sup> Lincoln University, *Civil and Political Rights*, 2013.

<sup>61</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

<sup>62</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>63</sup> OHCHR, *Human Rights framework* [Website], 2013.

<sup>64</sup> OHCHR, *CMW Presentation* [Website], 2013.

<sup>65</sup> UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/RES/45/158)* [Resolution], 1990.

<sup>66</sup> International Labour Organization, *Convention concerning Migration for Employment (Revised), 1949 (No.97)*, 1949.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.; International Labour Organization, *Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No.143)*, 1975.

<sup>69</sup> International Labour Organization, *Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No.143)*, 1975.

<sup>70</sup> Ibid.

*Forms of Racial Discrimination* and the *Durban Declaration and Programme of Action* provide protection for migrants against discrimination, which is especially important considering the fact that migrants are generally minorities in their communities.<sup>71</sup> *ILO Recommendation No. 86 Concerning Migration for Employment* and *ILO Recommendation No. 151 Concerning Migrant Workers* augment ILO conventions 97 and 143.<sup>72</sup> Finally, the *Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live* attempts to ensure rights already recognized in international law for individuals living outside their country of nationality.<sup>73</sup>

### **Role of the United Nations System**

The Third Committee's activities consistently deal with the issue of human rights and migration. The General Assembly (GA) was responsible for the review and ultimate adoption of the CMW and other related international covenants.<sup>74</sup> More recently, the GA created the Global Forum on Migration and Development (GFMD) after the High-Level Dialogue on International Migration and Development in September 2006.<sup>75</sup> At this High-Level Dialogue, Member States focused on the multi-dimensional policy issues relating to migration and development with the hope of addressing ways to promote the benefits of migration and achieve international development goals.<sup>76</sup> The GFMD, created at this High-Level Dialogue, "is a recent initiative of Member States to address the migration and development interconnections in practical and action-oriented ways."<sup>77</sup> Another High-Level Dialogue is scheduled for October 2013.<sup>78</sup> In the meantime, GA resolutions relating to human rights and migration have largely focused on protecting migrants, especially women and children, from violence caused by human trafficking, discrimination, criminal organizations, and other sources.<sup>79</sup>

On a broader international level, the Global Migration Group (GMG) is the organization devoted to addressing all issues related to migration. In 2006, the UN Secretary-General created the GMG in response to a recommendation from the Global Commission on International Migration.<sup>80</sup> The GMG is an international, inter-agency group consisting of sixteen UN and other international agencies that promote the "application of all relevant international and regional instruments and norms issue of international migration."<sup>81</sup> Pertinent member agencies are as follows: The ILO is the UN specialized agency related to labor issues and is responsible for standard setting and the promotion of human rights of migrant workers.<sup>82</sup> The International Organization for Migrants (IOM) is the intergovernmental organization dedicated to migration and the promotion of human dignity, well-being, and human rights of migrants.<sup>83</sup> The Office of the High Commissioner for Human Rights (OHCHR), chair of the GMG, is the UN Agency devoted to protecting all human rights, including the rights of migrants.<sup>84</sup> The United Nations Children's Fund (UNICEF), the UN specialized agency for child-related issues, "is dedicated to the realization of the rights of all children, adolescents and women affected by migration."<sup>85</sup> The United Nations Department of Economic and Social Affairs "is the primary source of information on matters related to international migration and

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<sup>71</sup> UN General Assembly, *United Nations Declaration on the Elimination of All Forms of Racial Discrimination (A/RES/1904 (XVIII))* [Resolution], 1963; UN General Assembly, *Political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action "United against racism, racial discrimination, xenophobia and related intolerance" (A/RES/66/3)* [Resolution], 2011.

<sup>72</sup> International Labour Organization, *Recommendation concerning Migration for Employment (Revised 1949) (No.86)*, 1949; International Labour Organization, *Recommendation concerning Migrant Workers (1975) (No.151)*, 1975.

<sup>73</sup> UN General Assembly, *Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live (A/RES/40/144)* [Resolution], 1985.

<sup>74</sup> UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/RES/45/158)* [Resolution], 1990.

<sup>75</sup> Global Forum on Migration and Development, *Background and Objectives* [Website], 2013.

<sup>76</sup> UN High Level Dialogue on International Migration and Development *United Nations General Assembly: 14-15 September 2006* [Website].

<sup>77</sup> Global Forum on Migration and Development, *Background and Objectives* [Website], 2013.

<sup>78</sup> UN General Assembly, *Organization of the High-level Dialogue on International Migration and Development (A/62/162)* [Report], 2013.

<sup>79</sup> UN General Assembly, *Protection of Migrants (A/66/253)* [Report], 2011.

<sup>80</sup> Global Migration Group, *Background* [Website], 2013.

<sup>81</sup> Global Migration Group, *Global Migration Group: Acting together in a world on the move* [Website], 2013.

<sup>82</sup> International Labour Organization, *Labour Migration* [Website], 2013.

<sup>83</sup> International Organization for Migration, *International Organization for Migration* [Website], 2013.

<sup>84</sup> OHCHR, *Migration and Human Rights* [Website], 2013.

<sup>85</sup> United Nations Children's Fund, *Social and Economic Policy: Migration* [Website], 2013.

development for the GA, Economic and Social Council and its functional commissions” and is a primary research hub.<sup>86</sup> The United Nations Development Programme (UNDP) promotes a human rights-based approach to migration in the context of promoting the development of poor countries and people through the benefits of migration.<sup>87</sup> The United Nations Educational, Scientific and Cultural Organization is a large supporter of the socio-economic rights of migrants.<sup>88</sup> The United Nations Institute for Training and Research (UNITAR) is the secretariat of the GMG and is the founder of the Human Mobility Programme.<sup>89</sup> Lastly, the United Nations Office on Drugs and Crime promotes the eradication of human trafficking and smuggling of migrants, as well as the rights of those who have been victims of these crimes.<sup>90</sup>

### ***The Criminalization of Migrants and the Rights of Migrant Workers***

As the previous discussion suggests, current issues relating to human rights and migration are broad and varied. The following two examples---the rights of migrant workers and the criminalization of irregular migration---are particularly relevant given current migration trends and the recent economic crisis.

The human rights of migrant workers, particularly after the recent economic crisis, are a particularly important and complex issue. In response to decreases in domestic job opportunities because of the economic crisis, many Member States enacted restricted labor migration policies: for example, in the Czech Republic, Japan, and Spain, return programs for migrant workers were introduced; in Italy and Spain, numerical limits on labor migrants were lowered; and in France, labor inspections of industries with high migrant worker concentrations became more frequent.<sup>91</sup> These measures, combined with the natural economic effects of the crisis itself, lead to a decrease in employment opportunities for migrants, poorer working conditions, and discrimination, along with other problems.<sup>92</sup> The decrease in employment opportunities also decreases the opportunities to migrate regularly, forcing more individuals to migrate irregularly---without proper documentation and frequently in violation of immigration laws---and making them more vulnerable to human rights violations that accompany irregular migration.<sup>93</sup> As such, special care needs to be taken to protect the established rights of migrant workers in the current economic crisis.

Meanwhile, the criminalization of irregular migration and the externalization of border controls are examples of the clash between sovereignty and human rights in the context of migration. In an attempt to secure borders and prevent irregular migration, some states have resorted to the criminalization of irregular, or undocumented, migration.<sup>94</sup> However, criminalization of irregular migration goes contrary to UDHR Article 13, which guarantees the right to movement.<sup>95</sup> Moreover, criminalizing irregular migration rarely acts as an effective deterrent and it exposes migrants to a host of other human rights violations, including unlawful detention; procedural due process; discrimination; inhumane working conditions; deprivation of family rights; and even violations against life, liberty, and security of persons.<sup>96</sup> The externalization of borders has also failed to act as a deterrent; rather, it has led to increased risks of human trafficking and related human rights violations.<sup>97</sup>

### ***Case Study: Hirsi Jamaa and Others v. Italy***

The European Union’s response to migration resulting from political instability in Northern Africa, as illustrated in the European Court of Human Rights’ *Hirsi Jamaa and Others v. Italy*, may be used to illustrate the problem.<sup>98</sup> At

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<sup>86</sup> Global Migration Group, *GMG Members* [Website], 2013.

<sup>87</sup> UN Development Programme, *Migration* [Website], 2013.

<sup>88</sup> UNESCO, *International Migration and Multicultural Policies* [Website], 2013.

<sup>89</sup> UN Institute for Training and Research, *Human Mobility Programme*, 2013.

<sup>90</sup> UN Office on Disarmament Affairs, *UNODC on human trafficking and drug smuggling* [Website], 2013.

<sup>91</sup> International Labour Organization, *Global Jobs Pact Policy Briefs: Protecting Migrant Workers Beyond the Crisis*, 2013.

<sup>92</sup> *Ibid.*

<sup>93</sup> OHCHR, *DRAFT: Global Forum on Migration and Development: OHCHR side event, 1 December 2011: Address by Bacre Ndiaye, Director, Human Rights Council and Special Procedures Division: “Addressing Irregular Migration Through a Human Rights Based Approach”*.

<sup>94</sup> UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau (A/HCR/20/24)*, 2012.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> European Court of Human Rights, *Case of Hirsi Jamaa and Others v. Italy (Application No.27765/09)*, 2012.

some point between late April and early May of 2009, 23 individuals from Somalia and Eritrea fled Libya by boat.<sup>99</sup> On 9 May 2009, the Italian Revenue Police and Coastguard intercepted the two refugee-filled boats 35 nautical miles off the coast of Lampedusa, transferred the individuals to Italian military vessels, and returned them to Tripoli. The Italian officers did not inform the individuals of their return to Tripoli, and the individuals objected once they arrived. Nonetheless, the Italian government handed the individuals over to the Libyan government, pursuant to a bilateral agreement between Italy and Libya to fight irregular immigration from Libya. As a result, two individuals died, 14 were granted refugee status by the United Nations Office of the High Commissioner for Refugees (UNHCR) in Libya, and five were able to flee Libya. In its amicus brief, the UN High Commissioner for Human Rights argued that Italy violated the individual's rights against collective expulsion and refoulement, the return of persecuted to the persecuting government. The High Commissioner also suggested:

The Court should consider that a policy of pre-emptive interception on the high seas increases the dangers for desperate migrants, asylum-seekers and refugees in terms of capsizing or exposure to exploitation by organized criminal groups, as they are impelled to pursue riskier migration routes and means to avoid interception. Push-back operations on the high seas that fail to examine each intercepted person's case on an individualized basis carry further risks (upon expulsion) for refugees, victims of trafficking and unaccompanied minors.<sup>100</sup>

The Court agreed and found Italy liable for violations of various provisions of the *European Convention on Human Rights* (1950).<sup>101</sup>

### **Conclusion**

The topic of human rights and migration presents a complex conflict between basic international legal principles with a broad range of sub-issues. Migrant's human rights include the civil, political, and socio-economic rights contained in the UDHR as well as specific rights outlined by the CMW and ILO conventions. Intergovernmental action on the topic is continuous, as exemplified by the GA's involvement on the issue, and involvement comes from a host of UN organs and agencies and other intergovernmental bodies. Problems arising from this topic range from violations of an individual's right to life and security of persons to an individual's labor rights. Regardless of what direction the body takes with this issue, it is important to remember that the rights of migrants play a vital role in the peace, security, and economy of the international community.

As delegates pursue solutions to the problems presented in this guide, it is important to focus on the intersections between competing international issues. For example, how can Member States exercise their sovereign right to regulate their borders without infringing on the individual right to freely migrate? How can Member States prevent irregular migration while promoting regular migration and ensuring the rights of all migrants within their borders? To successfully deal with these issues, the key will be to find creative ways to balance these competing interests.

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<sup>99</sup> Ibid.

<sup>100</sup> OHCHR, *Amicus brief filed on behalf of OHCHR in the case of Hirsi Jamaa and others v. Italy in the European Court of Human Rights*, 2012.

<sup>101</sup> European Court of Human Rights, *Case of Hirsi Jamaa and Others v. Italy (Application No.27765/09)*, 2012.

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*This Website is the homepage for the GFMD. It contains information and documentation on the original 2006 high-level meeting on migration, information on subsequent meetings of the GFMD, and information and news relating to the high-level meeting in October 2013. As such, this website is valuable in tracking current trends relating to human rights and migration.*

Global Migration Group. (2013). *Global Migration Group: Acting together in a world on the move* [Website]. Retrieved 2 July 2013 from: <http://www.globalmigrationgroup.org/>

*The Global Migration Group (GMG) is a 16 member inter-agency group dealing with all things related to migration. It contains information relating to development, labor migration, human rights, women and children, climate change, trafficking, health, and migration governance. Essentially, it is a hub for anything one would want to know about migration on an international level.*

Tolley, H. (1987). *The UN Commission on Human Rights*. Boulder, CO, Westview Press.

*Although the book primarily focuses on the Commission on Human Rights, the first and second chapters extensively document the origins of human rights mechanisms on an international level. It also deeply discusses the creation of the UDHR, the ICCPR, and the ICESCR. Lastly, it discusses the creation of the UNHCR and various special procedures until the late 1980s. As such, it is a good historical resource on international human rights.*

International Labour Organization. (2013). *Labour Migration* [Website]. Retrieved 30 July 2013 at <http://www.ilo.org/global/topics/labour-migration/lang--en/index.htm>

*This website is the main page for the ILO's migration activity. It discusses its standards for labor rights for migrants and provides news on its work as a major actor in the human rights and migration framework. Thus, this is a good source relating to the sub-issue of labor rights and migration.*

International Organization for Migration. (2013). *International Organization for Migration* [Website]. Retrieved 30 July 2013 from <http://www.iom.int/cms/en/sites/iom/home.html>

*This website is the homepage for the IOM. The website contains information and reports on a variety of migration topics, from counter-trafficking to labor migration to migration and development. It also provides a database for international, regional, and national migration laws. Thus, this would be a good resource for research on sub-issues relating to migration and human rights.*

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<http://www.un.org/esa/population/migration/ga/index.html>

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*This Website is the OHCHR's hub on migration and human rights. It provides a brief introduction to the topic, the contributions of migrations to the international community, and a human rights approach to migration. Then, it provides links to webpages of the Special Rapporteur on the Human Rights of Migrants, the Committee on Migrant Workers, the Global Migration Group, and various other agencies within the Human Rights Framework. It also provides links to statements and speeches, events and activities, reports and studies, videos, stories, and other useful information.*

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*This webpage is the main page of the Special Rapporteur on the Human Rights of Migrants. The page provides an introduction to his mandate which includes the scope and functions of the mandate. It also provides links to his reports, country visits, press releases, and other documentation. Lastly, it provides news feed related to his mandate, which will be helpful in tracking the current issues relating to this topic.*

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## II. Crime Prevention and Criminal Justice Systems and Their Development in a Changing World

*Effective, responsible crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime.*<sup>102</sup>

### **Introduction**

During the 1990's, prison populations around the world drastically increased despite usually stagnant crime rates.<sup>103</sup> Most experts agree that this increase was primarily driven by a preference of incarceration to alternative punitive measures.<sup>104</sup> Unfortunately, with this increase in incarceration came a notable increase in human rights violations committed against convicted prisoners and those awaiting trial.<sup>105</sup> The policies driving draconian laws requiring imprisonment for a wide array of offenses are often driven by the public's loss of confidence in the criminal justice system, so-called "retributionist philosophies" demanding "longer, tougher sentences", and media hype overemphasizing the actual harm done by a given crime.<sup>106</sup> However, as the public's attitude changes, these policies remain in place in parts of Europe and North America.<sup>107</sup> Noting that the drive behind harsh policies can be primarily attributed to public opinion, it will be necessary for Member States to alter the ways they investigate, prevent, and prosecute crime and the ways in which they impose punishment so as to ensure that utmost deference is given to the protection of human rights. The most pressing topics related to the protection of human rights in the areas of crime prevention and criminal justice systems include the treatment of prisoners, violence against migrants, access to legal aid and social reintegration programs, and alternatives to imprisonment.

### **International Framework**

During the Twelfth United Nations (UN) Congress on Crime Prevention and Criminal Justice (Twelfth Crime Congress), Member States adopted the *Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (Salvador Declaration)* (A/RES/65/230).<sup>108</sup> The General Assembly (GA) later endorsed this declaration with the adoption of resolution 65/230 on 1 April 2011.<sup>109</sup> The *Salvador Declaration (A/RES/65/230)* provides in-depth insight into the role that the protection of human rights plays in preventing crime and administering criminal justice.<sup>110</sup>

Further, there are several publications that comprise the foundation of crime prevention and criminal justice systems at both the international and national level. One such example is the Compendium of UN *Standards and Norms in Crime Prevention and Criminal Justice*, a collective archive of the principles and standards developed by the international community in the areas of crime prevention and criminal justice.<sup>111</sup> It is divided into four sections, covering the following areas: standards and norms related primarily to persons in custody, non-custodial sanctions, juvenile justice, and restorative justice; standards and norms related primarily to legal, institutional and practical arrangements for international cooperation; standards and norms related primarily to crime prevention and victim issues; and standards and norms related primarily to good governance, the independence of the judiciary, and the integrity of criminal justice personnel.<sup>112</sup>

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<sup>102</sup> UN Economic and Social Council, *Action to Promote Effective Crime Prevention (ECOSOC/RES/2002/13)* [Resolution], 2002.

<sup>103</sup> Walmsley, *Global Incarceration and Prison Trends*, 2003, p. 70.

<sup>104</sup> *Ibid.*, p. 70.

<sup>105</sup> *Ibid.*, p. 71.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

<sup>108</sup> UNODC, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice* [Website], 2013.

<sup>109</sup> UN General Assembly, *Twelfth UN Congress on Crime Prevention and Criminal Justice (A/RES/65/230)* [Resolution], 2011.

<sup>110</sup> UNODC, *Crime Congress Wraps up With 'Salvador Declaration'* [Press Release], 2010.

<sup>111</sup> UNODC, *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* [Website], 2013.

<sup>112</sup> *Ibid.*

## ***Role of the United Nations System***

In 1992, The United Nations Economic and Social Council created the Commission on Crime Prevention and Criminal Justice (CCPCJ) upon request of the General Assembly to focus on the following issues: combating national, transnational, and organized crime; stopping fraud and money laundering; protecting the environment; preventing urban and juvenile crime and violence; and improving criminal justice administration systems.<sup>113</sup> The CCPCJ is the governing body of the UN Office on Drugs and Crime (UNODC) and is responsible for approving the budget of the UN Crime Prevention and Criminal Justice Fund.<sup>114</sup> Since its establishment, the CCPCJ has also organized and provided substantive direction for the UN Crime Congresses, which have been held every five years since 1955 and have provided in-depth technical assistance and expertise to assist in the establishment of international and national frameworks of legislation governing the areas of crime prevention and criminal justice.<sup>115</sup> The *Salvador Declaration* (A/RES/65/230), adopted during the Twelfth Crime Congress, plays a vital role in promoting the use of evolving technologies to assist in preventing crime by addressing the change in the general nature of crime.<sup>116</sup> The Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Thirteenth Crime Congress) is scheduled to take place in Doha, Qatar in 2015 where policy makers, parliamentarians, individual experts and civil society representatives will come together to discuss issues pertaining to:

Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development; International cooperation, including at the regional level, to combat transnational organized crime; Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime; National approaches to public participation in strengthening crime prevention and criminal justice.<sup>117</sup>

The focus of the Thirteenth Crime Congress on adapting to new and emerging threats is particularly important because this conference will convene concurrently with the implementation of the Post-2015 Development Agenda. In his report reflecting on the Twelfth Congress (E/CN.15/2012/21), the Secretary-General highlighted the “unique opportunity to place at center stage the role of the criminal justice system in the promotion of the rule of law and in support of sustainable development”, a topic that has since been adopted as an item for the provisional agenda of the Thirteenth Crime Congress.<sup>118</sup>

## ***Methods of Crime Prevention***

### *Efforts to Eliminate Violence Against Migrants*

Crime prevention activities aimed at eliminating violence against migrants, migrant workers, and their families are of particular importance due to the racist and intolerant motives of this type of violence.<sup>119</sup> The General Assembly, in resolution 67/185, expressed its concern of the sheer number of migrants that cross international borders in search of greater economic opportunities, often times without appropriate travel documents, because this group is becoming increasingly vulnerable to “kidnapping, extortion, forced labor, sexual exploitation, physical assault, debt servitude and abandonment.”<sup>120</sup> With the improvement of border controls came an increase in the number of migrants seeking aid from migrant smugglers in an attempt improve their chance at successfully completing an otherwise illegal border crossing.<sup>121</sup> Unfortunately, migrant smuggling is a highly profitable business in which careless and deceitful

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<sup>113</sup> UNODC, *The Commission on Crime Prevention and Criminal Justice* [Website], 2013.

<sup>114</sup> *Ibid.*

<sup>115</sup> UNODC, *United Nations Crime Congresses* [Website], 2013.

<sup>116</sup> UNODC, *Crime Congress wraps up with ‘Salvador Declaration’* [Press Release], 2010.

<sup>117</sup> UNODC, *Thirteenth United Nations Congress on Crime Prevention and Criminal Justice* [Website], 2013.

<sup>118</sup> UN Economic and Social Council, *Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (E.CN.15/2013/10)* [Report], 2013; UN General Assembly, *Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/RES/67/184)* [Resolution], 2013.

<sup>119</sup> UN General Assembly, *Promoting efforts to eliminate violence against migrants, migrant workers and their families (A/RES/67/185)* [Resolution], 2013.

<sup>120</sup> *Ibid.*

<sup>121</sup> UNODC, *Migrant Smuggling* [Website], 2013.

smugglers operate at the detriment of the migrants with whom they come in contact.<sup>122</sup> As such, the General Assembly urged Member States to accede to the *United Nations Convention against Transnational Organized Crime* (2000) and its supplemental Protocols.<sup>123</sup> The *Protocol Against the Smuggling of Migrants by Land, Sea and Air* (2000), which entered into force on 28 January 2004, seeks to protect the rights of migrants by preventing and combating the smuggling of migrants.<sup>124</sup>

The *Report of the Secretary-General on Violence Against Women Migrant Workers* (A/64/212) put forward several recommended measures to protect women migrant workers from violence, including the extension of national labor laws to protect women migrant workers and the strengthening of support systems for victims of violence “irrespective of their immigration status.”<sup>125</sup> This report also recognized that gaps exist in the implementation of national and international frameworks related to the protection of migrant workers, primarily because targeted measures to address gender-specific violence is lacking and, as such, recommends Member States enact gender-sensitive and rights-based policies within the areas of migration and labor.<sup>126</sup> To ensure compliance to these policies, the GA, in its resolution 66/128 of 9 March 2012, called upon Member States to adopt monitoring and inspection mechanisms.<sup>127</sup> The resolution also allows for the return of smuggled migrants without undue or unreasonable delay and with due regard for the safety and dignity of the person.<sup>128</sup> In its resolution 65/228 of 31 March 2011, the GA adopted the guidelines in the updated *Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* (A/RES/65/228).<sup>129</sup> These updated guidelines now stress “the importance of adopting a systematic, comprehensive, coordinated, multisectoral and sustained approach to fighting violence against women” and an increased emphasis on the inclusion of a mainstreamed gender perspective when forming laws, policies, and programs.<sup>130</sup>

#### *Social Reintegration Programs*

An important aspect of crime prevention is the reduction of recidivism, or a person who has previously been subject to punitive measures and reoffends later.<sup>131</sup> In 2010, recidivism rates in the United Kingdom reached as high as 70 percent. This is particularly concerning when considering some of these offenders could have desisted in their criminal activities if provided with adequate follow-up supervision and assistance after they were released from prison.<sup>132</sup> It is also likely that these offenders might not have committed another crime had they been initially subjected to community-style punishment, such as probation, rather than incarcerated from the outset of their sentence. The Ministry of Justice in the United Kingdom found that convicted criminals that initially serve a community-style punishment, rather than being incarcerated first, are less likely to reoffend.<sup>133</sup> Alternatively, in Norway, recidivism rates were as low as 20 percent, primarily because the prisoners are directly involved in the community through employment and education programs provided by outside organizations.<sup>134</sup> Therefore, it is necessary to address the availability of social reintegration programs in prisons because the most common cause of recidivism is the failure of former prisoners to reintegrate into society properly.<sup>135</sup>

While such programs can be costly, the social and economic costs of recidivism will generally outweigh the cost of providing beneficial programs to assist in social reintegration.<sup>136</sup> The Lalgola Open Air Correctional Home in India, established in 1987, is an excellent example of a reintegration program that meets various requirements set out in the

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<sup>122</sup> Ibid.

<sup>123</sup> UN General Assembly, *Promoting efforts to eliminate violence against migrants, migrant workers and their families* (A/RES/67/185) [Resolution], 2013.

<sup>124</sup> UNODC, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto* [Convention], 2004.

<sup>125</sup> UN General Assembly, *Violence against women migrant workers: Report of the Secretary-General* (A/66/212), 2011.

<sup>126</sup> Ibid.

<sup>127</sup> UN General Assembly, *Violence against women migrant workers* (A/RES/66/128) [Resolution], 2012.

<sup>128</sup> UNODC, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*, 2004.

<sup>129</sup> UN General Assembly, *Strengthening crime prevention and criminal justice responses to violence against women* (A/RES/65/228) [Resolution], 2011.

<sup>130</sup> Ibid.

<sup>131</sup> UNODC, *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, 2012.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> Ploeg, *Norway is Doing Something Right*, 2012.

<sup>135</sup> UNODC, *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, 2012.

<sup>136</sup> Ibid.

*Standard Minimum Rules for the Treatment of Prisoners* (1955).<sup>137</sup> Convicts are permitted to go anywhere they wish between the hours of 6:00 and 20:00. During this time, convicts are able to secure employment in the agricultural industry and interact with the community while still facing an adequate level of supervision while serving the remainder of their sentence.<sup>138</sup> This program is only available to convicts that have served at least two-thirds of their sentence, and are in good standing.<sup>139</sup>

### ***Criminal Justice Systems***

The *Universal Declaration of Human Rights* (1948) and the *International Covenant on Civil and Political Rights* (1966) both articulate the right to a competent, independent, and impartial tribunal.<sup>140</sup> In 1985, the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders adopted the *Basic Principles on the Independence of the Judiciary* (1985), which offers a framework encouraging judges to be free to act without outside pressures or threats.<sup>141</sup> The effectiveness of a judicial system is imperative to the proper functioning of a criminal justice system. However, the judicial system is not the sole actor in a criminal justice system, but instead is a necessary piece of a larger system that includes police officers, prosecution and defense attorneys, and prisons. The UNODC operates to enact positive reform in each of these areas in order to protect basic human rights while developing well-functioning criminal justice systems.<sup>142</sup>

#### ***Ensuring Proper Access to Legal Aid***

The CCPCJ, recognizing “that legal aid is an essential element of a fair, human and efficient criminal justice system” adopted what it considered to be “the first international instrument exclusively dedicated to legal aid.”<sup>143</sup> The General Assembly, in its resolution 67/187 of 28 March 2013, adopted this instrument, the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*.<sup>144</sup> These Guidelines, developed by the open-ended intergovernmental expert group on strengthening access to legal aid in criminal justice systems in 2011, serves as a model framework for Member States seeking to improve their legal aid systems.<sup>145</sup> Of the fourteen principles established to protect the rights of “persons suspected of or charged with a criminal offense,” victims of crime, and witnesses of crime, Principle 3, Principle 4, and Principle 5 serve an important role by calling for the non-discriminatory provision of legal aid for any persons falling under these categories.<sup>146</sup> Also of importance is the provision of legal aid during the entire duration of the trial, as explained in Guidelines 3 – 6.<sup>147</sup> Children also receive a special protective status under these Guidelines by ensuring parental or guardian contact is made available to “children who are detained, arrested, suspected or accused of, or charged with a criminal offense” and “encouraging...the use of alternative measures and sanctions...so that deprivation of liberty is a measure of last resort and for the shortest appropriate period of time.”<sup>148</sup> Member States seeking to begin or enhance the provision of legal aid in their criminal justice system are able to reference the criminal justice assessment toolkit published by the UNODC in 2006, entitled *Access to Justice: Legal Defence and Legal Aid*.<sup>149</sup> This document “gives guidance on how to assess the provision of legal representation,” especially to disadvantaged populations.<sup>150</sup>

One such disadvantaged population is children. In 2010, the United Nations Children’s Fund and United Nations Development Programme commissioned the paper, *Child-Friendly Legal Aid in Africa*, which “explores the legal,

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<sup>137</sup> West Bengal Correctional Services, *Open Air Correctional Home* [Website], 2010.

<sup>138</sup> West Bengal Correctional Services, *Open Air Correctional Home* [Website], 2010.

<sup>139</sup> *Ibid.*

<sup>140</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

<sup>141</sup> UNODC, *Previous United Nations Crime Congresses* [Website], 2013.

<sup>142</sup> UNODC, *Criminal Justice Reform* [Website], 2013.

<sup>143</sup> UNODC, *United Nations to help extend legal aid in the criminal justice system* [Press Release], 2012.

<sup>144</sup> UN General Assembly, *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/67/187)* [Resolution], 2013.

<sup>145</sup> *Ibid.*

<sup>146</sup> UN General Assembly, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/188)* [Resolution], 2013.

<sup>147</sup> *Ibid.*

<sup>148</sup> *Ibid.*

<sup>149</sup> UNODC, *United Nations to help extend legal aid in the criminal justice system* [Press Release], 2012.

<sup>150</sup> *Ibid.*

policy, and practical issues involved in creating and maintaining ‘child-friendly’ legal aid programs in Africa.”<sup>151</sup> The imposition of punitive measures on children that are not necessarily mature enough to fully understand the consequences of their actions is a detriment to the protection of human rights.<sup>152</sup> These children are frequently deprived of their liberty with little regard to the life-long effect these measures will have.<sup>153</sup> The minimum standards in providing children with legal aid, according to the authors, are that the legal assistance should be widely accessible, age-appropriate, and “responsive to the range of legal and social needs faced by children and youth.”<sup>154</sup> By focusing on addressing the specific needs of a given population in providing access to legal aid, Member States are able to protect various rights put forward in the *Universal Declaration of Human Rights*, particularly “that everyone charged with a penal offense should be granted all the guarantees necessary for his or her defense.”<sup>155</sup>

### *Treatment of Prisoners*

In 1955, the First UN Congress on the Prevention of Crime and the Treatment of Offenders adopted the *Standard Minimum Rules for the Treatment of Prisoners*.<sup>156</sup> These rules lay out the “essential elements of... what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.”<sup>157</sup> The elements put forward included the general management of institutions, such as the provision of basic necessities like food, personal hygiene, medical services, outside contact and clothing and bedding.<sup>158</sup> Additional rules extended these provisions to prisoners under sentence, insane and mentally abnormal prisoners, prisoners under arrest or awaiting trial, civil prisoners, and persons arrested or detained without charge.<sup>159</sup> However, in line with the *Salvador Declaration*, the GA requested that the CCPCJ establish an open-ended intergovernmental expert group to exchange information on “the existing United Nations standard minimum rules for the treatment of prisoners.”<sup>160</sup> With this direction in mind, the participants of the expert group discussed four main options for revising the *Standard Minimum Rules for the Treatment of Prisoners* (1955), ultimately expressing their preference for an essential minimum restructuring of the Rules or an addition of a preamble “referring to relevant human rights and criminal justice instruments.”<sup>161</sup> Those in favor of updating language in the essential provisions of the Standard Minimum Rules suggested such updates could focus on the “expansion of the provisions dealing with the protection and special requirements of vulnerable prisoners,” and the “promotion of the reintegration of offenders into society.” Other proposals suggested the extension of suffrage to prisoners and a placement of greater emphasis on the right to safety in prisons.<sup>162</sup> Following this meeting, the GA recognized the *Standard Minimum Rules for the Treatment of Prisoners* (1955) have “stood the test of time” as the “universally acknowledged minimum standards for the detention of prisoners,” it acknowledged that they could be “reviewed...to reflect the latest advances in correctional science and good practices.”<sup>163</sup> In its resolution 67/188 of 12 March 2013, the GA expressed its appreciation of the work done by the Expert Group and authorized the continuance of its work within its mandate.<sup>164</sup>

### *Alternatives to Imprisonment*

Despite the existence of several major treaties, such as the *International Covenant on Civil and Political Rights* (1966), which limits the circumstances where imprisonment is justified, overall trends of imprisonment are increasing worldwide with little indication that the practice is improving public safety.<sup>165</sup> With many Member States lacking necessary resources to fund adequate prisons, the human rights of countless prisoners are violated as they

<sup>151</sup> Geraghty & Geraghty, *Child-Friendly Legal Aid in Africa*, 2011, p. 7.

<sup>152</sup> *Ibid.*, p. 12.

<sup>153</sup> Geraghty & Geraghty, *Child-Friendly Legal Aid in Africa*, 2011.

<sup>154</sup> *Ibid.*, p. 6.

<sup>155</sup> UNODC, *Handbook on improving access to legal aid in Africa*, 2011.

<sup>156</sup> UN General Assembly, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/188)*, 2013.

<sup>157</sup> UNODC, *UN Standard Minimum Rules for the Treatment of Prisoners*, 1955.

<sup>158</sup> *Ibid.*

<sup>159</sup> *Ibid.*

<sup>160</sup> UN General Assembly, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/RES/65/230) [Resolution]*, 2011.

<sup>161</sup> UNODC, *Report on the meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners held in Vienna from 31 January to 2 February 2012 (UNODC/CCPCJ/EG.6/2012/1)*, 2012.

<sup>162</sup> *Ibid.*

<sup>163</sup> UN General Assembly, *Standard Minimum Rules for the Treatment of Prisoners (A/RES/67/188)*, 2013.

<sup>164</sup> *Ibid.*

<sup>165</sup> UN General Assembly, *UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) [Resolution]*, 1990; Walmsley, *Global Incarceration and Prison Trends*, 2003.

are forced to endure sub-standard conditions in overcrowded prisons.<sup>166</sup> Therefore, it is pertinent to look at alternatives to imprisonment as a punitive measure. Imprisonment is commonly seen as an effective tool for incapacitating offenders of their ability to commit further crime.<sup>167</sup> However, as previously noted, the lack of social reintegration programs makes this incapacitation effective only as long as a person is incarcerated. In light of this, it is not clear that mass incarceration is the best punitive measure for correcting undesirable behavior.<sup>168</sup>

The *United Nations Standard Minimum Rules for Non-Custodial Measures* (A/RES/45/110), also referred to as the Tokyo Rules, were developed “to provide a set of basic principles to promote the use of non-custodial measures.”<sup>169</sup> The Tokyo Rules (A/RES/45/110) suggest, as an alternative to imprisonment, the following punitive measures: “Verbal sanctions, such as admonition, reprimand and warning; conditional discharge; status penalties; economic sanctions and monetary penalties, such as fines and day fines; confiscation or an expropriation order; restitution to the victim or a compensation order; suspended or deferred sentence; probation and judicial supervision; a community service order; referral to an attendance centre; or house arrest.” In using any of these measures, it is suggested that sentencing authorities consider the effect of alternative punitive measures on the victims of crime and the community at large so that the rights of one person are not unduly infringed upon for the sake of another.<sup>170</sup> In developing alternative punitive measures, it will also be necessary to consider factors of supervision, conditions attached to the alternative punishment, duration, and discipline in the case of violated conditions. The *Plan of Action for the Kadoma Declaration on Community Service* (E/RES/1998/23) is a multifaceted approach for the use of community service as an alternative punitive measure and is an excellent example of the basic levels of planning that must go in to the development of alternative punitive measures.<sup>171</sup>

### ***The Role of Technology in Crime Prevention and Criminal Justice Systems***

The Twelfth Crime Congress highlighted the role of technology in crime prevention and criminal justice systems, noting the “capacity of organized criminal groups to misuse the opportunities presented by rapidly evolving technology”.<sup>172</sup> With the advent of the internet, traditional forms of crime, such as fraud, became easier to commit. At the same time, new crimes emerged, such as hacking, attacking information infrastructure, and spreading digital viruses, with organized criminal groups and terrorist organizations embracing new technologies to further their operations.<sup>173</sup> Cybercrime is a particularly complex issue, with major difficulties arising in determining the origin of and party responsible for a given attack. Currently, the most relevant international instrument relating to cybercrime is the *Convention on Cybercrime* (2001) which serves as the basis for legislation in several Member States, including those that have not ratified it, such as Nigeria, Argentina, Pakistan, and the Philippines.<sup>174</sup> Despite this, much work remains in developing an international standard in the prosecution of cybercrime.

The UNODC currently provides “legal, law enforcement, and technical expertise to counter criminal activities.”<sup>175</sup> At its Twelfth Crime Congress, the UNODC aimed to do the following:

Assist Member States in adopting legislation for effectively investigating computer-related crimes and prosecuting offenders; build the operational and technical knowledge of judges, prosecutors and law enforcement officers on issues pertaining to cybercrime, through training, the adaptation/development of training materials on investigation and prosecution of computer-related crime etc.; train law enforcement authorities to effectively use international cooperation mechanisms to combat cybercrime; raise the awareness of civil society and create momentum

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<sup>166</sup> UN General Assembly, *UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)* (A/RES/45/110), 1990.

<sup>167</sup> Ibid.

<sup>168</sup> UN General Assembly, *UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)* (A/RES/45/110), 1990.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> UN Economic and Social Council, *Resolution 1998-23 (1998) [International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing]* (ECOSOC/RES/1998/23), 1998.

<sup>172</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime: Working paper prepared by the Secretariat* (A/CONF.213/9), 2010.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

among decision makers to coalesce efforts to prevent and address cybercrime; and identify and disseminate good practices and promote public-private partnerships in preventing and combating cybercrime.<sup>176</sup>

The UNODC has accorded priority to Member States demonstrating a need to improve their technological capabilities in preventing crime, noting that lack of technical capacity is demonstrated by both developed and developing states.<sup>177</sup> As such, the UNODC has developed a wide array of handbooks and training curriculums to assist governments in utilizing technology, especially in the area of criminal justice.<sup>178</sup>

### **Conclusion**

In an ever-changing world, the nature of crime is quickly evolving. While emerging technologies increased the capacity of criminal organizations to commit crime anonymously, they have also increased the ability of governments to combat crime with great accuracy and expediency. However, this increased capacity has not come without its faults. With more than 8 million people incarcerated around the world, it will be necessary for Member States to evaluate current laws governing the offenses a person can be incarcerated for. The question still remains, will it be possible for Member States to adjust their law and policies dictating the appropriate form of punishment for a given crime to promote alternatives to incarceration?

To guide their research, delegates should consider the following questions: What gaps remain in international law governing the protection of human rights of accused and convicted persons? Are there other forms of punishment, other than incarceration, that could be effectively implemented to serve the needs convicts and the communities in which they may reside? What are the needs of Member States in order to effectively implement new technologies to prevent crime and improve their criminal justice systems?

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*This article provides an overview of the increase in cyber attacks and the challenges faced by Member States in combating these crimes. It ends with several suggestions on how best to address these crimes in an age where Member States have yet to reach an agreement in the realm of internet governance, the most important of which being the recommendation that Member States reach an initial agreement to refrain from government-sponsored cyber attacks. This form of crime will likely become the most pervasive crime in the coming years, so it will be helpful for delegates to understand the legal frameworks surrounding the prosecution of these crimes, which are almost always transnational crimes.*

Twelfth United Nations Congress on Crime Prevention and Criminal Justice. (2010, January 22). *Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime: Working paper prepared by the Secretariat (A/CONF.213/9)*. Retrieved 3 September 2013 from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/CONF.213/9](http://www.un.org/ga/search/view_doc.asp?symbol=A/CONF.213/9)

*This working paper, developed during the Twelfth Crime Congress, covers a wide array of topics related to cybercrime, including the challenges presented by cybercrime and varying responses to it. It concludes with several recommendations on combating cybercrime, including the utilization of the UNODC in providing technical expertise to Member States seeking to improve their technical capacity in preventing crime. Finally, this document highlights the general lack of legislation governing the area of cybercrime, noting it as a major detrimental gap in international law.*

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<sup>176</sup> Ibid.

<sup>177</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime: Working paper prepared by the Secretariat (A/CONF.213/9)*, 2010.

<sup>178</sup> UNODC, *Crime Prevention and Criminal Justice Tools and Publications* [Website], 2013.

United Nations Office on Drugs and Crime. (2013). *Thirteenth United Nations Congress on Crime Prevention and Criminal Justice* [Website]. Retrieved 2 July 2013 from: <http://www.unodc.org/unodc/en/crime-congress/13-crime-congress.html>

*This page provides a starting point for researching the development of this Congress, which will take place in 2015. It provides several links to the preparatory documents that have, thus far, formed the general theme and provisional agenda for the conference. In watching this page closely, delegates will know what actions are currently being undertaken by the international community in the area of crime prevention and criminal justice.*

United Nations Office on Drugs and Crime. (2010). *Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*. Retrieved 2 July 2013 from: [http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/Salvador\\_Declaration/Salvador\\_Declaration\\_E.pdf](http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/Salvador_Declaration/Salvador_Declaration_E.pdf)

*This declaration, adopted during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, highlights the need of Member States to recognize basic human rights when forming and maintaining a criminal justice system. It also discusses the need to adapt to the changes being seen in the nature of crime. Overall, it is an excellent source to begin with in researching what has been and still needs to be done in the realm of crime prevention and criminal justice systems.*

United Nations, General Assembly, Fifty-sixth session. (2001, July 3). *Crime Prevention and Criminal Justice: Report of the Secretary-General (A/56/155)*. Retrieved 1 July 2013 from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/56/155](http://www.un.org/ga/search/view_doc.asp?symbol=A/56/155)

*This report, although adopted over a decade ago, still provides relevant information regarding the challenges Member States face in addressing both traditional crimes, such as burglary and murder, and new crimes, such as identity theft and cyber-terrorism. Looking back at issues Member States faced with the threat of emerging technology-based crimes will allow delegates to trace what actions, successful or not, were previously taken to address these issues. In doing so, delegates will have a better understanding of the overall development and improvement of criminal justice systems.*

United Nations, General Assembly, Sixty-seventh session. (2013, March 7). *Torture or other cruel, inhuman, or degrading treatment or punishment (A/RES/67/161)* [Resolution]. Adopted on the report of the Third Committee (A/67/457/Add. 1). Retrieved 1 July 2013 from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/67/161](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/161)

*This resolution, in its condemnation of torture, emphasizes the important role of independent authorities in investigating accusations of torture. Delegates should pay particular attention to the various methods of assistance suggested in this resolution to combat torture, such as the Committee against Torture in order to best determine what challenges the international community faces in combating torture. This resolution is also an excellent starting point for delegates to determine the most up-to-date methods of criminal justice.*

United Nations Office on Drugs and Crime. (2006). *Compendium of United Nations standards and norms in crime prevention and criminal justice*. Retrieved 26 July 2013 from: [http://www.unodc.org/pdf/compendium/compendium\\_2006.pdf](http://www.unodc.org/pdf/compendium/compendium_2006.pdf)

*This document provides a comprehensive list of the international standards and norms in the areas of crime prevention and criminal justice. It breaks down the types of standards and norms into four thematic categories from which delegates can easily track the progression of international legislation. It is recommended that delegates familiarize themselves with the various documents listed in the Compendium to have a general sense of the existing international agreements governing the topic at hand.*

United Nations Office on Drugs and Crime. (2012). *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*. Retrieved 25 July 2013 from: [http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Introductory\\_Handbook\\_on\\_the\\_Prevention\\_of\\_Recidivism\\_and\\_the\\_Social\\_Reintegration\\_of\\_Offenders.pdf](http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Introductory_Handbook_on_the_Prevention_of_Recidivism_and_the_Social_Reintegration_of_Offenders.pdf)

*The UNODC has developed a series of handbooks meant to assist Member States in addressing specific issues in the areas of crime prevention and criminal justice. This particular handbook focuses on the issue of recidivism and its impact on society. Suggestions in this handbook on how to best prevent recidivism, particularly through the use of social reintegration programs, provides an insight into the changes that currently are and will take place in criminal justice systems in the coming years.*

United Nations Office on Drugs and Crime. (2007). *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*. Retrieved 28 July 2013 from: [http://www.unodc.org/pdf/criminal\\_justice/Handbook\\_of\\_Basic\\_Principles\\_and\\_Promising\\_Practices\\_on\\_Alternatives\\_to\\_Imprisonment.pdf](http://www.unodc.org/pdf/criminal_justice/Handbook_of_Basic_Principles_and_Promising_Practices_on_Alternatives_to_Imprisonment.pdf)

*This handbook specifically addresses alternative punitive measures. With prisons becoming overcrowded and dangerous, Member States will need to implement new methods of punishment, saving incarceration for only the most egregious offenses. Practices such as supervision instead of pre-trial detention, and probation rather than incarceration, as a first option for punishment highlighted in this handbook may serve as a springboard for the conceptualization of new and improved forms of alternatives to imprisonment.*

Walmsley, R. (2003). Global Incarceration and Prison Trends. *Forum on Crime and Society*, 3 (Nos. 1 and 2):65 – 78. Retrieved 5 September 2013 from: [http://www.unodc.org/pdf/crime/forum/forum3\\_Art3.pdf](http://www.unodc.org/pdf/crime/forum/forum3_Art3.pdf)

*Although slightly dated, this article provides figures on incarceration rates, both in total number and per 100,000 persons to demonstrate the excessive use of incarceration in some Member States. It then goes on to discuss the growth in prison population since the 1990's and potential causes for this growth, specifically the overuse of incarceration as a punitive measure. Finally, it discusses the importance of reducing prison populations by providing information related to the harms caused to individuals and communities when incarceration is used in excess as a primary form of punishment.*

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### III. Intensification of Efforts to Eliminate All Forms of Violence Against Women

*“Violence against women constitutes the most severe expression of discrimination and disempowerment of women and girls. It is a threat to democracy, peace and security, an obstacle to sustainable development and an appalling human rights violation.”*<sup>179</sup>

#### **Introduction**

Eliminating all forms of violence against women is an issue continuously discussed within the United Nations (UN) because of its global influence and increasing importance within the UN and the international community. The UN and the bodies designated to address this topic work to develop and implement methods and programs aimed at intensifying efforts to eliminate all forms of violence against women. The UN definition of violence against women is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>180</sup>

The General Assembly Third Committee, also known as the Social, Humanitarian and Cultural Affairs Committee, addresses a multitude of topics related to human rights, including violence against women.<sup>181</sup> The Third Committee is dedicated to intensifying efforts to eliminate all forms of violence against women. International, regional, and UN bodies and organizations move towards reaching this goal by encouraging women’s social and economic development, by creating innovative solutions within the works of the Millennium Development Goals (MDGs) and the post-2015 agenda, by promoting the development of new educational programs that empower women, and by strengthening multisectoral responses and services.

#### **International Framework**

Violence against women is a violation of human rights subject to international law.<sup>182</sup> The international community strives to eliminate this threat to women and their development through various conventions, treaties, declarations, and other pertinent international tools implemented over time. According to the *Universal Declaration of Human Rights* (UDHR) (1948), women have equal human rights that protect and promote social and economic development, and safety and freedom from torture, which support a better quality of life.<sup>183</sup> Furthermore, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) requests those states subject to the Covenant to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”<sup>184</sup> In 1979, the United Nations General Assembly (GA) further illustrated the global commitment to alleviating violence against women by adopting the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), overseen by the Committee on the Elimination of Discrimination against Women.<sup>185</sup> The Convention was a vital turning point in human rights issues because it highlighted the importance of women’s rights within human rights and created an “international bill of rights for women.”<sup>186</sup> CEDAW “protects women from all forms of discrimination including violence against women.”<sup>187</sup> The concerns addressed within the Convention included political rights, civil rights, education, health, and other applicable rights that when denied, prevent the development and hinder the empowerment of women.<sup>188</sup>

Additionally, the *Beijing Declaration and Platform for Action* (1995), adopted at the Fourth World Conference on Women, stresses the necessity of taking steps to eradicate violence against women and observed the negative

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<sup>179</sup> UN General Assembly, *Pervasive, Continued Violence Against Women ‘An Appalling Human Rights Violation;’ Eliminating Such Violence at Core of Women’s Empowerment, Third Committee Told* [Meeting Record], 2012.

<sup>180</sup> World Health Organization, *Violence against women: Intimate partner and sexual violence against women* [Website], 2012.

<sup>181</sup> UN General Assembly, *Social, Humanitarian & Cultural* [Website], 2012.

<sup>182</sup> UN-Women, *Violence against Women* [Website], 2011.

<sup>183</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

<sup>184</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>185</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*, 1979; OHCHR, *Committee on the Elimination of Discrimination against Women: Introduction* [Website], 2013.

<sup>186</sup> OHCHR, *Convention on the Elimination of All Forms of Discrimination against Women New York* [Website], 2013; Simonovic, *International framework on violence against women with focus on the CEDAW*, 2012, p. 2.

<sup>187</sup> Simonovic, *International framework on violence against women with focus on the CEDAW*, 2012, p. 2.

<sup>188</sup> OHCHR, *Convention on the Elimination of All Forms of Discrimination against Women New York* [Website], 2013.

outcomes of not taking such action.<sup>189</sup> The *Beijing Declaration and Platform for Action* (1995) reiterated the commitments of participants, which were to guarantee women their full rights set out in the *Charter of the United Nations* (1945) and the *Universal Declaration of Human Rights* (1948), as well as their commitment to empowering women socially, economically, and politically to allow for equal development.<sup>190</sup> A review has taken place every five years until the “fifteen-year review of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly.”<sup>191</sup> The implementation of the Declaration and lingering barriers hindering progress for eliminating violence against women were some of the topics addressed at the 15-year review, along with its global and regional influence.<sup>192</sup> Also observed at the 15-year review was the progress and additional hurdles towards reaching the MDGs.<sup>193</sup> Other matters addressed at the review included global and regional efforts such as the Economic Commission for Europe’s report.<sup>194</sup> This report highlighted resolved issues and ongoing obstacles, including education reform, decreasing trafficking of women and girls, closing the gender pay gap, and various other topics aimed at decreasing violence and strengthening gender equality.<sup>195</sup> The Commission on the Status of Women (CSW) plans to hold a 20-year review of the Beijing Declaration and Platform for Action as proposed by the Economic and Social Council (ECOSOC), at its 59<sup>th</sup> meeting in March of 2015.<sup>196</sup>

Further efforts to address violence against women have also taken and continue to take place at the regional level. The Council of Europe adopted the *Convention for the Protection of Human Rights and Fundamental Freedoms* (1950), which outlines basic rights, including freedom from torture, and a right to liberty and security, provided to all people.<sup>197</sup> The Council of Europe further adopted the *Convention on Preventing and Combating Violence Against Women and Domestic Violence* (2011). The State Parties of the latter Convention strove to “protect, prevent, prosecute, and eliminate violence against women; create policies and measures for the protection of and assistance to all victims; promote international cooperation; and provide support and assistance to organizations and law enforcement agencies.”<sup>198</sup> At its Second Ordinary Session of Assembly, the African Union adopted the *Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa* (2003).<sup>199</sup> The Protocol called for “integrating a gender perspective into policy decisions,” as well as implementing gender equality values into national and legislative structures.<sup>200</sup> The Protocol also called attention to violence from harmful practices and the necessity to educate the public on these practices in order to prevent more from occurring.<sup>201</sup> Regional frameworks offer solutions for eliminating violence against women that would be beneficial across the globe.

### ***Role of the United Nations System***

During a meeting of the 67<sup>th</sup> session of the General Assembly Third Committee, Assistant Secretary-General and Deputy Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Lakshmi Puri, noted, “as many as 7 in 10 women around the world report having experienced physical and/or sexual violence at some point in their lifetime.”<sup>202</sup> The Assistant Secretary-General utilized this information to emphasize the need to alter the view of violence against women and to educate the public on the matter.<sup>203</sup> The Third Committee, along with other UN bodies, strives to accomplish these and a multitude of other concerns facing the topic of violence against women. Also during the 67<sup>th</sup> session, the Third Committee discussed several reports,

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<sup>189</sup> Simonovic, *International framework on violence against women with focus on the CEDAW*, 2012, pp. 5-6; UN-Women, *The United Nations Fourth World Conference on Women: Platform for Action* [Website], 2010.

<sup>190</sup> UN-Women, *Fourth World Conference on Women* [Website], 2010.

<sup>191</sup> UN-Women, *15-year review of the implementation of the Beijing Declaration and Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000)* [Website], 2010.

<sup>192</sup> Ibid.

<sup>193</sup> UN-Women, *Global 15-year review process in the 54<sup>th</sup> session of the Commission on the Status of Women: Overview*, 2010.

<sup>194</sup> UN Economic Commission for Europe, *Achievements and challenges in promoting gender equality in the ECE region by country: Note by the secretariat (ECE/AC.28/2009/4)*, 2009.

<sup>195</sup> Ibid.

<sup>196</sup> UN-Women, *Beijing at 20: ECOSOC launches review of progress on women’s rights*, 2013.

<sup>197</sup> Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms*, 2010.

<sup>198</sup> Council of Europe, *Convention on preventing and combating violence against women and domestic violence*, 2011.

<sup>199</sup> ACHPR, *Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa*, 2003.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> UN General Assembly, *Pervasive, Continued Violence Against Women ‘An Appalling Human Rights Violation;’ Eliminating Such Violence at Core of Women’s Empowerment, Third Committee Told* [Meeting Record], 2012.

<sup>203</sup> Ibid.

including 67/220, 67/227, and 67/38.<sup>204</sup> These reports covered topics ranging from UN action on combating violence against women, causes and consequences of violence against women, and obstacles preventing implementation of programs or laws to a summary of the work of the Committee on the Elimination of Discrimination Against Women (A/67/38).<sup>205</sup> General Assembly resolution 67/144 called for Member States to “empower and protect women” and to ensure the execution and longevity of recommended measures to end violence.<sup>206</sup>

The creation of UN-Women was innovative and proceeded to have a profound impact on the subject of eliminating violence against women and promoting the empowerment of women.<sup>207</sup> Some of the roles of UN-Women are “to support intergovernmental bodies in their formulation of policies, help Member States implement these standards, and hold the UN system accountable for its own commitments on gender equality.”<sup>208</sup> A “scenario-based training program for peacekeepers” is an example of one of UN-Women’s joint efforts with the Department of Peacekeeping Operations (DPKO) to end sexual violence in conflict through action and education.<sup>209</sup> UN-Women works closely with the Third Committee as they seek to reach common goals. As a part of the Third Committee’s meetings during the 67<sup>th</sup> session of the General Assembly, Member States discussed the advancement of women for three days.<sup>210</sup> During these discussions, Lakshmi Puri presented UN-Women’s reports, which illustrated the progress made towards eliminating violence against women and empowering women, the joint efforts of the Third Committee, and obstacles left to overcome.<sup>211</sup> UN-Women provides further support to the Commission on the Status of Women (CSW).<sup>212</sup> UN-Women supports CSW by assisting the Bureau and promoting the inclusion of civil society members at meetings.<sup>213</sup> UN-Women and CSW work closely together as they each address similar matters with the common goals of empowering women, closing the gender gap, and eliminating violence against women.<sup>214</sup> CSW is the “principal global policymaking body dedicated exclusively to gender equality and advancement of women.”<sup>215</sup> The Commission’s report on the 57<sup>th</sup> session condemns violence against women and outlines solutions to ending the violence and promoting gender equality within social and economic structures.<sup>216</sup>

In 2013, the Human Rights Council (HRC) adopted resolutions extending “the mandates of the Working Group on the issue of discrimination against women in law and practice” (A/HRC/23/L.13) and addressing “the role of freedom of opinion and expression in women’s empowerment” (A/HRC/23/L.5).<sup>217</sup> The resolution lengthened the Working Group’s mandate, and emphasized the need to “include special or positive action measures to achieve gender equality in political and public life and to promote reforms and implement legal frameworks and policies directed towards achieving equality and the elimination of all forms of discrimination against women and girls.”<sup>218</sup> The HRC also often works in conjunction with the Third Committee. At a meeting of the Third Committee in October 2012, Her Excellency Verónica Chahín, Ambassador of Chile, emphasized support of HRC resolution 15/23, which created a “working group of independent experts on discrimination against women in law.”<sup>219</sup> When speaking at the Third Committee meeting, His Excellency Vuk Jeremić, Ambassador of Serbia and President of the

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<sup>204</sup> UN General Assembly, *Pervasive, Continued Violence Against Women ‘An Appalling Human Rights Violation;’ Eliminating Such Violence at Core of Women’s Empowerment, Third Committee Told* [Meeting Record], 2012.

<sup>205</sup> *Ibid.*

<sup>206</sup> UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women (A/RES/67/144)* [Resolution], 2013.

<sup>207</sup> UN-Women, *About UN-Women* [Website], 2013.

<sup>208</sup> *Ibid.*

<sup>209</sup> Deen, *U.N. Deploys Women Protection Advisers to Curb Sexual Violence*, 2013.

<sup>210</sup> UN General Assembly, *Pervasive, Continued Violence Against Women ‘An Appalling Human Rights Violation;’ Eliminating Such Violence at Core of Women’s Empowerment, Third Committee Told* [Meeting Record], 2012.

<sup>211</sup> *Ibid.*

<sup>212</sup> UN-Women, *About UN-Women* [Website], 2013.

<sup>213</sup> UN-Women, *Commission on the Status of Women: Overview* [Website], 2013.

<sup>214</sup> *Ibid.*

<sup>215</sup> *Ibid.*

<sup>216</sup> UN Commission on the Status of Women, *Report on the fifty-seventh session (E/2013/27)*, 2013.

<sup>217</sup> OHCHR, *Human Rights Council extends mandates on Discrimination against Women, Internally Displaced Persons and Belarus* [Press Release], 2013.

<sup>218</sup> *Ibid.*

<sup>219</sup> UN General Assembly, *Pervasive, Continued Violence Against Women ‘An Appalling Human Rights Violation;’ Eliminating Such Violence at Core of Women’s Empowerment, Third Committee Told* [Meeting Record], 2012.

General Assembly, applauded the efforts of UN-Women and the HRC for their efforts in promoting women's rights and gender equality.<sup>220</sup>

### ***The Relationship Between Violence Against Women and Development***

Violence against women takes on many forms, such as physical and mental and takes place in almost any situation, including times of conflict, at home, work, or school.<sup>221</sup> Violence against women further hinders social and economic development for the women, their communities and the global community.<sup>222</sup> Furthermore, violence against women has costs that can be both substantive in its effect on the economy and less numerical in terms of mental and physical damage.<sup>223</sup> Due to the large portion of regional and global resources dedicated to eliminating violence against women not going into the economy, most countries experience a lack of economic growth and, therefore, less economic development.<sup>224</sup> One example is health costs. Health costs range from medical care providers' services to the treatment itself.<sup>225</sup> The high number of women needing treatment, and the inability of individuals to pay and providers to provide puts a harsh strain on both individuals and the health care system.<sup>226</sup> The World Health Organization (WHO) noted in a report, "physical or sexual violence is a public health problem that affects more than one-third of all women globally."<sup>227</sup> The report also indicates that a prevailing issue with health care providers is the lack of knowledge on the matter to know how to respond properly, thus requiring more time and money to go into creating education programs for providers.<sup>228</sup>

Other areas that experience similar economic pressure due to violence against women include the justice system, social services, education, business and employment, and household and personal affairs.<sup>229</sup> Developing and developed countries both experience this economic tension.<sup>230</sup> For example, a study focused on Chile concluded, "women's loss of salary as a result of domestic violence cost US \$1.56 billion or more than 2 percent of the country's Gross Domestic Product," and in the United States, "the cost of violence against women by an intimate partner exceeds \$5.8 billion per year."<sup>231</sup> General Assembly resolution 67/144 expresses concerns for the consequences from hindering development due to violence and proposes solutions for ending violence and empowering women through education, improving infrastructure, women's social inclusion, lasting changes in legislatures, and other social and economic aspects on a regional and global level.<sup>232</sup>

### ***Millennium Development Goals and the Post-2015 Agenda***

Millennium Development Goal 3 aims to "promote gender equality and empower women," however but "violence against women continues to undermine efforts to reach all goals."<sup>233</sup> Despite progress towards reaching Goal 3, women still face inequalities in education, employment, and numerous other social and economic fields.<sup>234</sup> At the tenth and 11<sup>th</sup> meetings of the current session of the Third Committee, the importance of Goal 3 was highlighted and used to note that violence and discrimination against women "was the most pervasive and persistent form of inequality" hindering development.<sup>235</sup> In order to achieve all of the targets of Goal 3 by 2015 and beyond, regional and international groups must work together. In 2011, Japan supplied UN projects with \$3.5 billion to educational

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<sup>220</sup> UN General Assembly, *Third Committee Debate on Women's Rights Critical to Achieving Gender Equality, Goal that Should Receive Wide Global Support, Says General Assembly President* [Meeting Record], 2012.

<sup>221</sup> UN-Women, *Violence against women* [Website], 2011.

<sup>222</sup> Ibid.

<sup>223</sup> Day, et al., *The Economic Costs of Violence Against Women: An Evaluation of the Literature*, 2005, p. 6.

<sup>224</sup> Ibid, p. 7.

<sup>225</sup> Ibid., p. 8.

<sup>226</sup> Ibid.

<sup>227</sup> World Health Organization, *WHO report highlights violence against women as a 'global health problem of epidemic proportions'* [Article], 2013.

<sup>228</sup> Ibid.

<sup>229</sup> Day, et al., *The Economic Costs of Violence Against Women: An Evaluation of the Literature*, 2005, pp. 8-10.

<sup>230</sup> Beavers, et al., *Violence against women also hurts business and development* [Website], 2013.

<sup>231</sup> Ibid.

<sup>232</sup> UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women (A/RES/67/144)* [Resolution], 2013.

<sup>233</sup> United Nations, *Goal 3: Promote Gender Equality and Empower Women* [Website], 2013.

<sup>234</sup> Ibid.

<sup>235</sup> UN General Assembly, *Third Committee Debate on Women's Rights Critical to Achieving Gender Equality, Goal that Should Receive Wide Global Support, Says General Assembly President* [Meeting Record], 2012.

assistance and \$5 million to health care.<sup>236</sup> Thailand's representative at the meeting, Pratana Udommongkolkul, emphasized the country's efforts to empower women through political involvement by bringing attention to the rising "number of women occupying senior positions in the public and private sectors" as "women comprised one-fourth of both houses."<sup>237</sup> The report from the 57<sup>th</sup> session of the Commission on the Status of Women (CSW) observed obstacles to development and the MDGs that included trafficking in women and girls, violence in times of conflict, and natural disasters.<sup>238</sup> The report suggests solutions to these obstacles that range from strengthening international cooperation and social inclusiveness programs to intensifying efforts to criminalize all forms of violence.<sup>239</sup> At the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, the Panel discussed persisting barriers to eliminating violence against women and stressed the need for global partnerships.<sup>240</sup> The Panel underlined certain goals that should be a priority for the international community and not any one particular region with eliminating violence against women being one of those goals.<sup>241</sup> This highlights the significance of this topic to the post-2015 agenda. Major factors in reaching this goal are by empowering women and attaining gender equality.<sup>242</sup> The post-2015 agenda must take notice of the existing inequality among women and strive to improve the quality of women's human rights in order to stem violence and promote the empowerment of women.

### ***Preventing and Responding to Violence Against Women***

Education has become a key factor in preventing violence against women as enhanced education can call attention to the signs, forms, and instances of violence and serve as a tool for empowering women. "Education is a human right, and eliminating illiteracy, ensuring equal access to education [...] and closing the gender gap at all levels of education empowers women and girls and thereby contributes to the elimination of all forms of discrimination and violence against women and girls."<sup>243</sup> UN Human Rights Chief Navi Pillay stated, "[w]hat we need is changed behavior. We need to prevent the underlying attitudes, stereotypes and discrimination that give rise to these specific forms of violence."<sup>244</sup> Educating the youth on recognizing these attitudes and stereotypes and using them to speak out on violence through social and political outlets would not only bring attention to the topic, but also provide additional solutions through international collaboration.<sup>245</sup> It is also imperative to educate on the harsh realities of violence against women not only in schools, but also through religious institutions, parents, and social programs.<sup>246</sup> Another pertinent aspect to this topic is the need to educate males to recognize and halt violence against women.<sup>247</sup> In 2007, the "Mobilising Men" program was at a symposium organized by the Institute of Development Studies and supported by the United Nations Population Fund (UNFPA).<sup>248</sup> This program addresses "the need to engage men in efforts to prevent sexual and gender-based violence and to promote sexual health and gender equality."<sup>249</sup> Furthermore, one of the programs goals is to train male activist to promote and institute regional and international solutions to eliminating violence against women.<sup>250</sup>

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<sup>236</sup> UN General Assembly, *Third Committee Debate on Women's Rights Critical to Achieving Gender Equality, Goal that Should Receive Wide Global Support, Says General Assembly President* [Meeting Record], 2012.

<sup>237</sup> *Ibid.*

<sup>238</sup> UN Commission on the Status of Women, *Report on the fifty-seventh session (E/2013/27)* [Report], 2013.

<sup>239</sup> *Ibid.*

<sup>240</sup> UN High-Level Panel on the Post-2015 Development Agenda, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development* [Report], 2013.

<sup>241</sup> *Ibid.*, p. 15.

<sup>242</sup> UN High-Level Panel on the Post-2015 Development Agenda, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development* [Report], 2013, p. 16.

<sup>243</sup> UN Commission on the Status of Women, *Report on the fifty-seventh session (E/2013/27)*, 2013.

<sup>244</sup> OHCHR, *Ending gender-based violence and discrimination: Youth as agents of change* [Website], 2013.

<sup>245</sup> *Ibid.*

<sup>246</sup> UN General Assembly, *Intensification of efforts to eliminate all forms of violence against women (A/RES/67/144)* [Resolution], 2013.

<sup>247</sup> BRIDGE, *Review of research on collective action and engaging men to tackle gender based violence*, 2012, p. 2.

<sup>248</sup> Greig, *Mobilising Men in Practice: Challenging sexual and gender-based violence in institutional settings*, 2012, p. 1.

<sup>249</sup> *Ibid.*, p. 3.

<sup>250</sup> *Ibid.*

Multisectoral responses and services must be utilized in order to respond to and prevent violence against women.<sup>251</sup> Multisectoral services refer to the services provided by different sectors within a country and governments, such as health care, legal system, education, professional field, private sector, NGOs, special interest groups, and any other sector on regional and international levels that provides women with goods and services that lead to protection and development.<sup>252</sup> As noted in CSW's expert panel on "Multisectoral services and responses for women and girls subject to violence," there are still multiple obstacles preventing the "availability and accessibility of multisectoral services and coordinated responses for all women and girls subject to violence."<sup>253</sup> The obstacles hindering the progress of providing multisectoral services include lack of access in some areas, ensuring the full implementation of programs and services, and lack of proper funding.<sup>254</sup> UN-Women hosted an online discussion that discussed additional barriers in multisectoral services and responses and possible solutions to these barriers.<sup>255</sup> The barriers noted in the discussion included the "services remain[ing] uneven in quality, longevity and sustainability, the need for a more broad distribution of services, and services must be better designed for children and girls, and for women subject to multiple forms of discrimination."<sup>256</sup> Solutions recommended were to make "violence prevention a State priority," to form a "better understanding of the multiple causes of gender-based violence," "broader distribution of services," and more training on various aspect of the topic.<sup>257</sup> It is vital to create a global standard for multisectoral responses for services to be effective.<sup>258</sup>

### **Conclusion**

Despite the progress in eliminating violence against women, there are still areas that need strengthening. Such areas include effective implementation of multisectoral services and educational programs that reach all women. The UN, international, and regional organizations will continue to strive to overcome these obstacles in order to address "one of the most widespread violations of human rights"- violence against women.<sup>259</sup>

There are numerous questions and concerns that delegates should contemplate while researching this topic. What are the international, regional, and UN organizations and groups doing to intensify efforts to eliminate all forms of violence against women and how can they be improved? How are these bodies ensuring and overseeing the implementation of programs and solutions? How can successful regional programs be implemented globally? How can countries reverse the negative social and economic development results for both women and the global community? What will the post-2015 agenda look like for women, particularly in stemming violence against women? How can regions, governments, and programs effectively educate the community on violence against women and its prevention? How can multisectoral responses and services have a lasting effect on this topic? Delegates should consider these and other critical questions and concerns mentioned here and devise solutions from a country perspective that aim to intensify efforts to eliminate all forms of violence against women.

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*Violence against women has a far-reaching negative effect on development, especially economic development. This article emphasizes the negative effect and points out that it is not exclusive to*

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<sup>251</sup> UN-Women, *It is time for action to end violence against women: a speech by Lakshmi Puri at the ACP-EU Parliamentary Assembly* [Statement], 2013.

<sup>252</sup> UN Commission on the Status of Women, *Multisectoral services and responses for women and girls subject to violence: Moderator's Summary (E/CN.6/2013/CRP.4)*, 2013.

<sup>253</sup> Ibid.

<sup>254</sup> Ibid.

<sup>255</sup> Baker, *Report on the online discussion on eliminating violence against women and girls – gaps, challenges and strategic directions in prevention and multisectoral services and responses*, 2012.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> UN Commission on the Status of Women, *Multisectoral services and responses for women and girls subject to violence: Moderator's Summary (E/CN.6/2013/CRP.4)*, 2013.

<sup>259</sup> UN-Women, *Violence against Women* [Website], 2011.

*developing countries. The article illustrates the economic damage violence against women has on developing and developed countries by providing the monetary burdens countries such as the United States and Chile face. This is necessary for delegates to evaluate the numeric costs resulting from violence against women.*

Day, T. & K. McKenna & A. Bowlus. (2005). *The Economic Costs of Violence Against Women: An Evaluation of the Literature*. Retrieved 1 September 2013 from:

[www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf](http://www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf)

*Violence against women has a negative impact on the economy and overall development of women. This study illustrates the different costs of hindering women's economic development on the economy as a whole and the individuals. It highlights the differences between definite and tangible costs and intangible costs such as mental and physical damages. The brief outlines additional information on the different areas lacking growth and development and suffering from economic restraints, such as the health sector. This source is a useful tool in providing delegates with knowledge and background information on the economic backlash from the lack of development due to violence against women.*

UN-Women. (2013, July 24). *Beijing at 20: ECOSOC launches review of progress on women's rights* [Website]. Retrieved 1 September 2013 from: <http://www.unwomen.org/en/news/stories/2013/7/ecosoc-launches-beijing-plus-20-review>

*The Fourth World Conference on Women was a turning point for topics related to the empowerment of women and gender equality. The Conference, along with the Beijing Declaration and Platform for Action created there, helped put the women's empowerment at the forefront of international discussions. Since its inception in 1995, there has been a five-year review of the Beijing Declaration and Platform for Action. The next review will occur in 2015. This press release outlines the purpose of this review and emphasizes its importance in determining the progress made and remaining challenges. Though this review will not take place until 2015, it is essential to stay current on future ambitions for a milestone in the advancement of women, such as the Fourth World Conference.*

UN-Women. (2011). *Violence against Women* [Website]. Retrieved 29 June 2013 from:

[http://www.unifem.org/gender\\_issues/violence\\_against\\_women/](http://www.unifem.org/gender_issues/violence_against_women/)

*The goal of UN-Women is to promote gender equality and the empowerment of women. It focuses on creating and implementing new programs and standards that will promote gender equality and eliminate all forms of violence against women. This Website outlines the topic of eliminating all forms of violence against women and divulges ways in which UN-Women works towards reaching this goal. This Website will provide delegates with vital background to the topic.*

United Nations, High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. (2013). *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development*. Retrieved 1 September 2013 from: <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>

*This is the report from the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. This report outlines the key findings related to progress on the MDGs and areas needing improvement moving forward into 2015. It not only addresses eliminating violence against women, but factors related to that as well, including empowering women, achieving full gender equality, recognizing women's rights as vital human rights, guaranteeing women equal economic opportunities, and others. The report looks at these challenges and assesses progress towards reaching them by 2015. This report is a vital resource for delegates as this topic is a key goal of the MDGs and is of high priority moving forward.*

United Nations. (2013). Documents of the 67<sup>th</sup> Session. *General Assembly, Third Committee* [Website]. Retrieved 29 June 2013 from: <http://www.un.org/en/ga/third/67/documentation.shtml>

*This website provides valuable documentation from the 67<sup>th</sup> Session of the General Assembly Third Committee. This documentation includes some of the latest documents from the Third Committee that address eliminating all forms of violence against women. This Website is an excellent resource as it provides some of the most recent and relevant documentation on this topic*

*and from this Committee. It is vital to this topic because it also contains relevant documents related to eliminating violence against women, such as documents that discuss trafficking of women and girls, economic development, and other pertinent topics.*

United Nations. (2011). Fifty-seventh session of the Commission on the Status of Women. *UN-Women* [Website]. Retrieved 29 June 2013 from: <http://www.un.org/womenwatch/daw/csw/57sess.htm>

*CSW is the primary committee within the UN system that works towards achieving gender equality and the advancement of women. The fifty-seventh session was the most recent session of CSW. This Website contains the reports, statements, resolutions and other pertinent documents produced from this session. Within this session, topics discussed include the empowerment of women and eliminating violence against women, as well as CSW's cooperative work with other UN organizations, such as UN-Women.*

United Nations, General Assembly, Third Committee. (2012, October 15). *Pervasive, Continued Violence Against Women 'An Appalling Human Rights Violation; Eliminating Such Violence at Core of Women's Empowerment, Third Committee Told* [Meeting Record]. Retrieved 29 June 2013 from: <http://www.un.org/News/Press/docs/2012/gashc4040.doc.htm>

*This meeting record pertains to one of the most recent Third Committee Meetings. This record highlights a multitude of factors related to this topic, including the recent actions taken by the Third Committee focused on eliminating violence against women, future steps to be taken, recent resolutions adopted, and work the Third Committee has done with other UN bodies, such as UN-Women and the Human Rights Council. This is an indispensable resource because it offers a plethora of information on a variety of points addressed in the background guide. It is an excellent starting point for delegates to obtain an overall basic knowledge of the topic.*

United Nations Office of the High Commissioner for Human Rights. (2013). *Committee on the Elimination of Discrimination Against Women* [Website]. Retrieved 29 June 2013 from:

<http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

*CEDAW overlooks the execution of the Convention on the Elimination of All Forms of Discrimination against women. This Website contains documents and previous sessions of CEDAW, which would provide a more in-depth knowledge of the topic through reports, resolutions and media releases. Furthermore, it illustrates the current attempts by the UN to eliminate of all forms of violence against women. It provides a broad analysis, and research base for delegates to begin their research.*

United Nations Office of the High Commissioner for Human Rights. (2013). *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979* [Website]. Retrieved 29 June 2013 from:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

*The Convention was the result of work done by CSW, which is responsible for observing the implantation of the treaty. This Website describes the formation, work and intent of the Convention, which was to establish tools and mechanisms for eliminating discrimination against women and furthering the empowerment of women. The treaty is an essential resource for this topic as it introduced the rights of women into the discussions of human rights.*

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## **Rules of Procedure of the General Assembly Third Committee (GA 3<sup>rd</sup>)**

### ***Introduction***

1. These rules shall be the only rules which apply to the General Assembly Third Committee (hereinafter referred to as “the Committee”) and shall be considered adopted by the Committee prior to its first meeting.
2. For purposes of these rules, the Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Deputy Secretary-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Deputy Secretary-General or her/his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations (NMUN) and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Committee, which can be any member of the Secretariat or their designate.
5. The practice of striving for consensus in decision-making shall be encouraged. NMUN also acknowledges it may sometimes be necessary for a Member State to abstain or vote against a resolution it cannot support for policy reasons.

### **I. SESSIONS**

#### **Rule 1 - *Dates of convening and adjournment***

The Committee shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

#### **Rule 2 - *Place of sessions***

The Committee shall meet at a location designated by the Secretary-General.

### **II. AGENDA**

#### **Rule 3 - *Provisional agenda***

The provisional agenda shall be drawn up by the Deputy Secretary-General and communicated to the members of the Committee at least sixty days before the opening of the session.

#### **Rule 4 - *Adoption of the agenda***

The agenda provided by the Deputy Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting.

*The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those Member States and observers, in attendance at the meeting during which this motion comes to a vote. Should the Committee not reach a decision by conclusion of the first night’s meeting, the agenda will be automatically set in the order in which it was first communicated.*

**Rule 5 - Revision of the agenda**

During a session, the Committee may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Debate on the inclusion of an item in the agenda shall be limited to three speakers in favor of, and three against, the inclusion. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Committee so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Committee decides otherwise by a two-thirds majority of the members present and voting, be considered until a commission has reported on the question concerned.

*For purposes of this rule, the determination of an item of an important and urgent character is subject to the discretion of the Deputy Secretary-General, or his or her designate, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Committee to be placed on the agenda. The votes described in this rule are substantive votes, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members “present and voting” — means members (not including observers) in attendance at the session during which this motion comes to vote.*

**Rule 6 - Explanatory memorandum**

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

### III. SECRETARIAT

**Rule 7 - Duties of the Secretary-General**

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Committee.
2. The Secretary-General, in cooperation with the Deputy Secretary-General, shall provide and direct the staff required by the Committee and be responsible for all the arrangements that may be necessary for its meetings.

**Rule 8 - Duties of the Secretariat**

The Secretariat shall receive and distribute documents of the Commission to the Members, and generally perform all other work which the Committee may require.

**Rule 9 - Statements by the Secretariat**

The Secretary-General or her/his designate, may make oral as well as written statements to the Committee concerning any question under consideration.

**Rule 10 - Selection of the President**

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Committee for the duration of the session, unless otherwise decided by the Secretary-General.

**Rule 11 - Replacement of the President**

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General or her/his designate.

## IV. LANGUAGE

### **Rule 12 - Official and working language**

English shall be the official and working language of the Committee during scheduled sessions (both formal and informal) of the Committee.

### **Rule 13 - Interpretation (oral) or translation (written)**

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit. The language should be the official language of the country you are representing at NMUN.*

## V. CONDUCT OF BUSINESS

### **Rule 14 - Quorum**

The President may declare a meeting open and permit debate to proceed when representatives of at least one-third of the members of the Committee are present. The presence of representatives of a majority of the members of the Committee shall be required for any decision to be taken.

*For purposes of this rule, members of the Committee means the total number of members (not including observers) in attendance at the first night's meeting (session).*

### **Rule 15 - General powers of the President**

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. He or she shall rule on points of order. The President may propose to the Committee the closure of the list of speakers, a limitation on the speakers time and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.*

### **Rule 16 - Authority of the Committee**

The President, in the exercise of her or his functions, remains under the authority of the Committee.

### **Rule 17 - Voting rights on procedural matters**

Unless otherwise stated, all votes pertaining to the conduct of business shall require a favorable vote by the majority of the members "present and voting" in order to pass.

*For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this rule is applied. Note that observers may vote on all procedural votes; they may, however, not vote on substantive matters (see Chapter VI). Every delegation must cast a vote in procedural votes. Further, there is no possibility to abstain or pass on procedural votes*

### **Rule 18 - Points of order**

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. They should be used exclusively to correct an error in procedure. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte (on her/his own accord), during the speech. For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this motion comes to vote.*

### **Rule 19 - Speeches**

No representative may address the Committee without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the Committee through a vote if the President, at his or her discretion, decides to allow the Committee to decide. In no case shall the speaker's time be changed during the first scheduled session of the Committee. Consequently, motions to alter the speaker's time will not be entertained by the President. The content of speeches should be pertinent to the agenda as set by the Committee.*

### **Rule 20 - List of Speakers**

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate, the President may announce the list of speakers and, with the consent of the Committee, declare the list closed. Once the list has been closed, it can be reopened upon by a vote of the Committee. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Committee.

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Committee. A motion to close the speakers list or reopen (if the list has already been closed) is within the purview of the Committee and the President should not act on her/his own motion.*

### **Rule 21 - Right of reply**

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Committee by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose. The right of reply will not be approved should it impugn the integrity of another State.*

**Rule 22 - Suspension of the meeting**

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. Delegates should not state a purpose for the suspension.

*This motion should be used to suspend the meeting for lunch or at the end of the scheduled committee session time. Delegates should properly phrase this motion as "suspension of the meeting," and provide a length of time when making the motion.*

**Rule 23 - Adjournment of the meeting**

During the discussion of any matter, a representative may move to the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Committee shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the Committee's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Committee.*

**Rule 24 - Adjournment of debate**

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Two representatives may speak in favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

**Rule 25 - Closure of debate**

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Committee favors the closure of debate, the Committee shall immediately move to vote on all proposals introduced under that agenda item.

**Rule 26 - Order of motions**

Subject to Rule 18, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

1. To suspend the meeting;
2. To adjourn the meeting;
3. To adjourn the debate on the item under discussion;
4. To close the debate on the item under discussion.

**Rule 27 - Proposals and amendments**

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Committee [sponsors].

The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Committee unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated.

If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Committee for all purposes, including subsequent amendments.

*For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Committee by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Committee. These draft resolutions are the collective property of the Committee and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form. Should delegates wish to withdraw a working paper or draft resolution from consideration, this requires the consent of all sponsors.*

#### **Rule 28 - Withdrawal of motions**

A motion may be withdrawn by its proposer at any time before voting has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

#### **Rule 29 - Reconsideration of a topic**

When a topic has been adjourned, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately. The President may limit the time to be allowed to speakers under this rule.

#### **Rule 30 - Invitation to silent prayer or meditation**

Immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting of each session of the General Assembly, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.

## **VI. VOTING**

#### **Rule 31 - Voting rights**

Each member of the Committee shall have one vote.

*This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.*

#### **Rule 32 - Request for a vote**

A proposal or motion before the Committee for decision shall be voted upon if any member so requests. Where no member requests a vote, the Committee may adopt proposals or motions without a vote.

*For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote. Adoption by "acclamation" or "without a vote" is consistent not only with the educational mission of the conference but also the way in which the United Nations adopts a majority of its proposals.*

### **Rule 33 - Majority required**

1. Unless specified otherwise in these rules, decisions of the Committee shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative States as “present and voting” during the attendance roll-call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain on substantive votes.*

### **Rule 34 - Method of voting**

1. The Committee shall normally vote by a show of placards, except that a representative may request a roll-call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each member shall be called in any roll-call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

*Only those members who designate themselves as present or present and voting during the attendance roll-call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass must, when requested a second time, respond with either a yes or no vote. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.*

2. When the Committee votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Committee shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll-call or a recorded vote shall be inserted in the record.

### **Rule 35 - Explanations of vote**

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends. Only delegates who are sponsors of a draft resolution that has been adopted with an unfriendly amendment, whom subsequently voted against the draft resolution may explain their vote.*

### **Rule 36 - Conduct during voting**

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

*For purposes of this rule, there shall be no communication among delegates, and if any delegate leaves the Committee room during voting procedure, they will not be allowed back into the room until the Committee has convened voting procedure. Should a delegate who is also serving as Head Delegate leave the room, they may reenter but they may not retake their seat and participate in the vote.*

### **Rule 37 - Division of proposals and amendments**

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in

an order to be set by the President where the most radical division will be voted upon first. If an objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.*

#### **Rule 38 - Amendments**

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal. Permission to speak on the amendment shall be given only to two speakers in favor and two speakers against.

*An amendment can add, amend, or delete entire operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambular clauses or sub-clauses of operative clauses. The President may limit the time to be allowed to speakers under this rule. These speeches are substantive in nature.*

#### **Rule 39 - Voting on amendments**

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.*

#### **Rule 40 - Order of voting on proposals**

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Committee decides otherwise, be voted on in the order in which they were submitted.

#### **Rule 41 - The President shall not vote**

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

## **VII. CREDENTIALS**

#### **Rule 42 - Credentials**

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

#### **Rule 43 - Authority of the General Assembly**

The Committee shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

## **VII. PARTICIPATION OF NON-MEMBERS OF THE COMMITTEE**

**Rule 44 - Participation of non-Member States**

The Committee shall invite any Member of the United Nations that is not a member of the Committee and any other State, to participate in its deliberations on any matter of particular concern to that State.

A sub-committee or sessional body of the Committee shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

*If the Committee considers that the presence of a Member invited, according to this rule, is no longer necessary, it may withdraw the invitation. Delegates invited to the Committee according to this rule should also keep in mind their role and obligations in the Committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Committee is no longer required. Delegates may request the presence of a non-member of their committee simply by informing the President that this is the desire of the body, there is no formal procedural process.*

**Rule 45 - Participation of national liberation movements**

The Committee may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

*National liberation movements are only represented at NMUN in two ways: (1) if their delegation has been assigned explicitly the national liberation movement itself; or (2) should the Security Commission wish to hear from a representative of the movement in their deliberations, the Secretariat shall provide the appropriate representative.*

**Rule 46 - Participation of and consultation with specialized agencies**

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Committee and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Committee or of the subsidiary organ concerned.

*NMUN does not assign delegations to Specialized Agencies.*

**Rule 47 - Participation of non-governmental organization and intergovernmental organizations**

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the Economic and Social Council and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Committee on questions within the scope of the activities of the organizations.

*NMUN will assign delegations an NGO instead of a Member State upon request.*