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ECONOMIC AND SOCIAL COUNCIL PLENARY BACKGROUND GUIDE 2017

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Dear Delegates,

Welcome to the 2017 National Model United Nations Conference in Washington, DC (NMUN•DC)! We are pleased to introduce you to our committee, the Economic and Social Council (ECOSOC). This year's staff is: Director Analeigh Willett and Assistant Director Caitlin Hopper. Ana completed her B.A. in International Studies and World Languages in 2016 and is currently working on her Master's of Science in Political Science, focusing on Sustainable Development and International Political Economy. This will be her third year on DC staff, and she is excited to return to NMUN•DC. Caitlin graduated with a B.A. in International Studies from the University of Wisconsin Oshkosh. She lives in Washington DC and is currently working at the International Food Policy Research Institute. While this is her third NMUN Conference on staff, this will be her first year on NMUN•DC staff. She is looking forward to an interesting and engaging conference!

The topics under discussion for ECOSOC are:

1. Mainstreaming a Gender Perspective into all Policies and Programmes of the United Nations
2. Implementing Policies that Support Restorative Justice

The Economic and Social Council is an important organization within the UN system, and serves as the UN's central platform for debate on economic issues and sustainable development. ECOSOC offers a forum for the international community to communicate, offer financial assistance, and share ideas on a wide variety of issues related to economic sustainability, whilst adhering to already agreed upon development cooperation effectiveness principles. Working closely with governments and other stakeholders, ECOSOC is a crucial coordinator in the implementation and monitoring of the Sustainable Development Goals (SDGs).

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 13 October 2017 in accordance with the guidelines in the [NMUN Position Paper Guide](#).

Two resources, to download from the [NMUN website](#), that serve as essential instruments in preparing for the Conference and as a reference during committee sessions are the:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [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 addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Deputy Secretary-General, Jess Mace, at dsg.dc@nmun.org.

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

Analeigh Willett, *Director*
Caitlin Hopper, *Assistant Director*



Committee Overview

Introduction

Chapter X of the *Charter of the United Nations* (1945) established the Economic and Social Council (ECOSOC) as a founding body and one of the six principal organs of the United Nations (UN).¹ ECOSOC indirectly oversees the allocation of 70% of UN resources through its oversight of 14 specialized agencies and 13 functional and regional commissions.² The Council is mandated to serve as a main body for policy dialogue on economic, social, cultural, educational, and health-related topics; to review and advise Member States and other UN entities on matters within this mandate; and to lead discussion on the implementation of the international development framework.³

The **United Nations Economic and Social Council (ECOSOC)** is one of the six primary organs of the UN. Under the authority of the *Charter of the United Nations*, ECOSOC is mandated to address economic and social matters. It submits an annual report to the General Assembly.

ECOSOC has undergone several reforms since its inception. In the 1960s and 1970s, developing Member States broadened the agenda of the UN and sought a stronger focus on urgent issues such as the promotion of development and the elimination of poverty.⁴ The General Assembly then adopted resolution 32/197 in 1977.⁵ This resolution addressed the “Restructuring of economic and social sectors of the United Nations System” and attempted to make ECOSOC more effective by increasing coordination with its subsidiary bodies.⁶ To avoid any duplication of work due to broad mandates, General Assembly resolution 50/227 of 1995 on “further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields” clarified that the role of the General Assembly is to provide policy guidance while ECOSOC’s focus is on coordination of work.⁷ This interpretation was reinforced by General Assembly resolution 57/270B in 2002 on “integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields.”⁸

The General Assembly implemented further reforms over the past several years to strengthen the working methods of ECOSOC through resolution 68/1 of 2013 on the topic of strengthening the ECOSOC.⁹ The 2013 reforms included an expansion of its functions and powers to enable ECOSOC to take the lead on identifying and discussing emerging challenges; to act as a policy forum for global leaders, especially concerning the integration of sustainable development efforts; and to provide a platform of accountability for all levels of monitoring and reporting on universal commitments.¹⁰ These reforms reinforced ECOSOC’s critical role in preparing, monitoring, implementing, and facilitating global discussions around the Sustainable Development Goals (SDGs).¹¹

Governance, Structure, and Membership

ECOSOC is comprised of 54 members, each of which is elected by the General Assembly for overlapping three-year terms.¹² The members are elected according to the geographical distribution of Member States to achieve equal representation from all regions and levels of development: 14 seats are allocated to African Member States, 11 to Asian Member States, six to Eastern European Member States, 10 to Latin American and Caribbean Member States, and 13 to Western European and Other Member States.¹³ Each member has one representative and one vote in

¹ UN ECOSOC, *About ECOSOC*, 2017.

² Educational Broadcasting Corporation, *Kofi Annan – Center of the Storm: Who Does What?*, 2016.

³ UN ECOSOC, *About ECOSOC*, 2017.

⁴ Rosenthal, *The Economic and Social Council of the United Nations*, 2005, p. 20.

⁵ *Ibid.*, p. 19.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*, p. 20.

⁹ UN ECOSOC, *About ECOSOC*, 2017.

¹⁰ UN ECOSOC, *The New ECOSOC – Overview of Functions and Working Methods*, 2014.

¹¹ UN ECOSOC, *Millennium Development Goals and post-2015 Development Agenda*, 2017.

¹² *Charter of the United Nations*, 1945, Ch. X; UN ECOSOC, *ECOSOC Members*, 2017.

¹³ UN ECOSOC, *ECOSOC Members*, 2017; *Charter of the United Nations*, 1945, Ch. X, Art. 61.1-2.



ECOSOC, and all decisions are made by a simple majority of those members present and voting.¹⁴ ECOSOC is governed by a President, Vice-President, and Rapporteur, in tandem with a Bureau consisting of five representatives, the President and four Vice-Presidents.¹⁵ All of these representatives are elected to one-year terms at the outset of each session.¹⁶ The Bureau is responsible for setting ECOSOC's agenda, devises action plans, and collaborates with the Secretariat on administrative duties.¹⁷ Its presidency rotates equally among regional blocs. The President of ECOSOC for 2017 is His Excellency Mr. Fredrick Musiiwa Makamure Shava of Zimbabwe.¹⁸ The Vice Presidents represent the Czech Republic, Chile, Germany, and Pakistan.¹⁹

ECOSOC meets twice annually for one organizational session and one substantive session.²⁰ During organizational sessions, items such as agenda setting and elections to the Bureau take place.²¹ During substantive sessions, meetings are divided into five segments focusing on separate thematic aspects of the Council's work.²² The working methods of the Council were further reformed through General Assembly resolution 68/1 in 2013, and its substantive work is now organized as follows:

- High-level Segment (HLS): The HLS includes a thematic Annual Ministerial Review, a biannual Development Cooperation Forum (DCF), and ministerial-level meetings of the High-level Political Forum on Sustainable Development (HLPF).²³
- Integration Segment: This segment consolidates important messages on primary themes and action-oriented recommendations from the Council system to harmonize the work of ECOSOC members, subsidiary bodies, and stakeholders.²⁴
- Operational Activities for Development Segment: Monitoring the follow-up to the Quadrennial Comprehensive Policy Review recommendations and alignment with the work of the specialized agencies, this segment helps ECOSOC provide efficient coordination for UN programs and funds.²⁵
- Coordination and Management Meetings: At these meetings, the Council reviews the work of its subsidiary bodies and considers the coordination of work across thematic issues within its mandate, such as gender mainstreaming.²⁶ The Council works closely with the Secretariat of the Chief Executives Board for Coordination during these meetings.²⁷
- Humanitarian Affairs: This segment serves as a thematic forum for discussing operational challenges and normative progress on humanitarian policy.²⁸

ECOSOC oversees 14 subsidiary bodies that hold their own sessions and provide recommendations, draft resolutions, and annual reports to the Council.²⁹ The two most common types of subsidiary bodies are functional and regional commissions, but other subsidiary bodies include standing, ad hoc, and other related bodies and

¹⁴ UN ECOSOC, *Rules of Procedure of the Economic and Social Council (E/5715/Rev.2)*, 1992, p. 22; *Charter of the United Nations*, 1945, Ch. X.

¹⁵ UN ECOSOC, *Rules of Procedure of the Economic and Social Council (E/5715/Rev.2)*, 1992, p. 9.

¹⁶ *Ibid.*

¹⁷ UN ECOSOC, *Bureau*, 2017.

¹⁸ UN ECOSOC, *President of ECOSOC*, 2017.

¹⁹ UN ECOSOC, *Bureau*, 2017.

²⁰ UN ECOSOC, *Rules of Procedure of the Economic and Social Council (E/5715/Rev.2)*, 1992, p. 8.

²¹ *Ibid.*

²² *Ibid.*

²³ UN ECOSOC, *The New ECOSOC – Overview of Functions and Working Methods*, 2014; UN ECOSOC, *Development Cooperation Forum*, 2017.

²⁴ UN ECOSOC, *The New ECOSOC – Overview of Functions and Working Methods*, 2014.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ UN ECOSOC, *2014 Humanitarian Affairs Segment*, 2014.

²⁹ UN Dag Hammarskjöld Library, *Functional Commissions*, 2014.



committees.³⁰ Specific methods of work have been adopted within each subsidiary organ to align with the mandate of each entity and are updated regularly.³¹ Types of subsidiary bodies include:

- **Functional Commissions:** The nine functional commissions are “deliberative bodies whose role is to consider and make recommendations on issues in their areas of responsibility and expertise.”³² Functional commissions, in particular, have a responsibility to follow-up on the thematic considerations of major UN conferences and take measureable action in accordance with the role of ECOSOC.³³
- **Regional Commissions:** The five regional commissions aim to foster economic integration, oversee the implementation of regional sustainable development initiatives, and help address economic and social issues in sub-regions by promoting multilateral dialogue, cooperation, and collaboration within and between regions.³⁴ As regional commissions target problems and challenges within their geographical scope, members in most cases are Member States from these regions.³⁵
- **Expert Bodies Composed of Governmental Experts:** The seven bodies that fall into this category are focused on specific topics that ECOSOC has identified as important and deserving of additional attention or particular expertise.³⁶ These bodies consider issues falling within the more narrow scope of the Council’s work with explicit mandates to improve the information, guidance, policy or regulations on the issue, with the particular aim of providing coherence and consistency at the international level.³⁷

Mandate, Functions, and Powers

The *Charter of the United Nations* mandates ECOSOC to “make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters,” including human rights and freedoms, to the General Assembly and its specialized agencies.³⁸ ECOSOC may also provide information and may assist the Security Council when necessary.³⁹ As emphasized by recent reforms accentuating this role, ECOSOC also provides coordination, monitoring, and advice to UN programs, agencies, and funds on international development policies and their implementation.⁴⁰ Examples of this coordination role include facilitating cooperation between economic institutions like the World Bank and International Monetary Fund in 1998 and establishing what has become ECOSOC’s High-level Segment in 2007.⁴¹

ECOSOC fulfills its mandate under the overall authority of the General Assembly and with the consultation of a broad range of civil society actors (CSAs).⁴² As of August 2016 there were more than 4,500 non-governmental organizations (NGOs) with consultative status that may attend and participate in various UN meetings, conferences, and special sessions to voice their concerns to the international community.⁴³ Consultative status is given by

³⁰ UN ECOSOC, *Subsidiary Bodies of ECOSOC*, 2017.

³¹ UN General Assembly, *Format and organizational aspects of the high-level political forum on sustainable development (A/RES/67/290)*, 2013, p. 7.

³² UN Dag Hammarskjöld Library, *Functional Commissions*, 2014.

³³ UN ECOSOC, *Further measures for the restructuring and revitalization of the United Nations in the economic, social and related field (E/RES/1998/46)*, 1998, p. 76.

³⁴ UN Regional Commissions New York Office, *About*, 2016.

³⁵ New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook 2016-17*, 2016.

³⁶ UN Group of Experts on Geographical Names, *Overview*, 2017.

³⁷ UN ECOSOC, *Subsidiary Bodies of ECOSOC*, 2017.

³⁸ *Charter of the United Nations*, 1945, Art. 62.

³⁹ *Ibid.*, Art. 62-63, 65.

⁴⁰ UN ECOSOC, *Progress in the implementation of General Assembly resolution 67/226 on the quadrennial comprehensive policy review of operational activities for development of the United Nations system (E/RES/2013/5)*, 2013, p. 1.

⁴¹ UN ECOSOC, *About ECOSOC*, 2017; UN ECOSOC, *The New ECOSOC – Overview of Functions and Working Methods*, 2014.

⁴² UN General Assembly, *Strengthening of the Economic and Social Council (A/RES/61/16)*, 2006, p. 2.

⁴³ UN DESA NGO Branch, *Introduction to ECOSOC Consultative Status*, 2017.

⁴⁴ *Ibid.*



ECOSOC's Committee on NGOs, which was established in 1946 and is comprised of 19 Member States.⁴⁴ The Committee on NGOs directly reports to ECOSOC on the procedural and substantive matters raised by CSAs.⁴⁵ ECOSOC resolution 1996/31 of 24 July 1996, entitled "consultative relationship between the United Nations and non-governmental organizations," defines the principles, eligibility requirements, rules, procedures, obligations, and responsibilities for NGOs and the UN in establishing the consultative relationship.⁴⁶ A requirement for every NGO with consultative status is to submit a report every four years that details their activities, known as a quadrennial report.⁴⁷ In the latest report from the 30 January-8 February 2017 session, the Committee granted consultative status to 269 NGOs, deferred an additional 221 NGOs for consideration, and reviewed quadrennial reports.⁴⁸

Recent Sessions and Current Priorities

One of the key priorities of the Council is to manage the transition from the Millennium Development Goals to the post-2015 development agenda and the SDGs.⁴⁹ 2017 marks the 71st session of ECOSOC and carries the theme of "eradicating poverty in all its forms and dimensions through promoting sustainable development, expanding opportunities and addressing related challenges."⁵⁰ An important consideration in ECOSOC's 2017 agenda is the adoption by the General Assembly of the "quadrennial comprehensive policy review of operational activities for development in the United Nations system" in December 2016.⁵¹ The 2016 Quadrennial Comprehensive Policy Review (QCPR) will be especially important in guiding ECOSOC's work, as it is the first QCPR adopted in the post-2015 development era and serves as a guide for the implementation of the SDGs.⁵² The QCPR serves to define the way the UN development system as a whole carries out its activities. It specifically addresses categories, including current contributions, funding for operational activities, strengthening governance, improving functioning, and monitoring and reporting.⁵³ Additionally, the QCPR provides specific mandates for all UN entities, including further implementing the SDGs and promoting gender mainstreaming through the System-wide Action Plan on Gender Equal and the Empowerment of Women.⁵⁴

As one of the most active bodies in the UN system, ECOSOC holds meetings throughout the year.⁵⁵ In 2017 its meetings have included the multi-stakeholder forum on science, technology and innovation for the SDGs; the forum on financing for development; 2017 special meeting of ECOSOC on "innovations in infrastructure development and promoting sustainable industrialization;" and the role of youth in poverty eradication and promoting prosperity in a changing world #YOUTH2030.⁵⁶ Of special importance in ECOSOC meetings is the HLPF, which replaced the UN Commission on Sustainable Development through ECOSOC resolution 2013/19, entitled "Conclusion of the work of the Commission on Sustainable Development," has been critical to the coordination, implementation, and development of accountability measures for the SDGs.⁵⁷ A more balanced and holistic approach is being utilized to address poverty, inequality, climate change, financing for development, and promoting peaceful and inclusive

⁴⁴ UN DESA, *Committee on NGOs convenes for first session of 2014*, 2014; UN DESA NGO Branch, *The Committee on NGOs*, 2017.

⁴⁵ UN DESA NGO Branch, *Introduction to ECOSOC Consultative Status*, 2017.

⁴⁶ UN DESA NGO Branch, *The Committee On NGOs*, 2017; UN ECOSOC, *Consultative relationship between the United Nations and non-governmental organizations (E/RES/1996/31)*, 1996, pp. 53-61.

⁴⁷ UN ECOSOC, *Consultative relationship between the United Nations and non-governmental organizations (E/RES/1996/31)*, 1996, pp. 53-61.

⁴⁸ UN ECOSOC, *Report of the Committee on Non-Governmental Organizations on its 2017 regular session (E/2017/32 (Part I))*, 2017, pp. 1.

⁴⁹ UN ECOSOC, *Millennium Development Goals and post-2015 Development Agenda*, 2017.

⁵⁰ UN ECOSOC, *Report on Main Theme*, 2017.

⁵¹ UN General Assembly, *Quadrennial comprehensive policy review of operational activities for development of the United Nations system (A/RES/71/243)*, 2016.

⁵² UN ECOSOC, *What is the Quadrennial Comprehensive Policy Review (QCPR)?*, 2017.

⁵³ UN General Assembly, *Quadrennial comprehensive policy review of operational activities for development of the United Nations system (A/RES/71/243)*, 2016.

⁵⁴ *Ibid.*

⁵⁵ UN ECOSOC, *All Events*, 2017.

⁵⁶ *Ibid.*

⁵⁷ UN ECOSOC, *President's Summaries of the High-level segment of the 2015 session of the Economic and Social Council and High-level political forum on sustainable development*, 2015.



societies through improved coordination and policy integration in the pursuit of sustainable development.⁵⁸ HLPF's responsibilities as a subsidiary body to ECOSOC include tracking the progress of the SDGs and providing political leadership and guidance on the SDGs.⁵⁹ In coordination with the overarching 2017 ECOSOC theme, the 2017 HLPF held 17-20 July 2017 will carry the theme "Eradicating poverty and promoting prosperity in a changing world."⁶⁰

Conclusion

ECOSOC plays a key role in coordinating activities and programs through the expansive UN system for humanitarian aid, development, and other various issues.⁶¹ The Council has demonstrated a commitment to mobilizing resources, leading action, and tackling key priority issues, including promoting development and the forming and maintaining of international partnerships.⁶² It has also initiated collaboration across UN entities to ensure political commitment towards a new development framework and the SDGs.⁶³ The contributions of the Council both as a forum for discussion and in providing policy guidance are significant and its role will continue to grow in the post-2015 era, requiring clear organizational leadership and strong monitoring mechanisms to assess the progress of achieving the SDGs.⁶⁴

Annotated Bibliography

Charter of the United Nations. (1945). Retrieved 21 May 2017 from:

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

The Charter of the United Nations is the foundational document of the UN. It lays out the mandate and structure of not only ECOSOC, but also the remaining five principal organs. Member States are obliged to uphold the Charter's articles above all other treaties. It is an essential starting point in researching the UN. Chapter X, Articles 61-72, of the Charter describes ECOSOC's composition, functions and powers, voting, and rules of procedure.

New Zealand Ministry of Foreign Affairs and Trade. (2016). *United Nations Handbook 2016-17*. Retrieved 21 May 2017 from: https://www.mfat.govt.nz/assets/Handbooks/United_Nations_Handbook-2016-2017.pdf

This is an excellent source for delegates to gain background information on the complex UN system and its main organs. This comprehensive handbook presents detailed information on UN entities and explains their functions, structures, and roles. It also gives an overview on various subsidiary organs established under the Charter of the United Nations, UN programs and funds, and other organizations related to the UN system. Delegates are encouraged to read the section on ECOSOC in detail to understand its structure, membership, working methods, and its relationships with various subsidiary bodies.

United Nations, Economic and Social Council. (2014). *Accountable and effective development cooperation in a post-2015 era* [Report]. Retrieved 21 May 2017 from:

http://www.un.org/en/ecosoc/newfunct/pdf13/dcf_germany_hls_summary.pdf

This summarizes the role of ECOSOC in sharing knowledge and coordinating the work of defining strategic priorities for the post-2015 development agenda. It details the contribution ECOSOC can provide to the process. This section is a useful resource for delegates as it also links to the relevant outcomes of the critical meetings that led to the finalization of the SDGs. Delegates can use this to understand how these topics have developed and look at how their Member States contributed to the process, thus gaining an understanding of their state's policies regarding the SDGs.

⁵⁸ UN ECOSOC, *ECOSOC-70: Taking Action to Improve Lives*, 2017.

⁵⁹ UN DESA, *Sustainable Development Knowledge Platform: High-level Political Forum on Sustainable Development 2016 – Ensuring that no one is left behind*, 2016.

⁶⁰ UN ECOSOC, *Report on Main Theme*, 2017.

⁶¹ UN ECOSOC, *About ECOSOC*, 2017.

⁶² Ibid.

⁶³ UN ECOSOC, *Accountable and effective development cooperation in a post-2015 era*, 2014.

⁶⁴ Ibid.



United Nations, Economic and Social Council. (2017). *Development Cooperation Forum* [Website]. Retrieved 21 May 2017 from: <https://www.un.org/ecosoc/en/development-cooperation-forum>

The Council's website dedicated to DCF contains pertinent information on the research process for the topics under consideration by ECOSOC. Delegates will find information about explaining the most recent DCF outcomes under the purview of the expert body. There are also publications that detail findings and participation outcomes from partners in the global community. DCF policy briefs will be invaluable to delegates for preparing their research about partnership across and within the UN system.

United Nations, General Assembly, Sixty-eighth session. (2013). *Review of the implementation of General Assembly resolution 61/16 on the strengthening of the Economic and Social Council (A/RES/68/1)* [Resolution] Adopted without reference to a Main Committee (A/68/L.2). Retrieved 21 May 2017 from: <http://undocs.org/A/RES/68/1>

This resolution presents the most recent ECOSOC reforms undertaken to strengthen its program of work and its leading role in tackling challenges to sustainable development. It provides detailed recommendations of how ECOSOC will reshape its operating procedures and working methods to support sustainable development, and it outlines the main priorities for the Council's operational activities. Delegates are encouraged to familiarize themselves with the suggested changes in the resolutions and should also consider how ECOSOC can maintain its leadership capacity to monitor the implementation of the post-2015 development agenda.

United Nations, General Assembly, Seventy-first session. (2016). *Quadrennial comprehensive policy review of operational activities for development of the United Nations system (A/RES/71/243)* [Resolution]. Retrieved April 20 2017 from: <http://undocs.org/A/RES/71/243>

The Quadrennial Comprehensive Policy Review (QCPR) provides guiding principals for the UN development system and will serve as a guide for ECOSOC's activities. As the first QCPR passed under the 2030 Agenda this resolution provides prospective on the direction and priorities of the UN's development activities, including emphasizing nationally led development and rejecting "one size fits all" policies. Delegates can use this resolution to understand how the UN system will address development with the SDGs and how ECOSOC specifically will implement its development policies.

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I. Mainstreaming a Gender Perspective into All Policies and Programmes of the United Nations

“If there is one message that echoes forth from this [conference], let it be that human rights are women's rights and women's rights are human rights, once and for all.”⁶⁵

Introduction

Mainstreaming a gender perspective is the process of creating strategies that allow women to become a more integral part of the political spectrum, and realizing the equality concerns in regards to women and men.⁶⁶ Its importance was reaffirmed by the United Nations (UN) Economic and Social Council (ECOSOC) resolution 2009/12, “mainstreaming a gender perspective into all policies and programmes in the United Nations system,” adopted on 28 July 2009.⁶⁷ Member States and international organizations can bridge the gender gap by implementing policies that mainstream a gender perspective whilst promoting international cooperation.⁶⁸ Expert agencies in gender issues, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-WOMEN) and the Commission on the Status of Women (CSW), are examples of contributors to gender mainstreaming policies and programs.⁶⁹ They work towards enhancing women’s opportunities, potential, and activities through dual focused capacity-building programs aimed at meeting the specific needs of women with regards to their rights.⁷⁰ By incorporating women into UN programs, a precedent is set for women’s inclusion.⁷¹ ECOSOC is committed to bridging the gender gap by creating policy and programmatic work which mainstream a gender perspective.⁷² ECOSOC specifically has a Special Adviser on Gender Issues and the Advancement of Women, who works towards the advancement of women’s rights and the implementation of the Sustainable Development Goals (SDGs), specifically Goal five and 10, which aim to achieve equality for women.⁷³

International and Regional Framework

Article 29 of the *Universal Declaration of Human Rights* (UDHR) (1948) specifically lays out the rights of all, women included, to live a happy and fruitful life; and it is through the UDHR that women’s rights were protected by an internationally binding document for all UN Member States.⁷⁴ The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) set out to protect the equal and inalienable rights of men and women while recognizing the basic principles laid out in the *Charter of the United Nations* in regards to dignity and equal and inalienable rights of all humans.⁷⁵ The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979), adopted by the UN General Assembly, recognized the widely existing gender gap and reiterated the importance of protecting women’s educational, economic, political, and social rights.⁷⁶ By accepting

⁶⁵ Clinton, *United Nations Fourth World Conference on Women*, 1995.

⁶⁶ UN General Assembly, *Gender Mainstreaming: Extract from Report of the Economic and Social Council for 1997 (A/52/3)*, 1997.

⁶⁷ UN ECOSOC, *Mainstreaming a gender perspective into all policies and programmes in the United Nations system, Report of the Secretary-General (E/2010/57)*, 2010.

⁶⁸ UN General Assembly, *Gender Mainstreaming: Extract from Report of the Economic and Social Council for 1997 (A/52/3)*, 1997.

⁶⁹ Ibid.

⁷⁰ UN General Assembly, *With Equal Rights, Empowerment, Women Can be ‘Agents of Change’ for Sustained Socio-Economic, Development, Security around the World*, 2016.

⁷¹ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women: Optional Protocol (A/RES/54/4)*, 1999.

⁷² UN General Assembly, *Gender Mainstreaming: Extract from Report of the Economic and Social Council for 1997 (A/52/3)*, 1997.

⁷³ UN General Assembly, *Gender Mainstreaming: Extract from Report of the Economic and Social Council for 1997 (A/52/3)*, 1997; UN DESA, *Sustainable Development Goal 5*, 2017.

⁷⁴ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

⁷⁵ OHCHR, *International Covenant on Economic, Social and Cultural Rights*, 1976.

⁷⁶ UN-WOMEN, *Mainstreaming a Gender Perspective into UN Policies and Programmes*, 2011.



and ratifying the Convention, Member States made the commitment to ending discrimination against women by promoting gender equality and abolishing discriminatory laws between men and women.⁷⁷

There was a series of four United Nations Conferences on the Empowerment of Women, starting in 1975 in Mexico City.⁷⁸ Each conference reiterated women's inalienable rights and the importance of empowering women.⁷⁹ The fourth review conference was held in Beijing in 1995, and called upon governments to develop and implement strategies that eliminate gender discrimination whilst encouraging peacebuilding.⁸⁰ It was in Beijing where the major turning point for mainstreaming a gender perspective and women's empowerment occurred through the creation of the *Beijing Declaration and Platform for Action* (BPfA) (1995).⁸¹ The BPfA outlines 12 critical issues that women face in the international community, such as women and the economy, violence and women, and women in power and decision making.⁸² The document also identifies the range of actions that national governments, the UN, and civil society could take to promote women's rights.⁸³ Through platforms such as the BPfA, ECOSOC continues to support women's rights as an integral part of their work and continues to work on the accountability of the UN system and its work on gender equality.⁸⁴

Women's empowerment contributes significantly to the development and the progress of gender equality in the world.⁸⁵ On 31 October 2000, resolution 1325 on "Women, Peace and Security" was adopted by the UN Security Council, which affirmed the important role women hold in the prevention and the resolution of conflicts and peacebuilding negotiations.⁸⁶ It urged all Member States to increase women's participation in peacebuilding, peacekeeping, and humanitarian responses, as well as to incorporate a gender perspective in all UN peace and security efforts.⁸⁷ The Security Council has also adopted a series of other resolutions reaffirming the BPfA, such as Security Council resolution 1820 of 2009, specifically dealing with women in armed conflict.⁸⁸ Other Security Council resolutions, such as 1888 (2009), 1889 (2010), 1960 (2011), 2106 (2013), 2122 (2013), and 2242 (2015), also reaffirm the UN's end goal of improving the protections of women in conflict.⁸⁹ Following the expiration of the Millennium Development Goals, the General Assembly adopted the SDGs in resolution 70/1, "Transforming Our World: the 2030 Agenda for Sustainable Development," on 25 September 2015.⁹⁰ Goal five sets out to achieve gender equality and empowerment through legal frameworks, noting that this is the first step to ending discrimination.⁹¹ Goal 10, "reduce inequality within and among countries," aims to enhance the economic, social, political, and cultural rights of all regardless of gender.⁹²

⁷⁷ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women: Optional Protocol* (A/RES/54/4), 1999.

⁷⁸ UN-WOMEN, *World Conferences on Women*, 2015.

⁷⁹ Ibid.

⁸⁰ UN Security Council, *Women and peace and security* (S/RES/1325 (2000)), 2000, p.1.

⁸¹ UN CSW, *Political declaration on the occasion of the twentieth anniversary of the Fourth World Conference on Women*, 2015.

⁸² UN-WOMEN, *12 Critical Areas*, 2017.

⁸³ Ibid.

⁸⁴ UN ECOSOC, *Mainstreaming a Gender Perspective into all Policies and Programmes of the United Nations System* (E/RES/2012/24), 2012.

⁸⁵ UN General Assembly, *Efforts to Empower Women, Initiatives to Promote Sustainable Economic Growth Mutually Reinforcing* (GA/SHC/3950), 2009.

⁸⁶ UN Security Council, *Women and peace and security* (S/RES/1325 (2000)), 2000, p. 1.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ UN Security Council, *Women and peace and security* (S/RES/1820 (2009)), 2009, p. 1; UN Security Council, *Women and peace and security* (S/RES/1888 (2009)), 2009; UN Security Council, *Women and peace and Security* (S/RES/1889 (2010)), 2010, p. 1; UN Security Council, *Women and peace and security* (S/RES/1960 (2011)), 2011, p. 1; UN Security Council, *Women and peace and security* (S/RES/2106 (2013)), 2013, p. 1; UN Security Council, *Women and peace and security* (S/RES/2122 (2013)), 2013, p. 1; UN Security Council, *Women and peace and security* (S/RES/2242 (2015)), 2015, p. 1.

⁹⁰ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development* (A/RES/70/1), 2015.

⁹¹ UN-DESA, *Sustainable Development Goal 5: Achieve gender equality and empower all women and girls*, 2017.

⁹² UN-DESA, *Sustainable Development Goal 10: Reduce inequality within and among countries*, 2017.



Role of the International System

The international system plays a large role in the mainstreaming of a gender perspective into the UN and governmental policies and processes.⁹³ During its 71st, the General Assembly held a joint-meeting with UN-WOMEN in conjunction with the UN Summit on Global Leaders meeting Gender Equality, through which the “Planet 50-50 by 2030: Step it Up for Gender Equality” campaign was created.⁹⁴ The campaign collaborated with Member States, civil society, media partners, and the private sector to advance women empowerment.⁹⁵ In addition to the 93 Member States who committed to the campaign, regional organizations such as the African Union (AU) also played a role.⁹⁶ This has been exemplified by the AU working to modernize agriculture, where 70% of the workforce are women, and to involve more women in business.⁹⁷ The 69th Session of ECOSOC dedicated a specific segment of the conference to the theme of “mainstreaming the gender perspective into all policies and programs in the United Nations System,” calling for more action of Member States in regards to gender mainstreaming and women’s rights.⁹⁸ The resolution emphasized the importance of capacity building for both UN agencies and Member States, especially regarding the monitoring, evaluation, and reporting of the progress of gender mainstreaming.⁹⁹

As the expert committee on gender issues, under the guise of ECOSOC, UN-WOMEN works cohesively alongside other UN bodies, such as CSW, in areas such as national planning, humanitarian assistance, women in peacebuilding, and women’s economic and political empowerment.¹⁰⁰ For instance, the Muembe district of Mozambique witnessed a 15% increase in women’s participation in decision-making from 2010 to 2011 through UN-Women’s partnership with the local government on gender-responsive planning and budgeting.¹⁰¹ UN-Women also works closely with the private sector and has had over 1,000 global business leaders sign the Women’s Empowerment Principles on corporate social responsibility for gender equality, which was developed by the UN-Women and UN Global Impact.¹⁰² In line with the BPfA, civil society can help determine the outcomes of policies and how they are created with respect to women.¹⁰³ Specifically, the NGO Working Group on Women, Peace and Security aims to advocate and influence the work of the UN Security Council regarding the needs of women in peace and security.¹⁰⁴ In particular, its Women Peacebuilders Program provides a channel for women peacebuilders and women human rights defenders to connect, discuss, and jointly impact the high-level decision-making of the UN regarding programs and policies on gender mainstreaming in peace and security.¹⁰⁵ The Organisation for Economic Co-operation and Development (OECD) specifically sets out to improve the economic well-being of all persons around the world.¹⁰⁶ The OECD has played a role in the outcome of major UN documents, such as the SDGs and the 2030 Development Agenda, tracking support of gender equality and women’s rights through the Development Assistance Committee (DAC), which utilizes gender equality policy markers to record aid activities that specifically target gender equality.¹⁰⁷

⁹³ UN General Assembly, *Gender Mainstreaming: An Overview*, 2002, p. 9.

⁹⁴ UN-WOMEN, *71st Session of the General Assembly*, 2017; UN-WOMEN, *Planet 50-50 by 2030: Step it Up for Gender Equality*, 2017.

⁹⁵ UN-WOMEN, *Planet 50-50 by 2030: Step it Up for Gender Equality*, 2017.

⁹⁶ UN-WOMEN, *Additional partner commitments*, 2017.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ UN ECOSOC, *Mainstreaming a Gender Perspective into all policies and programmes of the United Nations System*, (E/RES/2016/2), 2016.

¹⁰⁰ UN General Assembly, *Gender Mainstreaming: An Overview*, 2002, p. 9.

¹⁰¹ UN-WOMEN, *Gender Equality: A Governance Matter*, 2013, p. 2.

¹⁰² UN-WOMEN, *Economic Empowerment of Women*, 2013, p. 2.

¹⁰³ UN General Assembly, *Gender Mainstreaming: An Overview*, 2002, p. 10.

¹⁰⁴ NGO Working Group on Women, Peace and Security, *Our Work*, 2017.

¹⁰⁵ NGO Working Group on Women, Peace and Security, *Peacebuilders*, 2017.

¹⁰⁶ OECD, *Our Mission*, 2017.

¹⁰⁷ OECD, *The DAC gender equality policy marker*, 2017.



Integration of Women into Public Offices and the Economy

One of the main goals of mainstreaming a gender perspective is the integration of women into public office, nationally and internationally.¹⁰⁸ Lack of funding, discrimination from political parties, and sexism present critical challenges for women to equally participate in the political realm.¹⁰⁹ The UN Division for the Advancement of Women (DAW) published a report in 2005 outlining the work needed to address the issue, including hiring practices and equal pay to women.¹¹⁰ As stated by UN-WOMEN's Deputy Executive Director, Lakshmi Puri, at the ECOSOC Coordination and Management Session of 2017, gender mainstreaming and standalone gender equality programs are not mutually exclusive.¹¹¹ Only 3.5% of current UN staff spend more than 50% of their time on gender issues, which is an underinvestment in gender.¹¹² This lack of integration impedes the results of the international community when it comes to integrating women.¹¹³ While there are no concrete solutions currently being presented, the SDGs, specifically SDG five, serve as a stepping stone to finding a solution for the lack of gender representation in the UN System.¹¹⁴ Because of this, in 2013, the Millennium Development Goals Fund Secretariat in conjunction with the United Nations Development Programme (UNDP) and UN-WOMEN published *Two Roads, One Goal: Dual Strategy for Gender Equality Programming in the Millennium Development Goals Achievement Fund*, conceptualizing why integrating women in decision making processes is important in the international community, and why the UNDP and UN-WOMEN continue to work on the issue of gender mainstreaming.¹¹⁵ By adopting standards for joint gender program as a UN system-wide commitment, it is easier and more effective in integrating women into decision making processes.¹¹⁶

Conclusion

Despite the groundwork laid by the post-2015 development agenda, gender discrimination exists in every part of the world today.¹¹⁷ Gender discrimination in economics means that women are not treated equally in terms of wages or job opportunities, regardless of their contribution to these economies.¹¹⁸ The empowerment of women and the improvement of women's social, economic, and political status is imperative for the achievement of sustainable development.¹¹⁹ While there is still a lot of work to be done, the SDGs and the work of UN-WOMEN, CSW, and ECOSOC have continued the process including women and girls in all aspects of society.¹²⁰ These UN organs aim for the empowerment of women and girls as well as minorities whom are marginalized in the political spectrum.¹²¹ Conventions like the BPfA and the policies adopted by ECOSOC help the world move closer towards the UN's ongoing goal of gender equality worldwide.¹²²

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¹⁰⁹ UN DAW, *Equal Participation of Women and Men in Decision-making Processes, with Particular Emphasis on Political Participation and Leadership*, 2005, p. 17.

¹¹⁰ Ibid.

¹¹¹ UN-WOMEN, *Speech: "Gender mainstreaming is crucial"*—Lakshmi Puri, 2017.

¹¹² Ibid.

¹¹³ UN-WOMEN, *UN-WOMEN Calls for the Mainstreaming of a Gender Perspective into all Policies and Programmes*, 2014.

¹¹⁴ UN-WOMEN, *SDG 5: Achieve gender equality and empower all women and girls*, 2017.

¹¹⁵ UN-WOMEN, *Two Roads, One Goal: Dual Strategy Equality Programming in the Millennium Development Goals Achievement Fund*, 2013, p. 21.

¹¹⁶ Ibid, pp. 21-23.

¹¹⁷ UN-WOMEN, *Making Joint Gender Programmes Work: Guide for Design, Implementation, Monitoring and Evaluation*, 2013; UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women: Optional Protocol (A/RES/54/4)*, 1999.

¹¹⁸ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women: Optional Protocol (A/RES/54/4)*, 1999.

¹¹⁹ UN Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, 1995.

¹²⁰ UN DAW, *Equal Participation of Women and Men in Decision-making Processes, with Particular Emphasis on Political Participation and Leadership*, 2005, pp. 15, 17.

¹²¹ Ibid, p. 23.

¹²² UN Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, 1995.



United Nations, General Assembly. (1948). *Universal Declaration of Human Rights (A/RES/217 A (III))*. Retrieved 20 June 2017 from: <http://www.un.org/en/universal-declaration-human-rights/>

Ratified in 1948, the Universal Declaration of Human Rights (UDHR) is the foremost convention and declaration in regards to human rights in the international system. Throughout its 30 articles, the UDHR outlines what rights are inalienable to all persons. The UDHR specifically points out what rights women are guaranteed under international law, a more than relevant issue that has yet to be achieved today. The UDHR was monumental in its time, paving the way for more gender and human rights inclusive policies, and while not perfect, it was an excellent starting point as well as serving as an excellent reference point for delegates.

United Nations Development Programme and United Nations Entity for Gender Equality and the Empowerment of Women. (2013). *Two Roads, One Goal: Dual Strategy Equality Programming in the Millennium Development Goals Achievement Fund* [Report]. Retrieved 16 April 2017 from: http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2013/3/f2_mdgf_tworoads_web%20pdf.pdf?vs=1457

While the Millennium Development Goals themselves have been replaced by the Sustainable Development Goals, Cooper and Nelson's contribution via the Millennium Development Goals Achievement Fund (MDGF) and this report are more than invaluable. Cooper and Nelson give a look into to the MDGF explaining a Spanish perspective to the problems and the struggles of women in context of equality. Mainstreaming of gender perspectives in government is also outlined in a clear and concise manner whilst suggesting policy integration. The publication also shows the work that both UN-Women and the UNDP have completed in regards to achieving the UN's ongoing goal of achieving gender equality in the international system.

United Nations Entity for Gender Equality and the Empowerment of Women. (2013). *Making Joint Gender Programmes Work: Guide for Design, Implementation, Monitoring and Evaluation* [Report]. Retrieved 16 April 2017 from: <http://www.undp.org/content/dam/undp/library/gender/Making-Joint-Gender-Programmes-Work.pdf?download>

This guide specifically lays out the guidelines for UN programs on the best way to implement and run joint gender initiatives without marginalizing women. The best practices and lessons that have been learnt from recent programs, either success or failure, are laid out within this guide to help the betterment of programs in their striving for inclusivity within the UN system. It is through these guides that the UN aims for a better integration of women into their offices and programs, ensuring that equal rights are met.

United Nations Entity for Gender Equality and the Empowerment of Women. (2013). *Status of Women in the United Nations System* [Report]. Retrieved 16 April 2017 from: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/status-of-women-in-the-united-nations-system-2016-en.pdf?vs=2511>

This report outlines the role and the mandate of UN-WOMEN while also discussing in full the role and status that women hold within the UN system. The publication provides a thorough detailing of the statistics and the different aspects of women and gender representation within the UN-System. Strategies to help with the inclusion of women in governmental organizations are also included. Delegates may find it a worth-while read to help understand UN's philosophies on gender mainstreaming as well as steps moving forward.

United Nations Entity for Gender Equality and the Empowerment of Women. (2014, June 12). *UN-WOMEN Calls for the Mainstreaming of a Gender Perspective into all Policies and Programmes* [Statement]. Retrieved 16 April 2017 from: <http://www.unwomen.org/en/news/stories/2014/6/un-women-calls-for-the-mainstreaming-of-a-gender-perspective-into-all-policies-and-programmes>

This statement makes clear mention of the mandates of relevant UN agencies that have specific guidelines for the mainstreaming of a gender perspective. By stressing the need for inclusion of women and men in different sectors of the UN as well as other international and national organizations, Mister Puri outlines the need for the mainstreaming of the gender perspective in all aspects of government for the inclusion of all. This document may help delegates explore other organizations concern gender issues and research further strategies to better address the issue.



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II. Implementing Policies that Support Restorative Justice

Introduction

Promoting tolerance, peaceful resolutions of conflicts, and responsible community practices is one of the many benefits to alternative justice systems, particularly restorative justice.¹²³ Restorative justice is used to prevent future conflict, break the cycle of criminal or political violence, and strengthen new or existing political and justice systems.¹²⁴ According to the Economic and Social Council (ECOSOC) resolution 2002/14, “basic principles on the use of restorative justice programmes in criminal matters,” adopted 24 July 2002, a restorative process is “any process during which a victim, offender, and often community members participate together to resolve matters arising from crime.”¹²⁵ Restorative justice processes can range from one-on-one direct mediation, such as community justice circles, to a nation-wide reconciliation process, such as truth and reconciliation commissions.¹²⁶ These processes usually involve a facilitator, such as a community leader, criminal justice official, or non-governmental organization (NGO), and can be based around traditional or contemporary justice practices.¹²⁷ The restorative justice process strives to achieve communal healing, build relationships, and help the community move forward with a common vision.¹²⁸ Reparation, restitution, and community service are common outcomes of restorative justice programs.¹²⁹ The goal of these outcomes is to meet the needs of victims, offenders, and their community in order to reintegrate both the victim and the offender back into society.¹³⁰

International and Regional Framework

In accordance with the *Vienna Declaration on Crime and Justice* (2000), the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its accompanying plan of action noted within General Assembly resolution 56/261 of 2002, which focuses on tackling the challenges in fulfilling the *Vienna Declaration*, that all affected parties must have a role in the restorative process, including national, regional, interregional, and international governing bodies.¹³¹ The *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985) enables Member States to identify, assist, and seek restitution for victims of crime and abuse of power.¹³² This plays an integral role in both large and small-scale restorative justice processes, strengthening the efforts of those seeking to promote restorative justice programs.¹³³ In accordance with the *Vienna Declaration*, Member States and the international community are expected to assess their criminal justice systems and engage with intergovernmental and regional bodies, as well as financial institutions to gain assistance.¹³⁴ Through these actions, Member States can use restorative justice practices as a means to mitigate existing systemic issues, such as prison overcrowding, difficulties regarding the protection of witnesses, and crime prevention.¹³⁵ On a broad scale, there is a place for restorative justice within the Sustainable Development Goals (SDGs), particularly SDG 16, which is focused around the rule of law, peace, and justice, and seeks to establish equitable access to justice and

¹²³ UNODC, *Handbook on Restorative justice programmes*, 2006, p. 1.

¹²⁴ International Institute for Democracy and Electoral Assistance, *Reconciliation After Violent Conflict: A Handbook*, 2003, p. 29.

¹²⁵ UN ECOSOC, *Basic principles on the use of restorative justice programmes in criminal matters (E/RES2002/14)*, 2000.

¹²⁶ International Institute for Democracy and Electoral Assistance, *Reconciliation After Violent Conflict: A Handbook*, 2003, pp. 97, 107.

¹²⁷ UN ECOSOC, *Basic principles on the use of restorative justice programmes in criminal matters (E/RES2002/14)*, 2000.

¹²⁸ International Institute for Democracy and Electoral Assistance, *Reconciliation After Violent Conflict: A Handbook*, 2003, p. 77; UNODC, *Handbook on Restorative justice programmes*, 2006, p. 7.

¹²⁹ UN ECOSOC, *Basic principles on the use of restorative justice programmes in criminal matters (E/RES2002/14)*, 2000.

¹³⁰ *Ibid.*

¹³¹ Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/Conf.187/Rev.3)*, 2000; UN General Assembly, *Plans of Action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/RES/56/261)*, 2002.

¹³² UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34)*, 1985.

¹³³ *Ibid.*

¹³⁴ UN General Assembly, *Plans of Action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (A/RES/56/261)*, 2002, p. 14.

¹³⁵ *Ibid.*



strengthen national, regional, and international institutions as a way to prevent crime.¹³⁶ These targets represent a significant change in the operational future of restorative justice programs, and are essential in implementing justice policies.¹³⁷

Furthermore, ECOSOC resolution 2002/14 set forth requirements for Member States to consider when developing a restorative justice program.¹³⁸ It encourages Member States to share best practices, collaborate in research, training, and program development, and to provide technical assistance to developing Member States.¹³⁹ ECOSOC also calls for the sharing of best practices and international communication regarding restorative justice in order to promote awareness and effectiveness of restorative justice programs.¹⁴⁰ According to ECOSOC, Member States are encouraged to enact restorative justice processes to solve minor offenses and those involving youth or families, thereby creating a community-based healing process for all those involved.¹⁴¹

The *Vienna Declaration on Crime and Justice* also calls for regional cooperation in incorporating mechanisms for mediation and restorative justice.¹⁴² As geographical regions typically take different approaches to restorative justice, such as traditional approaches as opposed to contemporary approaches, it is important that Member States coordinate regionally to share best practices that best suit their needs.¹⁴³ Based upon existing community and national restorative justice practices, African restorative justice programs typically highlight indigenous and community practices in order to address chronic issues.¹⁴⁴ These issues can range from prison overpopulation to national restorative responses to genocide and prolonged conflicts.¹⁴⁵ European restorative justice programs, however, focus on juvenile justice and justice reform.¹⁴⁶

Role of the International System

Within the United Nations (UN) system, restorative justice processes are typically aimed towards society's reparation from large-scale past abuses by ensuring accountability, achieving justice, and facilitating reconciliation.¹⁴⁷ Restorative justice programs vary by size, mandate, and goals; therefore, it can be difficult to standardize restorative justice practices.¹⁴⁸ The international community focuses on broad-based guidance for Member States and non-governmental organizations (NGOs) to take into consideration due to the diversity of restorative justice programs.¹⁴⁹ Therefore, the Group of Experts on Restorative Justice, which reports to the Commission on Crime Prevention and Criminal Justice upon the request of ECOSOC resolution 2000/14, has recommended that any international instruments regarding restorative justice should take the form of a normative, non-binding instrument.¹⁵⁰ The international community also aims to implement restorative justice processes through existing international frameworks, particularly the SDGs.¹⁵¹ According to the Group of Experts, restorative

¹³⁶ UN DPI, *Goal 16: Promote just, peaceful and inclusive societies*, 2017.

¹³⁷ TAP Network, *Advocacy: Justice and the SDGs: How to Translate International Justice Commitments into National Reform*, 2016.

¹³⁸ UN ECOSOC, *Basic principles on the use of restorative justice programmes in criminal matters (E/RES/2002/14)*, 2000.

¹³⁹ *Ibid.*

¹⁴⁰ UN ECOSOC, *Development and implementation of mediation and restorative justice measures in criminal justice (E/RES/1999/26)*, 1999.

¹⁴¹ *Ibid.*

¹⁴² Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century*, 2000.

¹⁴³ UNODC, *Handbook on Restorative justice programmes*, 2006.

¹⁴⁴ Centre for Justice & Reconciliation, *Restorative Justice in Africa*; Centre for Justice & Reconciliation, *Restorative Justice in Europe*.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ UN Secretary-General, *Guidance note of the Secretary-General: United Nations Approach to Transitional Justice*, 2010.

¹⁴⁸ International Institute for Democracy and Electoral Assistance, *Reconciliation after Violent Conflict: A Handbook*, 2003, p. 25.

¹⁴⁹ UN CCPCJ, *A summary of comments received on the use and application of the Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*, 2017, p. 4.

¹⁵⁰ *Ibid.*, p. 3.

¹⁵¹ The Women Major Group, *Major Group Position Paper: The Women Major Group's vision and priorities for the Sustainable Development Goals*, 2014.



justice practices should supplement existing criminal justice systems.¹⁵² The Group has also noted that theories and practices of restorative justice are still evolving and there is not yet consensus on every element of these programs.¹⁵³ Through ECOSOC, restorative justice ideals have been streamlined into peripheral subjects, such as child justice reform, which directly impacts future crime prevention and access to justice.¹⁵⁴ ECOSOC has also called for regular evaluations of restorative justice programs to ensure continued effectiveness and efficiency.¹⁵⁵ The United Nations Congresses on Crime Prevention and Criminal Justice meet every five years to set the international agenda for addressing crime and to strengthen international cooperation.¹⁵⁶ Restorative justice and its potential in preventing both micro- and macro-level crime and conflicts has been on the agenda for every meeting since 2000, thereby raising awareness of the benefits of restorative justice throughout the international community.¹⁵⁷

Civil society also plays an integral role in the implementation of restorative justice policies through providing pivotal training, records, and connections to restorative justice programs in order to build sustainable relationships between concerned parties.¹⁵⁸ An example of this is the Prison Fellowship International's Centre for Justice and Reconciliation, which is an international NGO that serves as a knowledge center on restorative justice processes.¹⁵⁹ It works to develop and promote restorative justice in criminal justice systems around the world; however, its work is centered around Christian values and therefore has a western bias.¹⁶⁰ Their projects have shown increased empathy and reduced rates of re-offending, regardless of the sex, age, and penal level of the participating prisoners.¹⁶¹ The Centre for Justice and Reconciliation has also worked directly with the UN in order to create many of the existing international frameworks on restorative justice.¹⁶²

Challenges Facing the Implementation of Restorative Justice

There are a number of challenges that Member States, particularly developing Member States, face in the implementation of restorative justice systems.¹⁶³ Restorative justice can only occur when there is a victim that can be identified, voluntary participation by all parties, and an offender that accepts responsibility for their crime.¹⁶⁴ The criminal justice capacity for technical matters and human capital is typically very limited in developing countries, making it difficult to establish a safe and well-known system for victims and offenders to participate in restorative justice.¹⁶⁵ In order to have an effective restorative justice program and to reach the standards of practices and norms set forth by the international community, a government needs to recruit, train, retain, and deploy sufficient criminal justice personnel.¹⁶⁶ Possible solutions to overcome these challenges include global assistance in the development of restorative justice programs, sharing best practices, and stimulating discussion on a local, regional, and global level in support of restorative justice.¹⁶⁷ Financial, technical, and logistical assistance is crucial in assisting developing countries, transitional economies, and fragile states in developing effective restorative justice programs.¹⁶⁸ The international community has a number of existing financial agreements in order to overcome these challenges, including SDG 17.¹⁶⁹ By improving capacity building, Member States will have the ability to combat poverty,

¹⁵² UN ECOSOC, *Restorative justice: report of the Secretary-General (E/CN.15/2002/5)*, 2002, pp. 3-4.

¹⁵³ *Ibid.*, p. 4.

¹⁵⁴ UN ECOSOC, *Supporting national and international efforts for child justice reform, in particular through improved coordination in technical justice (E/RES/2009/26)*, 2009, p. 2.

¹⁵⁵ UN ECOSOC, *Basic principles on the use of restorative justice programmes in criminal matters (E/RES/2000/14)*, 2000.

¹⁵⁶ UN DPI, *About*, 2015.

¹⁵⁷ *Ibid.*

¹⁵⁸ UN OHCHR, *Rule-of-Law Tools for Post-Conflict States: Truth commissions*, 2006; UN DPI, *Building Just Societies: Reconciliation in Transitional Settings*, 2012.

¹⁵⁹ Centre for Justice & Reconciliation, *About Us*, 2017.

¹⁶⁰ Centre for Justice & Reconciliation, *Mission, Vision and Values*, 2017.

¹⁶¹ Centre for Justice & Reconciliation, *Sycamore Tree project*, 2017.

¹⁶² Centre for Justice & Reconciliation, *Programs*, 2017.

¹⁶³ UN DESA, *Sustainable Development Goal 17*, 2017.

¹⁶⁴ UNODC, *Handbook on Restorative justice programmes*, 2006.

¹⁶⁵ OECD, *Why is human capital important for development?*, 2012.

¹⁶⁶ UNODC, *Handbook on Restorative justice programmes*, 2006.

¹⁶⁷ UN ECOSOC, *Basic principles on the use of restorative justice programmes in criminal matters (E/RES2002/14)*, 2000.

¹⁶⁸ *Ibid.*

¹⁶⁹ UN DESA, *Sustainable Development Goal 17*, 2017.



promote a healthy economy, and implement an effective criminal justice system, all of which will have a significant impact on lowering crime.¹⁷⁰

Truth and Reconciliation

National truth and reconciliation commissions are large-scale restorative justice processes that build and restore the relationship between a government and its people that was damaged over the course of civil conflict, such as a non-peaceful transition of power or a genocide.¹⁷¹ These commissions also reinforce the right to information and can help Member States and intergovernmental organizations understand the root causes of major conflicts.¹⁷² Establishing a truth and reconciliation commission is a national choice and requires an individualized model in order to deal with the specific issues that a Member State and its people have faced.¹⁷³ There are several aspects to consider when creating a mandate for a truth and reconciliation commission, such as a period of operation, a temporal mandate, and the type of violations that will be considered within the commission.¹⁷⁴ From their establishment to conclusion, truth and reconciliation commissions are often a years-long process with a large staff, large operating budget, and large public outreach initiatives.¹⁷⁵

Case Study: The Truth and Reconciliation Commission of South Africa, 1994

After the dissolution of apartheid in South Africa, the government undertook a restorative justice operation known as the Truth and Reconciliation Commission (TRC) of South Africa.¹⁷⁶ The South African Parliament adopted the *Promotion of National Unity and Reconciliation Act* in 1995, which established the TRC and was assembled with input from hundreds of hearings, CSOs, and the Catholic Church.¹⁷⁷ 17 commissioners were appointed to the TRC, whose efforts dwarfed those of previous commissions both in operational size and jurisdiction.¹⁷⁸ The TRC operated for a total of six years, and was mandated to corroborate every statement made by victims.¹⁷⁹ The efforts of the TRC were focused on “narrowing the range of permissible lies” and it functioned on the notion that “revealing is healing.”¹⁸⁰ The TRC heard more than 23,000 testimonies and worked towards policy and amnesty recommendations for the state to consider.¹⁸¹ While the TRC was of a grand scale, the results have been meager.¹⁸² Many victims have voiced discontent with the amnesty program that was put in place by the TRC and received fewer reparations from the government than was recommended by the TRC.¹⁸³ Since the conclusion of the TRC, the Institute for Justice and Reconciliation has taken its place as the major organization for promoting justice, peacebuilding, and dialogue on restorative justice and lessons learned from the TRC in South Africa.¹⁸⁴

¹⁷⁰ UN General Assembly, *Crime is both cause, consequence of poverty, Third Committee told as it begins discussion of crime prevention, international drug control*, 2005.

¹⁷¹ OHCHR, *Rule-of-Law Tools for Post-Conflict States: Truth commissions*, 2006; UN DPI, *Building Just Societies: Reconciliation in Transitional Settings*, 2012.

¹⁷² OHCHR, *Rule-of-Law Tools for Post-Conflict States: Truth commissions*, 2006.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Truth & Reconciliation, *Welcome to the official Truth and Reconciliation Commission Website*, 2017.

¹⁷⁷ International Institute for Democracy and Electoral Assistance, *Reconciliation After Violent Conflict: A Handbook*, 2003; Government of South Africa, *Promotion of National Unity and Reconciliation Act 34 of 1995*, 1995.

¹⁷⁸ International Institute for Democracy and Electoral Assistance, *Reconciliation After Violent Conflict: A Handbook*, 2003, p. 144.

¹⁷⁹ Ibid.

¹⁸⁰ International Institute for Democracy and Electoral Assistance, *Reconciliation after Violent Conflict: A Handbook*, 2003, p. 23; OHCHR, *Rule-of-Law Tools for Post-Conflict States: Truth commissions*, 2006; UN DPI, *Building Just Societies: Reconciliation in Transitional Settings*, 2012.

¹⁸¹ International Institute for Democracy and Electoral Assistance, *Reconciliation After Violent Conflict: A Handbook*, 2003, p. 140.

¹⁸² Smith, et al., *Special report: Truth, justice, and reconciliation*, 2014.

¹⁸³ Smith, et al., *Special report: Truth, justice, and reconciliation*, 2014; Cornell Law School, *South African Truth Commission*, 2017.

¹⁸⁴ The Institute for Justice and Reconciliation, *Programmes*, 2017.



The UN was present throughout the governmental transition for South Africa.¹⁸⁵ It spoke out against apartheid and created the United Nations Observer Mission in South Africa in order to assist the election process.¹⁸⁶ The UN did not, however, play an influential role within the TRC itself.¹⁸⁷ Specifically, the UN took on an observer role, and allowed the local government to take on the primary role in the reconciliation process to respect South Africa's sovereignty throughout the process.¹⁸⁸

Conclusion

Restorative justice programs are a valuable tool for local, regional, and international entities that seek healing and justice for past criminal offenses.¹⁸⁹ The international community has developed guidelines to assist Member States in developing these programs, and continues to evolve and improve their strategies over time.¹⁹⁰ In order to fully address this topic, Member States can look to existing frameworks, bodies, and goals laid out by the international community in order to continue to seek justice for all peoples.

Annotated Bibliography

International Institute for Democracy and Electoral Assistance. (2003). *Reconciliation after Violent Conflict: A Handbook*. Retrieved 20 April 2017 from: <http://www.un.org/en/peacebuilding/pbso/pdf/Reconciliation-After-Violent-Conflict-A-Handbook-Full-English-PDF.pdf>

This document was developed in order to assist Member States in establishing restorative justice practices after armed conflict. It provides a comprehensive framework for when reconciliation can and should be used, outlines the parties that should be involved in the reconciliation process, and touches on the involvement of the international community. It is a useful tool for delegates to gain a strong understanding of macro-level restorative justice processes. Delegates should look for similarities between their Member State's current justice needs and the recommendations made in this handbook. This can be used as a resource to understand challenges Member States may face in implementing such initiatives. This is also an excellent resource to find further case studies on the topic.

Office of the United Nations High Commissioner for Human Rights. (2006). *Rule-of-Law tools for post-conflict states: Truth commissions* [Report]. Retrieved April 15 2017 from: https://www.un.org/ruleoflaw/files/ruleoflaw-TruthCommissions_en.pdf

This report is meant to be used by Member States wishing to establish a truth and reconciliation commission. It gives specific guidelines for the rules of procedure and practice for such entities. This is another excellent tool for delegates to get a firm understanding of nation-wide restorative justice practices. It will not only assist in achieving a solid understanding of implementing restorative justice policies, but will provide insight as to some of the history of truth and reconciliation commissions.

United Nations, Department of Public Information. (2012). *Building Just Societies: Reconciliation in Transitional Settings* [Report]. Retrieved 20 April 2017 from: http://www.un.org/en/peacebuilding/pbso/pdf/12-58492_feb13.pdf

Fragile states often face difficulty in establishing justice systems. This document provides insight into truth and reconciliation that is tailored specifically to fragile states and states that are in transition. This publication is a report from a workshop held in Accra, Ghana to discuss the benefits of restorative justice. It is a helpful resource to understand the real-life application of restorative justice and reconciliation practices.

United Nations, Economic and Social Council. (2002). *Basic principles on the use of restorative justice programmes in criminal matters (E/RES/2002/14)* [Resolution]. Retrieved 20 April 2017 from:

¹⁸⁵ DeMinck, *The Origins of Truth and Reconciliation Commissions: South Africa, Sierra Leone, and Peru*, 2007, p. 11.

¹⁸⁶ *Ibid.*, p. 15.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

¹⁸⁹ Centre for Justice & Reconciliation, *Our Impact*, 2017.

¹⁹⁰ UNICEF, *Toolkit on Diversion and Alternatives to Detention*, 2010.



https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2000/ECOSOC/Resolution_2000-14.pdf

This resolution builds off of its predecessor from 2000 and gives more detail to the expectations for the international community with respect to restorative justice. Delegates may use this resolution to gain a stronger understanding of the process of restorative justice. Its annex clearly explains when restorative justice is appropriate, how to implement restorative justice, and also looks into the future of restorative justice.

United Nations Office on Drugs and Crime. (2006). *Handbook on Restorative Justice Programmes*. Retrieved 21 April 2017 from: https://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf

This handbook is an incredibly helpful resource for this topic. The handbook has an effective introduction to restorative justice and goes over the basic concepts of this topic. It gives delegates an in-depth and straight-forward explanation on various approaches, principles, and procedures of restorative justice. It is a useful tool for understanding the expectations that are set out by the international community for Member States to meet in the restorative justice process.

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