



NOVA INTERNATIONAL RELATIONS ASSOCIATION

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UNITED NATIONS HUMAN RIGHTS COUNCIL
**COMBATING HUMAN RIGHTS VIOLATIONS IN HUMAN TRAFFICKING FOR
FORCED LABOR PURPOSES**

CHAIRED BY KAYRE ALCANTARA MARTINEZ & VARSHA GOPAULCHAN



LETTER FROM THE CHAIRS

Dear Delegates,

We welcome you to NIRAMUN's 6th annual United Nations Human Rights Council. We expect to provide you with the necessary skills and materials to address the topic at hand and collaborate to bring forth a thoughtful resolution. Each delegate within the Human Rights Council will be entrusting to follow the precedent set forth by their Member-State on the global stage. Delegates are highly encouraged to create thoughtful and comprehensive solutions to the topic set forth.

KAYRE ALCANTARA | KA1014@MYNSU.NOVA.EDU

Welcome Delegates, I am Kayre Alcantara and I will be serving as your co-Directors in the United Nations Security Council at NIRAMUN 2019! I am a senior majoring in political science and the current Secretary of the Model United Nations team here at Nova Southeastern University. This is my second year participating in the NIRAMUN conference and my first year serving as a chair for a committee. Nevertheless, I am excited to meet the delegates and for some start their journey into the Model United Nations world. I am pleased that you have chosen to participate in the Human Rights Council, as a whole body, we will address the important topic of human rights worldwide. I ask you to be concrete and respectful when addressing sensitive topics that the world faces. While we are in a simulation, the topics that we will discuss are very much real, thus we must address them with sensitivity and respect. I expect to see some great ideas and teamwork in order to get some resolutions passed!

VARSHA GOPAULCHAN | VG455@MYNSU.NOVA.EDU

Hello everyone! My name is Varsha Gopaulchan and I am excited to be one of the co-directors chairing for NIRAMUN '19 Human Rights Council! I am entering my last year at NSU as an International Studies major and Spanish minor. I have been involved in the Model U.N. circuit since my freshman year and I am now the president of NSU's expanding MUN team, with experience in chairing our annual conference. As both my co-chair Kayre and I have a special interest in the exploitation faced by those coerced into forced labor through human trafficking, we have prepared a thorough background guide for you, our delegates, detailing the history and ins-and-outs of labor trafficking. We urge you to do your own research as well, to be as well-equipped as you can be with original ideas to help the victims of human trafficking for forced labor. I cannot wait to meet all of you and see you engage with one another to design resolutions fit for the real United Nations!

INTRODUCTION TO THE COMMITTEE

The United Nations General Assembly created the Human Rights Council (HRC) was created by on 15 March 2006 by resolution 60/251; replacing the Commission on Human Rights created in 1946. Former Secretary General, Kofi Annan noted that the Commission on Human suffered from declining credibility and professionalism, and in turn needed a major reform¹. The Human Rights Council is an inter-governmental body within the United Nations systems made up of 47 Member-States. Most of the members of the General Assembly elect Member States to the Council through a direct and secret ballot ².

The Human Rights Council follows a procedure established by A_HRC_RES_5_1³. The resolution details the proper proceedings followed by the HRC when investigating accounts of human rights violation. This process allows for every Member States to be respectful, but above all is most effective in terms of increasing protection of human rights.⁴ The Council uses the Universal Periodic Review, the Advisory Committee, and the Complaint procedure to guide their work and set up the adequate procedure needed to address human rights violations.

The Council is tasked with investigating and addressing Member States facing accusations of human rights violations within their borders. The United Nations Human Rights Council is responsible for strengthening the promotion and protection of human rights around the world⁵. HRC works congruently with the Office of the United Nation High Commissioner for Human Rights (UNCHR) cooperating within the field of human rights with Governments, regional organizations, national human rights institutions and civil society⁶. Nation states are encouraged to partake in open dialogue and collaborate for the prevention of human rights violations and respond promptly to human rights emergencies.

The Council has the power to adopt resolutions, launch fact-finding missions and investigations, and establish commissions of inquiry. Additionally, the Council can call upon independent experts to assess specific issues. In July 2019, the High Commissioner engaged in dialogue with Member States about human rights of Rohingya Muslims and other minorities in Myanmar. During the dialogue the UN Special Rapporteur and an *International Independent Fact-Finding Mission* pointed to a pattern of gross human rights violations and systematic attacks against the Rohingya community by the Rohingya military and security special forces⁷. Together Member States and the Commissioner search for the appropriate methods to address the crisis and further protect the human right of the Rohingya Muslims.

In 2018, The Seventy-Third Session of the General Assembly voted by secret ballot 18 new Member States to the Council.⁸ Member States serve for three-years and new Member States are elected on a yearly basis. This allows for Member States to hold their fellow members accountable for their actions. The end

¹ Human Rights Council election <https://news.un.org/en/story/2018/10/1023062>

²United Nations Human Rights Council- Membership of the Human Rights Council <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx>

³ A_HRC_RES_5_1 <https://www.ohchr.org/EN/HRBodies/HRC/Pages/OtherSubBodies.aspx>

⁴ Ibid

⁵ United Nations Human Rights Council- Welcome to the Human Rights Council <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

⁶United Nations Human Rights Council- Welcome to the Human Rights Council <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

⁷HRC 41 https://ec.europa.eu/headquarters/headquarters-homepage/65246/hrc-41-eu-intervention-interactive-dialogue-high-commissioner-oral-update-high-commissioner_en

⁸ General Assembly Elects 18 Member States to Human Rights Council <https://www.un.org/press/en/2018/ga12077.doc.htm>

goal of the Council is to highlight and bring grave human rights violations upon the global stage for examination, discussion, and whenever possible, a feasible action⁹. The Human Rights Council has undertaken the immense responsibility to address reported violations to human rights and ensure that those responsible for these violations are brought to justice.

COMBATING HUMAN RIGHTS VIOLATIONS IN HUMAN TRAFFICKING FOR FORCED LABOR PURPOSES

INTRODUCTION

The United Nations (U.N.) defines human rights as rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Life, liberty, freedom from slavery, torture, and the right to work are all protected by the United Nations¹⁰. Many Member States have partaken in an active role to effectively address the violations of human rights worldwide. In 2000 the U.N. adopted the *Protocol to Prevent, Suppress and Punish the Trafficking in Persons*, ultimately supplementing the United Nations Convention against Transnational Organized Crime. Human rights violations often have a strong correlation with forced labor around the world. The Labor Organization defined forced labor as a situation in which persons are coerced to work through violence or intimidation¹¹. According to the *Walk Free Foundation* and the *International Labor Organization*, 25 million people faced forced labor and sexual exploitation in 2016 worldwide. 40.3 million people are in modern slavery which includes forced labor and forced marriage. Among the victims, 45% have been trafficked for sexual exploitation and 38% for forced labor. Victims may be trafficked within a country or across a border. The Office of the High Commissioner states that discrimination and poverty tend to lead certain individuals to take risks and make decisions that they would never have done if their basic needs were being met. Groups such as women, children and migrants tend to have a higher vulnerability to trafficking.

BACKGROUND & HISTORY

Human trafficking has been at the foundation of exploitative labor practices since slavery that the Roman empire and its more known form, the Transatlantic Slave Trade in the 1800s. Slavery was mankind's first encounter at forcefully organizing labor and has persisted throughout history as a universal institution¹². After African slavery was abolished, the concept of white slavery, "procurement—by use of force, deceit, or drugs—of a white woman or girl against her will for prostitution" came into prominence and eventually led to the signing of the International Agreement for the Suppression of "White Slave Traffic" in 1904¹³. This idea of slave traffic expanded to include international trafficking of all women when the aftermath of the first World War led to the creation of the League of Nations, thus bringing attention to international trafficking of all women, especially in Africa and the Middle east, as well as children¹⁴.

⁹ Human Rights Council election <https://news.un.org/en/story/2018/10/1023062>

¹⁰ United Nations- Human Rights <https://www.un.org/en/sections/issues-depth/human-rights/>

¹¹ The International Labour Organization- Forced Labour https://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang-en/index.htm

¹² "A Short History of Trafficking in Persons." f3magazine.unicri.it, March 19, 2014. <http://f3magazine.unicri.it/?p=281>.

¹³ Oster, Grant, and Esther Elizabeth Suson. "The History of Human Trafficking." *Hankering for History*, April 29, 2016. <https://hankeringforhistory.com/the-history-of-human-trafficking/>.

¹⁴ Ibid

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Throughout the 51 years after the second World War, the concept of human trafficking grew to encompass labor trafficking as well as forced labor migration and the U.N. began to categorize this as “modern day slavery” because of the human rights it violated¹⁵. Not only that but illegal control and forced labor is enforced¹⁶. This exponential increase in labor trafficking after the war was due to the massive economic changes in the world order, which set forth the exploitation of the poorer developing nations by rich nations through agreements such as the North American Free Trade Agreement (NAFTA) and the Asia-Pacific Economic Cooperation (APEC)¹⁷. The deregulation of industries in these developing nations turned them into slavery zones where most of the labor force was trafficked and involved in slave-like labor¹⁸. The meaning of the term “human trafficking” has evolved to mean any acts of recruiting, obtaining or transporting a person, without their consent, for income that is obtained via the exploitation of the victim¹⁹. Human trafficking for forced labor purposes includes contract slavery, debt bondage, sex trafficking, and domestic servitude²⁰.

CURRENT SITUATION

Over the last few years, countries have reported a steady increase in the number of trafficking victims²¹. This may be due to improved capacities, and legislation to detect victims or a lack of legislation or initiatives to prosecute labor exploitative traffickers. However, 2018 saw the development of a standardized way of collecting and disseminating data on trafficked victims for forced labor purposes²². Since 2011, almost 90 million people have experienced some form of modern-day slavery for periods of time ranging from a few days to several years²³. In recent years, populations destabilized by conflict situations have been most vulnerable to labor trafficking, particularly the trafficking of women and girls for sexual slavery in parts of Central and West Africa, Northern Africa, as well as the Middle East²⁴. Victims of labor trafficking are often coerced, blackmailed or lured with false promises into working an extreme physically demanding job in horrible conditions with little to no pay²⁵. Victims face both physical and psychological abuse by their employers and traffickers such as the confiscation of their passports and money as well as debt bondage (the repayment of a “debt” via forced labor services)²⁶. The International Labor Organization (ILO) estimates that there are 20.9 million people trafficked for labor in agriculture, construction, domestic work and restaurants.²⁷

¹⁵ “PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.” PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. United Nations, 2000. <https://www.osce.org/odihr/19223?download=true>.

¹⁶ “Introduction and History of Human Trafficking and Modern Day Slavery,” 2018.

https://us.sagepub.com/sites/default/files/upm-binaries/86866_Ch_1.pdf.

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

²¹ “Global Report on Trafficking in Persons 2018.” *Global Report on Trafficking in Persons 2018*, 2018.

²² Ibid

²³ “Global Estimates of Modern Slavery.” *Global Estimates of Modern Slavery*, 2017.

²⁴ “Human Rights and Trafficking in Persons.” OHCHR. <https://www.ohchr.org/EN/Issues/Trafficking/TiP/Pages/Index.aspx>.

²⁵ “Labor Trafficking.” *Polaris*, April 22, 2019. <https://polarisproject.org/human-trafficking/labor-trafficking>.

²⁶ Ibid

²⁷ “New ILO Global Estimate of Forced Labour: 20.9 Million Victims.” New ILO Global Estimate of Forced Labour: 20.9 million victims, June 1, 2012. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_182109/lang--en/index.htm.

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Currently, conviction numbers of human trafficking perpetrators remain the highest in Europe and the lowest in Sub-Saharan Africa and East Asia²⁸. Conviction rates have improved in many Middle Eastern and African countries²⁹. Eastern Europe and Central Asia continues to convict more females of trafficking in persons than males, and similar patterns are recorded in Central America and the Caribbean. In East Asia and the Pacific, females accounted for about half of all convicted trafficking offenders.

Disclaimer: Delegates are free to choose the forced labor practice that may be found in their regions, keeping that in mind, the well-versed delegate will know what region is affected by forced labor.

ACTIONS TAKEN BY MEMBER STATES AND THE UNITED NATIONS

The International Labor Organization (ILO) addresses human trafficking from a labor market perspective and its responses include eliminating unemployment and inefficient labor migration systems to limit the availability of cheap labor for traffickers to take advantage of³⁰. Further, the U.N. Global Initiative to Fight Human Trafficking has provided global access to knowledge and expertise to combat human trafficking on the basis of international agreements ratified by the U.N³¹. This initiative involves global governance cooperation as well as non-governmental organizations. Further, The United Nations, through the UN Trust Fund, has spearheaded the project 'Legal Assistance and Social Services for Victims of Labor Trafficking' to provide victims with protection and financial, psychological and social recovery³².

The U.N. Human Rights Office has developed an official report on the Recommended Principles and Guidelines on Human Rights and Human Trafficking which aims to encourage those fighting against human trafficking to include a human rights-based approach in their analyses and practices³³. Lastly, the Palermo Protocol otherwise known as the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, is the global standardized anti-trafficking law used by nations to model their domestic laws against human trafficking.

India remains one of the main transit hubs for exploited men, women and children to be trafficked for forced labor purposes. Bachpan Bachao Andolan (AVA/BBA) has directly intervened in trafficking by through the identification, release, rehabilitation and repatriation of children trafficking for forced labor; and indirect intervention, by bringing out significant changes to policies and laws related to protection of victims³⁴. BBA's preventative actions includes providing the vulnerable with legal aid and legally protected access to owed wages³⁵.

²⁸ "Global Report on Trafficking in Persons 2018." *Global Report on Trafficking in Persons 2018*, 2018.

²⁹ Ibid

³⁰ "ILO ACTION AGAINST TRAFFICKING IN HUMAN BEINGS." International Labor Organisation, 2008. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/ilo_actions_en_1.pdf.

³¹ "U.N. Gift". <http://www.ungift.org/about/>.

³² "UN Launches Global Action Plan to Combat Scourge of Human Trafficking | UN News." United Nations. United Nations, August 31, 2010. <https://news.un.org/en/story/2010/08/349302-un-launches-global-action-plan-combat-scourge-human-trafficking>.

³³ "Recommended Principles on Human Rights and Human Trafficking." OCHR, 2002.

<https://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

³⁴ Hexin.liu. "United Nations Office on Drugs and Crime." human-trafficking-fund_projects_forced labor.

https://www.unodc.org/unodc/en/human-trafficking-fund/human-trafficking-fund_projects_forced-labor.html.

³⁵ Ibid

POTENTIAL BLOC POSITIONS

LATIN AMERICA & THE CARIBBEAN

The *International Labor Organization* estimates that 1.8 million people that are victims of human trafficking come from Latin America. Transnational organized crime groups have used Latin America as a primary source region for people trafficked to the United States³⁶. The increase of migrant travel to the United States has further increased the number of individuals exposed to the dangers of trafficking for forced labor. According to the U.N. Office on Drugs and Crime (UNDOC), the share of victims trafficked for forced labor outside the commercial sex industry (44%) is higher than in Europe and Central Asia. In 2000, the U.N. drafted two protocols in order to address human smuggling and human trafficking. Within their descriptions, the key distinction is to whom the crime is being committed against. Smuggling is a crime against the state, while trafficking is a crime against the person. Due to the high level of migrating from Latin American countries to the United States this distinction is an important factor when addressing the topic on hand.

AFRICA

In parts of Africa and the Mekong region, children make up the majority of trafficking victims. This region, like others that strongly reflect the stubborn survival of traditional forms of servitude and extreme poverty, sustains a high incidence of children exposed to forced labor. As of 2016, the *International Labor Organization* estimated that the total number of forced labor victims in Africa is 3.7 million people³⁷. Africa suffers from external and internal cases of human trafficking associated with forced labor. In order to address these human rights violations, organizations such as *HAART Kenya* have developed a model for forming self-help groups comprising victims who support each other in the rehabilitation process³⁸.

ASIA-PACIFIC

The *International Labor Organization* reports that 11 million people in the Asian Pacific are victims of forced labor. The *International Organization for Migration* (IOM) has assisted victims of human trafficking in Member States such as Indonesia. Women and girls are forced into sex work, migrants trapped in debt bondage, and sweatshops or farm workers are restrained by illegal tactics and paid little or nothing.³⁹ Member states and NGOs in the region have provided recovery and reintegration programs for victims of trafficking. The *Visayan Forum Foundation*, the *National Plan of Action against Trafficking in Persons and National Police Agencies* aim to investigate cases of human trafficking and assist victims in recuperation from these tragic events.

WESTERN EUROPE & OTHER STATES

The *Federal Public Service* of Belgium noted that in 2016, there was a significant increase in convictions for human trafficking. Although, due to an increase in migration of refugees throughout Europe the question of false positives lingers. Many Member States have adopted legislation that covers all forms of trafficking indicated in the *UN Trafficking in Persons Protocol*.

³⁶ Trafficking in Persons in Latin America and the Caribbean <https://fas.org/sgp/crs/row/RL33200.pdf>

³⁷ See ILO 2012 Global estimate of forced labour, Executive summary, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/declaration/documents/publication/wcms_181953.pdf

³⁸ "INTERNATIONAL CONFERENCE HUMAN TRAFFICKING WITHIN AND FROM AFRICA ." INTERNATIONAL CONFERENCE HUMAN TRAFFICKING WITHIN AND FROM AFRICA . Caritas Internationalis , 2016. <https://caritas.org/includes/pdf/coatnet/NigeriaConfl6/ForcedLabourENG.pdf>.

³⁹ International Labour Organization <https://fas.org/sgp/crs/row/RL33200.pdf>

EASTERN EUROPE

After the collapse of the Soviet Union, millions of women were “recruited” to supply the large sex industries⁴⁰. In 2000, the Ukrainian Ministry of the Interior estimated that 100,000 Ukrainian women were trafficked during the previous decades. However, the IOM estimated that the number to be four to five times higher⁴¹. The women were trafficked to Western Countries in which organized crime rings establish contacts with collaborators. As of 2012, the developed economies and European Union combined have 1.5 million forced labor⁴². Many Member States have adopted legislation that covers all forms of trafficking indicated in the *UN Trafficking in Persons Protocol*.

FOCUS QUESTIONS

- How does the Member-State that the delegate is representing define forced labor?
- How does the Member-State that the delegate is representing view human rights violations?
- Is the Member-State that the delegate is representing affected by human trafficking? If so, what are some policies that the Member-State has developed to address the issue?
- How have the Member States’ governments been ineffective in producing policies and legislation that prevent labor trafficking and subsequent human rights violations as a transit hub and enabler; what can be done to reverse and eliminate said inefficiencies?
- How can prosecution of those responsible for labor trafficking be consolidated in order to lower the rate of recorded numbers?
- What special considerations should be noted for victims who are minors, in recovery, and or foreign nationals?
- Why has international trafficking been given more attention compared to human trafficking within the state and what can be done to erase this presumption that trafficking only occurs between borders?
- What are some human rights abuses faced by these victims when trafficked for forced labor, domestic, sexual or otherwise?

RESEARCH LINKS

- <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>
- <https://www.ohchr.org/EN/HRBodies/HRC/Pages/OtherSubBodies.aspx>
- <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
- <https://news.un.org/en/story/2018/10/1023062>
- <https://fas.org/sgp/crs/row/RL33200.pdf>

⁴⁰ The Natasha Trade: Transnational Sex Trafficking <https://www.ncjrs.gov/pdffiles1/jr000246c.pdf>

⁴¹ Ibid

⁴² “Statistics on Forced Labour, Modern Slavery and Human Trafficking (Forced Labour, Modern Slavery and Human Trafficking).” Statistics on forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking). <https://www.ilo.org/global/topics/forced-labour/policy-areas/statistics/lang--en/index.htm>.