



Research Report

Forum: Human Rights Council

Issue: Protecting human rights in regards to human trafficking

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CalsMUN 2018

Cals College Nieuwegein





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Personal Introduction

Hi guys!

My name is Melissa Wessel and I am 18 years old. I am a student at the Hogeschool Windesheim in Zwolle and I am studying the course to become an English Teacher. This year I will serve as the chair of the Human Rights Council, together with Kobby.

I started participating in MUNs in 2012, and right now, CalsMUN will be my 15th MUN, and my 5th conference as a chair. Furthermore, I have participated in MUNs as a delegate, member of the Organizing Committee, and as a chair of course. The first edition of CalsMUN was actually my first time as a chair, so I am very happy that I can continue to grow as a chair, at the conference that started it all. In my free time I like to sing, dance (can not do either but that is besides the point), read, hang out with friends and, of course, participate in MUNs. I can not wait to meet you all, and I am looking forward to an amazing conference!

See you then!





Human Rights Council introduction

In light of its mandate to promote and protect the cause of human rights effectively, the United Nations General Assembly brought into being **Human Rights Council**.

The Human Rights Council comprises of 47 states and was created by the adoption of resolution A/RES/60/251 on 15 March, 2006.

Principally, the council is responsible for addressing situations of human rights violations and making recommendations for them.

The Council, has 4 main mechanisms for enforcing its human rights directive. They are: the Universal Review Working Group, Advisory Committee, the Complaint Procedure,

The **Universal Periodic Review Work** (UPR) provides the opportunity for each state to declare what actions they have taken to improve the human rights situations in their countries and to fulfil its human rights commitments. According to **Ban Ki Moon**, the immediate-past UN Secretary General, the Universal Periodic Review has great potential to promote and protect human rights in the darkest corners in the world.

The **Advisory Committee** is the second mechanism. It is composed of 18 experts that serve as the think-tank for the Council. Its purpose is to provide expert advice for the Council on the promotion and protection of human rights and to make proposals within the scope of its work, that the Council may consider. Currently the Committee is working on advisory reports on leprosy-related discrimination and unaccompanied migrant children and adolescent.

The **complaint procedure**. Its directive is to address consistent patterns of gross and reliably attested human rights violations submitted by individuals, groups or NGOs all over the world. The Working Group on Communications and the Working Group on Situations make up the complaint procedure. The former is responsible for examining written communications and undertaking initial screening of the communication and the latter is tasked with bringing consistent patterns of gross and reliably attested violations of human rights to the attention of the Council.

The **Special Procedures**: this is the 4th Mechanism of the Council. It consists of independent experts with mandates to report and advise on human rights from the thematic (a body of topics for discussion) or country-specific perspective. These experts are referred to as Special Rapporteurs. Rapporteur is a French-derived word for an investigator who reports to a deliberative body. In sync with their mandate, the special rapporteurs send communications to states who are alleged to have committed human rights violations by undertaking country visits with the help of the Office of the



UN High Commissioner for Human Rights. They also engage in advocacy and public awareness.

With all these mechanisms in place, has the Human Rights Council seen any progress as far as its human rights mandate is concerned?

The Council took an assertive action to highlight Iran's deteriorating human rights situations by establishing a Special Rapporteur on the Human Rights Situations in Iran. In 2010 following the Ivory Coast Election Declaration banter, the Council at its special session sent a clear message that the world is watching what he does and that the atrocities and human rights violations. A commission of enquiry was established by the Council, therefore to investigate into these abuses.

Finally, by the influence of the Council, 85 countries signed a statement entitled **"Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity"**. This represents a landmark movement in the UN efforts to highlight human rights abuses faced by lesbian, gay, bisexual and transgender people all around the world.

The Council like other intergovernmental bodies has its shortcomings which prevent it from exercising its human rights mandate with efficacy.

It has been accused of focusing disproportionately on the Israeli-Palestinian conflict by **Kofi Annan** and **Ban Ki Moon**, the European Union, Canada and the United States. Not only this, but the Council is prone to politicization, as evidenced by decisions that favour political interests over human rights protection.

Despite these challenges, the Secretary General of the UN, Ban Ki Moon, during the opening of the 4th Human Rights Council Session stated: All victims of Human Rights Abuses should be able to look at the Human Rights Council as a forum and a springboard for action.



Issue: Protecting human rights in regards to human trafficking

An introduction about the issue

Human trafficking is generally understood to refer to the process through which individuals are placed or maintained in an exploitative situation for economic gain. Trafficking can occur within a country or may involve movement across borders. Women, men and children are trafficked for a range of purposes, including forced and exploitative labour in factories, farms and private households, sexual exploitation, and forced marriage. Trafficking affects all regions and most countries of the world.

The exploitation of individuals for profit has a long history and international efforts to address it can be traced back at least a century, well before the birth of the modern human rights system. However, it is only over the past decade that trafficking has become a major concern. During that same period, a comprehensive legal framework has developed around the issue. These changes confirm that a fundamental shift has taken place in how the international community thinks about human exploitation. It also confirms a change in expectations of what Governments and others should be doing to deal with trafficking and to prevent it. Hence, the victim-centred approach is also gathering increased support from the international community. Human rights form a central plank of the new understanding and there is now widespread acceptance of the need for a human rights-based approach to trafficking.

General information about the issue

What is human trafficking?

International agreement on what constitutes “trafficking in persons” is very recent. In fact, it was not until the late 1990s that States began the task of separating out trafficking from other practices with which it was commonly associated such as facilitated irregular migration. The first-ever agreed definition of trafficking was incorporated into the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol). That definition has since been incorporated into many other legal and policy instruments as well as national laws.

Who are those affected by human trafficking?

Trafficking affects women, men and children, and involves a range of exploitative practices. Trafficking was traditionally associated with the movement of women and girls into sexual exploitation. The international legal definition set out above makes clear that men and women, boys and girls can all be trafficked—and that the range of



potentially exploitative practices linked to trafficking is very wide. The list of examples set out in the definition is open-ended and new or additional exploitative purposes may be identified in the future.

Human trafficking

Trafficking does not require the crossing of an international border. The definition covers internal as well as cross-border trafficking. That is, it is legally possible for trafficking to take place within a single country, including the victim's own. Trafficking is not the same as migrant smuggling. Migrant smuggling involves the illegal, facilitated movement across an international border for profit. While it may involve deception and/or abusive treatment, the purpose of migrant smuggling is to profit from the movement, not the eventual exploitation as in the case of trafficking.

Trafficking does not always require movement. The definition of trafficking identifies movement as just one possible way that the "action" element can be satisfied. Terms such as "receipt" and "harbouring" mean that trafficking does not just refer to the process whereby someone is moved into situations of exploitation; it also extends to the maintenance of that person in a situation of exploitation. It is not possible to "consent" to trafficking. International human rights law has always recognized that the intrinsic inalienability of personal freedom renders consent irrelevant to a situation in which that personal freedom is taken away. This understanding is reflected in the "means" element of the definition of trafficking. As noted by the drafters of the Trafficking Protocol: "once it is established that deception, coercion, force or other prohibited means were used, consent is irrelevant and cannot be used as a defence.

A human rights approach

A human rights approach to trafficking means putting victims at the centre of anti-trafficking policies by prioritizing the protection of their rights. By taking such an approach, whether the person is trafficked for sex work or another form of forced labour becomes irrelevant, because the victim's rights are protected regardless of why they have been trafficked.

A core component of a human rights approach is ensuring equal protections to all victims of trafficking, regardless of their gender, age, or field of work. All victims are entitled to equal access to aid mechanisms, protection, and justice, as well as the choice to access these services in the way that they choose so as not to have their agency compromised (ie, not being obligated to testify in criminal proceedings). Therefore policy responses must take into consideration the often gendered nature of trafficking and sufficiently compensate for any gender-based discrimination in terms of access to aid and justice. In addition to actively ensuring these rights to trafficking victims, other anti-trafficking policies involving criminal prosecutions and migration regulations must not compromise human rights in the process.



Previous attempts to solve the issue

Border control has been one of the only solutions that have been taken so far, since it is very difficult to solve human trafficking, since it is a 'business' that develops really quickly and traffickers mostly find ways over and over again to traffic people more carefully.

Possible solutions for the issue

Learn the indicators of human trafficking so you can help identify a potential trafficking victim. Human trafficking awareness training is available for individuals, businesses, first responders, law enforcement, educators, and federal employees, among others. Maybe make awareness training a mandatory part of secondary education.

More control in brothels. Maybe the police can investigate brothels more closely. Make sure that the employees in the brothels have their passport/legal papers. If this is not the case, that might be an indicator that the employee has been trafficked or has been abducted (possibly by traffickers or maybe a loverboy).

Make sure that your county has border control and try to convince other countries to integrate border control into their society.



Major organizations/countries involved

Organisations

Trafficking Policy and Advocacy: Polaris Project

One of the most influential groups working on the issue in the United States, the Polaris Project takes a comprehensive approach to ending modern-day slavery. The organization advocates for stronger federal and state laws, operates the National Human Trafficking Resource Center hotline, provides services and support for trafficking victims, and works with survivors to develop long-term strategies to ending human trafficking.

Second-Generation Trafficking: Prajwala

In India, children who grow up in brothels with their parents often meet the same fate. In order to counteract this dangerous legacy, social activist Dr. Sunitha Krishnan co-founded Prajwala (which means "eternal flame"). Based in Hyderabad, India, the organization rescues women from brothels and then provides them with education, mental health care, and job programs. (Check out Dr. Krishnan's powerful talk at the 2009 TedIndia Conference .)

Statelessness and Child Trafficking: COSA

Most Hill tribes in Thailand are "stateless," or not governed by the laws of the country—which makes their women and girls particularly vulnerable to trafficking. After recognizing this, photojournalist Mickey Choothesa and social worker Anna Choothesa created the Children's Organization of Southeast Asia to provide education, intervention, and support in Hill tribe communities. COSA works directly within trafficking communities to provide trafficked girls with healthcare, social services, and housing in the Baan Yuu Suk Shelter—as well as to bring awareness and education to the traffickers themselves.

Trafficking of Men and Young Boys: Urban Light

A number of organizations help girls in the sex industry, but very few work to aid young men. After a service trip during which she observed the industry in Thailand firsthand, Aezandra Russel realized that boys are often excluded from the human trafficking conversation. So she created Urban Light, an organization that works to help young men break free from child prostitution and sexual exploitation. By providing food, shelter, healthcare, and support services, the group helps restore and rebuild the lives of male victims.

International Sporting Events: Student World Assembly's Red Card Project

When a large sporting event, such as the World Cup, takes place, fears often arise



that trafficking will increase to meet demand from the influx of tourists. Student World Assembly's Red Card Project mobilizes students from around the world to stage powerful and striking condemnations of human trafficking at these events, bringing large-scale and needed public awareness to the practice.

Child Labor: GoodWeave

The handmade rug industry has one of the highest child labor rates in the world. When GoodWeave began its work in 1994, there were nearly one million children—many kidnapped or trafficked—working on the looms in South Asia, often for up to 18 hours a day. Through its efforts, the organization has not only helped bring child labor in the rug industry down 75%, it has built affiliations with retail outlets all over the U.S. to ensure that all carpets sold are free from child labor.

The Issue of Choice: The Empower Foundation

Not all who work in the sex industry do so against their will—some do so by choice. While the resources of most organizations aim to assist those exploited and hidden in the shadows, The Empower Foundation grew from a movement of sex workers and entertainers who fight for fair and sustainable standards and equal rights in the professions they have chosen. The group runs the Can Do Bar , which offers just, safe, and fair conditions for its workers.

Countries

Countries that have border control:

Africa

Botswana, Ceuta, Melilla, Morocco, South Africa

Americas

Ecuador, United States

Asia

Afghanistan, Brunei, China, Egypt, India, Iran, Israel, Korea, Kuwait, Pakistan, Russia, Saudi Arabia, Thailand, Turkey, United Arab Emirates , Uzbekistan

Europe

Austria, Bulgaria, Estonia, France, Greece, Hungary, Latvia, Lithuania, Macedonia, Northern Ireland, Norway, Slovenia, Spain, Ukraine



Timeline of related events

1400s-1600s

Although forms of slavery existed before the 1400, the 1400s marked the start of European slave trading in Africa with the Portuguese transporting people from Africa to Portugal and using them as slaves. In 1562, the British joined in on the slave trade in Africa. The development of plantation colonies increased the volume of the slave trade. Later on throughout the 1600s, other countries became more involved in the European slave trade. These included Spain, North America, Holland, France, Sweden, and Denmark.

1932

During WWII, Japan had set up a horrifying and outrageous system where women all across Asia were forced into sexual slavery. The women were housed in what were known as "comfort stations." The conditions in these stations were atrocious, with each woman detained in a small cubicle, and received beatings and other tortures if they were defiant. Because of this, many women ultimately died of disease, malnutrition, exhaustion, suicide, etc. The stations were also surrounded by barbed wire, making escape impossible. The Japanese government set up these stations in hopes of preventing rape crimes in public, prevent the spread of STDs, and to provide comfort for soldiers so they wouldn't tell military secrets.

1956

In 1956, India initiated the Immoral Traffic (Prevention) Act, which persecutes the third parties involved in trafficking. These activities included running brothels, living on earnings from sex work, capturing and imprisoning people into prostitution, etc. It can be argued, however, that this Act failed to protect the women who may have been forced into prostitution. Many of the arrests that were made were for sex workers due to soliciting, and they ultimately lost everything. Furthermore, many were forced from brothels into more dangerous areas. Although this Act made an effort to control trafficking, it was clear that it needed to be reformed,

1995

In 1995, the United Nations held the fourth World Conference to address the issue of trafficking of women. In this meeting, a major accomplishment was the fact that trafficking was actually recognized as an act of violence against women, and the concept of trafficking was further defined ("Trafficking"). Most importantly, actions to be taken were also developed. These included enforcing international conventions on trafficking and human slavery, address the factors that encourage trafficking, set up effective law enforcement and institutions who would work to eliminate trafficking both nationally and internationally, and implementing programs including educational



and rehabilitation institutions to provide for the social, medical, and psychological needs to victims of trafficking.

2002

On February 14, 2002, the Polaris Project was officially founded by Katherine Chon and Derek Ellerman, two seniors from Brown University. After learning about the existence of a brothel near their college, these two individuals began to envision a society where modern day slavery is eliminated. Their vision became a reality through the Polaris Project, which today, is a leading non-profit working to stop human trafficking. Their key developments include a national, toll-free hotline where they receive information or reports regarding human trafficking, advocating for more legislation, raising awareness, and training law enforcement to deal with trafficking issues.

2008

In 2008, a case emerged where several migrants were found to be illegally smuggled into Thailand by traffickers. Fifty-seven of these migrants suffocated to death while being transported after being confined in a seafood container where the air-conditioning system malfunctioned. There were 67 survivors of the journey, and they told of how they had hopes of finding work in Thailand, but conditions in the lorry suddenly became unbearable. The driver ignored protests by the passengers, fearing that the police would be suspicious at checkpoints, and fled the scene when he realized that individuals had collapsed (MacKinnon). This story calls the issues of trafficking to our attention, and reminds us that change must be initiated in order for conditions to be improved.

2009

In 2009, a large human trafficking ring was busted in Taipei, Taiwan. The case involved several young females who were brought to the U.S. illegally with fake passports. They then used these fake passports to obtain visas. They were discovered by the National Immigration Agency and the U.S. Department of Homeland Security. A total of 74 suspects from the trafficking ring were brought in for investigation.

2011

President Obama declared January to be Human Trafficking Awareness month, and Jan. 11, 2011 was named National Human Trafficking Awareness Day. On this day, various individual, as well as group events took place in an attempt to increase awareness about human trafficking among the general public. The Alliance to End Human Trafficking, an anti-trafficking coalition, began a campaign to ask the government to take a serious look at trafficking by renewing the Trafficking Victims



Protection Act. The goal was not only to increase awareness, but to initiate action as well

Key terms

Human trafficking

Refers to the process through which individuals are placed or maintained in an exploitative situation for economic gain.

Trafficking in persons

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Border control

1. Border control exists to regulate legal and illegal immigration, control citizen movement, execute the custom functions as to: excise tax, prevent smuggling of drugs, weapons, endangered species, humans and other illegal or hazardous material or prevent wanted criminals from international travel. It also controls the spread of human or animal diseases.