LONDON INTERNATIONAL MODEL UNITED NATIONS

15th session | 2014

Social, Humanitarian and Cultural Committee (SOCHUM)

Study Guide
## Contents

**Introduction Letter** .................................................................................................................. 3

**TOPIC A:** International standards on prostitution ................................................................. 4  
   Introduction .................................................................................................................................. 4  
   History of the Problem ................................................................................................................. 6  
   Statement of the Problem and the Current Situation ............................................................... 8  
   Bloc Positions ............................................................................................................................. 10  
   Questions a Resolution must Answer ......................................................................................... 13  
   Conclusion .................................................................................................................................. 15  
   Bibliography ............................................................................................................................... 15  
   Information on Determining the statute of Prostitution- containing both 
   Direct Information and Sources for Individual Research ......................................................... 16

**Topic B:** Drafting an international convention on the rights of elderly persons ............................ 23  
   Introduction .................................................................................................................................. 23  
   Defining aging as a social construction ....................................................................................... 24  
   Current Situation ......................................................................................................................... 26  
   Discrimination: the examples of Poverty and Healthcare ........................................................ 28  
   Abuse and violence ...................................................................................................................... 29  
   Elderly rights under International law: “Past and Current Legislation” .................................. 30  
   Bloc positioning ......................................................................................................................... 36  
   Conclusion .................................................................................................................................. 38  
   Questions to be asked ................................................................................................................... 39  
   Summary of laws and rights in different countries .................................................................... 40  
   Bibliography ............................................................................................................................... 42
Introduction Letter

Honourable Delegates,

It is an honour for us to welcome you to SOCHUM at LIMUN 2014. This year our topics of discussion are questions of all times while being immensely anchored in the reality of everyday. Important social questions, nevertheless their importance will only stimulate the debate and make the fun sparkle. Many of you are beginners and we chairs only aim for one thing share our passion of the Model United Nations and make you discover how fun is it with us. In this study guide you will find all the useful information and guides in order to prepare your brilliant eloquent speeches. We look forward to read your policy statements and be impressed with your debating skills!

Cheers,

Lauro, Edmond and Richard

Chairs SOCHUM, LIMUN2014
TOPIC A: International standards on prostitution

Introduction

Prostitution, frequently referred to as the world’s oldest profession, has been around for millennia. It has varied in form and purpose, at times not just existing for the purpose of gaining material goods but as far as occurring as religious rites. In today's world, however, prostitution takes place for the gain of materials, though they might vary from necessities to live, to cash in line with any other profession to more intangible things such as physical protection. The initial reason for a new convention on prostitution comes down to the complexity involved. Laws concerning prostitution vary greatly across United Nations member states, from it being an act punishable by death to a fully legal, regulated business.

![World map showing legal status of prostitution](image)

Green = Legal
Cream = Legal with Limitations
Red = Illegal
Black = No Specific Laws in Place
As can be seen above, prostitution laws vary heavily, often country to country. Furthermore, the simple matter that prostitution is legal (as displayed in the map above) does not specify whether related matters, such as running a brothel are legal. It also doesn’t cover whether acts might be legally allowed, but are prohibited by certain groups.

Prostitution has, for many centuries, been linked heavily to slavery, and that remains true today. What started as specific slaves, out of large groups, being forced into slavery has become more focused. With widespread slavery heavily reduced, and all but eliminated in developed countries, sex trafficking has become, by far, the most prevalent form of slavery or trafficking – with just under 80% of slavery being for the purposes of fixed prostitution. In the past, forced prostitution was accepted and those who voluntarily became prostitutes were reduced to the level of slaves. Currently, however, finding a way to separate those forced into prostitution to those who choose to enter it has become a key problem for any country legalising prostitution.

Finding true statistics for changing prostitution rates, even over the last century alone, just within developed countries is extremely difficult. Changes in law, and views towards prostitution, coupled with varying amounts of sex trafficking means that statistics for numbers of prostitutes, those using them and what percentage were forced into the trade varies wildly, over short periods of time. The methods prostitutes has also changed over the last 80 years, first with adoption of telephones and more recently the internet - this allowed the use of brothels to be avoided and evasion of the law (as necessary) to be made far easier, and has placed prostitutes at even more risk of their clients.
History of the Problem

2400 B.C. First case of recorded prostitution is in ancient Sumeria. Multiple pieces of evidence over next six centuries linking prostitution to worship for certain gods

1780 B.C. Hammurabi’s laws, include the first recorded rules concerning the conduct of prostitutes, and how their profession affects their, and their children’s, position in society.

1075 B.C. The Code of Assura, formed in Assyria, abrogates the position of prostitutes even further, additionally threatening extreme punishments for any prostitute found to be breaking the code.

6th Century B.C. Formal brothels come into formation in several places, including Greece, Rome, China and Japan. Little is known other than that both women and men were never citizens or had high class and conditions were very poor. What regulation there was often concerned prices, and not those involved.

4th Century B.C. (circa). Wide-spread introduction of Hetairai within Greece, who covered both the realm of prostitutes and educated female companions. Somewhat analogous to Geishas in Japan during the 18 century. While treated better than prostitutes within brothels (sometimes radically so), there was no formalised code of conduct requiring good treatment.

30 B.C. – 100 A.D. Increasing Roman codes concerning prostitution, specifying that those who practice prostitution must be slaves, or if free, reduce themselves to a very similar level to slavery. As such, the only protections in place were “damaging the property” – to be paid to the slave’s master as recompense.
438 A.D. Introduction within the Roman Empire of a law banning the selling of a son or daughter by a parent into prostitution.

7th Century A.D. Islam bans prostitution in all forms, and brings in significant punishments, although significant trade continues. In addition, the institution of a total ban radically progresses the creation of early sex trafficking.

1254 A.D. France institutes a complete ban against prostitution, the first major European country to do so. It stands in contrast to much of Europe that introduced organised and regulated brothels.

16th Century A.D. A century long outbreak of syphilis and other transmitted diseases cause a Europe-wide turn against prostitution. The increase of laws prohibiting it, coupled with the spread of trading into Asia, and the forming of colonies in Africa and the Americas introduced an enormous swathe of slavery, with a significant amount of slaves being forced into prostitution.

18th Century A.D. Prostitutes, starting in Europe, start to use early fabricated condoms.

1860’s A.D. France and Britain bring in contagious diseases laws to allow forced medical examinations of prostitutes (suspected or proved) and they could be quarantined if found to be infected.

1875 A.D. – The USA bans the importation of women for the use of prostitution (the first implementation of specific anti-sex-trafficking legislation, compared to blanket anti-slavery laws)

1932-1945 A.D. The infamous “comfort women” forced into prostitution by Japan, both within their own territory and in occupied territory, anywhere between 50,000 and 200,000 women were forced by (primarily) the Japanese military.
1959 A.D. (onwards.) Increasing amounts of countries legalise prostitution, varying over whether to legalise brothels as well and whether to regulate the industry.

1999 A.D. Sweden criminalises the “customer” in prostitution, classifying it as assault, and not classifying the prostitute as a criminal.

2012 A.D. United Nations-backed Global Commission on HIV and the Law urges that all laws against consensual adult sex trade be revoked immediately.

Statement of the Problem and the Current Situation

Delegates that participate in the debate must be aware of the following central concerns regarding prostitution, being, in no particular order:

- Curbing the spread of HIV/AIDS
- Protecting sex workers from exploitation
  - Preventing the Trafficking of Persons for Prostitution

Curbing the spread of HIV

HIV is, amongst other sexually transmitted infections, a primary concern because of its benign and deadly nature. In 2012, 35.3 million people were living with HIV, and there were 2.3 million newly infected persons, down from the high of the mid-1990s of 3.5 million newly infected per year.
The correlation between prostitution and HIV has been hotly debated. Primarily, it is believed that prostitutes have a greatly increased risk of exposure to HIV, and are correspondingly more able to spread HIV to other partners. The UNDP has provided evidence that jurisdictions in regions that have decriminalised sex work (such as New Zealand and New South Wales) empowers sex workers, increasing their access to HIV and sexual health services as well as increased condom use rates. With the same laws regarding workplace health and safety, sex workers are able to claim benefits and access work-related insurance and pension schemes. The empowerment of prostitutes thus reduces the incidence of HIV, and protects their freedom to choose their desired occupation.

However, some evidence indicates that prostitutes may not necessarily be responsible for the spread of HIV. In Seville, Spain, 20 percent of intravenous drug users are HIV seropositive, while only 2.5% of non-needle using prostitutes were HIV positive. M. J. Rosenberg and J. M. Weiner concluded that “HIV infection in non-drug using prostitutes tends to be low or absent” across eleven studied cities around the world. S. Day et al. state that “though some findings from Africa confirm the importance of prostitutes in the heterosexual transmission of HIV, as in Nairobi, sexual activity alone has not been described as the principal risk elsewhere in the world”.

Trafficking and Exploitation

The effects of decriminalised prostitution on human trafficking have also been widely debated. Delegates may first be interested in the Tier allocation their country falls under, according to the US Trafficking in Persons (TIP) report. This will give a gauge of respective countries’ attitudes towards combating sex worker trafficking. Also, there are 27 million trafficked victims in the world, of which the
majority of transnational victims are later exploited as sex workers. The International Labour Organization states that 12.3 million people are enslaved in forced, bonded, child or sexual servitude.

The effects of prostitution on these numbers vary. In 1999, prostitution was criminalised in Sweden, while Denmark decriminalised it. By 2004, the number of human trafficking victims in Denmark rose to four times that of Sweden, despite the population size of Sweden being 40 percent larger. A study at Stern suggests that trafficking arises because traffickers profit from extorting the income of the women they force to sell sex, and that policies reducing trafficking would eliminate excess prostitution. This suggests that criminalisation can have varying implications on the state of human trafficking.

Bloc Positions

Unlike many other global issues, the legalisation of prostitution by country fails to fall into geo-political groupings. Indeed, even countries with the same dominant religious views fail to have equal laws. As such, below are the three major views held concerning the legalisation of prostitution, an explanation of those views, and which countries (and where possible, minor blocs) hold those positions.

All forms of prostitution illegal - there are a couple of different forms of prostitution being illegal (as opposed to merely regulated. These are: prohibitionism, namely, all acts of and matters related to prostitution are illegal, with both the prostitute and the client committing an illegal act, and there is abolitionism, where, as well as related acts usually being made illegal, prostitution is viewed as a crime against a person, and the client is deemed to have committed
a crime.

Prohibitionism - the most common position concerning the legality of prostitution, this view is widely held in different parts of the globe. The vast majority of Asia holds this legal position, with the prime exceptions of Kazakhstan (legal) and India (regulated). In addition, a majority of Africa also holds all forms of prostitution to be illegal. These countries would be against any movements towards legalising prostitution, in any form. Treatment of prostitutes is generally very severe, leading to high rates of violence, crime and high HIV levels. Despite this, the majority of countries would argue against most methods to reduce these negative effects, stating that it would promote prostitution. Many countries have stated that the only correct actions is to punish (in the case of certain Islamic countries, this is to take the form of execution) the prostitutes, or “re-educate” them. Despite this, many of these countries, however, have rampant prostitution (notably South-east Asia - Thailand, Cambodia, Laos etc), and it even benefits their economies - as such, these countries hover between their official position and not taking full steps to eliminate prostitution, and so favour the status quo.

Abolitionism - A view primarily held in a few Nordic countries, namely Sweden, Norway, Iceland and Finland (to a lesser degree). These libertarian countries are attempting to prevent prostitution in order to protect prostitutes from “inherent violence” in their profession. As such, these countries support any aid given to prostitutes to exit their profession, as well as supporting partial systems to reduce the risk of violence and STIs. While these countries prohibit prostitution, as their primary goal is to protect the prostitutes, their primary concern is countries and locations where there is a great risk of danger to prostitutes, and how to alleviate that, even if it were to actually decriminalise prostitution (viewing it as a partial step).
Legalisation - Through government regulation, prostitution is legalised under certain conditions defined by the state. It is seen as a means of reducing crimes associated with prostitution (organised crime, child prostitution and sex trafficking). Several nations have taken the legalisation route, including Germany, Senegal, the USA state of Nevada and several Australian states. Countries vary, with little relation to their neighbours and allies, with which associated activities to be banned - such as the allowing of brothels or soliciting. Each country must ensure they research their exact laws on this area carefully. Countries in favour of legalisation will seek to allow prostitution, but reduce both risks to the prostitutes by certain means (e.g. banning brothels) and to the populace (requiring checks for STIs or restricting it to certain areas).

Decriminalisation - Viewed as the most liberal option available, and with the intention of eliminating social labels on prostitutes, New Zealand and the state of New South Wales in Australia have removed all prostitution-specific regulations in their respective legislations. This means that the industry is subject to the same employment and health regulations of other legitimate businesses, while respecting the workers’ human rights, and improving their health, safety and working conditions. Countries here will hold a similar view to those in favour of legalisation, except that they would argue for no regulation.

No Laws - An additional problem held in several countries, such as Indonesia and Lesotho is that they have no specific prostitution laws, of any kind. However, this does not generally mean that prostitutes are treated to be legal, in some cases they are prosecuted under other, partially related laws, but frequently it is frowned upon and discouraged by the country, with little protection for
prostitutes and little, if any, better treatment than in many countries where prostitution is stated to be illegal. Countries here are likely to be favourable to those countries who ban prostitution, but actually also desire to tacitly allow it. Willingness to allow some aid to prostitutes may vary, with countries such as Mozambique being more restrictive and Indonesia more in favour.

Questions a Resolution must Answer

There are several areas of the topic that countries must attempt to forge consensus, given the enormous range of views held, with most countries not completely matching, finding points of agreement will be both difficult and necessary.

Legal Status
The hardest issue, with many countries in complete contrast with each other, such as New Zealand with complete legalisation and several hardline countries advocating the death penalty for it, finding a cohesive legal view on the status of prostitution is likely to prove extremely challenging. In the case of certain groups being formed, it may be preferable to attempt to form agreement over what different types of legal status should be (for example, what “regulated” should be taken to mean).

Exploitation and violence
Given the range of threats that face prostitutes, concerning exploitation and violence, forming a system to help in the protection of prostitutes against their clients, their pimps and even police or governmental bodies (whether by decision or the government or not). It must be decided what actions are to be taken, who is to be responsible for aiding and who is to pay for the assistance. It should also be
considered how this assistance is to take place in countries where prostitution is illegal - as it is in these countries where prostitutes are most at risk.

**Spread of STIs/HIV**

With a constant rampant spread of STIs, predominantly HIV/AIDS, prostitutes, especially those within developing countries, are in dire need of assistance to both stop the spread of these illnesses and to help those already infected. Deciding appropriate means, bodies and funding are again crucial, but delegates must find a way to institute this assistance in the face of hostility, from governments, local social groups and, in many cases, the prostitutes themselves. As well as medicine, and related items, societal changes have been proven to radically alter the rates of HIV infection - deciding how, and whether, these changes should be bought in is an integral part of resolving this issue.

**Sex Trafficking**

With sex trafficking now making up the majority of the modern slave trade, instituting prevention and ensuring that it takes place is vital. Countries all along the routes, the source, destination and all intermediate countries must work together to prevent it. Delegates must address the underlying causes of the trade, including such difficult issues as families selling their own children because of their financial dire straits. Delegates should also consider the issues of what happens to freed slaves - what happens to them, especially if they have nowhere to return to and little ability to join any other career.
Conclusion

As has been seen, there are several issues that must be resolved within the broader topic of creating a convention on prostitution. However very few countries are in complete agreement with each other on all of those issues – including the usual blocs of countries. As such, your hardest task will be to find those that do agree with your views, and then seek an effective compromise with those around you, while ensuring that the final resolution is a strong and dominant text.

Bibliography

The sources used for this study guide are contained both within this “pure” bibliographic section and our information sources, we believe the sources used within the “information sources” are better suited to research for the topic, however please feel free to use the sources contained below, if you feel it would help you prepare for this topic.

-http://prostitution.procon.org/sourcefiles/Hammurabi.pdf (Hammurabi’s codes of law, see 178-180, 187, 192-193)
- Katz, M. Ideology and "The Status of Women" in Ancient Greece – Details on brothels and hetairai
  http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1007&context=classicsjournal – prostitution in imperial Rome
  http://chartsbin.com/view/snb - Map of global prostitution legality
  http://www.thelancet.com/journals/laninf/article/PIIS1473-3099(12)70066-X/fulltext - Report on HIV levels of prostitutes and the general populace between high and low income areas.
  http://www.historyandpolicy.org/papers/policy-paper-46.html#change - Changes of Prostitution Law in the UK, and the effects on prostitution from them. (A good example for law changes in other countries as well)

Information on Determining the statute of Prostitution- containing both Direct Information and Sources for Individual Research


One study showed 30% of the abuse abuse sex workers report comes from police. Tales of being beaten and raped before getting arrested are far too common. Then after conviction, the workers are less able to leave sex work due to their criminal records.
http://www.equalitynow.org/sites/default/files/UN_51_1_EN.pdf
- Summary of bodies against prostitution and interaction with the UN, including excerpts of interviews with experts and former prostitutes.

- This is the current interpretation the UNDP has on prostitution, useful stats and helpful ideas for combating prostitution, summary below

34 million people are living with HIV, 7,400 are newly infected daily and 1.8 million died in 2010 alone.
The criminalisation of sex work, drug use and harm reduction measures create climates in which civilian and police violence is rife and legal redress for victims impossible. Fear of arrest drives key populations underground, away from HIV and harm reduction programmes. Incarceration and compulsory detention exposes detainees to sexual assault and unsafe injection practices, while condoms are contraband and harm reduction measures (including antiretroviral medicines) are denied.

Hence, the UNDP recommends that countries:

- Repeal laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against “immoral” earnings, “living off the earnings” of prostitution and brothel-keeping. Complementary legal measures must be taken to ensure safe working conditions to sex workers.

- Take all measures to stop police harassment and violence against sex workers.

- Prohibit the mandatory HIV and STI testing of sex workers.
- Ensure that the enforcement of anti-human-trafficking laws is targeted at those forcing those into prostitution, rather than volunteer sex workers.

- Enforce laws against all forms of child sexual abuse and sexual exploitation, clearly differentiating such crimes from consensual adult sex work.

- Shut down all compulsory detention or “rehabilitation” centers for people involved in sex work or for children who have been sexually exploited.

- Repeal punitive conditions in official development assistance – such as the United States government’s PEPFAR anti-prostitution pledge and its current anti-trafficking regulations – that inhibit sex workers’ access to HIV services or their ability to form organisations in their own interests.

http://www.undp.org/content/dam/undp/library/hivaids/English/HIV-2012-SexWorkAndLaw.pdf
- UN backed research on practices and their effect on the spread of HIV (summary below) (excellent work for finding what effect your countries’ policies have on the health of prostitutes)

Laws, policies and practices that are harmful to HIV responses

(i) Criminalization of sex work
(ii) Punitive law enforcement practices
(iii) Criminalization of clients
(iv) Licensing or registration
Laws, policies and practices that are beneficial to HIV responses

(i) Legal empowerment of sex worker communities
(ii) Decriminalization

Possible action

a. Law reform;
b. Improvements to law enforcement practices;
c. Leadership, community empowerment and advocacy;
d. Education of the judiciary;
e. Legal services;
f. Research, evidence and monitoring;
g. National planning of HIV responses;
h. National human rights institutions;
i. The role of donors and multilateral organizations.

Provision of statistics by UNAIDS and WHO and summary explanation of its spread.

http://www.state.gov/j/tip/rls/tiprpt/2013/

US trafficking in Persons report for 2013, providing reports for each country. (overall summary below)

These data showed that, of the estimated 600,000 to 800,000 men, women, and children trafficked across international borders each year, approximately 80 percent are women and girls and up to 50 percent are minors. The data also
illustrate that the majority of transnational victims are trafficked into commercial sexual exploitation.

The International Labor Organization (ILO) — the United Nations (UN) agency charged with addressing labor standards, employment, and social protection issues — estimates that there are 12.3 million people enslaved in forced labor, bonded labor, forced child labor, sexual servitude, and involuntary servitude at any given time.


Effects of changes in legalising prostitution law in different Wester-European countries and the effects on human trafficking that followed.


Exact statistics on HIV/AIDS by the United Nations


http://www.virusmyth.com/aids/hiv/rrbprostitute.htm

Research arguing that it is not the increased sexual activity per se of a prostitute that is linked to increased levels of HIV (as opposed to other STIs) but connected attributes to the relative wealth/social standing of the prostitute.
(From here the following books are referenced:


Rosenberg MJ, Wiener JM, "Prostitutes and AIDS: A heath department priority’
/American Journal of Public Health 78: 418423, 1988.)

Additional evidence arguing that drug use is a far greater cause of HIV amongst prostitutes than increased sexual partners.

http://prostitution.procon.org/view.answers.php?questionID=000108

Additional arguments for and against whether preventing prostitution is an effective method of preventing HIV (and whether it should be used over other methods)

http://economics.uchicago.edu/pdf/Prostitution%205.pdf

Extremely detailed paper on the economics of prostitution (in the USA - a developed country where prostitution is illegal). Also finds that a prostitute was far more likely to have sex with a police officer than be arrested by one

http://webdocs.stern.nyu.edu/old_web/economics/docs/workingpapers/2012/Lee_Persson_HumanTraffickingandRegulatingProstitution.pdf

Detailed paper on correct methods of regulating prostitution (between full legalisation and criminalisation)

http://prostitution.procon.org/sourcefiles/newzealandreport.pdf
Varying degrees of legalisation in different countries

https://www.law.upenn.edu/live/files/27-chuang158upalrev16552010pdf - a paper on prostitution reform and anti-trafficking laws with the effects they have, and how they interact (very detailed).
Topic B: Drafting an international convention on the rights of elderly persons

Introduction

In the past half century we have witnessed the field of human rights becoming increasingly specialized, disadvantaged groups such as women, migrant workers, person with disabilities have had their special situation and needs recognized by the United Nations. The principle reason behind the recognition of these several groups and their need to have a special recognition is an acknowledgement of a precarious transnational situation that was only due to their being. Demographic change is the key explanation of the emergence of this new group with common needs called elderly. WHO reports that: “Between 2000 and 2050, the proportion of the world’s population over 60 years will double from about 11% to 22%. The number of people aged 60 years and over is expected to increase from 605 million to 2 billion over the same period”. Not only there is an important demographic change but also it is emphasized by an important societal change. Mobility, precariousness has marked our new social dynamics. Whether in developed countries or lesser-developed countries, the new socio-economic dynamics have influenced family structure. If a century ago, elderly used to live with theirs sons and be maintained by them, nowadays fewer and fewer have this opportunity offered to them. We can easily say that we have assisted to a shift, what used to be called familial solidarity has no more the capacity to take care of the more needy. Therefore we have assisted not only to a development of precariousness’s among the elderly, as well to the birth of a consciousness concerned with their exposure to forms of violence, being at home or outside. No doubt the risk to which they are exposed is not exactly the same among all member states, it is essential to note

1 WHO statistics office. www.who.int
that socio-economic differences have an importance in this case. Nevertheless as we will see later on a common transnational situation can be identified. It is crucial before we move to identifying the social changes as well as the solutions that could be implemented by the committee, we need to define who are the elderly; it is custom to define as elderly people over 65, and elderly old people over 80. However even this definition is problematic, it is essential to keep in mind all along that the concept of old age is a “socially constructed phenomenon it is not a simple biological process, but something that is given particular meaning depending upon its social and historical context”.

**Defining aging as a social construction**

As I said in the introduction, ageing is also a social construction; therefor the construction affects people’s perception of older adults and their own ageing. The meaning and implications of ageing being a social construction are numerous, most importantly it establishes that it depends on a set of policies, no matter where we are social and economic policies have contributed to this process of shaping the production of knowledge about old age, which in turn reshapes human behavior. An example is the “developed countries” during the 20th century; the pension system has institutionalized an age-related retirement that led to a consensus on when individuals become “old”, regardless of their actual abilities. With the begging of the 21st century, Walker in … notes an evolution where work

---


is perceived as an option or even desirable in late life. In fact we have assisted in several countries such as France in 2009 to a reform of the retirement plan, by extending the years of work. All this comes to confirm that each sets of policies rest on a series of assumptions about when old age starts and what it should be like.

In the world of today, very often we refer to the economic criteria to assess a situation, therefore the perception of older persons as non-productive and therefore incapable of contributing to society has largely expanded. Nevertheless as Bonnie and Wallace emphasize in their paper *Elder mistreatment: abuse, neglect and exploitation in an aging America*, “There is no reason to believe there is anything new in the practice of neglect and abuse of vulnerable older people.” However what is new is the perception of this abuse as a public social problem, what makes the recognition of an act as legitimate or illegitimate is the consequence of the social climate in which it happens.

A second important element to bear in mind is that our perception of aging and older people is not only due to the socio-economic context, non-rational processes such as fears and beliefs also shape it. In this first part we tried to define the concept of being old, as we saw it is not only a biological process but there is a whole social construction of the phenomena. Paradoxically it is the social aspect that makes it complex and at the same time raises the issue. It is important to keep in mind as Doron and Apter highlight⁵: “It is not old age per se that makes certain rights hard to enjoy, but a particular idea of old age that deny the full enjoyment of their rights to the ageing.”

Now that we have established the process of defining being old, it is time to draw a summary of the situation of the elderly people around the world by identifying the violence’s and risks they are exposed to.

---

Current Situation.

a. Indicators of a heterogeneous situation

Now that we have identified the transnational risks to which elderly people are exposed, while acknowledging an important difference among the states based on their development. However it is important to distinguish between development and wealth. The index, which is based on four indicators: Income security, health status, employment and education, and finally enabling environment.

These indicators are extremely important in assessing the quality of life of the elderly as well as identifying the risks they are exposed to. A first thing they indicate in their results is that no doubt the wealth of the country has a huge impact on the level of life of the elderly. However most importantly it shows that its does not only depend on money. The country with the best policy toward the elderly, and whom its elderly population find themselves the less at risk is Sweden. The fact that Sweden ranks in the top 10 in all four indicators, and it is immediately followed by other Nordic countries cannot be explained solely on the basis of its economy. It is also due to an active policy that Sweden has engaged into, more than a century ago when it was considered as “emerging country”: the universal

6 Help Age statistics.
pension. As a matter of fact, the indicators highlight the importance of investing in positive policies towards the elderly. Regardless of the wealth of the country, “low-income” countries such as Sri Lanka who have invested in long-term policies in the field of education and health find themselves with a general ranking of 36. Another example is Bolivia, despite being one of the poorest countries among the member states, with a progressive national plan on aging, a universal pension and free health care for older people, it has managed to rank itself number 46.

In order to fully understand the utility of these indicators it is essential to note the no connection among the different indicators. A country can be highly ranked in the education index, and very lowly ranked in the health status, an example are of course the states of the ex-soviet union. The current generation of elderly have benefited in earlier life of a generalized education. The archetype is Armenia ranking 3\textsuperscript{rd} in the education field of the elderly, with three quarter of its over 50 years living with less than a 103 American Dollars per months.

\textbf{b. Exposure to common risks}

In order to be able to establish if there is a need for a convention, and if yes what does it have to contain, it is essential to have a look at the distinctive challenges and risks faced by older people. It is crucial to bear in mind that older people are not a homogenous group; indeed they have common similarities that transcend the borders that we will identify now. Nevertheless we can notice differences within the borders of a state. The discrimination that older people experience is very often defined as multi-dimensional, meaning it is not only based on age but on other aspects too such as ethnic origin, gender, location, disability, literacy level or sexuality.
Discrimination: the examples of Poverty and Healthcare

“Ageism is the stereotyping of, prejudice against, or discrimination against a person because of their age” It is to be treated differently just because of your age. And to be discriminated against just for simple being something is a violation of one’s human rights. Yet many older people are treated differently daily just because of their age, being at an interpersonal level or at an institutional level in the private or public sector.

The Human Rights Committee reported in 2009, that a small proportion of countries have passed laws prohibiting age discrimination, and when they did it only concerned the employment area.

It is essential to be aware that discrimination against the old is not only done in the employment field, it can extend to social care such as health care or social security, which expose them to even more risks. Many older people do not benefit from a financial protection; therefor they can be easily exposed to poverty, in addition to that mandatory retirement age in some countries, as well denying women the right to inherit the property of their late husbands in some other countries increases their exposure to financial exploitation, economic disadvantage, thus disproportionate affection by poverty (OWEG2011).

Concerning health there are two main problems, the first is that many old people do not benefit from any health care, some other benefit from covers who are not adapted to their needs due to their financial situation. And finally a second discrimination some old people find themselves refused some treatment because they are too old (age based criteria).
Abuse and violence

The World Health Organization reported that in 2012, 4-6% of the elderly people have experienced some form of maltreatment at home. This number represents only a part of the violence which elderly people can be exposed to, it is important to add: abuse in care settings, or in times of conflict. Moreover abuse may also be under the form of discrete neglect, street crime, verbal, sexual, financial abuse and psychological or physical violence.

As we saw several time during the study, the differences among the states can be extremely important, the situation of the elderly can totally vary, in developed countries most of them do not work anymore, in lesser developed countries many of them still have to work, which exposes both non working and working elderly to different form of violence in their action but maybe not in their effect on them. The following chart illustrates the labor force among the elderly in the world.
We will now proceed to study what steps have been taken in the past “international legislation” to respond to this situation. This will not only inform us on the current mechanisms on but will allow us to understand better the current situation of the elderly.

**Elderly rights under International law: “Past and Current Legislation”**

A convention is an agreement among member states to implement a certain policy through out certain articles or to regulate certain behaviors. However International Human rights law does not limit itself to state-to-state relation or regulation, it governs state to citizen behavior as well.

Human rights are universal therefor by essence they apply to everyone including elderly people. The Universal Declaration on Human rights stipulates in Article 1 “All human beings are born free and equal in dignity and rights “This equality does not evolve with age, older men and women have the same rights as everyone else. An important number of human rights instruments have been created. I will proceed to their study from the optic on the rights of elderly in three parts. First of all will study the mention of the elderly among the International Bill of Rights, then through Hard Laws (Conventions) and lastly through soft laws where much more activity has been done in the last years.

The International Bill of rights is constituted by three documents a declaration and two conventions. The first if the Universal Declaration of Human Rights that we saw before, although it is a declaration it is acknowledged as customary law, thus binding. There is no clear reference to older people, however one of the first things this declaration establishes is that age, religious affiliation, disability... is no
reason for discrimination. Furthermore Article 25, clause 1 of the Universal Declaration of Human rights stipulates: “Everyone has the right to security and a standard of living adequate for the health and well being of himself and his family”.

The second document constituting the International Bill of Rights is the International Convention on Economic, Social and Cultural Rights (ICESCR); the goal of this protection is to recognize a new set of rights, the socio-economic ones as well as the cultural ones. Meaning it is not to limit human rights to what can be called political or civil rights such as freedom of speech... It is to acknowledge the importance of the standard of living in order to access a true liberty and even to have a correct access to political or civil rights. This convention recognizes the duty of the state in implementing social stability and in promoting a standard of living to all its citizens. The controversy rests in defining socio-economic rights as negative or positive rights. Negative rights represent the limits of the state action towards a person, it consist in protecting the individual from state action. A positive right represents the idea of what the state has to promote, or regulate among state to individual interaction, or individual-to-individual interaction. Defining socio economic rights as a negative right would mean that the state has obligation in promoting these rights. Thus in our case, that would mean an obligation of the state to provide the elderly with a decent standard of living, attainable standard of mental and physical health.

In 1966 us adopted along with the ICESCR, the International Covenant on Civil and Political rights is adopted; this last convention is less relevant to our study group, knowing that political exclusion is only a consequence of degradation in the socio-economic situation. An elderly with important financial problems, and without a health cover will be less active or interested politically, his main concern would be an access to a decent life and health care.
In order to fully understand this chart, we need to bear in mind what we previously saw. We have noticed that generally the more developed is the region, the better is the standard of living of the elderly, however we did acknowledge too, that there is a real need of an active policy from the state in promoting a positive situation. In this chart we notice that elderly people in more developed region have a tendency to go vote more than in less developed regions, and as we stated before it is for sure due to the socio-economic situation but it cannot only be resumed to that.

Over all we noticed that there are instruments protecting the rights of all people, including implicitly older people. Furthermore a key weakness of human rights law is that it focuses mainly on state behavior towards individual and does not create effective instruments for the private sector.

Now that we have study how the most universal laws protecting human rights, it is essential to have a look at more specific treaties, which indeed refer to specific groups but seem to be more binding. First and foremost what is important to keep in mind is that there is no specific focus on aged people. However many of them mention age or seem to implicitly provide a protection that can be used in the case
of elderly people. A first example would be the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) that mentions age in article 11; “in the context of equal rights of women and men to social security and paid leave”. In addition Article 7 of the Convention on the Protection of the rights of migrant workers and the members of their families prohibits age as a ground for discrimination. However what can be considered is the most efficient convention in providing protection to the elderly is the Convention on the Rights of Persons with Disabilities. Indeed not all older persons have disabilities problems, but what Kanter highlights in his paper “The United Nations Convention on the Rights of Persons with Disabilities and its implications for the right of the elderly people under international Law.” is that it does not provide a definition for disability and engenders a shift from a traditional “medical” model of disability to a rights based approach. Article 8 of this convention bides state to combat prejudices and stereotypes “relating to person with disabilities” based on age or sex. Article 12, comes to reaffirm a concept which is present in the International Human Rights bill which is the concept of equality before law. It emphasizes the importance of recognizing their full legal capacity before the law. In addition to that Article 25, sub clause B of the Convention affirms the right of older people to health care, and in Article 28, clause 2, sub clause b, “on the right to access to social protection and poverty reduction program. However the major innovation is brought up by Article 16, clause 2 with a right to “ age-sensitive assistance” meaning to adapt the assistance to the special needs of the elderly people in order to ensure freedom from exploitation, abuse and violence.

More articles in the (CPRD) vindicate the rights of the elderly, article 9 affirms the importance od independent living, Article 20 on personal mobility and Article 26 on habitation.

---

After drawing a brief summary of the right of the elderly within the different specialized conventions, we notice that there is an implicit reference to the right of the elderly mostly in the Convention regarding disabilities. This certainly reveals a real progress, however the mention of these rights under the name of a specific group limits its capacity to be referred to.

Lastly, it is important to have a look at the literature concerning the elderly in the filed of Soft Law. Soft Law consists in several legal instruments that are not considered legally binding but appear like general indicators of set of policies a country should adopt. An archetype of soft laws is the General Assembly’s resolutions. Even before getting into the elderly case, this kind of “laws” are problematic, many international experts doubt their efficiency, other even their concrete existence as laws. Nevertheless it is in this field of International Law, that most of the concern regarding the elderly has been raised. In 1982, the World Assembly on Ageing was held and adopted the first ever-human right instrument on aging the Vienna International Plan on Aging. This first plan generated several recommendations including: avoiding elderly segregation, making available home-based care for elderly persons, fighting stereotypical behavior among the government polices and emphasizing the value of old age.

In 1991, the United Nations General Assembly adopted resolution 46/91 entitled also as The United Nations Principles for Older Persons. This resolution rests very much on the findings and the recommendations of the Madrid Plan by encouraging government to include in their national action plan: independence of the elderly, participation of the elderly to the society, care, self fulfillment and dignity.

The Vienna Plan establishing the basis of recognition of the elderly, is followed twenty years later by the Madrid International Plan on Aging updating the last convention and emphasizing the importance of human rights as a reference, the two fundamental goals established are:
1. The full realization of fundamental rights and freedoms of older persons
2. Ensuring the full enjoyment of the economic, social and cultural rights and the civil and political rights of older persons and the elimination of discrimination against older persons

In 2010, the resolution 68/182 of the General Assembly establishes an open ended Working group on aging in order to evaluate the current international situation of the elderly, to identify the gaps and to establish the best way to address the problems the elderly are facing. This is followed in 2011 by a report of the Secretary General indicating that some good measures have been implemented since 2002, however these policies are inconsistent among member states: “Particularly lacking are mechanisms of participation and accountability. In varying degrees, contributions underline deficits in implementation of policies, when available, while others note measures may be effective but insufficient when confronted with large and growing demands. In situations where more structural measures are required, some governments have chosen a welfare approach which may not ensure sustainability or long-term impact on the enjoyment of human rights without discrimination”

Overall we have seen that the major concern for elderly has been produced under soft law, thus meaning it does not have any legal binding instrument. However a very important point is that soft laws refers to “Hard Laws” an example is the continuous reference to the International Convention on Economic Social and Cultural Rights.

Finally after having looked at the history of problem and the past legal instrument implemented, the crucial question is: is there a need for a new instrument or is there just a need of consistence in policy implementation among member states?

8 Australia main text
Bloc positioning

There is a global agreement that there more is needed to be done in the rights of the elderly, however the means in order to do so is where the controversy starts. Help Age has identified in the case of the rights of the elderly a normative gap as well as an implementation gap. A normative is defined by the ICHRPR in 2006: “A normative gap exist when a recurrent event deprives human being of their dignity”, more concretely it establishes an inadequacy of the current instrument of dealing with the issue. Advocating the case of a normative gap is emphasizing the need for the recognition of the group as a distinct group with a need of legal instruments in order to protect it. It is to very simply advocate a need for an elderly convention, as we had one for children and women.

An implementation gap as defined by the ICHRPR is when “Nation-states fail to pass domestic legislation, or do not establish procedures and institutions that are required to implement an international standard”, it is when a state fails to implement a commitment it has signed. By advocating this case, there is a direct recognition of the utility of the present instrument and acknowledgement of their non-respect by some member states.

It is possible like many NGOs to believe in implementation gaps and normative gaps, meaning admitting the deficiency of the current instruments and a deficiency in effectively implementing them.

Nevertheless it is this line that draws the bloc positioning among member states. While South American nations and NGOs argue that there is a need for an explicit convention for the elderly, other states such as the United States, New Zealand,

---

9 International Council on Human Right Policy
Canada, China, Switzerland, Russia, Norway, Jordan and members of the European Union are strongly opposed to it.

These countries advocate the need to respond to the implementation gap, emphasizing the universalism of the Human Rights International Bill and more importantly socio-economic rights. Furthermore they reproach to the countries advocating in favor of a convention, the desire to hide behind some legal instrument without implementing it. Other countries such as the Kingdom of Jordan and other Arab countries where elderly care houses are prohibited see in this policy an end to familial solidarity.

In order to fully understand the bloc positioning it is important to refer to the situation of the elderly in the different member states. This Index ranking by Help age take in consideration the four indicators previously explained in order to assess the situation and the standard of living of the elderly. The greener is the colour or the higher is the ranking (1-10 being the best) the better is the standard of living and the general situation of elderly is.
Now that we have established the main line to draw the block positioning, it is important to have a look at the question to be asked.

**Conclusion**

To conclude, I have identified in this paper several important points to bear in mind: firstly and foremost is that being old is an important social construction and it needs to be addressed as so, it cannot be limited to a biological process. Secondly in the coming years, the proportion of older people will only continue growing therefore it is essential to adopt an adequate solution addressing the needs of the elderly on a short term basis without comprising the policies on a long term basis. The situation among member states differs totally; the financial capacity of a country is an important aspect in the capacity of policy implementing. Nevertheless as we saw it is not the most important factor, there is a real need of an active policy from the state. Past international legislation under the agenda of universalism of human rights has procured an implicit protection to elderly, in addition to that soft laws refer directly to their special needs and emphasize the importance of an adequate targeted mean to protect them. However in the eyes of many this seems quite insufficient, they claim the existence of a normative gap, otherwise said a need of a special convention to protect the rights of the elderly and here is the first issue the delegate will need to address.
Questions to be asked

• Assess the situation of the elderly in your country, from a demographical to a socio-economic point of view. Please refer to the website of HELP AGE in order to find statistics concerning your respective country: http://www.helpage.org/resources/ageing-data/ageing-in-motion/

• Is there a need for a Convention to protect the elderly? Identify if for your country this problem is viewed as an implementation gap, or a normative gap.

• If it is viewed as a normative gap state the arguments in favor of a Convention and highlight the aspects proving that need. As well as the benefits of having it.

• If it is an implementation gap, state the arguments against a Convention as well as identifying the deficient mechanisms in the current system in order to improve them.

• In favor of a Convention? You need to establish what this convention needs to promote and what instruments will it have.

• In favor of strengthen existing instrument and legislation? How can you do that
Sources (To guide your research and inspire you for a possible resolution)

• Help Age Statistics and Summary that can be downloaded from the website.


• ‘What difference would a new convention make to the lives of older people?’ Dr Israel Doron, PhD and Mr Itai Apter, LLM, International Symposium on the Rights of Older People, London, January 2009.

• Draft UN Declaration on the Rights of Older Persons, prepared by the Allard K. Lowenstein International Human Rights Clinic, Yale Law School, with the International Longevity Center, 3 June 2008.

Summary of laws and rights in different countries

• Summary of International Laws: Vietnam, Brazil, United States, prepared by the law firm Schulte Roth & Zabel LLP for the International Longevity Center, June 2009.
• Summary of International Laws: China, India, European Union, Spain, Portugal, South Africa, prepared by the law firm Schulte Roth & Zabel LLP for the International Longevity Center, June 2009.


• The Protection of the Human Rights of Older Persons in Europe: a legal perspective, Geraldine Van Bueren, International Symposium on the Rights of
Bibliography

Fredvang and Biggs, 2012 “ the rights of older persons”Protection and Gaps under human rights Law, Center for Public policy, Brotherhood of St Lawrence.


vol. 35, no. 3, pp. 171–84.

Bonnie, RJ & Wallace, RB (eds) 2003, Elder mistreatment: abuse, neglect and exploitation in an aging


Moulaert, T & Biggs, S 2012, 'International and European policy on work and retirement: reinventing critical perspectives on active ageing and mature
subjectivity’, *Human Relations*, vol. 65.


CONFERENCE INFORMATION

When looking for information regarding LIMUN 2014 (and subsequent editions) your first step should be to visit our website: www.limun.org.uk

LIMUN in social media

Please follow updates from us through our social media channels:

Facebook: London International Model United Nations (LIMUN)

Twitter: @LondonMUN

When tweeting about this year’s conference (your preparations, journey to/from London or when live-tweeting the events during the conference itself) –

- please use hashtag #LIMUN2014

Agenda & Rules of Procedure

The agenda for the 2014 conference is available online at www.limun.org.uk/agenda

Since its 14th session last year, LIMUN has introduced changes to its Rules of Procedure. The revised Rules can be accessed here: http://limun.org.uk/rules
POSITION PAPERS

What is a position paper?
A position paper is a statement of policy, which is intended to communicate an overall position of a country on a particular topic debated in the committee. Position papers should be brief and outline the general policies rather than specific measures.

Each delegate should submit one position paper per topic to be debated by the committee (note: most of the committees have two proposed topics). Each paper should be approximately one page per topic.

LIMUN offers a short guide on how to write a position paper. It is available on our website: http://limun.org.uk/FCKfiles/File/Position_Paper_Guide.pdf

Deadlines
There are two deadlines for submission of delegates’ position papers:

February 11th (Tuesday) – position papers submitted before this deadline will be reviewed by the Directors and the delegates will receive feedback and will be given a chance to submit a corrected version of their policy papers (if necessary).

February 14th (Friday) – position papers submitted before this deadline will still receive feedback from the Directors, but their re-submission will not be permitted.

Submitted position papers will be circulated by the Directors among the committee members. Please note: LIMUN 2014 Awards Policy revision has introduced a Best Position Paper award.
CONTACT DETAILS

For any enquiries relating to your committee proceedings or if you want to get in touch with your committee’s Directors, or for submission of position papers -

- please e-mail: sochum@limun.org.uk

Other enquiries regarding the Conference should be made to enquiries@limun.org.uk

Before contacting LIMUN please make sure you have read FAQ section on our website: http://limun.org.uk/faq