



## CHAPTER SIX

# THE ECONOMIC & SOCIAL COUNCIL

### MEMBERS OF THE ECONOMIC & SOCIAL COUNCIL

ALBANIA	DOMINICAN REPUBLIC	MAURITIUS
ANTIGUA & BARBUDA	EL SALVADOR	NEPAL
AUSTRIA	ETHIOPIA	NEW ZEALAND
BANGLADESH	FRANCE	NIGERIA
BELARUS	GEORGIA	PANAMA
BENIN	GERMANY	PORTUGAL
BOLIVIA	GREECE	REPUBLIC OF KOREA
BOTSWANA	GUATEMALA	RUSSIAN FEDERATION
BRAZIL	HAITI	SAN MARINO
BURKINA FASO	INDIA	SERBIA
CANADA	INDONESIA	SOUTH AFRICA
CHINA	ITALY	SUDAN
COLOMBIA	JAPAN	SWEDEN
CONGO	KAZAKHSTAN	TOGO
CROATIA	KUWAIT	TUNISIA
CUBA	KYRGYZSTAN	TURKMENISTAN
DEMOCRATIC REPUBLIC OF THE CONGO	LESOTHO	UNITED KINGDOM
DENMARK	LIBYA	UNITED STATES OF AMERICA

### PURVIEW OF THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council is the principal United Nations organ responsible for coordinating economic, social and related works of 14 specialized agencies, 10 functional commissions and five regional commissions. ECOSOC accepts reports and recommendations from other United Nations bodies, including the Commission for Social Development (CSocD) and the Economic Commission for Africa (ECA). Along with its coordinating role, ECOSOC gathers information and advises Member States on economic, social, humanitarian and human rights programs. ECOSOC also coordinates and collaborates with autonomous specialized agencies that work closely with the United Nations. These organizations include multilateral financial and trade institutions, such as the World Bank and the World Trade Organization.

**Website:** [www.un.org/en/ecosoc/](http://www.un.org/en/ecosoc/)

### STRENGTHENING OF THE COORDINATION OF EMERGENCY HUMANITARIAN ASSISTANCE OF THE UNITED NATIONS

Humanitarian crises are events that cause significant threats to the health, safety or welfare of large groups of people. Causes of humanitarian crises vary widely but include natural disasters, man-made disasters and armed conflict. The impacts of humanitarian crises range in form: from famines and epidemics to the displacement of large populations as refugees and internally displaced persons. Humanitarian crises are often triggered by events that also weaken governmental institutions, like major natural disasters and civil wars. States are frequently unable to effectively respond on their own and meet the needs of their population. Crisis response can also be hampered by limited resources, inexperience and indifference—particularly to the plight of political, ethnic and religious minorities.

Since its founding in 1945, the United Nations, its subsidiary bodies and the specialized and technical agencies have provided humanitarian

assistance. Generally, the specialized and technical agencies—such as the World Health Organization (WHO), United Nations Children's Fund (UNICEF) and the United Nations High Commissioner for Refugees—provide direct assistance, while the deliberative bodies (ECOSOC and the General Assembly) provide a forum for Member States to agree on their approaches and to direct the coordination of efforts among agencies. Improving coordination of response by the United Nations agencies and by Member States has grown increasingly important as the United Nations has played a role in an increasing number of humanitarian crises and as the complexity of these operations has grown.

Managing and coordinating the United Nations' and the international community's responses to humanitarian disasters is vital in preventing delays, waste and conflict. In 1971 the General Assembly authorized the creation of a Disaster Relief Coordinator. In response to the growth of international humanitarian action and awareness as well as lessons learned from two decades of implementation of the Disaster Relief Coordinator position, the General Assembly requested in 1991 that the Coordinator and related functions be merged into a new Department of Humanitarian Affairs. The United Nations in 1998 further consolidated its humanitarian functions by merging the Department of Humanitarian Affairs and other elements of the Secretariat into the new Office for the Coordination of Humanitarian Affairs (OCHA).

To this day, OCHA is the primary United Nations entity responsible for coordinating humanitarian assistance. OCHA's mandate is threefold: the coordination of humanitarian response, policy development, and humanitarian advocacy. OCHA also coordinates appeals to Member States and civil society for funding for specific humanitarian events through the Consolidated Appeals Process (CAP) and receives and manages donations through the Central Emergency Response Fund (CERF). Both CAP and CERF serve these functions across the United Nations system.



In 2005, the Humanitarian Response Review, commissioned by the United Nations Emergency Relief Coordinator and the Under-Secretary-General for Humanitarian Affairs, recommended several actions to improve coordination. Recommendations include increased preparedness and surge capacity, both on the international and national level; greater transparency and accountability to those in affected areas; and increased and more flexible funding from supporting States. Many of the recommendations found in the Review have been topics of discussion at ECOSOC in the past several years, and they continue to be relevant as new and varying disasters arise.

One of the most notable changes in recent years has been the development of the cluster approach to response efforts. Deployed for the first time following the 2005 earthquake in Pakistan, clusters are groups of humanitarian organizations in each of the main sectors of humanitarian action as designated by OCHA, including food, water and shelter, among others. Through this designation, each cluster is given clear responsibilities for coordination. With these clusters in place, the Humanitarian Coordinator, put in place by OCHA, can manage a large-scale response with more precision. Each cluster has a focal point or lead agency that operates at the global and country level. In the last nine years, the cluster approach has been deployed in 30 countries. The United Nations has evaluated the approach twice, in 2007 and 2010. Both evaluations have found the approach to provide tangible results, but both also recommended areas of improvement.

After particularly challenging efforts to deliver humanitarian assistance during the 2010 Haiti earthquake and the 2011 Japanese earthquakes and tsunami, OCHA and its inter-agency organizations acknowledged more needed to be done in terms of coordination development and strategic planning. In 2011, the United Nations adopted a new Transformative Agenda in response to growing acknowledgment of the weaknesses in multilateral humanitarian response, including unclear or unequal accountability, a lack of adequate leaders being deployed and a lack of appropriate coordination in place at various levels. The Transformative Agenda focuses on changes in all of these areas, including the simplification of the cluster approach, an inter-agency rapid response mechanism and expanded accountability to affected people.

Following 2010 Haiti earthquake, the United Nations system has become increasingly focused on the concept of disaster risk reduction. This approach focuses on building resilient communities, particularly as climate change increases the likelihood of more and larger climate-related humanitarian disasters. While resilience is important, it is frequently difficult to rally support and funding for these efforts. Additionally, building resilience requires engaging an even larger range of stakeholders, as communities reassess building standards, develop emergency response services and create community organizations to aid in the event of disasters. In most States, these efforts are only beginning.

Looking ahead, there are a number of issues related to humanitarian assistance that the international community must consider. First, there continue to be instances where Member States are unwilling or unable to work with the United Nations and OCHA, particularly when crises affect disadvantaged minorities or opposition groups. Without this cooperation, it is extremely difficult to implement any sort of assistance. This is seen most clearly in Syria, with 9.3 million people still within the country who have extremely limited access to humanitarian assistance. Because of the government's unwillingness to cooperate coupled with an extreme lack of infrastructure and security, it is nearly impossible for the international community to provide assistance to those caught in the conflict.

Second, funding and donor fatigue are on-going concerns. Most humanitarian crises are funded through the appeals process that reacts to crises as they occur. OCHA has stated many times that it is difficult to receive funding in a timely manner when a natural disaster occurs. In 2014, OCHA's appeal for funding was \$12.9 billion, an annual increase of over four billion dollars. In Syria alone, an estimated \$6.5 billion is required to provide for both internally displaced persons and refugees. This is compounded because funding can be tied to specific causes or areas; the inflexibility of the donor makes it difficult to use the funds as OCHA would see most fit.

Questions to consider from your government's perspective on this issue include the following:

- How can or should the United Nations provide humanitarian assistance when it is opposed by the host government?
- What have been the major successes and failures of recent humanitarian assistance operations?
- How well have the 2005 recommendations addressed these issues?
- How can the United Nations build more resilient communities that reduce the impact of natural and man-made crises?

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## STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

More than 10 million individuals are held in penal institutions around the world, many facing unsupported sentences or inhumane conditions. With this number increasing daily, it is important for a minimum set of guidelines to steer the treatment of prisoners throughout their incarceration in order to prepare them for release back into society with minimal effects, as well as to protect the inherent human rights of individuals. The increase of global conflict, including things like the spike in murder rates in Latin America in the first decade of this century, show that penal institutions and the treatment of prisoners is pivotal as we move forward into the future.

The degree of protection afforded to prisoners has increased significantly since the creation of the United Nations Charter in 1945. Article 5 of the 1948 Universal Declaration of Human Rights declared that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” and established a broad array of human rights that apply to all people—including prisoners. The Geneva Conventions of 1949 established the first international legal protections for prisoners of war. Both documents set the stage for the Standard Minimum Rules for the Treatment of Prisoners, which were adopted by the Economic and Social Council (ECOSOC) in 1957. These rules are often regarded by States as the primary—if not only—source of standards relating to treatment in detention, and are the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners. These Standard Minimum Rules were meant to outline generally accepted norms for the treatment of prisoners, not to codify an international penal system.

The Standard Minimum Rules for the Treatment of Prisoners reflected the generally accepted ideas on detention of the 1950s. At the time, Member States acknowledged that the rules were part of a constantly changing field and were thus subject to change. Additionally, they acknowledged that geographic and cultural restrictions could hinder the treatment of prisoners in various countries but encouraged Member States to strive for congruency. Specific issues addressed in the Standard Minimum Rules span the separation of men and women, the separation of untried and convicted prisoners, and the state of habitable living provided to each prisoner. Drawing on the experience of Member States, their legal institutions, and freshly codified universal human rights, the Standard Minimum Rules reflect protections against torture and arbitrary detention, legal recognition and equal treatment before the law.

Between 1955 and 1990, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders met every five years. These meetings allowed Member States to discuss international standards outside of the General Assembly and the resolution-writing process. It was in these meetings that Member States recognized a need for regional expert groups to discuss regionally-relevant issues. Regional groups were added to the agenda and the discussion at the Fifth United Nations Congress in 1975.

These discussions culminated in 1990, when the General Assembly adopted the Basic Principles for the Treatment of Prisoners. The Basic Principles reinforce the Standard Minimum Rules for the Treatment of Prisoners and outlined the basic human rights owed to prisoners, particularly with regard to cultural and religious allowances. The General Assembly also adopted the United Nations Standard Minimum Rules for Non-custodial Measures, otherwise known as the Tokyo Rules in 1990, which aimed to define clear international standards on alternatives to imprisonment. These rules were a direct response to the overcrowding and outdated prison facilities faced by Member States. This is an important evolution, as it allows offenders to be punished accordingly while putting less pressure on over-burdened prison systems.

Noting that women are oftentimes needing different or specific guiding principles when it comes to prisoner treatment, the United Nations has recently focused on the status of imprisoned women. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) were adopted by the General Assembly in 2010. These rules are a series of guidelines for States regarding the specific needs of female prisoners. The guidelines address long-standing problems when it came to the imprisonment of women, including the use of strip searches and the protocol of children entering prison with their mother. The Bangkok Rules establish alternative methods to strip or invasive searches, specifically state that pregnant and nursing women may not be punished by close confinement and allow for those children who have remained in prison with their mothers to be provided with healthcare services, among other things.

While States have made strides in improving the treatment of prisoners, progress is uneven. The Standard Minimum Rules establish minimum international standards of treatment, but are not binding. This is particularly evident in Latin America, with recent cases in Venezuela and Bolivia making headlines and highlighting the lack of adherence to the Rules. However, there remains little to be done in countries that lack infrastructure or the resources to adequately provide for the large number of prisoners they detain every year. Still, there are successes. The rules have spurred regional action, including the European Prison Rules in 2006 and the creation of the African Commission on Human and Peoples' Rights' Special Rapporteur on Prisons and other places of Detention. The Rules are also a standard by which non-governmental organizations compare and contrast penal systems across the globe; police brutality alongside prison riots and massacres bring a media spotlight to the issues of overcrowding, inhumane treatment and a failure of a government or system in its treatment of prisoners.

Particularly in States with a high volume of prisoners that strain the system, governments must explore other avenues. The open-ended groups established by the General Assembly in 2010 have met a number of times on ways to continue to bring the rules in line with twenty-first century guidelines and practices. Through three meetings thus far, the most recent in 2014, the open-ended groups have proposed several changes to the existing rules. The United Nations will begin considering these proposals, outlined in the three working groups' final reports, later in 2014. Balancing this shift to a new set of Standard Minimal Rules is the lack of universal attainment of the existing standards: how much further should the minimum expectation be raised when some States remain unable, or unwilling, to meeting existing targets?



Questions to consider from your government's perspective on this issue include the following:

- What are the barriers to improving the treatment of prisoners, particularly in countries with limited resources?
- How can the United Nations and international community address these barriers?
- How can Member States and the United Nations improve treatment of imprisoned women?
- How should the Standards be updated to reflect human rights norms of the twenty-first century?

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