





# THE 2017 NATIONAL MODEL UNITED NATIONS

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19–23 March (Conference A) & 9-13 April (Conference B) • [www.nmun.org](http://www.nmun.org)

Dear Delegates,

Welcome to the 2017 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the General Assembly Third Committee. This year's staff is: Directors Maxwell Lacey (Conference A) and Marleen Schreier (Conference B), and Assistant Directors Caitlin Hopper (Conference A) and Simón Arias (Conference B). Maxwell completed his Bachelor's degree in Politics & International Relations at Royal Holloway, University of London and now works as an International Partnerships Manager at the University of London. This will be his third year on staff. Marleen is currently enrolled in a Dual Degree Master's program in International Affairs and Public Policy at Columbia University, New York. She is looking forward to her third year on NMUN•NY staff. Caitlin graduated with a B.A. in International Studies from the University of Wisconsin Oshkosh and is now working as an Administrative & Events Coordinator for International Food Policy Research Institute. Simón is enrolled in a Master's program in International Affairs with a focus on Conflict Management at Johns Hopkins School of Advanced International Studies. He is looking forward to his second year on NMUN•NY staff.

The topics under discussion for the General Assembly Third Committee are:

- I. Improving Coordination in Humanitarian Response to Natural Disasters and Other Emergencies
- II. Preventing Violence and Discrimination Based on Sexual Orientation and Gender Identity
- III. Promoting Rights and Strengthening Protections for Older Persons

The General Assembly Third Committee is one of six committees of the General Assembly, which is a main organ of the United Nations. The General Assembly Third Committee is referred to as the Social, Humanitarian and Cultural Affairs Committee and provides a forum for all 193 Member States to discuss issues and cooperate through the creation of policies and norms. Delegates will have the opportunity to discuss a diverse array of problems that will challenge their negotiation and public speaking skills in a plenary-size committee.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2017 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

Two essential resources for your preparation are the [Delegate Preparation Guide](#) and the [NMUN Rules of Procedure](#) available to download from the NMUN website. The [Delegate Preparation Guide](#) explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. The [NMUN Rules of Procedure](#) include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. In tandem, these documents thus serve as essential instruments in preparing for the Conference and as a reference during committee sessions.

Please take note of information in the [Delegate Preparation Guide](#) on plagiarism and the prohibition of pre-written working papers and resolutions. Additionally, please review the [NMUN Policies and Codes of Conduct](#) on the NMUN website regarding the Conference dress code; awards philosophy and evaluation method; and codes of conduct for delegates, faculty, and guests regarding diplomacy and professionalism. Importantly, any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. Adherence to these policies is mandatory.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Under-Secretaries-General for the General Assembly Department, Lauren Shaw (Conference A) and Felipe Ante (Conference B), at [usg.ga@nmun.org](mailto:usg.ga@nmun.org).

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

**Conference A**

Maxwell Lacey, *Director*  
Caitlin Hopper, *Assistant Director*

**Conference B**

Marleen Schreier, *Director*  
Simón Arias, *Assistant Director*



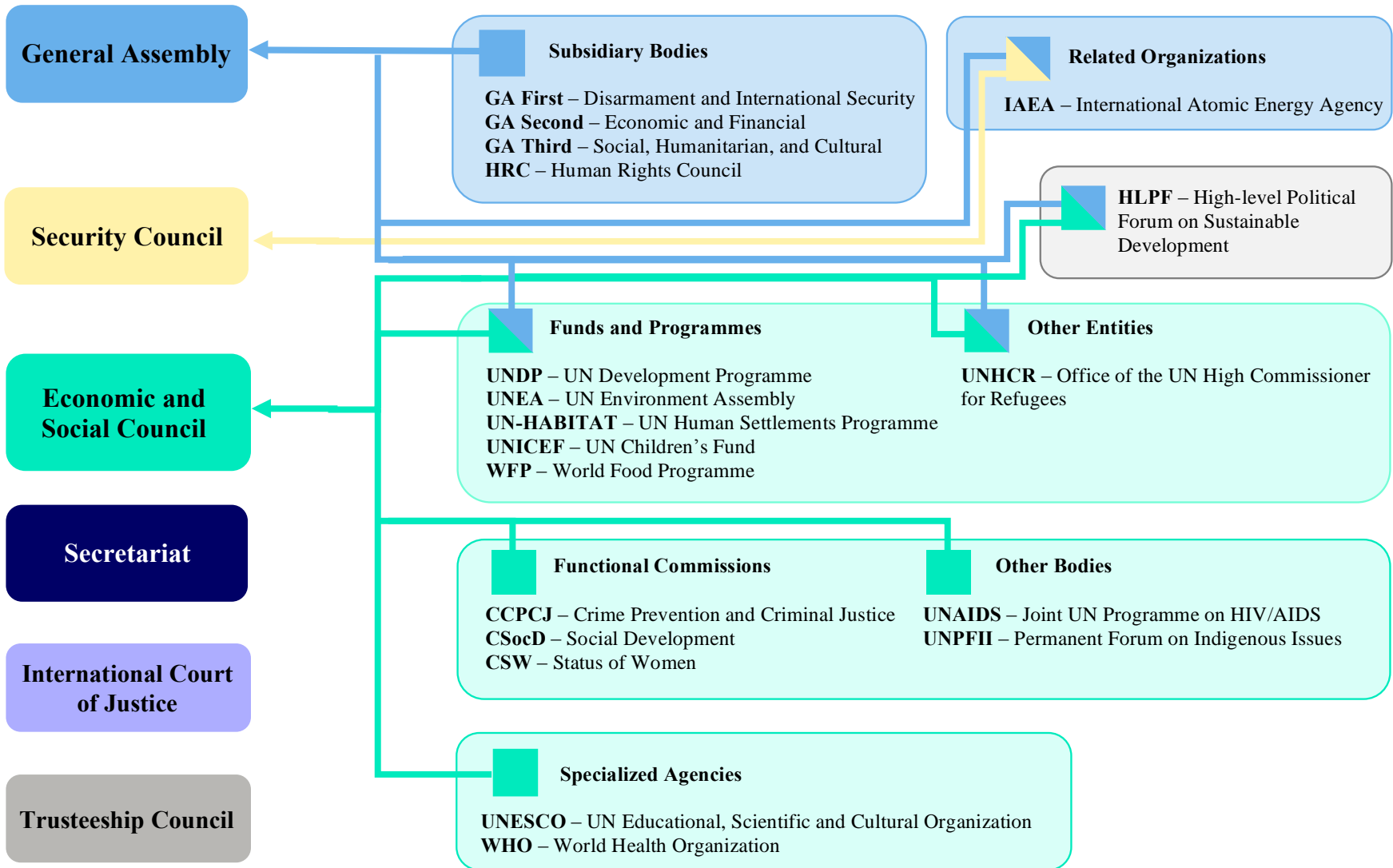
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## United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.





## Abbreviations

<b>ADRC</b>	Asian Disaster Reduction Center
<b>CERF</b>	Central Emergency Response Fund
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights
<b>CSO</b>	Civil society organization
<b>ECOSOC</b>	Economic and Social Council
<b>ERC</b>	Emergency Relief Coordinator
<b>EU</b>	European Union
<b>HAS</b>	Humanitarian Affairs Segment
<b>HPC</b>	Humanitarian Programme Cycle
<b>HRC</b>	Human Rights Council
<b>IASC</b>	Inter-Agency Standing Committee
<b>ICCPR</b>	<i>International Covenant on Civil and Political Rights</i>
<b>ICPD</b>	International Conference on Population and Development
<b>IFA</b>	International Federation of Ageing
<b>INPEA</b>	International Network for the Prevention of Elder Abuse
<b>LGBT</b>	Lesbian, gay, bisexual, and transgender
<b>LGBTI</b>	Lesbian, gay, bisexual, transgender, and intersex
<b>MDG</b>	Millennium Development Goal
<b>MIPAA</b>	Madrid International Plan of Action on Ageing
<b>NGO</b>	Non-governmental organization
<b>NPOP</b>	National Policy on Older Persons
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OEWG</b>	Open-Ended Working Group
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights
<b>PGA</b>	President of the General Assembly
<b>PoA</b>	<i>Programme of Action</i> of the International Conference on Population and Development
<b>SDG</b>	Sustainable Development Goal
<b>SG</b>	Secretary-General
<b>SOGI</b>	Sexual orientation and gender identity
<b>UDHR</b>	<i>Universal Declaration of Human Rights</i>
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNFE</b>	United Nations Free & Equal
<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees
<b>UNISDR</b>	United Nations Office for Disaster Risk Reduction
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>VIPAA</b>	<i>Vienna International Plan of Action on Ageing</i>
<b>WASH</b>	Water, sanitation, and hygiene
<b>WEAAD</b>	World Elder Abuse Awareness Day
<b>WG</b>	Working group
<b>WHO</b>	World Health Organization
<b>WHS</b>	World Humanitarian Summit



## Committee Overview

### *Introduction*

The General Assembly Third Committee is one of the six main committees of the United Nations (UN) General Assembly.<sup>1</sup> Following the Second World War, the UN was formed to act as a deliberative and co-operational forum for Member States to better prevent the outbreak of future hostilities.<sup>2</sup> The General Assembly, one of the six principal organs of the UN created under the *Charter of the United Nations* (1945), was created to act as the wholly representative and deliberative arm of the organization.<sup>3</sup> The large variance in the scope of its mandate led the General Assembly to allocate its work among six committees that would allow each to focus on a specific theme.<sup>4</sup> The stated mandate of the Third Committee is the discussion of all matters related to social, humanitarian, and cultural affairs.<sup>5</sup> Since its foundation, this mandate has naturally developed to also include a particular specialism as the primary forum for issues around human rights, thereby making it the world's largest and most prominent forum for international human rights norm creation.<sup>6</sup> This overview will introduce the committee through a contextualization of it within the wider General Assembly structure, an overview of its governance and membership, an analysis of its mandate and associated powers before examining its current priorities.

### *Governance, Structure, and Membership*

In accordance with the Charter, the General Assembly is comprised of 193 UN Member States, as well as a number of Observer States and non-governmental organizations.<sup>7</sup> All main General Assembly committees begin their annual session in mid-September, following the drafting and allocation of agenda items by the General Committee to each specific committee, according to theme and content.<sup>8</sup> Relevant reports of the Secretary-General are issued just before each corresponding agenda item, followed by an allotted time for questions for clarification or analysis.<sup>9</sup> As is the case for all General Assembly committees, the Third Committee adopts draft resolutions on each agenda item and a report to the General Assembly Plenary.<sup>10</sup> Based on this, the Plenary then adopts, either through a vote or by consensus, the draft resolutions as recommended in the committee report.<sup>11</sup>

The President of the General Assembly (PGA) is the largely ceremonial head of the General Assembly, elected each year by a simple majority to a one-year nonrenewable term.<sup>12</sup> The PGA's duties are to facilitate Plenary sessions by directing discussion, managing the administration of meetings, and enforcing the General Assembly Rules of Procedure.<sup>13</sup> The PGA does not preside over all six General Assembly committees separately; rather, Chairs and Vice Chairs are the facilitators of individual committees.<sup>14</sup> The PGA also performs executive duties such as meeting regularly with the Secretary-General, the President of the Security Council, and the President of Economic and Social Council; communicating with the press and the public; and organizing high-level meetings for certain thematic issues.<sup>15</sup>

All General Assembly committees are supported by secretariats, which provide substantive and logistical support to the committees. The Office of the UN High Commissioner for Human Rights (OHCHR) serves as the primary

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<sup>1</sup> UN General Assembly, *Main Committees*, 2016.

<sup>2</sup> *Charter of the United Nations*, 1945, Art. 55-60.

<sup>3</sup> *Ibid.*; UN General Assembly, *About the General Assembly*, 2016.

<sup>4</sup> *Charter of the United Nations*, 1945; UN General Assembly, *Main Committees*, 2016.

<sup>5</sup> UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2016.

<sup>6</sup> UN HRC, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007; UN HRC, *Review of the work and functioning of the Human Rights Council (A/HRC/RES/16/21)*, 2011; UN DESA, *The UN General Assembly's Third Committee – social, humanitarian and cultural issues*, 2013.

<sup>7</sup> UN General Assembly, *Member States*, 2016.

<sup>8</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, pp. 37-38, 62.

<sup>9</sup> *Ibid.*, p. 65.

<sup>10</sup> *Ibid.*, p. 62.; UN General Assembly, *Third Committee- Reports to the Plenary*, 2016.

<sup>11</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 62.

<sup>12</sup> *Ibid.*, p. 16.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*, pp. 15, 18.

<sup>15</sup> *Ibid.*, pp. 16-17.

substantive support wing of the Third Committee’s secretariat, acting as a natural focal point for human rights bodies, reports, and other publications.<sup>16</sup> Given the varied nature of its work, various other UN entities may serve as substantive secretariats for the Third Committee, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Children’s Fund, the United Nations Volunteers program, and the Office of the United Nations High Commissioner for Refugees (UNHCR).<sup>17</sup> Furthermore, as a subsidiary body of the General Assembly, the United Nations Human Rights Council (HRC) provides an annual report to the Third Committee on its own recent sessions and discussions.<sup>18</sup> Independent Experts, Special Rapporteurs, and Working Groups that compile reports and advise the HRC will also engage in interactive dialogues with the Third Committee on a variety of subjects.<sup>19</sup>

### ***Mandate, Functions, and Powers***

The Third Committee derives its direction from a variety of UN documents. Generally, Articles 10-17 of the Charter are the principal guidelines for the substance and scope of all General Assembly committees.<sup>20</sup> These articles state that the General Assembly has the authority to “initiate studies and make recommendations,” as well as “receive and consider reports” from other organs of the UN, including the Security Council.<sup>21</sup> Article 1 also speaks of “promoting and encouraging respect for human rights and for fundamental freedoms for all,” which has been said to be the foundation of the *Universal Declaration of Human Rights* (UDHR) (1948) and the mandate of much of the Third Committee’s work.<sup>22</sup> Nearly every international human rights instrument since the UDHR has built upon its core principles, thereby enlarging the Third Committee’s mandate by extension.<sup>23</sup> For example, the Third Committee used the UDHR as the groundwork to adopt additional and more specific international human rights instruments, chief among them the *International Covenant on Civil and Political Rights* (1966) and the *International Covenant on Economic, Social, and Cultural Rights* (1966).<sup>24</sup> These documents, along with the two optional protocols to the *International Covenant on Civil and Political Rights*, make up what is known as the *International Bill of Human Rights*.<sup>25</sup> Both covenants differ from the UDHR in that they are legally binding multilateral treaties to those Member States that have either ratified or acceded to them.<sup>26</sup>

Under its overall mandate as the Social, Humanitarian and Cultural Committee, the Third Committee spends a large portion of its time discussing matters relating to human rights and rights norm setting, demonstrated by the fact that around half of its work is based on the single agenda item “Promotion and protection of human rights.”<sup>27</sup> However, the Third Committee’s work can encompass a broad variety of issues, including those beyond human rights, demonstrated during its 70<sup>th</sup> session wherein topics including crime prevention and criminal justice, international drug control, young people’s social development, and the advancement of women were discussed.<sup>28</sup>

As part of the General Assembly, the work of the Third Committee is of a normative nature, in that it does not actually carry out the operations or tasks called for in its resolutions.<sup>29</sup> The Third Committee primarily works through the initiation of studies and the creation of nonbinding recommendations.<sup>30</sup> The task of operationalizing the Third Committee’s recommendations is primarily delegated to the various agencies and offices of the UN

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<sup>16</sup> OHCHR, *Human Rights – New York: Mainstreaming human rights*, 2016.

<sup>17</sup> UN General Assembly, *Organization of work of the Third Committee: Note by the Secretariat (A/C.3/70/L.1/Rev. 1)*, 2015.

<sup>18</sup> UN General Assembly, *Report of the Human Rights Council (A/70/53)*, 2015.

<sup>19</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65; UN DESA, *The UN General Assembly’s Third Committee – social, humanitarian and cultural issues*, 2013.

<sup>20</sup> *Charter of the United Nations*, 1945, Art. 10-17.

<sup>21</sup> *Ibid.*, Art. 13, 15.

<sup>22</sup> OHCHR, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996; UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

<sup>23</sup> OHCHR, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

<sup>24</sup> *Ibid.*; UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

<sup>25</sup> OHCHR, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

<sup>26</sup> *Ibid.*

<sup>27</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

<sup>28</sup> UN General Assembly, *Allocation of agenda items to the Third Committee (A/C.3/70/1)*, 2015

<sup>29</sup> UN General Assembly, *Functions and Powers of the General Assembly*, 2016.

<sup>30</sup> *Ibid.*

Secretariat.<sup>31</sup> The Third Committee can request studies to be undertaken by relevant UN bodies such as OHCHR, UNHCR, UN-Women, and the United Nations Office on Drugs and Crime (UNODC).<sup>32</sup> UN-Women, for example, delivers the “Report of the Secretary-General on trafficking in women and girls” (A/69/224) to the Third Committee, and UNODC similarly issues the “Report of the Secretary-General on international cooperation against the world drug problem” (A/69/111) prepared pursuant to resolutions 67/145 (2012) and 68/197 (2013), respectively.<sup>33</sup> The Third Committee can also call for conferences to highlight certain issues, with a notable recurring example being the World Conference on Women, originating from the Third Committee resolution 3276 (XXIX) (1974), and monitored regularly through follow-up reviews every five years.<sup>34</sup>

### ***Recent Sessions and Current Priorities***

During its 70<sup>th</sup> session, beginning in September 2015, the Third Committee addressed a variety of issues and topics, culminating in 64 final texts being adopted by the Plenary.<sup>35</sup> This was the first meeting of the Third Committee since the adoption of the Sustainable Development Goals (SDGs), and the significant overlap and synergy between the Goals and the overall mandate of the Committee was highlighted.<sup>36</sup> This was shown through discussions around the role of older people within society, with the SDGs consistently highlighting the need to better integrate the unique needs of older people within rights-based discussions and the development agenda, and leaving “no one behind.”<sup>37</sup> In addition to this, multiple draft resolutions were approved and adopted by the Plenary on the subject of protecting certain vulnerable members of populations, including those belonging to ethnic or linguistic minorities, those with disabilities, those at risk of religious discrimination, and women and girls in rural areas.<sup>38</sup> These discussions, highlight the key role the Third Committee plays in working towards the achievement of the SDGs.<sup>39</sup> The objective of creating a stronger focus on human rights across all aspects of society is “at the heart” of all SDGs, and it was on this note that the General Assembly convened a High-level Thematic Debate in July 2016 entitled, “UN@70 - Human Rights at the center of the global agenda.”<sup>40</sup> At this meeting, the PGA reinforced the need for Member States to do more to secure human rights and prevent discrimination, with representatives calling for “a creative approach” and a “cooperation framework.”<sup>41</sup>

Reacting to recent crises, the resolution titled “Protection of Migrants” was adopted, urging Member States to protect the liberty and human rights of migrants, regardless of their status.<sup>42</sup> In a rare break from the general tradition of unanimity in the Committee, delegates requested a recorded vote on, and ultimately adopted, a draft resolution based around the rights of the child, with specific language stipulating this to include the right to a “comprehensive

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<sup>31</sup> OHCHR, *Human Rights – New York: Mainstreaming human rights*, 2014; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

<sup>32</sup> UN General Assembly, *Organization of work of the Third Committee: Note by the Secretariat (A/C.3/71/L.1/Rev. 1)*, 2016.

<sup>33</sup> Ibid.; UN General Assembly, *International cooperation against the world drug problem: Report of the Secretary-General (A/69/111)*, 2014; UN General Assembly, *Trafficking in women and girls: Report of the Secretary-General (A/69/224)*, 2014.

<sup>34</sup> UN General Assembly, *Conference of the International Women’s Year (XXIX) (A/RES/3276 (XXIX))*, 1974; UN-Women, *World Conferences on Women*, 2016.

<sup>35</sup> UN DPI, *General Assembly Adopts 64 Third Committee Texts Covering Issues Including Migrants, Children’s Rights, Human Rights Defenders (GA/11745)*, 2015.

<sup>36</sup> UN DPI, *In Shadows of New 2030 Agenda, Third Committee Opens Session with Speakers Sharing Achievements, Concerns on Social Development Challenges Ahead (GA/SHC/4129)*, 2015.

<sup>37</sup> UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

<sup>38</sup> UN DPI, *General Assembly Adopts 64 Third Committee Texts Covering Issues Including Migrants, Children’s Rights, Human Rights Defenders (GA/11745)*, 2015.

<sup>39</sup> UN General Assembly, *Follow-up to the International Year of Older Persons: Second World Assembly on Ageing: Report of the Secretary-General (A/70/185)*, 2015.

<sup>40</sup> UN PGA, *High-level Thematic Debate on Human Rights: Concept Note and Provisional Programme*, 2016.

<sup>41</sup> UN DPI, *To Overcome Urgent, Immense Challenges, States Should Adopt Human Rights-Based Actions, Speakers Say as High-Level Thematic Debate Concludes (GA/11805)*, 2016.

<sup>42</sup> UN DPI, *General Assembly Adopts 64 Third Committee Texts Covering Issues Including Migrants, Children’s Rights, Human Rights Defenders (GA/11745)*, 2015.





evidence-based education on human sexuality,” which was criticized by some Member States as imposing cultural and social preferences on others.<sup>43</sup>

The 71<sup>st</sup> session of the General Assembly opened on 13 September 2016 and looks to advance the initial work of implementing the SDGs, particularly in the context of the recent identification of a series of thematic foci for the next three years.<sup>44</sup> Secretary-General Ban Ki-moon began the General Debate by calling on world leaders to find “new heights of solidarity... amid gulfs of mistrust” and noted the risks that ongoing conflicts posed to the milestones of the SDGs.<sup>45</sup> The Third Committee opened its discussions on 3 October 2016, and across its 71<sup>st</sup> session, it will discuss issues around the promotion and protection of the rights of children, empowerment of women, and indigenous peoples, amongst others, as well as receiving its annual reports from other UN bodies.<sup>46</sup> Furthermore, in the context of ongoing events, the Third Committee will continue to discuss and monitor various situations relating to the movement of refugees and displaced persons, including an updated report from UNHCR.<sup>47</sup> This will take place within the wider context of ongoing discussions around the issue of the movement of refugees, and in the wake of the adoption of the *New York Declaration for Refugees and Migrants* (2016), which outlined a rights-based approach to mass displacements across the world.<sup>48</sup>

### **Conclusion**

The Third Committee continues to perform a central role within the UN system, providing an overarching forum of discussion for a wide variety of social, humanitarian, and cultural issues and as the largest representative body for human rights norm-setting. Particularly within the context of the adoption of the SDGs, and the foundational underpinning its mandate has across many of them, the Third Committee’s work continues to be of the utmost importance. Delegates should aim to understand the historical precedents the Committee has set through its work on human rights and humanitarian issues, as well as how these achievements continue to contextualize and influence the work it does today across a broad spectrum of topics and situations.

### **Annotated Bibliography**

*Charter of the United Nations*. (1945). Retrieved 25 August 2016 from: <http://www.un.org/en/documents/charter/>  
*The Charter is the fundamental document that underpins and informs all of the subsequent work of the United Nations. Delegates should understand the document as the foundational blueprint of the UN, both in terms of its structure and powers, but also its guiding ideals and objectives. Although much subsequent work has expanded upon the core principles of the Charter, it is essential that delegates understand the primary document and its context. Of particular interest is Article 17, which outlines the primary functions and powers of the General Assembly.*

Switzerland, Permanent Mission to the United Nations. (2011). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Retrieved 25 August 2016 from: [http://www.unitar.org/ny/sites/unitar.org/ny/files/UN\\_PGA\\_Handbook.pdf](http://www.unitar.org/ny/sites/unitar.org/ny/files/UN_PGA_Handbook.pdf)

*The PGA Handbook is an essential read for delegates who will be a part of a General Assembly committee. The entirety of the Handbook is relevant and delegates are encouraged to study it carefully; however, of particular interest is page 65, which offers a comprehensive breakdown of the basic information of the Third Committee, including details of proceedings and voting information. This handbook is an essential ‘first-step’ for delegates to understand the structures, processes and traditions of the General Assembly Committees.*

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<sup>43</sup> UN DPI, *In a Rare Call for Vote over ‘Rights of Child’ Resolution, Third Committee Delegates Heatedly Debate Sex Education, Approving Package of 13 Texts (GA/SHC/4160)*, 2015.

<sup>44</sup> UN DPI, *General Assembly Adopts Resolution on Follow-up to, Review of 2030 Agenda for Sustainable Development, in Consensus Action (GA/11809)*, 2016.

<sup>45</sup> UN DPI, *As Annual General Debate begins, Secretary-General calls for World Leaders’ Commitment to ‘New Heights of Solidarity’ in forging better future (GA/11822)*, 2016.

<sup>46</sup> UN General Assembly, *Organization of the work of the Third Committee (A/C.3/71/L.1)*, 2016.

<sup>47</sup> UN General Assembly, *Provisional agenda of the seventy-first regular session of the General Assembly (A/71/150)*, 2016, p. 5.

<sup>48</sup> UN General Assembly, *New York Declaration for Refugees and Migrants (A/RES/71/1)*, 2016; UN DPI, *General Assembly adopts Declaration for Refugees and Migrants, as United Nations, International Organization for Migration sign key agreement (GA/11820)*, 2016.



United Nations, Department of Public Information. (2015, December 17). *General Assembly Adopts 64 Third Committee Texts Covering Issues Including Migrants, Children's Rights, Human Rights Defenders (GA/11745)* [Meetings Coverage]. Retrieved 16 July 2016 from: <http://www.un.org/press/en/2015/ga11745.doc.htm>

*This coverage of the work of the 70<sup>th</sup> session provides delegates with useful insight into the recent priorities of the committee. It provides a concise overview of resolutions adopted by the Plenary on the report of the Third Committee, and also a summary of statements made with actions undertaken on draft resolutions. Not only does this give delegates an understanding of the breadth of subject matter under consideration at the Third Committee, but it also serves as a useful starting point in their research that shapes and focuses lines of inquiry.*

United Nations, General Assembly. (2016). *Functions and Powers of the General Assembly* [Website]. Retrieved 17 August 2016 from: <http://www.un.org/en/ga/about/background.shtml>

*This is a basic overview of the work of the General Assembly, and how it is permitted to do such work under the Charter. The page is very easy to understand and has links on the side that can take delegates to other pages with valuable information on the General Assembly, such as the Subsidiary Organs, Rules of Procedure, and Observers. All the functions of the General Assembly are clearly laid out in bullet points, and delegates should study these points carefully.*

United Nations, General Assembly, Third session. (1948). *Universal Declaration of Human Rights (A/RES/217 A (III))*. Retrieved 28 August 2016 from: <http://www.un.org/en/universal-declaration-human-rights/index.html>

*The UDHR is the cornerstone of international human rights, and, along with the Charter of the United Nations, is one of the most important documents delegates should study during their preparation. Delegates should seek to fully understand these principles, given their foundational role as the fabric of how human rights are viewed today. Special attention should be paid to the principles of equality and inalienability of these rights, as well as the strong desire that Member States express for the UDHR to be enshrined as the global standard for human rights.*

United Nations, General Assembly, Seventieth session. (2015). *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. Retrieved 19 July 2016 from: <http://undocs.org/A/RES/70/1>

*Although the overall reach of the Sustainable Development Goals extends beyond the remit of the Third Committee, there is significant overlap between the mandates of the two. A rights-based approach is highlighted in nearly all of the Goals, and many touch upon topics that the Third Committee regularly discusses. The SDGs represent the primary development agenda of the UN and it is therefore important that delegates understand the organization's overarching objectives and how these interplay with and influence the work of the Committee.*

## Bibliography

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## I. Improving Coordination in Humanitarian Response to Natural Disasters and Other Emergencies

### *Introduction*

In light of the increasing frequency and severity of natural disasters, as well as continuous conflict in many regions of the world, the international community needs to ensure that the humanitarian system is ready to deliver effective and quick humanitarian assistance in times of crisis.<sup>49</sup> The United Nations (UN) Office for Disaster Risk Reduction (UNISDR) defines disasters as “serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.”<sup>50</sup> Natural disasters stem from natural processes or phenomena, such as earthquakes, floods, tsunamis, or droughts.<sup>51</sup> In contrast, other emergencies are usually man-made humanitarian crises, such as armed conflict or health crises.<sup>52</sup> In 2015, around 400 natural disasters occurred, claiming more than 20,000 lives, affecting 90.3 million people, and causing damages amounting to \$65.2 billion.<sup>53</sup> As set out in General Assembly resolution 46/182 of 1991 and resolution 58/114 of 2003, the provision of aid in these situations needs to be in accordance with humanitarian principles of humanity, impartiality, neutrality, and independence.<sup>54</sup> The UN Office for the Coordination of Humanitarian Affairs (OCHA) defines humanitarian coordination as “bringing together humanitarian actors to ensure a coherent and principled response to emergencies [...] to assist people when they most need relief or protection.”<sup>55</sup> Efficient coordination is characterized by greater planning capability, accountability, and partnership across the entire humanitarian landscape.<sup>56</sup>

Several mechanisms have been developed over the past several decades to ensure effective collaboration among different agencies. In 2005, the international humanitarian response system was reviewed by the UN Emergency Relief Coordinator, together with the Inter-Agency Standing Committee (IASC), to identify gaps in effectiveness.<sup>57</sup> Consequently, the humanitarian landscape underwent a reform initiated by those entities.<sup>58</sup> In 2011, the IASC Principals conducted further improvements to counteract persisting weaknesses, which were evident in the aftermath of the 2010 Haiti earthquake and 2011 flood in Pakistan.<sup>59</sup> Following meetings among a Principals task team, the IASC Transformative Agenda was adopted, addressing three priority areas: better leadership, improved accountability to all stakeholders, and improved coordination.<sup>60</sup> An important part of advancing these coordination structures is the Cluster Approach in connection with the international and regional framework documents on humanitarian responses and disaster risk reduction.<sup>61</sup>

### *International and Regional Framework*

#### *Humanitarian Charter and Minimum Standards in Humanitarian Response*

In 1997, a number of non-governmental organizations (NGOs) initiated what is known today as the Sphere Project.<sup>62</sup> It is an initiative that convenes various humanitarian agencies with the objective “to improve the quality of humanitarian assistance and the accountability of humanitarian actors to their constituents, donors and affected populations.”<sup>63</sup> This network of humanitarian response practitioners developed a handbook on humanitarian assistance that constitutes a set of norms in humanitarian aid widely recognized by many governments and

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<sup>49</sup> UN, *Humanitarian Assistance*, 2016.

<sup>50</sup> UNISDR, *2009 UNISDR Terminology on Disaster Risk Reduction*, 2009, p. 9.

<sup>51</sup> *Ibid.*, p. 20.

<sup>52</sup> *Ibid.*

<sup>53</sup> UN General Assembly & UN ECOSOC, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations – Report of the Secretary-General (A/71/82-E/2016/60)*, 2016, p. 2.

<sup>54</sup> UN OCHA, *OCHA on Message: Humanitarian Principles*, 2002.

<sup>55</sup> Humanitarian Response, *Coordination*.

<sup>56</sup> *Ibid.*

<sup>57</sup> IASC, *Humanitarian Response Review*, 2005.

<sup>58</sup> IASC, *IASC Transformative Agenda*, 2016.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> Humanitarian Response, *Clusters*.

<sup>62</sup> The Sphere Project, *What is Sphere?*.

<sup>63</sup> *Ibid.*

humanitarian actors.<sup>64</sup> This fundamental document, known as the *Humanitarian Charter and Minimum Standards in Humanitarian Response*, advocates the moral and legal obligations of governments, as well as of intergovernmental and non-governmental organizations in the field of humanitarian assistance, to provide humanitarian relief.<sup>65</sup> The Charter states as its core belief that “all people affected by disaster or conflict have a right to receive protection and assistance to ensure the basic conditions for life with dignity.”<sup>66</sup> It further calls for working together with those affected, as their participation is an essential component of successful disaster response efforts.<sup>67</sup> Coordination and collaboration within the humanitarian system is one of the six core standards promoted in the handbook, which includes guidance on coordinated responses, common coordination mechanisms, coordination roles, efficient data sharing, and involvement of the military and private sectors.<sup>68</sup>

#### *World Conferences on Disaster Risk Reduction*

The first World Conference on Natural Disaster Reduction was held from 23-27 May 1994 in Yokohama, Japan.<sup>69</sup> Its outcome document, the *Yokohama Strategy and Plan of Action for a Safer World*, is a set of guidelines for natural disaster prevention, preparedness, and mitigation.<sup>70</sup> Its Plan of Action calls upon the international community to cooperate more strongly on the international, regional, and national level, exchanging expertise and technology to mitigate the effects of natural disasters.<sup>71</sup> It further urges Member States to strengthen financial commitments and to foster longer-term development that address vulnerabilities of particular populations.<sup>72</sup>

In January 2005, the second World Conference on Disaster Reduction implicitly addressed the need for coordinated and effective humanitarian relief in connection with disaster prevention and preparedness.<sup>73</sup> The conference was held in Kobe, Japan, and led by UNISDR.<sup>74</sup> The event resulted in the *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters* (Hyogo Framework), which was later endorsed by General Assembly resolution 60/195 of 2005.<sup>75</sup> The Hyogo Framework’s main objective is the reduction of disaster risk through coordinated action at the local, national, and international level.<sup>76</sup> The International Recovery Platform, supported by the Japanese government and UNISDR, is one of the outcomes of the conference and works as an international mechanism for sharing experience and lessons learned among humanitarian actors regarding resilient recovery, known as “build back better.”<sup>77</sup> There were a number of conferences and outcomes endorsed by the international community subsequent to the 2005 World Conference that further addressed disaster risk reduction within different contexts. For instance, the *Nansen Principles*, which specifically focus on delivering effective humanitarian response in times of natural emergencies and mass displacement due to natural hazards.<sup>78</sup>

At the Third UN World Conference on Disaster Risk Reduction held on 18 March 2015, the Hyogo Framework was replaced by the *Sendai Framework for Disaster Risk Reduction 2015-2030* (Sendai Framework), which was later endorsed in General Assembly resolution 69/283 of 2015.<sup>79</sup> Again, the Sendai Framework bridges the concepts of disaster risk management and humanitarian response, recovery, rehabilitation, and reconstruction efforts.<sup>80</sup> In its four priorities of action, it emphasizes the need to understand disaster risk, strengthen disaster risk governance, invest in disaster risk reduction for resilience, and enhance disaster preparedness to guarantee effective humanitarian action.<sup>81</sup>

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<sup>64</sup> Ibid.

<sup>65</sup> The Sphere Project, *The Sphere Handbook*, 2011.

<sup>66</sup> Ibid., p. 20.

<sup>67</sup> Ibid., p. 24.

<sup>68</sup> Ibid., p. 58.

<sup>69</sup> UNISDR, *Yokohama Strategy and Plan of Action for a Safer World*, 1994.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> UNISDR, *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters*, 2005.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> UN General Assembly, *International Strategy for Disaster Reduction (A/RES/60/195)*, 2005.

<sup>78</sup> Norwegian Refugee Council, *The Nansen Conference - Climate Change and Displacement in the 21st Century*, 2011.

<sup>79</sup> UN General Assembly, *Sendai Declaration and Framework for Disaster Risk Reduction 2015-2030 (A/RES/69/283)*, 2015.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

### *2030 Agenda for Sustainable Development*

It is not surprising that, after hinting at the interdependence of development and vulnerability to natural disasters and other emergencies, the *2030 Agenda for Sustainable Development* (2030 Agenda), adopted in September 2015, reaffirms the objectives of the Sendai Framework.<sup>82</sup> Even though coordination in humanitarian response is not explicitly stated, the 2030 Agenda and its 17 Sustainable Development Goals (SDGs) make reference to the protection of vulnerable people affected by disasters in SDG 1 on eliminating poverty, SDG 2 on ending hunger, and SDG 11 on sustainable cities and communities.<sup>83</sup> The document recognizes the need to address natural disasters and other humanitarian crises in order to preserve the progress of development attained in the past and to promote long-term sustainable development for all.<sup>84</sup> Effective, people-centered humanitarian responses will mitigate the effects of crises on the most vulnerable populations, ensuring that no one is left behind in this joint effort of the international community to achieve sustainable development.<sup>85</sup>

### ***Role of the International System***

#### *United Nations General Assembly*

In 1991, the General Assembly adopted resolution 46/182 on “Strengthening of the coordination of humanitarian emergency assistance of the UN,” which continues to constitute a comprehensive framework for humanitarian relief in crises.<sup>86</sup> It includes an extensive annex that outlines not only the guiding principles of humanitarian assistance, but also concrete tools for effective coordination and cooperation among organizations in the humanitarian system.<sup>87</sup> The outcomes of this resolution included the designation of an Emergency Relief Coordinator (ERC) for managing the UN’s humanitarian responses, the creation of the Inter-Agency Standing Committee (IASC), and the setup of the Central Emergency Revolving Fund.<sup>88</sup> The General Assembly has considered the topic annually for almost a quarter century, consistently refining existing coordination mechanisms and adding new tools and instruments. In 2005, the UN Central Emergency Response Fund (CERF) was created in General Assembly resolution 60/124, superseding the earlier Central Emergency Revolving Fund.<sup>89</sup> Since then, CERF has been “one of the fastest and most effective ways to support rapid humanitarian response for people affected by natural disasters and armed conflict.”<sup>90</sup> Most recently, General Assembly resolutions 70/106 and 70/107 of 10 December 2015 on “Strengthening of the coordination of humanitarian emergency assistance of the UN” and “International cooperation on humanitarian assistance in the field of natural disasters, from relief to development” illustrate the shift from solely humanitarian relief towards rehabilitation and long-term sustainable development.<sup>91</sup>

#### *United Nations Economic and Social Council*

The UN Economic and Social Council (ECOSOC) also adopts resolutions on the “strengthening of the coordination of emergency humanitarian assistance of the UN” alongside the above presented General Assembly resolutions.<sup>92</sup> For instance, the latest available resolution, namely 2015/14 of 19 June 2015, determines the annual theme of the Humanitarian Affairs Segment (HAS) and reaffirms the coordination mechanisms implemented in the IASC Transformative Agenda.<sup>93</sup> The HAS complements the work done in the General Assembly regarding coordination of humanitarian actions.<sup>94</sup> Since 1998, this platform convenes all relevant actors in the humanitarian sector.<sup>95</sup> It fosters

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<sup>82</sup> UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development* (A/RES/70/1), 2015.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> UN General Assembly, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations* (A/RES/46/182), 1991.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> UN General Assembly, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations* (A/RES/60/124), 2005.

<sup>90</sup> UN CERF, *Who We Are*.

<sup>91</sup> UN General Assembly, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations* (A/RES/70/106), 2015; UN General Assembly, *International cooperation on humanitarian assistance in the field of natural disasters, from relief to development* (A/RES/70/107), 2015.

<sup>92</sup> UN ECOSOC, *Strengthening of the coordination of emergency humanitarian assistance of the UN* (E/RES/2015/14), 2015.

<sup>93</sup> Ibid.

<sup>94</sup> ECOSOC, *ECOSOC Humanitarian Affairs Segment*, 2016.

<sup>95</sup> Ibid.

discussion of humanitarian issues and the improvement of coordinated humanitarian assistance between Member States, the UN and non-UN humanitarian and development community, the private sector, and regional actors.<sup>96</sup> This year, HAS took place from 27-29 June 2016 under the theme “Restoring Humanity and Leaving No One Behind: Working together to reduce people’s humanitarian need, risk and vulnerability.”<sup>97</sup> Key issues discussed included national and local capacity building, as well as the connection between the SDGs and development efforts with humanitarian relief to reduce suffering and the length of crises.<sup>98</sup>

#### *United Nations Office for the Coordination of Humanitarian Affairs & Inter-Agency Standing Committee*

In 1998, the UN Secretariat established OCHA as the successor to the Department of Humanitarian Affairs.<sup>99</sup> Its mission is to “mobilize and coordinate effective and principled humanitarian action in partnership with national and international actors in order to alleviate human suffering in disasters and emergencies.”<sup>100</sup> The office assumes a leading role in advocating for and coordinating humanitarian assistance among UN agencies as well as other humanitarian partners.<sup>101</sup> OCHA works through the IASC, which includes another eight UN entities as full members, each concerned with a different aspect of delivering relief assistance within this inter-agency mechanism according to its mandate.<sup>102</sup> In addition to the full members, IASC invites a further nine humanitarian actors to pool response efforts following natural disasters and other emergencies.<sup>103</sup> Additionally, the IASC publishes a number of pivotal reports, such as the biannual IASC Early Warning, Early Action and Readiness Report, which provides risk analyses supporting concerted early action efforts.<sup>104</sup>

#### *The World Humanitarian Summit*

The World Humanitarian Summit (WHS) took place in Istanbul from 23-24 May 2016.<sup>105</sup> In the context of the recently adopted Sendai Framework and the 2030 Agenda, the WHS emphasized moving away from exclusively providing short-term humanitarian relief to concentrating on medium- to long-term development that will conclusively reduce people’s vulnerability to natural and other shocks.<sup>106</sup> As the single-largest event on the issue of humanitarian aid to date, it has drawn much-needed attention to the challenges the humanitarian sector is facing.<sup>107</sup> Leaders at the WHS pointed out that humanitarian assistance in its traditional form is not able to meet or sustainably reduce the needs of over 130 million of the world’s most vulnerable people.<sup>108</sup> They committed to fostering innovative collaboration of national governments, civil society, affected populations, the private sector, and international organizations.<sup>109</sup> As outlined in the summary of the event, joint efforts need to uphold international norms of humanitarian assistance, address the hardship of affected communities that are most vulnerable and marginalized, focus on the root causes of humanitarian disasters, and guarantee sufficient financial contributions to adequately respond to crises.<sup>110</sup>

#### *Asian Disaster Reduction Center*

A good example for an institutionalized regional framework to addressing humanitarian response efforts is the Asian Disaster Reduction Center (ADRC). This regional hub was established in 1998 in Kobe, Japan.<sup>111</sup> Its mission is based on three pillars: “to enhance disaster resilience of the member countries; to build safe communities; and to create a society where sustainable development is possible.”<sup>112</sup> The center organizes annual conferences convening

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> ECOSOC, *High-Level Panel on “Leaving No One Behind: Addressing Forced Displacement,”* 2016.

<sup>99</sup> UN OCHA, *History of OCHA*, 2016.

<sup>100</sup> UN OCHA, *Who We Are*, 2016.

<sup>101</sup> UN General Assembly, *International cooperation on humanitarian assistance in the field of natural disasters, from relief to development (A/RES/70/107)*, 2015.

<sup>102</sup> IASC, *IASC Membership*, 2016; IASC, *IASC Structure*, 2016.

<sup>103</sup> IASC, *IASC Structure*, 2016.

<sup>104</sup> IASC, *IASC Early Warning, Early Action and Readiness Report for the period June to November 2016*, 2016.

<sup>105</sup> World Humanitarian Summit, *World Humanitarian Summit*.

<sup>106</sup> World Humanitarian Summit, *Standing up for Humanity: Committing to Action*, 2016, p. 2.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid., p. 1.

<sup>110</sup> Ibid.

<sup>111</sup> ADRC, *About ADRC: Mission and Objectives*, 2016.

<sup>112</sup> Ibid.



member countries, disaster experts, UN entities, and other humanitarian organizations to promote information sharing and knowledge exchange enhancing partnerships among stakeholders.<sup>113</sup> ADRC also engages in training and capacity building of human resources and communities to lead to a more efficient and effective response to emergencies.<sup>114</sup>

### ***Cluster Coordination***

The cluster approach is the most important coordination instrument in humanitarian assistance today.<sup>115</sup> It was adopted with the aim of reducing gaps and strengthening system-wide preparedness and capacity to respond to humanitarian emergencies, as well as avoiding any overlaps in delivered assistance.<sup>116</sup> OCHA defines clusters as “groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action, [which] [...] have clear responsibilities for coordination.”<sup>117</sup> There are 11 pre-established clusters to address an emergency: food security; water, sanitation and hygiene (WASH); health; protection; education; nutrition; shelter; emergency telecommunication; logistics; camp coordination/management; and early recovery.<sup>118</sup> Currently, clusters have six core functions: supporting national service delivery, informing strategic country-level decision making, planning and implementing cluster strategies, monitoring and evaluating performance, building national capacities, and engaging in advocacy.<sup>119</sup> The cluster coordination does not act automatically in the event of an emergency.<sup>120</sup> The locally deployed Humanitarian Coordinator needs to submit a proposal to the ERC and IASC to activate clusters if local capacities are limited and cannot provide the necessary humanitarian assistance.<sup>121</sup> Once in place, clusters are managed by their respective Cluster Coordinators and convene humanitarian actors to discuss implementation strategies, planning, and results; organize information management; and gather and distribute resources.<sup>122</sup> Again, cluster meetings are convened on a need-only basis, preferably together with other clusters to enhance cross-cluster synergies and inter-cluster coordination.<sup>123</sup> Each cluster has a specifically dedicated lead organization; for example, the World Food Programme and Food and Agriculture Organization lead the food security cluster and the World Health Organization leads the health cluster.<sup>124</sup>

A number of this mechanism’s shortcomings were addressed in the 2011 IASC Transformative Agenda.<sup>125</sup> However, weaknesses still persist. For instance, the international community has so far failed to amend the cluster approach to allow for stronger leadership outside the designated UN entity, though studies show that clusters with shared leadership between UN agencies and NGOs and CSOs improve coordination and information management while leading to stronger engagement.<sup>126</sup> Local NGOs are often better placed in remote locations, and with knowledge of the affected community, they are able to provide more informed leadership.<sup>127</sup> To address this issue, the role and participation of NGOs in structures of the IASC and the Humanitarian Country Team, which ultimately coordinate leadership during humanitarian responses, can be strengthened.<sup>128</sup> Furthermore, cluster meetings could improve their effectiveness by pooling resources and by integrating NGOs and civil society more strongly in the process of sharing data and information.<sup>129</sup>

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<sup>113</sup> ADRC, *Activities*, 2016.

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

<sup>115</sup> Humanitarian Response, *What is the Cluster Approach?*.

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> IASC, *Reference Module for Cluster Coordination at Country Level*, 2015, p. 13.

<sup>120</sup> *Ibid.*, p. 10.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*, p. 5.

<sup>123</sup> *Ibid.*

<sup>124</sup> Humanitarian Response, *What is the Cluster Approach?*.

<sup>125</sup> IASC, *IASC Transformative Agenda*, 2016.

<sup>126</sup> IASC, *Reference Module for Cluster Coordination at Country Level*, 2015, p. 21.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*

## *Challenges of Complex Global Crises and Opportunities to Improve Humanitarian Response Effectiveness*

The earlier mentioned General Assembly resolutions 70/106 and 70/107, as well as the WHS, have alluded to a number of challenges that the humanitarian sector faces in light of more complex and protracted crises, such as armed conflicts, global health crises, and more severe natural disasters.<sup>130</sup> They call upon Member States, together with UN entities, regional organizations, and CSOs, to collectively devote sufficient efforts to the root causes of such humanitarian crises.<sup>131</sup> Some of these root causes are climate change, environmental degradation, rapid population growth, and unplanned urbanization.<sup>132</sup> To address the underlying factors, a new and coherent approach to coordination would integrate humanitarian, development, and peacebuilding efforts.<sup>133</sup>

National and local capacity building offers a great opportunity to increase effectiveness of actions and is part of the core principles of the cluster approach.<sup>134</sup> It could allow for remote management of operations and execution by local organizations to ensure that the most affected and vulnerable populations are reached, following the mandate set out in the 2030 Agenda and the WHS to leave no one behind.<sup>135</sup> As highlighted at the summit, humanitarian response efforts should be people-centered and take into account the special needs of all disadvantaged groups of affected populations, such as women and girls or the elderly.<sup>136</sup> Challenges specific to gender or to other vulnerable groups, such as people displaced for reasons that often include conflict and large-scale natural disasters, are not part of one specific cluster during humanitarian coordination response.<sup>137</sup> Aiding and protecting these people presents a special challenge and calls for innovative methods and technologies.<sup>138</sup>

The IASC has voiced the necessity to explore new means of collaboration that focus on “strengthen[ing] alignment across the humanitarian-development nexus and [promoting] a stronger role for local responders.”<sup>139</sup> It calls for enhanced coordination among the humanitarian actors who provide various monetary and technical means as well as facilitating communication with recipients of humanitarian assistance.<sup>140</sup> The IASC has further committed to improving coordination of humanitarian response efforts by promoting pooled data and analysis, joint planning and programming, effective leadership, and sufficient financing for humanitarian assistance.<sup>141</sup>

Encompassing all of the above issue areas is the lack of funding for humanitarian assistance.<sup>142</sup> The year 2015 has seen the largest funding gap to date, with almost an additional \$10 billion required to provide adequate assistance.<sup>143</sup> Predictable and sufficient resources are critical and, as acknowledged at the WHS, require stronger commitment from Member States.<sup>144</sup> More stringent coordination among actors could ensure that funds are used effectively with the aim of reaching the most vulnerable in regions of disaster and armed conflict.<sup>145</sup>

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<sup>130</sup> UN General Assembly, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/RES/70/106)*, 2015; UN General Assembly, *International cooperation on humanitarian assistance in the field of natural disasters, from relief to development (A/RES/70/107)*, 2015; World Humanitarian Summit, *Standing up for Humanity: Committing to Action*.

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

<sup>133</sup> World Humanitarian Summit, *Standing up for Humanity: Committing to Action*, 2016, p. 2.

<sup>134</sup> Humanitarian Response, *What is the Cluster Approach?*

<sup>135</sup> UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

<sup>136</sup> World Humanitarian Summit, *Restoring Humanity – Global Voices Calling for Action*, 2016, p. 2.

<sup>137</sup> Humanitarian Response, *What is the Cluster Approach?*

<sup>138</sup> Norwegian Refugee Council, *The Nansen Conference - Climate Change and Displacement in the 21st Century*, 2011.

<sup>139</sup> IASC, *Statement by the Inter-Agency Standing Committee Principals, Post-WHS Commitments*, 2016.

<sup>140</sup> Norwegian Refugee Council, *The Nansen Conference - Climate Change and Displacement in the 21st Century*, 2011.

<sup>141</sup> World Humanitarian Summit, *Transcending humanitarian-development divides – Changing People’s Lives: From Delivering Aid to Ending Need*, 2016.

<sup>142</sup> World Humanitarian Summit, *Restoring Humanity – Global Voices Calling for Action*, 2016, p. 5.

<sup>143</sup> UN General Assembly & ECOSOC, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations – Report of the Secretary-General (A/71/82-E/2016/60)*, 2016, p. 2.

<sup>144</sup> World Humanitarian Summit, *Restoring Humanity – Global Voices Calling for Action*, 2016, p. 5.

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

***Case Study: The Humanitarian Response to the Nepal Earthquake – April to September 2015***

In April and May 2015, two massive earthquakes hit Nepal, claiming approximately 9,000 lives, affecting millions more, and destroying a significant portion of the country’s infrastructure.<sup>146</sup> The emergency triggered a large-scale humanitarian response: the 2015 Nepal Earthquake Flash Appeal.<sup>147</sup> The strategic objectives of the Flash Appeal were the immediate alleviation of suffering, protection of rights, saving lives, and providing support to recovery and resilience efforts working to restore and promote the livelihood and well-being of the most affected and most vulnerable groups.<sup>148</sup> This approach focused on the most urgent life-saving activities, activating all 11 clusters to address the needs of 5.4 million affected people.<sup>149</sup> Involving all international clusters significantly enhanced national disaster relief efforts, as local capacity was limited.<sup>150</sup> Funding requirements were set at \$422 million.<sup>151</sup> However, only about 50% of the financial demand was met, meaning approximately 3.7 million people received the help they needed.<sup>152</sup> This illustrates the gap between financial demand and actual available resources that were committed to disaster relief by the international community. The arrival of emergency aid is often delayed by administrative hurdles, and in light of scarce financial means, leveraging local capacities becomes even more important.<sup>153</sup> The Nepalese government played a crucial role in distributing funds quickly, and local NGOs could provide services in a more cost-efficient way.<sup>154</sup> Together with the Nepalese government, an estimated 450 humanitarian agencies were involved in the humanitarian response efforts, which made effective coordination a priority, but also difficult to accomplish.<sup>155</sup> In the absence of strong governance structures and institutions, coordination efforts are severely impeded.<sup>156</sup>

What worked well in Nepal at that point was close cooperation between clusters, national ministries, and local authorities to deliver aid even to the most remotely located communities.<sup>157</sup> The Nepal response very much followed a people-centered approach, making communication with communities and accountability to affected populations an integral part of coordination efforts.<sup>158</sup> Furthermore, it can be positively noted that the response efforts included the implementation of a gender perspective.<sup>159</sup> Nine clusters appointed a gender focal point reporting to the gender working group (WG).<sup>160</sup> The WG has a crucial role in promoting relief efforts that address the specific needs of women and girls, particularly when it comes to sanitation facilities and hygiene kits.<sup>161</sup> The fact that each cluster designates a focal point improves coordination across issue areas. However, only one third of data collected and analyzed in the clusters was disaggregated by sex, which made it impossible to determine who benefitted from assistance specifically and whether or not women received the aid they needed.<sup>162</sup> The same holds true for other groups, such as older or displaced persons who were affected in different ways by the earthquake and required special assistance tailored to their needs.<sup>163</sup> This demonstrates the need for accurate, disaggregated data to be widely shared among humanitarian actors to facilitate informed decision-making in a crisis situation and to maximize effectiveness of humanitarian response.<sup>164</sup>

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<sup>146</sup> UN OCHA, *Nepal Earthquake – Humanitarian Response April to September 2015*, 2015.

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

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

<sup>149</sup> *Ibid.*

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

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*

<sup>153</sup> Aid.Works, *What Happened to the Aid? Nepal Earthquake Response Echoes Haiti*, 2015.

<sup>154</sup> *Ibid.*

<sup>155</sup> UN OCHA, *Nepal Earthquake – Humanitarian Response April to September 2015*, 2015.

<sup>156</sup> Aid.Works, *What Happened to the Aid? Nepal Earthquake Response Echoes Haiti*, 2015.

<sup>157</sup> UN OCHA, *Nepal Earthquake – Humanitarian Response April to September 2015*, 2015.

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

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

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

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

<sup>163</sup> *Ibid.*

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



The immediate relief activities started to be phased out in September 2015, and humanitarian coordination functions were handed to local authorities.<sup>165</sup> National efforts will now be guided by principles of disaster risk reduction and building back better.<sup>166</sup>

### **Conclusion**

Improving the coordination of humanitarian response efforts is certainly most essential in the immediate aftermath of natural disasters and other emergencies.<sup>167</sup> However, humanitarian crises are often enduring and complex.<sup>168</sup> Therefore, humanitarian actors must coordinate their relief and recovery efforts towards reducing vulnerability and improving the prospects of crisis-affected people to achieve longer-term sustainable development.<sup>169</sup> The international community has observed that existing instruments require revision to adapt to the greater frequency and severity of present-day humanitarian emergencies in order for national authorities and local NGOs to be able to contribute their expertise and resources to international humanitarian response efforts in an effective and coordinated way. The humanitarian system is facing tremendous challenges in terms of financing its response efforts and subsequent rebuilding activities. Operations often fall short of achieving set targets due to a lack of funding. Additionally, it has been noted at the WHS that resources often do not reach the most vulnerable populations.<sup>170</sup> Member States have concluded that to address this issues, the coordinated collection and sharing of disaggregated data within and among clusters needs to be improved, which would allow for more targeted actions and a more comprehensive monitoring of progress.<sup>171</sup>

### **Further Research**

The current global drive for change reflected in the renewal of global frameworks in areas such as disaster risk reduction, sustainable development, climate change, and peace building presents a window of opportunity to adapt humanitarian response efforts and make coordination among all relevant actors truly effective and transformative. Moving forward with their research, delegates should consider the following questions: How can the processes of coordination be streamlined and simplified to allow for effective action? What measures could be taken to mainstream a gender perspective and ensure that marginalized populations do not get left behind? How can financing be strengthened? What should coordination between the humanitarian, development, and peacebuilding sectors look like to tackle ever more complex, severe, and long-lasting crises? Delegates should also review the outcomes around the Third UN Conference on Housing and Sustainable Urban Development (HABITAT III), which was held in Quito in October 2016, as humanitarian crises happen increasingly in urban settings.

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<https://www.humanitarianresponse.info/en/coordination/clusters>

*Humanitarian Response is a website provided by OCHA that aims to be the central source for information management tools and services. The website provides delegates with comprehensive information regarding the prominent cluster approach in humanitarian coordination efforts. Delegates may find detailed information about the cluster approach, why the approach is an essential mechanism in humanitarian relief work, and which actors are involved in the approach and helping to respond to the various needs of people affected by natural disasters and other emergencies.*

Humanitarian Response. (n.d.). *Humanitarian Programme Cycle* [Website]. Retrieved 31 August 2016 from:

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<sup>165</sup> Ibid.

<sup>166</sup> Nepal, *Nepal Earthquake 2015 - Post Disaster Needs Assessment*, 2015.

<sup>167</sup> UN OCHA, *Leaving No One Behind: Humanitarian Effectiveness in the Age of the Sustainable Development Goals*, 2016.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> World Humanitarian Summit, *Standing up for Humanity: Committing to Action*, 2016.

<sup>171</sup> Ibid.



*This website provides delegates with all of the resources necessary for understanding the practice of the Humanitarian Programme Cycle (HPC). It is an innovative tool encompassing five steps to prepare for effective humanitarian disaster response: needs assessment and analysis, strategic response planning, resource mobilization, implementation and monitoring, and operational review and evaluation. This approach stems from good practices, lessons learned, and the IASC Transformative Agenda. Furthermore, delegates may research key documents on this platform produced by specific Humanitarian Country Teams like Burundi, Haiti, and Yemen to find out more about their countries' HPC development.*

Inter-Agency Standing Committee. (2016). *IASC Transformative Agenda* [Website]. Retrieved 27 August 2016 from: <https://interagencystandingcommittee.org/node/2803>

*The IASC Transformative Agenda is an agreed set of recommendations aimed at making the humanitarian response system more efficient and effective. The website includes several important resources for delegates: so-called "transformative agenda protocols" that outline available tools and mechanisms for delegates to use in their proposals. These include information on humanitarian system-wide emergency activation, response strategies to level 3 emergencies, cluster coordination, humanitarian program cycle, empowered leadership, and many more. As the amount of information can be somewhat overwhelming at the beginning, it is recommended that delegates first read through the key messages and view the introduction of the TA before delving into more detailed research.*

The Sphere Project. (2011). *The Sphere Handbook*. Retrieved 30 August 2016 from: <http://www.sphereproject.org/handbook/>

*The Humanitarian Charter and Minimum Standards in Humanitarian Response is an indispensable document for any humanitarian actor. It constitutes a comprehensive handbook with detailed guidance on protection principles, core standards, and minimum standards, such as water supply, sanitation and hygiene, food security, shelter, and health. It is an incredibly useful resource for helping delegates understand the normative framework of humanitarian assistance and apprehend the relevance of effective coordination in humanitarian response to natural disasters and other emergencies.*

United Nations, Economic and Social Council. (2016). *ECOSOC Humanitarian Affairs Segment* [Website]. Retrieved 20 July 2016 from: <https://www.un.org/ecosoc/en/events/2016-0>

*This website provides delegates with the main documents of the latest Humanitarian Affairs Segment (HAS), held from 27-29 June in New York. The HAS is the primary platform for discussing any issues related to strengthening the coordination of humanitarian assistance of the UN. It gathers all relevant actors, such as Member States, UN entities, and non-UN humanitarian and development actors, as well as the private sector. On this website, delegates will have access to the Report of the Secretary-General on strengthening coordination of emergency humanitarian assistance, last year's HAS Synthesis and many more relevant resources.*

United Nations, General Assembly, Seventieth session. (2015). *International cooperation on humanitarian assistance in the field of natural disasters, from relief to development (A/RES/70/107)* [Resolution]. Retrieved 20 July 2016 from: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/107](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/107)

*In this resolution, the General Assembly recognizes the diverse humanitarian assistance landscape, giving a great overview of existing initiatives, frameworks, and documents that relate to the topic, with a specific focus on natural disasters. It outlines both causes and consequences of natural disasters and calls upon Member States to introduce a number of policies in national legislation to address the dire situation of affected people. The resolution not only focuses on humanitarian response in the aftermath of a natural hazard, but also emphasizes the need for disaster risk reduction and resilience building of the most vulnerable in order to achieve lasting sustainable development. This is an important source for delegates to consider in order to understand the shift from short-term immediate relief towards long-term recovery strategies in the aftermath of natural disasters and conflict.*



United Nations, General Assembly, Seventy-first session & United Nations, Economic and Social Council. (2016). *Strengthening of the coordination of humanitarian emergency assistance of the United Nations – Report of the Secretary-General (A/71/82-E/2016/60)*. Retrieved 20 July 2016 from: <http://www.undocs.org/E/2016/60>

*The Secretary-General's 2016 report is probably the most comprehensive overview of current efforts to improve humanitarian coordination and response. The report includes an extensive current list of more than 20 complex emergencies, natural hazards, and health crises most prevalent in Africa and Asia. It further outlines progress made in the effective coordination of humanitarian action and presents 25 recommendations on how to further improve shortcomings in effective humanitarian response. Delegates should thoroughly review this analysis, which will help them identify actionable points to deliver better humanitarian assistance, including better financing, respect for international law, meeting the needs of forcibly displaced persons, mainstreaming a gender perspective, enhancing disaster risk reduction, strengthening local capacities, and collaborating with the development sector for lasting impact.*

United Nations, Office for the Coordination of Humanitarian Affairs. (2011). *20th anniversary of General Assembly resolution 46/182 - Reference Guide*. Retrieved 20 July 2016 from: <https://docs.unocha.org/sites/dms/Documents/Reference%20Guide%20-%20Phase%20I%20-%202nd%20Edition.pdf>

*This reference guide was published by OCHA on the occasion of the 20<sup>th</sup> anniversary of the milestone General Assembly resolution 46/182 on “Strengthening the humanitarian emergency assistance of the UN.” It addresses normative developments that this framework for humanitarian relief has witnessed in the General Assembly and ECOSOC by subsequent resolutions over the years. Delegates will find information on the development of guiding principles, as well as specific tools and mechanisms for coordination that have been agreed upon in General Assembly and ECOSOC resolutions over two decades.*

United Nations, Office for the Coordination of Humanitarian Affairs. (2015). *Nepal Earthquake – Humanitarian Response April to September 2015* [Report]. Retrieved 20 July 2016 from: [http://reliefweb.int/sites/reliefweb.int/files/resources/nepal\\_earthquake\\_humanitarian\\_response\\_report\\_lr.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/nepal_earthquake_humanitarian_response_report_lr.pdf)

*This report by OCHA examines the humanitarian response in the aftermath of the 2015 earthquake in Nepal. It aims to provide a summary of progress in recovery efforts and achievements by clusters. The report offers a quick background to this natural disaster and an overview of the funding and financing aspects of the humanitarian response, as well as remaining humanitarian needs and hazard risks. Since Nepal is one of the most disaster-prone countries in the world, it is a good example for showing the need to shift from mere emergency relief towards disaster risk reduction, resilience building, and long-term sustainable development.*

United Nations, Office for the Coordination of Humanitarian Affairs. (2016). *Coordination* [Website]. Retrieved 20 July 2016 from: <http://www.unocha.org/what-we-do/coordination/overview>

*OCHA is the primary UN body that brings together humanitarian actors to ensure a coherent response to emergencies. OCHA also focuses on coordinating preparedness for crisis situations. This website gives an understanding of the main principles of OCHA's work and essential partner entities in humanitarian assistance efforts. Delegates will find explanations to all coordination tools, including the prevalent cluster coordination which will be imperative for them to understand. It further addresses the need for effective data and information management as prerequisite for effective coordination, which is a new dimension that delegates may want to address in their work.*

United Nations, Office for the Coordination of Humanitarian Affairs. (2016). *Leaving No One Behind: Humanitarian Effectiveness in the Age of the Sustainable Development Goals*. Retrieved 20 July 2016 from: [https://docs.unocha.org/sites/dms/Documents/HESStudy\\_20151109\\_Small.pdf](https://docs.unocha.org/sites/dms/Documents/HESStudy_20151109_Small.pdf)

*This comprehensive study issued by the OCHA policy and studies series embeds the need for effective coordination of humanitarian assistance in the wider discussion and framework of the 2030 Agenda for Sustainable Development. This document provides delegates with detailed and recent information about the humanitarian landscape, its diverse actors and roles, and the need*



*for effective humanitarian relief. Delegates will find an outline of five overarching shifts in mindset and practice that contribute to more effectively addressing people's needs during crises.*

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## II. Preventing Violence and Discrimination Based on Sexual Orientation and Gender Identity

*“As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity...where there is a tension between cultural attitudes and universal human rights, rights must carry the day.”<sup>172</sup>*

### **Introduction**

Discussion of the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people has been expressed through treaty bodies, rapporteurs, and independent experts within the United Nations (UN) since the early 1990s.<sup>173</sup> Violence and discrimination based on sexual orientation and gender identity (SOGI) continues in every region of the world, carried out by both state and non-state actors.<sup>174</sup> The UN typically refers to people of diverse sexual orientations and gender identities (SOGI) as LGBTI people.<sup>175</sup> This guide will be using the acronyms LGBTI and SOGI, and will cover brief definitions of each demographic.<sup>176</sup> These terms do not encompass every population that is included within this topic, and it is important to note that discrimination and violence based on SOGI affects not only LGBTI people, but also those who may be perceived as LGBTI.<sup>177</sup> The United Nations Free & Equal (UNFE) Campaign has defined sexual orientation as “a person’s physical, romantic, and/or emotional attraction towards other people.”<sup>178</sup> This umbrella term encompasses various sexual orientations including heterosexual, homosexual, bisexual, pansexual, and asexual.<sup>179</sup> Gay is a term that is typically associated with men, although it has now become broadly interchangeable with homosexual, or someone who is emotionally, romantically, or sexually attracted to other individuals of the same gender.<sup>180</sup> A homosexual woman is typically referred to as lesbian.<sup>181</sup> Bisexuality is an emotional, romantic, or sexual attraction to more than one sex or gender.<sup>182</sup> Asexuality is a lack of sexual attraction or desire for other people.<sup>183</sup>

In contrast, gender identity is defined as one’s innermost concept of self as male, female, a blend of both, or neither, and how individuals perceive and present themselves.<sup>184</sup> One’s gender identity can be the same as or different from sex assigned at birth, rendering an individual either cisgender or transgender, respectively.<sup>185</sup> UNFE defines transgender as an umbrella term for anyone whose appearance and characteristics are considered gender atypical.<sup>186</sup> Transwomen and transmen are individuals who were classified as a sex different from their gender when they were born.<sup>187</sup> People who are born with atypical sexual anatomy, reproductive organs, and/or chromosome patterns are classified as intersex.<sup>188</sup> Intersex characteristics may be apparent at birth or become apparent later in life.<sup>189</sup> Intersex individuals may identify themselves as men, women, both, or neither; however, the status of being intersex is distinctly separate from SOGI.<sup>190</sup> Due to their gender presentation or atypical sexual anatomy, however, intersex

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<sup>172</sup> Ban, *Secretary-General’s remarks at events on ending violence and criminal sanctions based on sexual orientation and gender identity [as delivered]*, 2010.

<sup>173</sup> OHCHR, *Combating discrimination based on sexual orientation and gender identity*, 2016.

<sup>174</sup> OHCHR, *Equality and non-discrimination*, p. 2; OHCHR, *Homophobic and transphobic violence*, p. 1.

<sup>175</sup> OHCHR, *LGBT Rights: Frequently Asked Questions*, 2013, p. 1.

<sup>176</sup> *Ibid.*

<sup>177</sup> Weinberg, *Gender Nonconformity: An Analysis of Perceived Sexual Orientation and Gender Identity Protection Under the Employment Non-Discrimination Act*, 2009, pp. 1-4.

<sup>178</sup> OHCHR, *LGBT Rights: Frequently Asked Questions*, 2013, p. 1.

<sup>179</sup> University of California, Santa Barbara, *Overview of Sexual Orientations*, 2015.

<sup>180</sup> University of Wisconsin, *Trans, Genderqueer, and Queer Terms Glossary*, p. 5.

<sup>181</sup> *Ibid.*, p. 6.

<sup>182</sup> *Ibid.*, p. 2.

<sup>183</sup> *Ibid.*, p. 1.

<sup>184</sup> *Ibid.*, p. 4.

<sup>185</sup> *Ibid.*, pp. 2, 8.

<sup>186</sup> OHCHR, *LGBT Rights: Frequently Asked Questions*, 2013, p. 1.

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

people often face the same violence and discrimination that persons of diverse SOGI do, hence their inclusion within this topic.<sup>191</sup>

### ***International and Regional Framework***

Concepts of sexual orientation and gender identity are generally not well-developed in existing international human rights law.<sup>192</sup> There has, however, been an increased level of discussion across the UN supporting the interpretation and application of broad human rights legislation so as expressly to include LGBTI people as a protected group and SOGI as prohibited grounds of discrimination.<sup>193</sup> While most human rights frameworks list specific populations that are protected from discrimination, these are not exhaustive.<sup>194</sup> Due to the principles of universality and non-discrimination enshrined within cornerstone UN documents, some Member States and UN entities, including the UNFE, support the idea of SOGI inclusion within human rights law.<sup>195</sup> Article 2 of the *Universal Declaration on Human Rights* (1948), the foundational document of all subsequent human rights legislation, explicitly makes no distinction “of any kind such as race, colour, sex...or any other status”.<sup>196</sup> The Committee on Economic, Social and Cultural Rights (CESCR) has confirmed that discrimination based on SOGI is prohibited under the *International Covenant on Economic, Social, and Cultural Rights* (1966).<sup>197</sup> In its *General Comment No. 20* (2009) from its 42<sup>nd</sup> session, CESCR states that “other status” listed in article 2.2 of the Covenant includes SOGI.<sup>198</sup> The Human Rights Committee, which monitors the implementation of the *International Covenant on Civil and Political Rights* (ICCPR) (1996), has also urged states to guarantee LGBTI people individual rights, such as the civil and political rights enshrined within the ICCPR.<sup>199</sup>

However, some Member States hold positions against LGBTI inclusion in human rights law based on the fact that the phrases and definitions pertaining to SOGI have not been sufficiently defined and are not explicitly stated in any universally agreed-upon human rights document.<sup>200</sup> Diverse SOGI has also been seen as contradictory to many religious, cultural, and traditional values, which further contributes to dissent towards the inclusion of LGBTI people within this legislation.<sup>201</sup>

The General Assembly has adopted numerous resolutions that mention SOGI; however, these have all been under the agenda item “Extrajudicial, summary or arbitrary executions,” and do not address any other aspects of violence or discrimination based on SOGI.<sup>202</sup> However, the UN Human Rights Council (HRC) has adopted resolutions and reports on the matter of violence and discrimination against LGBTI people.<sup>203</sup> Human Rights Council resolution 17/19 (2011) spoke of the universality, interdependence, indivisibility, and interrelatedness of human rights and expressed concern at violence and discrimination against LGBTI people.<sup>204</sup> This resolution commissioned a study to be conducted by the UN High Commissioner for Human Rights.<sup>205</sup> This, in turn, produced the report, “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity.”<sup>206</sup> This report was submitted to the General Assembly in 2011 and is a basis of knowledge for

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<sup>191</sup> Ibid.

<sup>192</sup> OHCHR, *International Human Rights Law and Sexual Orientation & Gender Identity*, p. 2.

<sup>193</sup> Gary & Rubin, *Are LGBT rights human rights? Recent developments at the United Nations*, 2012.

<sup>194</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 4.

<sup>195</sup> Ibid., p. 7; OHCHR, *LGBT Rights: Frequently Asked Questions*, 2013, p. 1.

<sup>196</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

<sup>197</sup> UN CESCR, *General Comment No. 20*, 2009, p. 9.

<sup>198</sup> Ibid.

<sup>199</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 7.

<sup>200</sup> UN HRC, *Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity: Summary of discussion*, 2012, pp. 5-6.

<sup>201</sup> Ibid.

<sup>202</sup> OHCHR, *United Nations Resolutions – Sexual orientation and gender identity*, 2016.

<sup>203</sup> Ibid.

<sup>204</sup> UN HRC, *Human rights, sexual orientation and gender identity (A/HRC/RES/17/19)*, 2011, p. 1.

<sup>205</sup> Ibid., p. 2.

<sup>206</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 1.

concerned parties to understand and contextualize violence and discrimination based on SOGI.<sup>207</sup> The HRC has also released a joint statement in conjunction with other UN entities urgently calling upon states to end violence against LGBTI adults, adolescents, and children.<sup>208</sup> In recent months, the HRC has adopted a resolution regarding protection against violence and discrimination for LGBTI people, which cites the *Universal Declaration of Human Rights* as well as the *Vienna Declaration and Programme of Action* (1993) in regards to the universality of human rights.<sup>209</sup> It also creates the position of an Independent Expert on the matter.<sup>210</sup> The Human Rights Committee heard a case in 1994, *Toonen v. Australia*, wherein the Committee rejected the argument that criminalization of consensual, same-sex sexual relations between adults can be justified on the grounds of protecting public health or morals, and stated that criminalizing such relations was inappropriate.<sup>211</sup>

As the international community continues its work on the Sustainable Development Goals (SDGs), LGBTI people are likely to take a more central role in the discussion of universal human rights.<sup>212</sup> At a high-level event regarding SOGI inclusion in the SDGs, protecting the rights of LGBTI people was discussed in conjunction with progress in achieving the SDGs.<sup>213</sup> Inclusion is a main aspect of the SDGs and delegates should expect SOGI to become a main point of discussion in consideration of the SDGs, especially in regards to universalizing human rights standards.<sup>214</sup>

Whereas the UN has held limited discussions on this issue, there has been emerging dialogue from specific regional organizations, predominantly from the European Union (EU).<sup>215</sup> Provisions have been added to the *Treaty of the Functioning of the European Union* (2007) to include combatting discrimination on the grounds of sexual orientation.<sup>216</sup> Article 21 of the EU's *Charter on Fundamental Rights* (2012) explicitly states that discrimination based on sexual orientation is prohibited.<sup>217</sup> The African Commission on Human and Peoples' Rights has adopted a resolution which cites the *African Charter on Human and Peoples' Rights* (2014) as a precedent for the protection of LGBTI people.<sup>218</sup> The resolution states the Commission's concern over various forms of violence against LGBTI people by both state and non-state actors, and condemns any increased incidence of violence and human rights violations against people based on SOGI.<sup>219</sup> The resolution calls upon Member States to ensure that human rights defenders have an enabling environment to advocate for and protect the human rights of LGBTI people.<sup>220</sup> The resolution also goes a step further to urge all states to end all acts of violence and abuse against LGBTI people by enacting laws that prohibit such actions.<sup>221</sup>

An additional framework to consider is the *Yogyakarta Principles*, established in 2006 by a group of international human rights experts.<sup>222</sup> Though these principles were not developed by the UN, many Member States have used

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<sup>207</sup> Ibid.; UN DPI, *UN issues first report on human rights of gay and lesbian people*, 2011.

<sup>208</sup> UN HRC et al, *Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People*, 2015, p. 2

<sup>209</sup> UN HRC, *Protection against violence and discrimination based on sexual orientation and gender identity (A/HRC/RES/32/2)*, 2016.

<sup>210</sup> Ibid.

<sup>211</sup> UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966; UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 4-6.

<sup>212</sup> Martinez-Soliman, *Ending LGBTI discrimination is key to achieving SDGs, United Nations Development Programme*, 2015.

<sup>213</sup> OHCHR, *UN chief on LGBT rights: "Leave no one behind"*, 2015.

<sup>214</sup> Martinez-Soliman, *Ending LGBTI discrimination is key to achieving SDGs, United Nations Development Programme*, 2015.

<sup>215</sup> Council of the European Union. (2010). *Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People (11179/10)*; European Parliament's Intergroup on LGBT Rights, *Work* (2016).

<sup>216</sup> European Union, *Consolidated Version of The Treaty on the Functioning of the European Union*, 2012, p. 7.

<sup>217</sup> European Union, *Charter of Fundamental Rights of the European Union*, 2012, p.10.

<sup>218</sup> African Commission on Human and Peoples' Rights, *275: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity*, 2014.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> International Panel of Experts in International Human Rights Law and on Sexual Orientation and Gender Identity, *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity*, 2007.

these principles as guidelines to developing national policies.<sup>223</sup> The principles set out a wide variety of goals for Member States to consider in creating national policies regarding LGBTI people.<sup>224</sup> With increased dialogue regarding SOGI on the international scale, the *Yogyakarta Principles* are likely to take a formative role in future national, regional, and international policymaking.<sup>225</sup>

### ***Role of the International System***

As the primary normative body on issues relating to human rights and the prevention of discrimination, there have been multiple joint statements and resolutions presented to the General Assembly Third Committee both in favor and against LGBTI inclusion and protection.<sup>226</sup> Achieving consensus on a topic of this nature across such a large body is, however, difficult, and a multitude of contexts and opinions have to be taken into account in order for policies to be successful.<sup>227</sup> A precedent for this can be seen through the *Convention on the Elimination of all forms of Discrimination Against Women* (1976).<sup>228</sup> While over 90% of Member States are party to the convention, there is still violence and discrimination against women in many of these states, and there is significant work yet to be done regarding gender-based violence and discrimination.<sup>229</sup> This suggests a similar pattern of progress on the topic at hand through the General Assembly and its subsidiary bodies, especially those working to promote human rights.<sup>230</sup>

While normative discussions on the topic of SOGI discrimination have been limited, there are a number of initiatives in development across a number of UN specialized bodies. The United Nations Development Programme (UNDP), for example, has developed partnerships with governments, civil society, human rights organizations, and actors in the private sector.<sup>231</sup> These partnerships work to measure LGBTI inclusion, identify data trends and gaps, and provide evidence to support best practice sharing.<sup>232</sup> Its main goal is to address inequalities experienced by LGBTI people, particularly through addressing health issues.<sup>233</sup> Under the purview of SDG 4, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has recently worked to eliminate discrimination in education for LGBTI people.<sup>234</sup> Pursuant to this, UNESCO has increased activities that work to collect evidence on homophobic and transphobic violence in educational settings, share best practices, and raise awareness on issues facing LGBTI people.<sup>235</sup>

The Office of the UN High Commissioner for Human Rights (OHCHR) is spearheading LGBTI visibility within the UN system through its collection of articles and web pages entitled “Speak Up Stop Discrimination.”<sup>236</sup> OHCHR has also released the *Born Free And Equal Report (HR/PUB/12/06)* (2012), which outlines core obligations that states have towards LGBTI people, including five steps to combat violence and discrimination.<sup>237</sup> These steps include protection for LGBTI people against violence, prevention of mistreatment in detention facilities, repealing laws that criminalize same-sex sexual relations between consenting adults, prohibiting discrimination of any kind based on SOGI, and safeguarding civil rights and freedoms of LGBTI people.<sup>238</sup> The most notable action that the UN has taken in regards to the protection of LGBTI people is UNFE. UNFE, unlike its namesake report, is a public education program, administered by the OHCHR, working to raise awareness of violence and discrimination against LGBTI people, mostly through the distribution of fact sheets and videos.<sup>239</sup> In its most recent progress report, UNFE

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<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.; International Panel of Experts in International Human Rights Law and on Sexual Orientation and Gender Identity, *An Activist's Guide to the Yogyakarta Principles*, 2010.

<sup>226</sup> ARC International, *SOGI Statements*, 2016.

<sup>227</sup> Goldberg, *On the UN General Assembly's Historic Vote for LGBT Rights*, 2008.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Martinez-Soliman, Ending LGBTI discrimination is key to achieving SDGs, *United Nations Development Programme*, 2015.

<sup>232</sup> Cortez, When people are counted, no one is left behind, *United Nations Development Programme*, 2015.

<sup>233</sup> Martinez-Soliman, Ending LGBTI discrimination is key to achieving SDGs, *United Nations Development Programme*, 2015.

<sup>234</sup> UNESCO, *What UNESCO does on Homophobic and Transphobic Violence in Education*.

<sup>235</sup> Ibid.

<sup>236</sup> OHCHR, *Speak Up Stop Discrimination*, 2016.

<sup>237</sup> OHCHR, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, pp. 10-13.

<sup>238</sup> Ibid., p. 50.

<sup>239</sup> OHCHR, *About Us*.

stated that it has reached more people than ever to raise awareness of sexual, gender, and bodily diversity and to promote equal rights and fair treatment for LGBTI people.<sup>240</sup>

### ***Violence and Discrimination Based on SOGI***

Violence and discrimination against LGBTI people is perpetrated in every region of the world.<sup>241</sup> Forms of violence based on actual or perceived SOGI include physical attacks, sexual violence, corrective rape, mutilation, torture, murder, and honor killings.<sup>242</sup> Intersex people may be subjected to surgical or other medical intervention without their own or their parents' consent to correct any perceived sexual anomaly, even in cases where the anomaly has no threat to life or health.<sup>243</sup> LGBTI people, particularly children and youth, are also vulnerable to bullying, psychological trauma, forced marriage, or institutionalization brought upon them by peers, teachers, or family members.<sup>244</sup>

Currently, 76 Member States have laws that criminalize sexual relations between consenting adults of the same sex, some of which include the death penalty as a form of punishment.<sup>245</sup> Many of these laws use vague wording, such as debauchery, in order to bring ambiguity to the application of the law.<sup>246</sup> According to the UN Special Rapporteur on the right to health, sanctioned punishment by states tends to reinforce prejudices and typically justifies violence and police brutality.<sup>247</sup> The United Nations Working Group on Arbitrary Detention has also stated that detaining an individual based on real or perceived SOGI breaches international law.<sup>248</sup> According to UNFE, Member States often fall short of full protection and non-discrimination for LGBTI people, and national laws and policies are the source of both direct and indirect discrimination.<sup>249</sup> OHCHR has also stated that LGBTI people are regularly discriminated against in the context of the workplace, housing, healthcare, identification, and seeking asylum.<sup>250</sup> Many countries have laws allowing employers to fire employees based on real or perceived SOGI, as well as denying them the ability to hold certain jobs.<sup>251</sup> Transgender people are often denied legal documentation, such as identification cards, that confirms their gender, without which individuals are unable to work, travel, or access financial and public services.<sup>252</sup> In order to obtain gender-confirming paperwork, many Member States require transgender people to submit to medical sterilization.<sup>253</sup> There is also often a vacuum in state policy regarding recognition of personal and familial relationships such as marriage, adoption, and parental rights if they involve LGBTI people.<sup>254</sup>

The absence of international consensus on this issue can cause states to take a position against compulsory recognition of LGBTI people and any attempt to force such change can challenge the principles of cultural and/or religious pluralism.<sup>255</sup> This can contribute to states' existing cultural and social standing against supporting LGBTI rights on an international level.<sup>256</sup> There are many contributing factors as to why Member States create and uphold

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<sup>240</sup> OHCHR, *UN Free & Equal Campaign Progress Report 2015*, 2016, p. 2.

<sup>241</sup> OHCHR, *Homophobic and transphobic violence*, 2016, p. 1.

<sup>242</sup> *Ibid.*; O'Flaherty, Fisher, *Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles*, 2008, p. 210, 224, 240; OHCHR, *Homophobic and transphobic violence*, 2016, p.1

<sup>243</sup> OHCHR, *LGBT Rights: Frequently Asked Questions*, 2013, p. 1.

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*1; OHCHR, *International Human Rights Law and Sexual Orientation & Gender Identity*, p. 2.

<sup>246</sup> OHCHR, *Criminalization*, p.1.

<sup>247</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 14.

<sup>248</sup> *Ibid.*, p. 15.

<sup>249</sup> *Ibid.*, p. 16.

<sup>250</sup> *Ibid.*; O'Flaherty & Fisher, *Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles*, 2008, p. 208.

<sup>251</sup> OHCHR, *Equality and non-discrimination*, 2016, p. 2.

<sup>252</sup> OHCHR, *LGBT Rights: Frequently Asked Questions*, 2013, p. 1.

<sup>253</sup> OHCHR, *Equality and non-discrimination*, 2016, p. 2.

<sup>254</sup> O'Flaherty & Fisher, *Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles*, 2008, p. 208.

<sup>255</sup> UN HRC, *Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity: Summary of discussion*, 2012, pp. 5-6.

<sup>256</sup> *Ibid.*, p. 6.

laws that contribute to instances of violence and discrimination based on SOGI.<sup>257</sup> For example, dialogue in Africa regarding SOGI has led to increased stigma against LGBTI people due to its link with HIV/AIDS, which is seen as synonymous with moral degradation.<sup>258</sup>

### ***Roadblocks to Policy Development and Existing Best Practices***

The suggestions for states presented by OHCHR, HRC, UNFE, and other entities are generally founded with the intent of and inclusivity for LGBTI people; however, Member States may not find them actionable.<sup>259</sup> For example, due to a lack of capacity or funding, quantifying violence and discrimination based on SOGI is difficult, particularly for developing Member States.<sup>260</sup> Systems that allow for comprehensive monitoring, recording, and reporting of instances of violence and discrimination are rare, and are especially difficult to access in developing states.<sup>261</sup> By having these systems in place, Member States would be able to track and report upon various forms of violence and discrimination, and start to act against them.<sup>262</sup> Even when these mechanisms do exist, incidents may go unreported or misreported due to the victim's distrust of the criminal justice system.<sup>263</sup> Victims of violence and discrimination are reluctant to reveal themselves for fear of privacy infringements or of legal, social, or political ramifications.<sup>264</sup> Even if acts of violence and discrimination are reported, there is often a lack of applicable national laws related to such acts.<sup>265</sup> Criminal investigation and reporting of violence and discrimination against LGBTI people can often be deficient compared to equivalent cases involving non-LGBTI people.<sup>266</sup>

There are, however, existing best practices that may assist Member States in adapting laws to support inclusivity for LGBTI people.<sup>267</sup> Multiple Member States have explicitly guaranteed protections from discrimination within their constitutions, and several others guarantee protection within regional or provincial constitutions.<sup>268</sup> For example, South Africa has a clause in its constitution, developed in 1996, protecting citizens from any discrimination based on sexual orientation.<sup>269</sup> Other states have guarantees of non-discrimination due to various court rulings and statutory interpretations.<sup>270</sup> Banning discrimination and penalizing hate crimes and discriminatory practices, having some level of legal recognition for same-sex relationships, or providing documentation for transgender individuals are legal steps that can be taken to reduce the incidence of violence and discrimination based on SOGI.<sup>271</sup> Many Member States have launched training programs for criminal justice professionals in order to help them recognize, register, and respond to reports of violence and discrimination based on SOGI.<sup>272</sup> Public information campaigns, either by civil society organizations or by the state, have helped increase public awareness and tolerance.<sup>273</sup>

### ***Combatting Violence and Discrimination***

Due to a relative lack of dialogue on the topic at the international level, there is greater progress required to fully combat violence and discrimination against LGBTI people. A report from the Human Rights Council, at the request

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<sup>257</sup> Reid, *Two Steps Forward, One Step Back*, 2012.

<sup>258</sup> *Ibid.*

<sup>259</sup> UN HRC, *Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity: Summary of discussion*, 2012, p. 6.

<sup>260</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 9.

<sup>261</sup> *Ibid.*

<sup>262</sup> *Ibid.*, p. 25.

<sup>263</sup> *Ibid.*, p. 9.

<sup>264</sup> *Ibid.*

<sup>265</sup> *Ibid.*, p. 25.

<sup>266</sup> *Ibid.*, p. 9.

<sup>267</sup> *Ibid.*, p. 18.

<sup>268</sup> *Ibid.*, p. 16.

<sup>269</sup> South Africa, *Constitution of the Republic of South Africa No. 108 of 1996*, 1996, p. 5.

<sup>270</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 16.

<sup>271</sup> OHCHR, *Equality and non-discrimination*, 2016, p. 2.

<sup>272</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 23.

<sup>273</sup> *Ibid.*



of resolution 17/19 of 2011, has provided suggestions as to how to prevent perpetuating violence and discrimination through a list of state obligations which include methods of protecting the economic, social, cultural, civil, and political rights of LGBTI people.<sup>274</sup> In 2012, the HRC convened a panel with participants that were selected based on suggestions from regional groups to discuss responding to homophobic and transphobic violence on the national level.<sup>275</sup> The first topic of discussion was the decriminalization of consensual same-sex relationships between adults, in order to both decrease stigma towards LGBTI people and ensure that no arbitrary arrests or detentions occur.<sup>276</sup> The panel also discussed the importance of developing anti-discrimination legislation, universalizing the age of consent, and ensuring that there is no room for misinterpretation of existing laws pertaining to detention.<sup>277</sup> Proper legal documentation for LGBTI people, such as inclusive gender registration, marriage certificates, and adoption paperwork, is another essential legal step in combating violence and discrimination based on SOGI.<sup>278</sup> Legal documents, familial recognition, and legal recognition of the principle of non-discrimination will promote normalization and decrease stigma within the community at large.<sup>279</sup>

OHCHR recommends that all Member States promptly investigate all reported killings and violence perpetrated against individuals based on SOGI.<sup>280</sup> An established system in order to record and report incidents of violence and discrimination is necessary for the protection of LGBTI people, regardless of whether the perpetrators are state or non-state actors.<sup>281</sup> The OHCHR recommends that, after detention, states must take measures to prevent inhumane conditions for LGBTI people and thoroughly investigate and prosecute any individuals or organizations that are perpetrating these infractions.<sup>282</sup> It also suggests that states should recognize that persecution based on SOGI is valid justification for seeking asylum.<sup>283</sup>

Another potential tool in reducing violence and discrimination based on SOGI is the training of professionals.<sup>284</sup> Sufficient education and training programs for criminal justice professionals is essential for de-stigmatization of LGBTI people in the criminal justice system.<sup>285</sup> The HRC's panel discussion has also suggested that school officials be trained on the inclusion and non-discrimination against LGBTI people in order to promote equal enjoyment of human rights, just as healthcare professionals must be trained to diagnose and treat cases that are specific to LGBTI people, particularly intersex people.<sup>286</sup> It has also been suggested that states must prohibit medically unnecessary procedures up to and including surgery on the sexual anatomy of intersex children.<sup>287</sup> In this vein, intersex children and their families should also have access to counseling and support from adequately trained professionals in order to make an informed decision on the medical needs of the child.<sup>288</sup>

## Conclusion

In recent years, violence and discrimination based on SOGI have become a highly contentious topic within the UN. While the UN has engaged in some significant dialogue on the issue, there is still a lack of information and action in

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<sup>274</sup> Ibid. 2011 p. 22.

<sup>275</sup> Ibid.; OHCHR, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012.

<sup>276</sup> OHCHR, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 37.

<sup>277</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 15.

<sup>278</sup> UN HRC, *Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity: Summary of discussion*, 2012, p. 3.

<sup>279</sup> UN HRC, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights*, 2011, p. 22.

<sup>280</sup> Ibid., p. 24.

<sup>281</sup> Ibid.

<sup>282</sup> Ibid., p. 12.

<sup>283</sup> Ibid., p. 25.; OHCHR, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012 p. 13.

<sup>284</sup> UN HRC, *Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity: Summary of discussion*, 2012, p. 3.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

<sup>287</sup> OHCHR, *Intersex*, pp. 1-2.

<sup>288</sup> Ibid.

regards to protecting LGBTI people, particularly in the General Assembly itself.<sup>289</sup> With the adoption of the SDGs, Member States will likely discuss SOGI in many different contexts, and work closely to maximize cultural respect while minimalizing violence and discrimination based on SOGI. Member States have yet to agree on the proper approach to preventing violence and discrimination based on SOGI, even with a relative consensus on the presence of the issue.

### ***Further Research***

While researching this topic, delegates should consider the best practices, shortcomings, and difficulties contributing to each Member State's position on this topic. What possible actions can the General Assembly take in order to mitigate the effects of violence and discrimination against LGBTI people while maintaining sovereign equality and cultural respect? Additionally, delegates should consider the direction of international human rights law in the context of the SDGs. How will the SDGs' focus on inclusivity impact policies regarding SOGI?

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*Despite its small size, this document had a large impact on the consideration of this topic, both on a national and international level. The African bloc has not put out much dialogue on this topic, especially within the UN System. In drafting this document, the African Commission on Human and People's Rights created an important precedent for the African continent and the entire international community. Since this is a regionally developed document, this resolution opens dialogue on a taboo topic in a way that allows for cultural sensitivity and flexibility.*

International Panel of Experts in International Human Rights Law and on Sexual Orientation and Gender Identity. (2007). *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity*. Retrieved 18 July 2016 from: <http://www.yogyakartaprinciples.org/principles-en/>

*The Yogyakarta Principles were drafted in order to form a list of recommendations to states regarding the protection of LGBTI persons. While they have not been developed or adopted by the UN, it is a useful document for considering future goals of the UN, as many Member States have considered these principles in their drafting of national policy. It highlights issues that are present in existing customs and laws. The Principles address these deficiencies through the application of existing human rights law to LGBT persons and the obligations of states to protect their populations, regardless of SOGI.*

Office of the United Nations High Commissioner for Human Rights. (2012). *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* [Report]. Retrieved 18 July 2016 from: <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

*This document is the most comprehensive approach the UN has taken towards the protection of LGBTI persons. It was developed as part of the UN's Born Free and Equal Campaign, which was launched in 2013, with this document including suggested core legal obligations of Member States in the protection of human rights for LGBT persons in compliance with international law. It cites existing international human rights law and relates the set precedents to the protection of peoples based on SOGI.*

Office of the United Nations High Commissioner for Human Rights. (2013). *LGBT Rights: Frequently Asked Questions* [Fact Sheet]. Retrieved 18 July 2016 from: [https://www.unfe.org/system/unfe-7-UN\\_Fact\\_Sheets\\_v6\\_-\\_FAQ.pdf](https://www.unfe.org/system/unfe-7-UN_Fact_Sheets_v6_-_FAQ.pdf)

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<sup>289</sup> UN DPI, *To Overcome Urgent, Immense Challenges, States Should Adopt Human Rights-Based Actions, Speakers Say as High-Level Thematic Debate Concludes*, 2016.



*This simple document is highly useful for developing a basic understanding of the various populations included in this topic and the difficulties they face. It separates information into easily digestible pieces of information that are consumer-friendly, factual, and useful. Delegates starting with UNFE fact sheets will be able to form a basic understanding of the topic in an expedited manner.*

O'Flaherty, M., & J. Fisher. (2008). Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles. *Human Rights Law Review*, 8 (2): 207-248. Retrieved 31 July 2016 from: <https://globalfop.files.wordpress.com/2012/11/sexual-orientation-gender-identity-and-international-human-rights-law-contextualising-the-yogyakarta-principles.pdf>

*This article is an in-depth examination of the Yogyakarta Principles and their potential impact on the international system. While the Principles were not developed within the UN, this paper helps to contextualize the issues facing LGBTI people. It also examines the goals set out by the Yogyakarta Principles and gives suggestions about the implementation of these ideals.*

United Nations, Human Rights Council. (2011). *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: Report of the United Nations High Commissioner for Human Rights (A/HRC/19/41)*. Retrieved 18 July 2016 from: <http://www.undocs.org/A/HRC/19/41>

*This document was developed in response to a request in HRC resolution 17/19 for the UN High Commissioner for Human Rights to commission a study that documents discrimination and violence against people based on SOGI. It covers, in great detail, various forms of discrimination that LGBTI people face on social, political, and economic levels. It also highlights emerging responses to violence and discrimination, and concludes with recommendations for future legislative development, which delegates can reference in the development of their position and goals of this topic.*

United Nations, Human Rights Council, Seventeenth session. (2011). *Human rights, sexual orientation and gender identity (A/HRC/RES/17/19)* [Resolution]. Retrieved 18 July 2016 from: <http://undocs.org/A/HRC/RES/17/19>

*This document was the first major piece of legislation adopted by a UN body that is centered on LGBTI rights. It passed by a narrow margin and created significant discussion on the topic at hand. It also brought about the report from the High Commissioner for Human Rights, which explored violence and discrimination based on SOGI.*

United Nations, Human Rights Council. (2012). *Human Rights Council panel on ending violence and discrimination against individuals based on their sexual orientation and gender identity: Summary of Discussion*. Retrieved 20 July 2016 from: <http://www.ohchr.org/Documents/Issues/Discrimination/LGBT/SummaryHRC19Panel.pdf>

*This document summarizes the first panel discussion on violence and discrimination against individuals based on SOGI, which was organized as a result of the Human Rights Council resolution 17/19. The panel utilized the report entitled Discriminatory Laws and Practices and acts of Violence Against Individuals Based on their Sexual Orientation and Gender Identity as a resource to prepare for the discussion of the topic. The discussion centered on universality of rights, responding to violence on national levels, development of legislation, sensitization, and gender recognition.*

United Nations, Human Rights Council, Thirty-second session. (2016). *Protection against violence and discrimination based on sexual orientation and gender identity (A/HRC/RES/32/2)* [Resolution]. Retrieved 22 October from: <http://undocs.org/A/HRC/RES/32/2>

*This resolution is a significant step in regards to protection of LGBTI people by the UN System. It cites cornerstone human rights documents and calls upon Member States to recognize SOGI as legitimate grounds for human rights protections. Though this resolution passed, delegates should closely examine the voting record to consider and understand the contextual significance behind yes votes, no votes, and abstentions.*

United Nations, Human Rights Council et al. (2015). *Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People* [Joint Statement]. Retrieved 20 July from: [http://www.ohchr.org/Documents/Issues/Discrimination/Joint\\_LGBTI\\_Statement\\_ENG.PDF](http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF)



*This statement is a useful document for delegates to consider when establishing an understanding of goals and expectations that UN bodies have in regards to combatting violence and discrimination based on SOGI. It is also a joint statement from multiple UN bodies that takes a previously unprecedented united stance against human rights violations based on SOGI. The language in this statement may provide a useful framework for broader normative actions that could be taken by the General Assembly.*

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### III. Promoting Rights and Strengthening Protections for Older Persons

*“Nearly two thirds of older persons live in developing countries, yet older persons are still largely excluded from the wider global, regional and national development agendas. [...] Older persons are vibrant and essential contributors to the development and stability of society, and more can and should be done to utilize their potential.”*<sup>290</sup>

#### **Introduction**

An aging population stands as a testament to our advancement in development, as “people are living longer due to better nutrition, sanitation, health care, and education.”<sup>291</sup> Our world’s aging population is growing rapidly: currently 12.3% of the world’s population is aged 60 or older, and this is estimated to rise to 22% by 2050.<sup>292</sup> In order to ensure an active and healthy aging population, the United Nations (UN) Secretary-General (SG) affirmed the need to overcome barriers such as discrimination, poverty, and abuse, which restrict human rights and hinder older persons’ contributions to society.<sup>293</sup> The UN now has an even wider range of opportunities to promote the rights and strengthen protections of older persons through the *2030 Agenda for Sustainable Development* (2030 Agenda) based on the “leave no one behind” global commitment.<sup>294</sup>

When defining an older or elderly person, demographers often use the age of 60 or older as a threshold, which is how the UN defines “older persons.”<sup>295</sup> The challenge of defining older persons arises from the varying definitions of “old” and their application in different societies.<sup>296</sup> In most developed countries, for example, 65 is the age at which a person becomes eligible for old-age social security benefits.<sup>297</sup> However, least developed countries do not have the same mechanism.<sup>298</sup> Additionally, definitions of “old” have varied with the dramatic increase in average lifespans since the beginning of the 20<sup>th</sup> century.<sup>299</sup> For example, while average life expectancy around 1900 was between 45 and 50 years in developed countries, it has now reached 80 years.<sup>300</sup> In stark contrast, the World Health Organization (WHO) estimates that current life expectancy in developing countries can be as low as 46 years.<sup>301</sup>

Poverty is known as “the single most pressing challenge to the welfare of older persons,” as it can result in inadequate living conditions, homelessness, malnutrition, and income insecurity, which are some of the most critical human rights issues at large for this group.<sup>302</sup> Ageism, which includes prejudice against and stigmatization of older persons, is widespread and found as a persistent challenge in both developed and developing countries.<sup>303</sup> Older persons often face neglect and abuse, in addition to threats to their property, income, and goods through fraud, deprivation, theft, and exploitation.<sup>304</sup>

#### **International and Regional Framework**

Article 25 of the *Universal Declaration of Human Rights* (UDHR) (1948) protects the right to a standard of living that is sufficient for the health and well-being of oneself and one’s family.<sup>305</sup> This includes food, clothing, housing,

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<sup>290</sup> Ban, *Secretary-General Calls for Ensuring that Social Protection, Care for Older Persons Not Undermined, in Message for International Day*, 2011.

<sup>291</sup> UNFPA, *Ageing: Overview*, 2008.

<sup>292</sup> *Ibid.*

<sup>293</sup> Biggs & Fredvang, *The Rights of Older Persons*, 2012; United Nations, *Secretary-General’s Message for 2014*, 2016.

<sup>294</sup> UN DESA, *Secretary-General’s Message for 2014*, 2016.

<sup>295</sup> UNFPA & HelpAge International, *Ageing in the Twenty-First Century*, 2012, p. 20.

<sup>296</sup> *Ibid.*

<sup>297</sup> *Ibid.*

<sup>298</sup> *Ibid.*

<sup>299</sup> *Ibid.*

<sup>300</sup> *Ibid.*

<sup>301</sup> WHO, *The World Health Report 2003 – Shaping the Future*, 2003.

<sup>302</sup> UN General Assembly, *Follow-up to the Second World Assembly on Ageing (A/66/173)*, 2011.

<sup>303</sup> *Ibid.*

<sup>304</sup> UN World Assembly on Ageing, *Political Declaration and Madrid International Plan of Action on Ageing*, 2002; UN General Assembly, *Follow-up to the Second World Assembly on Ageing (A/66/173)*, 2011.

<sup>305</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217A (III))*, 1948.



medicine, social services, and the right to security in times of unemployment, sickness, disability, and old age.<sup>306</sup> In 1978, the General Assembly adopted resolution 33/52 on “World Assembly on the Elderly,” which recognized the need to raise awareness of serious problems facing the world’s growing population.<sup>307</sup> Then, in 1982, the international community addressed issues facing older persons when the UN General Assembly convened the first World Assembly on Ageing, which produced the *Vienna International Plan of Action on Ageing* (VIPAA).<sup>308</sup> The VIPAA contains 62 points that call for specific action on issues including health and nutrition, housing and the environment, social welfare, income and employment, education, and family.<sup>309</sup> In order to achieve positive outcomes, the VIPAA outlines national governments’ obligation to develop national policies and strategies that recognize sensitive factors to the aging population, giving special attention to elderly women.<sup>310</sup> Furthermore, the VIPAA lays out how international and regional cooperation can aid Member States, such as through the global action of technical cooperation and information sharing.<sup>311</sup>

In furtherance of the VIPAA, the General Assembly adopted resolution 46/91 in 1991, which encouraged governments to incorporate a list of principles for older persons, as outlined in the annex, into their national programs.<sup>312</sup> These principles, known commonly as the *United Nations Principles for Older Persons*, range from independence, care, and inclusive participation to self-fulfillment and dignity of older persons.<sup>313</sup> Additionally, in 1990, the General Assembly adopted resolution 45/106 on the “Implementation of the International Plan of Action on Aging and related activities.”<sup>314</sup> Within this resolution, the General Assembly recognized the complexity and rapidly changing nature of the world’s aging population and the need for protection and promotion of its rights.<sup>315</sup> In 1992, resolution 47/5 on the “Proclamation on Ageing” was adopted by the General Assembly, noting the unparalleled policy and program challenges that the world’s aging population presents for governments and urging the international community to promote resolution 45/106 and disseminate the *Principles of Older Persons*.<sup>316</sup> Most importantly, the proclamation urges for the support of national initiatives on aging that address issues such as economic conditions, health care, and inclusion, as they are considered a part of overall development.<sup>317</sup> The resolution also expresses the urgent need to implement policies and programs that respond to the special characteristics, needs, and abilities of older women.<sup>318</sup> Further action was called upon for elderly persons in the *Programme of Action* (PoA) of the International Conference on Population and Development, which was held in Cairo in September 1994.<sup>319</sup> The PoA expresses how the aging of populations presents both opportunities and challenges for the economic and social aspects of society.<sup>320</sup> Upon recognizing the principle that elderly people constitute a valuable and important component of society’s human resources, the PoA calls for the enhancement of elderly persons’ self-reliance and the development of health care, economic, and social security systems.<sup>321</sup>

The 2002 Second World Assembly on Ageing, which resulted in the *Political Declaration and Madrid International Plan of Action on Ageing* (MIPAA), marked a turning point for the notion that the international community should keep in mind the needs of people of all ages.<sup>322</sup> Article 5 of the Declaration reaffirms the commitment to promote the right to development, as well as to endorse the elimination of age discrimination.<sup>323</sup> It further recognizes that older persons “should enjoy life’s fulfilment, health, security, and participation in economic, social, cultural, and political

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<sup>306</sup> Ibid.

<sup>307</sup> UN General Assembly, *World Assembly on the Elderly (A/RES/33/52)*, 1978.

<sup>308</sup> UN DESA, *Ageing*, 2016.

<sup>309</sup> UN World Assembly on Ageing, *Vienna International Plan of Action on Aging*, 1983.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

<sup>312</sup> UN General Assembly, *United Nations Principles for Older Persons (A/RES/46/91)*, 1991.

<sup>313</sup> Ibid.

<sup>314</sup> UN General Assembly, *Implementation of the International Plan of Action on Aging and related activities (A/RES/45/106)*, 1990.

<sup>315</sup> Ibid.

<sup>316</sup> UN General Assembly, *Proclamation on Ageing (A/RES/47/5)*, 1992.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> UNFPA, *Programme of Action*, 2004.

<sup>320</sup> Ibid.

<sup>321</sup> Ibid.

<sup>322</sup> UN World Assembly on Ageing, *Political Declaration and Madrid International Plan of Action on Ageing*, 2002.

<sup>323</sup> Ibid.

aspects of society,” and expresses a determination to enhance recognition of older persons and eliminate forms of negligence, abuse, and violence.<sup>324</sup> Article 16 of the Declaration specifically highlights the reciprocal relationship between and among generations when trying to strengthen and promote human rights for older persons, which aids in creating an inclusive society for all ages.<sup>325</sup> Following the Assembly, in 2002 the General Assembly adopted resolution 57/167 as a “Follow-up to the Second World Assembly on Ageing,” recognizing the evolving process of global aging and calling upon Member States to work on the MIPAA’s three priority areas.<sup>326</sup> The MIPAA’s three priority themes are older persons and development, advancing health and well-being, and ensuring and enabling supportive environments.<sup>327</sup> There are over one hundred recommendations for action that focus on the three priority themes; some of them include recognizing social, cultural, economic, and political contributions of older persons by providing programs and support to encourage such participation.<sup>328</sup>

Since the MIPAA’s adoption, the World Assembly has vocalized how important it is to implement its recommendations into regional action plans that target demographic, economic, and cultural aspects of each region.<sup>329</sup> For example, the 2007 *Resolution on the Rights of Older Persons in Africa*, from the African Commission on Human and People’s Rights (African Commission), has set up a Committee of Experts to draft its first *Protocol to the African Charter on the Rights of Older Persons in Africa*, which protects the rights of older persons.<sup>330</sup> The adoption of this resolution demonstrates the regional commitment to the MIPAA by reinforcing regional and national policies and frameworks on the rights of older persons.<sup>331</sup>

The strengthening and protection of human rights for older persons is further advocated by a 2011 report of the Secretary-General, which identifies four consistent challenges for older persons: poverty and living conditions, age-related discrimination, violence and abuse, and lack of special mechanisms and services for older persons.<sup>332</sup> The report mentions the use of independent experts, who are appointed by the UN Human Rights Council (HRC).<sup>333</sup> They gather critical information and express their views in an independent capacity when they examine and report to the HRC on thematic or country-specific targets throughout the world.<sup>334</sup> The report further calls for action to be taken on both the national and international level to strengthen the international protection regime, establish care facilities, enable participation, and fight financial exploitation and employment discrimination.<sup>335</sup> In 2010, the HRC released its annual report, conducted by independent experts on some of the issues faced by aging populations.<sup>336</sup> To address this, the report called upon Member States to “recognize social pensions as critical elements for the progressive realization of the right to social security,” upholding the human rights of older persons and addressing extreme poverty.<sup>337</sup> Such an example is observed with South Africa’s Social Assistance Act of 2004, which allows those who require full-time care and are already receiving old age, disability, or war veterans’ benefits to qualify for additional money through a direct payment method known as “grant in aid.”<sup>338</sup> However, the dilemma with this program is that the monthly amount received is insufficient in covering the medical bills.<sup>339</sup>

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<sup>324</sup> Ibid.

<sup>325</sup> Ibid.

<sup>326</sup> UN General Assembly, *Follow-up to the Second World Assembly on Ageing (A/RES/57/167)*, 2003.

<sup>327</sup> UN DESA, *Outcomes on Ageing*, 2016.

<sup>328</sup> UN World Assembly on Ageing, *Political Declaration and Madrid International Plan of Action on Ageing*, 2002.

<sup>329</sup> UN DESA, *Outcomes on Ageing*, 2016.

<sup>330</sup> African Commission on Human and People’s Rights, *106: Resolution on the Rights of Older Persons in Africa*, 2016; African Union, *Draft Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa*, 2014.

<sup>331</sup> African Commission on Human and People’s Rights, *106: Resolution on the Rights of Older Persons in Africa*, 2016.

<sup>332</sup> UN General Assembly, *Follow-up to the Second World Assembly on Ageing (A/66/173)*, 2011.

<sup>333</sup> OHCHR, *The Independent Expert on the Enjoyment of All Human Rights by Older Persons*, 2016.

<sup>334</sup> Ibid.

<sup>335</sup> UN General Assembly, *Follow-up to the Second World Assembly on Ageing (A/66/173)*, 2011.

<sup>336</sup> UN HRC, *Report of the Independent Expert on the Question of Human Rights and Extreme Poverty (A/HRC/14/31)*, 2010; OHCHR, *Older Persons and Social Protection – Independent Expert on Human Rights and Extreme Poverty*, 2016.

<sup>337</sup> Ibid.

<sup>338</sup> WHO & World Bank, *World Report on Disabilities*, 2011.

<sup>339</sup> Ibid.

The connection between older persons and development is reinforced in the General Assembly *Report of the Second World Assembly on Ageing*.<sup>340</sup> This report recognizes the impact that sustainable development has on older persons and how older persons, in turn, can contribute to sustainable development within their communities.<sup>341</sup> Having realized the urgent need to incorporate sustainable development into all aspects of life, the international community adopted the *2030 Agenda for Sustainable Development* (2015) and its Sustainable Development Goals (SDGs).<sup>342</sup> Through a holistic approach, the SDGs, such as 1, 2, 3, 8, 10, and 11, provide targets that address concerns and needs of older persons, such as socio-economic contributions and inclusion within the political and decision-making processes.<sup>343</sup> For instance, target 8.5 of SDG 8 specifically strives to achieve full and productive employment for all women and men.<sup>344</sup> When Member States localize the SDGs in tandem with developing inclusive national policies, older persons can present greater opportunities for the development of society in the social, cultural, political, and economic fields.<sup>345</sup> In relation to this, SDG 11 provides specific targets, such as targets 11.2, 11.3, and 11.7, on issues such as improving infrastructure to meet the special needs of older persons, enhancing urbanization for inclusive and sustainable participation for all, and providing universal access to green and public spaces, particularly for older persons.<sup>346</sup>

### ***Role of the International System***

In order for Member States to implement the recommendations of MIPAA and strengthen the protection of older persons' human rights, in 2010, the General Assembly created the Open-Ended Working Group (OEWG) on Ageing in resolution 65/182.<sup>347</sup> This working group considers the existing international framework of older persons' human rights and identifies possible gaps and how to address them.<sup>348</sup> Also, the General Assembly adopted resolution 67/139 in 2012, in which they request the OEWG to present "main elements that should be included in a comprehensive and integral international legal instrument in order to promote and protect the rights and dignity of older persons."<sup>349</sup> Upon review of the OEWG and the MIPAA, Member States express diverging views on the need to foster the promotion and protection of the rights of older persons.<sup>350</sup> Some Member States see a need to further implement and uphold existing standards of human rights at the national and regional level and, for the time being, do not see the need to develop new mechanisms or host new international conventions on the rights of older persons.<sup>351</sup> Other Member States have reiterated the need to have a new legally binding international convention and call for specifying the main elements in such an instrument on the protection and strengthening of the human rights of older persons.<sup>352</sup>

WHO assists Member States by shaping of research, establishing norms and standards for promoting and monitoring implementation, and conducting data compilation on demographical groups based on health situations and trends.<sup>353</sup> Through the scope of promoting awareness with social determinants of health, gender, equity and human rights, WHO published its 2011 "World Report on Disabilities" which highlights how disabilities can be exacerbated by old age.<sup>354</sup>

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<sup>340</sup> UN Second World Assembly on Ageing, *Report of the Second World Assembly on Ageing*, 2002.

<sup>341</sup> *Ibid.*

<sup>342</sup> UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

<sup>343</sup> *Ibid.*

<sup>344</sup> *Ibid.*

<sup>345</sup> UNDP, *Human Development Report 2015*, 2015.

<sup>346</sup> UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

<sup>347</sup> UN General Assembly, *Follow-up to the Second World Assembly on Ageing (A/RE/65/182)*, 2011.

<sup>348</sup> UN DESA, *Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons*, 2011.

<sup>349</sup> UN General Assembly, *Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons (A/RES/67/139)*, 2013.

<sup>350</sup> UN DESA, *Strengthening the Protection of the Human Rights of Older Persons*, 2016.

<sup>351</sup> *Ibid.*

<sup>352</sup> *Ibid.*

<sup>353</sup> WHO, *What We Do*, 2016.

<sup>354</sup> WHO & World Bank, *World Report on Disabilities*, 2011.

Non-governmental organizations (NGOs), such as the International Federation of Ageing (IFA), assist in strengthening the rights and choices of older people, ensuring that they are both protected and respected.<sup>355</sup> IFA has helped bring about achievements such as the codification of the *UN Principles for Older Persons*.<sup>356</sup> Furthermore, it is committed to being a source for connections and networks in collaborating with and across government and the private and public sectors.<sup>357</sup>

In response to a request by the International Network for the Prevention of Elder Abuse (INPEA), the General Assembly established World Elder Abuse Awareness Day, to be commemorated each year on 15 June.<sup>358</sup> The INPEA, founded in 1997, shares the view of Member States urging for a new international convention on the rights of older persons and is dedicated to spreading information as part of its objective for the worldwide prevention of abuse of older persons.<sup>359</sup>

Other organizations, such as HelpAge International, provide older people with assistance in overcoming discrimination and poverty.<sup>360</sup> HelpAge helps older persons claim their rights and advocates for policy change in Member States.<sup>361</sup> The challenges older persons face in enjoying their human rights vary greatly, as discrimination stems from numerous factors, including age, sex, socio-economic conditions, ethnicity, and state of health.<sup>362</sup>

### ***Advancing Social and Economic Inclusion of Older Persons***

The MIPAA expresses the importance of including older persons in society.<sup>363</sup> Article 6 of the Political Declaration accompanying the MIPAA mentions that the modern world has presented extraordinary opportunities to empower men and women to reach old age, and that the international community therefore needs to seek the full inclusion and participation of older persons in society. This way they contribute more effectively to their communities and further development of their societies.<sup>364</sup> In order to create opportunities for older persons, the MIPAA provides suggestions on how the international community should move toward inclusive measures for job security and social empowerment.<sup>365</sup> One recommended action is to provide sufficient minimum income for older persons, with specific attention to social and economically disadvantaged groups, by organizing social protection and/or social security systems.<sup>366</sup>

According to the *World Population Ageing 2015 Report*, older persons were found to be more likely to live in poverty than younger persons in countries where pension systems are not in place or fail to provide adequate incomes.<sup>367</sup> Conversely, the prevalence of poverty among older persons is less than or equal to that among the general population in countries with pension systems and broad coverage, such as countries in Europe and Latin America.<sup>368</sup> Older persons in low- to middle-income countries face the threat of poverty due to the lack of a reliable social security system, which in turn contributes to slow economic growth.<sup>369</sup> In other regions such as sub-Saharan Africa and Asia, where pension systems do not exist or are failing to provide sufficient income, elderly persons face higher risks of human rights violations and extreme poverty.<sup>370</sup> It is estimated that nearly half of the world's population does not receive a pension upon reaching the retirement age, and those who do are not receiving

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<sup>355</sup> International Federation on Ageing, *About*, 2016.

<sup>356</sup> Ibid.

<sup>357</sup> Ibid.

<sup>358</sup> UN DPI, *The World Elder Abuse Awareness Day (WEAAD)*, 2016.

<sup>359</sup> INPEA, *About INPEA*, 2016; INPEA, *Human Rights Resources*, 2016.

<sup>360</sup> HelpAge International, *About Us: Our Values*, 2016.

<sup>361</sup> Ibid.

<sup>362</sup> OHCHR, *Human Rights of Older Persons*, 2016.

<sup>363</sup> UN World Assembly on Ageing, *Political Declaration and Madrid International Plan of Action on Ageing*, 2002.

<sup>364</sup> Ibid.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> UNDP, *Human Development Report 2015*, 2015.

<sup>368</sup> Ibid.

<sup>369</sup> UN DESA, *World Population Ageing 2015 Report*, 2015.

<sup>370</sup> Ibid.

sufficient pensions.<sup>371</sup> A gender disparity is also observable in the fact that women tend to have lower pension coverage overall when compared with men.<sup>372</sup>

With the global population expected to reach 9.6 billion by 2050, the change in aging is reflected in the old-age dependency ratio, which is based on the number of people aged 65 and older compared to the number of people working.<sup>373</sup> The old-age dependency ratio may be understood by considering that a developing country in 2015 had a working age ratio of 1 older person to 10 working people, figures now estimated to increase to 4.7 to 10 respectively by 2050.<sup>374</sup> Countries experience different stages of the age-dependency ratio depending on their level of development and the stage of their demographic transition.<sup>375</sup> In contrast, the ratio of dependency in highly developed countries is similarly split between the young and old populations; this may change since the older population is predicted to dominate soon, which would cause the ratio to become inversed.<sup>376</sup> The ratio of dependency in highly developed countries, especially in Europe, is more similar to 10 older persons to 1 working person.<sup>377</sup> The fluctuation in old-age dependency ratio in relation to development will pose a major challenge to developed countries in the future, as governments will need to ensure that social security systems sufficiently cover the needs of a larger older population.<sup>378</sup>

### ***Preventing Abuse and Discrimination***

The World Health Organization (WHO) defines elder abuse as “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.”<sup>379</sup> According to WHO, an estimated 10% of older persons are affected by elder abuse.<sup>380</sup> Within the MIPAA, there are set objectives on eliminating all forms of neglect, abuse, and violence targeting older persons, such as educating the general public, passing laws, and strengthening legal systems in order to eliminate elder abuse.<sup>381</sup> One example is India’s National Policy on Older Persons (NPOP) IV Annual Plan of Action 2005-2006, which explicitly draws attention to how older persons are often vulnerable to becoming victims of crimes.<sup>382</sup> Some steps within the NPOP, such as governments working directly with the police to pay special attention to older persons, reviewing cases and monitoring sensitive issues as they arise, aim to provide security of life and property for older persons.<sup>383</sup> NPOP strengthens government oversight and social justice within police departments.<sup>384</sup>

Although both men and women experience age discrimination, women experience the double burden of gender discrimination, which is apparent throughout their lifespan and old age, which exacerbates this inequality.<sup>385</sup> Discrimination against older women often results from disproportionate allocation of resources, neglect, poor treatment, and limited access to social services.<sup>386</sup> Discrimination may also arise from socio-economic factors and socio-cultural environments, as gender inequalities are often deeply rooted in cultural and social norms.<sup>387</sup> The neglect, abuse, and violence towards older persons is carried out in physical, psychological, emotional, and financial forms; communities must work together in order to prevent such transgressions from occurring, as it impedes health and development of the elderly, as called upon within the MIPAA.<sup>388</sup> In his message for the 2016 World Elder

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<sup>371</sup> Ibid.

<sup>372</sup> Ibid.

<sup>373</sup> UNDP, *Human Development Report 2015*, 2015.

<sup>374</sup> Ibid.

<sup>375</sup> Ibid.

<sup>376</sup> Ibid.

<sup>377</sup> Ibid.

<sup>378</sup> Ibid.

<sup>379</sup> WHO, *Elder Abuse*, 2016.

<sup>380</sup> Ibid.

<sup>381</sup> UN World Assembly on Ageing, *Political Declaration and Madrid International Plan of Action on Ageing*, 2002.

<sup>382</sup> India, *National Policy on Older Persons IV Annual Plan of Action 2005-2006 for Implementation*, 2005.

<sup>383</sup> Ibid.

<sup>384</sup> Ibid.

<sup>385</sup> UN CEDAW, *Convention on the Elimination of All Forms of Discrimination against Women: General recommendation No.27 on older women and protection of their human rights (CEDAW/C/2010/47/GC.1*, 2010.

<sup>386</sup> Ibid.

<sup>387</sup> Ibid.

<sup>388</sup> UN World Assembly on Ageing, *Political Declaration and Madrid International Plan of Action on Ageing*, 2002.

Abuse Awareness Day, SG Ban Ki-moon firmly reiterated how imperative it is for the world to end neglect, abuse, and violence against older persons, as it is vital for achieving the 17 SDGs and the fulfilment of the “leave no one behind” pledge.<sup>389</sup>

### ***Case Study: Japan and Its Ageing Population***

Among the challenges that countries face is the additional pressure placed on national health care systems as the aging population grows, as there is an increase in demand for care, medicine, and technologies that prevent and treat non-communicable diseases and chronic conditions due to old age.<sup>390</sup> Japan is home to the world’s most aged population, which accounted for 33% of its population in 2015.<sup>391</sup> Different age groups have different needs of care, with the care of infants traditionally predominating.<sup>392</sup> As aging and growth change and fertility rates fall, the need of care for children is likely to decrease, but the need of care for older persons will grow and increase in importance.<sup>393</sup> Japan is an exceptional case study in observing the need of care for older persons being assessed and carried out, and the cost for health care is expected to more than double by 2050.<sup>394</sup> Japan has developed a system in which providing care to older persons or people with disabilities in their own homes is given in exchange for “time credits.”<sup>395</sup> Electronic tickets are paid into a computerized savings account to caregivers by older persons.<sup>396</sup> This system emerged from urban grassroots groups such as Help of Daily Living Association in Tokyo and the Kobe Life Care Association. ; the electronic tickets may be saved for use in the future or transferred to someone else’s care.<sup>397</sup> The system helps older persons avoid expensive retirement homes and can also reduce the time they spend in hospitals after medical problems, overall improving emotional and psychological comfort and quality of life.<sup>398</sup> A report produced in 2013 by the Ministry of Health, Labour and Welfare of Japan titled “The Current Situation and the Future Direction of Long-Term Care Insurance System in Japan” demonstrates the need for long-term care that not only addresses the concern of over-populated elderly housing, but also provides social insurance systems, is flexible to one’s choice, and supports independence for elderly persons.<sup>399</sup> Alternative ways, such as the program developed by the Help of Daily Living Association and Kobe Life Care Association, contribute to the need for long-term care without additional stress to the existing elderly housing system and ensure the rights and protection of rights for elderly persons.<sup>400</sup>

### ***Conclusion***

There is no question that the challenges faced by older persons, such as discrimination, poverty, and abuse, all restrict their human rights and hinder their contribution to the communities they live in.<sup>401</sup> By strengthening and promoting the rights of older persons, communities experience positive growth and overall positive development within society.<sup>402</sup> The challenges in protecting and ensuring their human rights vary greatly based on age, gender, socio-economic status, ethnicity, and health.<sup>403</sup> In order to create a social and economically inclusive society, one that is secure in health and safety and allows for a robust, social, and active aging population, it is necessary to overcome barriers of discrimination that are detrimental to the rights of older persons.<sup>404</sup> Member States have an obligation to address the concerns facing older persons regarding their rights and protections and to mitigate the

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<sup>389</sup> UN DESA, *Secretary-General’s Message for 2016*, 2016.

<sup>390</sup> UN DESA, *World Population Ageing 2015 Report*, 2015.

<sup>391</sup> *Ibid.*

<sup>392</sup> UNDP, *Human Development Report 2015*, 2015, p. 120.

<sup>393</sup> *Ibid.*

<sup>394</sup> *Ibid.*

<sup>395</sup> *Ibid.*

<sup>396</sup> *Ibid.*

<sup>397</sup> *Ibid.*

<sup>398</sup> *Ibid.*

<sup>399</sup> Japan, *The Current Situation and the Future Direction of the Long-Term Care Insurance System in Japan*, 2013.

<sup>400</sup> UNDP, *Human Development Report 2015*, 2015, p. 120.

<sup>401</sup> Biggs & Fredvang, *The Rights of Older Persons*, 2012.

<sup>402</sup> *Ibid.*

<sup>403</sup> OHCHR, *Human Rights of Older Persons*, 2016.

<sup>404</sup> UN DESA, *Secretary-General’s Message for 2014*, 2016.

challenges they face.<sup>405</sup> Through the 2030 Agenda, the international community has the opportunity to improve upon existing frameworks and systems in the UN that strengthen the rights and protection of older persons, bolstering their contributive role in society.<sup>406</sup>

### ***Further Research***

Delegates are recommended to read thoroughly through the sources provided and the work already done by the UN. What should be noticed is the progress made through the international community, the progress made in recognizing the challenges faced by older persons, and the remaining work to be done. How can governments strengthen and protect the rights of older persons? Through what mechanisms, currently existing or not, can action on older persons' human rights be taken? What are the different views on how to go about strengthening and protecting the rights of older persons? How can national governments work with civil society, regional organizations, and the international community to provide tools that help overcome challenges faced by older persons? How can developed Member States improve social security systems and their capacity to handle the needs of a growing aging population? How can developing Member States fortify social security systems that tackle current development challenges and adapt as society develops further? How can Member States work together to address conditions of economic and health disparities that older persons face between developed and developing regions? What can be done at the local, national, and international levels to overcome challenges within the existing systems to strengthen the rights and protections of older persons?

### **Annotated Bibliography**

International Network for the Prevention of Elder Abuse. (2016). *Human Rights Resources* [Website]. Retrieved 27 August 2016 from: <http://www.inpea.net/reportsresources/humanrights.html>

*The International Network for the Prevention of Elder Abuse is a helpful source with substantial resources that focus on elder abuse. This source displays a plethora of information relevant to the rights of older persons. Among this vast array of resources are reports on elder abuse and neglect from numerous Member States and organizations around the world. This source can be helpful in gaining insight and guiding research into recent actions done in certain countries and regions. Delegates are encouraged to review the information mentioned in the reports and to build upon their research with such data provided on specific Member States.*

United Nations, Committee on the Elimination of Discrimination against Women, Forty-seventh session. (2010). *Convention on the Elimination of All Forms of Discrimination against Women: General recommendation No.27 on older women and protection of their human rights (CEDAW/C/2010/47/GC.1)*. Retrieved 26 August 2016 from: <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC1.pdf>

*This document is a general recommendation for older women and the protection of their human rights within the Convention on the Elimination of All Forms of Discrimination against Women, which demonstrates an additional move by the international community to address discrimination faced by women. The document demonstrates the added focus on age-related issues towards human rights of older persons. Delegates should examine this report because it provides in-depth background on the issue of age discrimination targeting women with specific areas of concern. Furthermore, this document can guide delegates in researching specific areas of concern, such as education, participation, and pension benefits, as these pertain to issues of protection of the human rights of older persons.*

United Nations Development Programme. (2015). *Human Development Report 2015: Work for Human Development*. Retrieved 18 July 2016 from: [https://docs.google.com/gview?url=http://sustainabledevelopment.un.org/content/documents/22212015\\_human\\_development\\_report.pdf&embedded=true](https://docs.google.com/gview?url=http://sustainabledevelopment.un.org/content/documents/22212015_human_development_report.pdf&embedded=true)

*Through this report, the factors that impact human development are contextualized in order to help understand the progress society has made and the challenges that are present in a changing*

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<sup>405</sup> UN General Assembly, *Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons (A/RES/67/139)*, 2013.

<sup>406</sup> UN DESA, *Secretary-General's Message for 2014*, 2016.



*world. Specific attention is given to page 67 on the topic of population growth and structure, where the topic of older persons is discussed in terms of work and development. Additionally, the report provides important measures of data and figures that illustrate human development in terms of age and dependency ratio. Furthermore, the following section discusses the growing population in general and its relation to urban development. It is important for delegates to read both sections, as the link between a growing older population and overall development are found to be both a strength and challenge to older persons and the international community. Delegates are encouraged to use this source to start their research on key concepts or for information pertaining to aging and employment.*

United Nations, General Assembly, Forty-sixth session. (1991). *United Nations Principles for Older Persons (A/RES/46/91)* [Resolution]. Adopted on the report of the Third Committee (A/46/704). Retrieved 17 July 2016 from: <http://undocs.org/A/RES/46/91>

*The United Nations Principles for Older Persons (A/RES/46/91) ties together relevant information on the International Plan of Action on Ageing and other works throughout the international community addressing the issues faced by the aging population. This document is important because it defines targets on aging and urges Member States to identify specific national targets for the year 2001. Delegates should review this source because it demonstrates evolving efforts to address the concerns of older persons through an international framework. Something that delegates can question, and that can help guide research, is how these actions have allowed Member States to implement a similar course of action to address the concerns of aging populations.*

United Nations, General Assembly, Sixty-fifth session. (2011). *Follow-up to the Second World Assembly on Ageing (A/RES/65/182)* [Resolution]. Adopted on the report of the Third Committee (A/65/448). Retrieved 26 August 2016 from: <http://undocs.org/A/RES/65/182>

*Resolution 65/182, passed on 21 December 2010, officially established the Open-Ended Working Group on Ageing. The working group considers the current international framework pertaining to older persons' human rights by reviewing legal instruments, government policies, and actions within the international community. The working group identifies any gaps within the framework and suggests how to best address them. This resolution lays out the criteria needed in creating the working group and provides additional actions to be taken at the national level toward achieving previous works, such as the Madrid Plan of Action. Delegates are encouraged to review this resolution to stimulate research on how much progress has been made since the working group's creation.*

United Nations, General Assembly, Seventieth session. (2015.) *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. Retrieved 17 July 2016 from: <http://undocs.org/A/RES/70/1>

*Adopted in September of 2015, the 2030 Agenda for Sustainable Development identifies 17 Sustainable Development Goals (SDGs) to be achieved by the year 2030. This historic turning point for the UN transitions the focus of the international community from the previous Millennium Development Goals to the current SDGs. Within the 17 addressed SDGs, its concurring targets dive further into pressing international issues. What is critical for delegates to understand is that the targets within the SDGs incorporate older persons on the premise of inclusion. In this case, the term "older persons" is not directly stated; however, the targeted goal is connected through both inclusion and high priority as determined by issues prevalently faced by aging populations. Delegates are thus challenged to think how this helps or hurts the momentum behind addressing issues concerning older persons in terms of strengthening and protecting their human rights.*

United Nations Population Fund. (2004). *Programme of Action*. Retrieved 24 August 2016 from: [https://www.unfpa.org/sites/default/files/event-pdf/PoA\\_en.pdf](https://www.unfpa.org/sites/default/files/event-pdf/PoA_en.pdf)

*This Programme of Action was adopted at the International Conference on Population and Development (ICPD) in Cairo in September 1994. The Cairo Conference was the largest intergovernmental conference on population and development ever held, with participants from governments, the UN, intergovernmental organizations, non-governmental organizations, and*





*media. Also known as the ICPD Programme of Action (PoA), this document underscores the integral and mutually reinforcing linkages between population and development. It is within Chapter VI: Population Growth and Structure that actions and objectives on behalf of elderly persons are recognized directly. Delegates should read through this PoA thoroughly, identify the recommended actions and desired outcomes, and assess whether or not these have been achieved by their assigned country.*

United Nations Population Fund & HelpAge International. (2012). *Ageing in the Twenty-First Century: A Celebration and A Challenge* [Report]. Retrieved 24 August 2016 from: <https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-Report-Chapter1.pdf>

*This source provides an immense amount of data and information that illustrates the numerical changes within the world's population. Such information is important because it provides a historical perspective on population trends and relevant factors such as demographic, geographic, socio-economic, and developmental influencers. Delegates are encouraged to utilize this source in aiding their country research as some Member States are specifically mentioned and delegates can build upon this information as necessary. Furthermore, the information provided here can challenge delegates to think of alternative measures in strengthening and protecting human rights of older persons that the source may not have touched upon.*

United Nations, World Assembly on Aging. (1983). *Vienna International Plan of Action on Aging*. Retrieved 18 July 2016 from: <http://www.un.org/en/events/elderabuse/pdf/vipaa.pdf>

*The Vienna International Plan of Action on Aging is the first international document drawing attention to older persons and the rights and special needs they have. This source provides a foundation for delegates to recognize older persons' rights. The plan of action provides demographic background information on older persons, agreed principles, and then recommendation for actions and implementation. Delegates should read this document thoroughly in order to assess the actions mentioned here and compare these actions to future calls. This source contributes to delegate research as it may demonstrate how the international community has, since then, adapted to the growing needs of older persons and changing society functions based on these recommendations.*

United Nations, World Assembly on Ageing. (2002). *Political Declaration and Madrid International Plan of Action on Ageing*. Retrieved 18 July 2016 from: [http://www.un.org/en/events/pastevents/pdfs/Madrid\\_plan.pdf](http://www.un.org/en/events/pastevents/pdfs/Madrid_plan.pdf)

*During the Second World Assembly on Ageing, the Political Declaration and Madrid International Plan of Action on Ageing were adopted. This document serves as the next major international document on older persons after the Vienna International Plan of Action. This source provides two parts: the Political Declaration, which recognizes the potential contributions to society from older persons, and the Madrid Plan of Action, which goes further in recognizing other crucial factors that contribute to the betterment of care for older persons. The recommendations for actions are divided into three priority directions: development, health and well-being, and enabling supportive environments. Delegates are encouraged to read through this source carefully to assess the needs and desires of older persons as found through the World Assembly on Ageing, and how these may have changed since the Vienna Plan of Action.*

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