

Forum: Human Rights Council

Issue: Measures to eliminate human trafficking of stateless individuals

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Introduction

Human trafficking has caused more than 2.4 million individuals around the world to suffer from sexual and labor exploitation since 2005. This involves the recruiting, transporting, and kidnapping of individuals for forced labor, sexual exploitation, slavery, and even organ trafficking. People from all demographics may be vulnerable to human trafficking, but stateless victims are especially susceptible to human trafficking since they are typically less economically-equipped than their counterparts. Governments, rebel groups, and paramilitary organizations often coerce or force children, domestic workers, females, and those from various demographics to perform tasks against their will.

The United Nations has criminalized human trafficking under the protocols of the Transnational Organized Crimes in 2000. However, people are still being coerced to work because of poverty, causing many to be subject to debt bondages and exploitation. Sexual exploitation has also increased the amount of HIV/AIDS cases and psychological trauma around the globe. Human trafficking has greatly violated the basic human rights of many, and action must be taken to resolve the issue and improve the status quo of human society. To resolve the issue, countries need to cooperate and follow frameworks, such as the 4P's Paradigm or the UN's previous global plans for combating trafficking in persons, by drafting a well-rounded action plan to address the issue.

Definition of Key Terms

Human trafficking

Human trafficking is the use of force, fraud, or coercion to pressure people to engage in sexual activity, labor, or services. Traffickers use violence or fraudulent agencies to coerce their victims, and this causes debt bondage and a deprivation of liberty. Two types of human trafficking include sexual exploitation and labor exploitation. The former involves commercial sex acts like prostitution and the

production of pornography, and the latter involves domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work (Human Trafficking Victims).

Peonage/debt bondage

Peonage, or debt bondage, is the system in which a person is forced to work to pay off debt. Although this may appear as an employment agreement, these workers get into more debt as they work because the employer may charge the employee for living expenses. This results in the employees being unable to repay the loan and them to be stuck as a permanent slave. Stateless individuals and migrant workers are especially susceptible to peonage because they often suffer from more economic insecurity and a lack of protective rights. Therefore, when stateless individuals are exposed to dangerous situations, they may not be able to financially support themselves due to the debt bondage.

Severe forms of trafficking in persons

The severe forms of trafficking in persons as (1) sex trafficking in which commercial sex is induced of individuals under the age of 18 or induced by force, fraud, or coercion or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services for involuntary servitude, peonage, debt bondage, or slavery (TVPA). Victims of severe forms of trafficking in persons may experience physical or psychological trauma and disconnect them from stable social networks. This may result in cognitive impairment, memory loss, and increased likelihood of infections.

4P's Paradigm

The 4P's Paradigm is a framework drafted by the United Nations to combat human trafficking, and it includes the four P's -- prevention, protection, prosecution, and partnership. It is an extension of the 3P's Paradigm, and it has been adopted in countries around the world, such as Austria, Canada, France, Denmark, Germany, Ghana, Italy, Japan, Malta, the Netherlands, the United States, and more (Trafficking in Human).

Commercial Sexual Exploitation (CSE)

Commercial Sexual Exploitation (CSE) is the type of violence against individuals in exchange for coerced or forced sexual acts in exchange for -- or in the promise of -- drugs, protection, and living expenses. CSE may be either Domestic Sex Trafficking (DST) or International Sex Trafficking (IST), where human trafficking is conducted within and beyond a country's borders respectively. Stateless individuals may be more vulnerable to CSE due to their lack of alternatives and coercion. Children may also be subject to the Commercial Sexual Exploitation of Children (CSEC) if they engage in sexual activity in exchange for something valuable or if they are treated as a commercial and sexual object.

History

Organ trafficking in India

In the 1980s, organ trafficking was observed in India for the first time, and many Indian women would sell their organs to get out of debt. Many also used the money for marriage, medical costs, legal fees, and the education fees for their children. Many men would often use the money gained from their wife's kidneys for drinking and thus cause the family to fall back into the debt cycle. This prompted the government to issue the Indian Transplantation of Human Organs in 1994 though it wasn't completely effective since organ trafficking still happens in India today.

Due to organ trafficking victims suffer from pain, spasms, and prickling, but people from other countries followed suit. Since the origins of organ trafficking in India, organ trafficking has been observed in various parts of the world. In the 2000s, many patients in the Middle East would travel to Bulgaria, Estonia, Georgia, Romania, Russia, and Turkey to perform illegal transplants. These organs come from innocent individuals from Bulgaria, Georgia, India, Iraq, Romania, Russia, and Ukraine, and many instances of organ trafficking still happen to this day.

Although organ trafficking could often be seen in journalism and the media, many cases remain unreported because journalism may censor reports regarding organ trafficking due to how the government or hospitals may take measures against them. Therefore, physicians and hospitals need to uphold the highest standards of ethics to stop the organ trafficking market from expanding even further.

Child soldiering in the Middle East

Child soldiering is the recruitment of individuals under age 18 that are directly or indirectly involved in armed conflicts. These children are recruited through force, fraud, and coercion by governments, rebel groups, or paramilitary organizations. After recruitment, some children work as combatants while others may work as cooks, spies, messengers, and sex slaves. Young girls may be forced to marry and have sex with older male combatants (Tiefenbrun).

The first instance of child soldiering occurred during the Children's Crusade in 1212, where thousands of children set out to the Holy Land after taking Crusading vows. This event was actually led by a 12 year-old boy, who was called Stephen of Cloyes. Although the event was organized and led by a child, this event was significant because it demonstrated that children could participate in war. Therefore, many extremist groups today recruit children to be involved as child soldiers.

In the Middle East, many rebel groups and military organizations would recruit young children to directly and indirectly participate in wars, especially over the past two decades. For instance, the Taliban put young children at the front lines of the wars in Afghanistan's armed conflicts after brainwashing them

with extremist beliefs at madrasas, or Islamic religious schools. This has caused many children in the Middle East to experience starvation, become enslaved, use weapons, be forced to take drugs, and feel as though they cannot escape.

As a result of child soldiering, these children suffer from psychological trauma and social dislocation, and they become functionally illiterate since they had not attended schooling during their primary years (Blattman). Furthermore, child soldiering is an unethical practice that requires humanitarian, medical, and psychological attention to attend to.

Key Issues

Statelessness

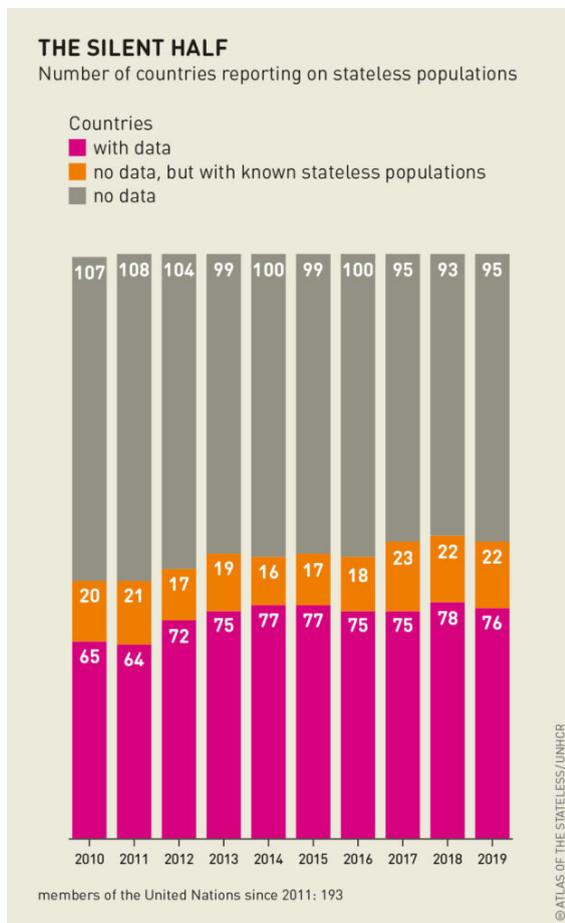


Figure 1: Amount of nations that report the amount of stateless individuals.

Stateless individuals may face more difficulties since they have less protective rights, which may make them “more exposed to situations where their legalities do not assist their situations”

(Reyes-Ovalles). Furthermore, countries that stateless individuals stay in may not be able to shelter them from direct and indirect discrimination like the governments would for their residential counterparts. Stateless individuals may also be more vulnerable to human trafficking because they would be more willing to work at places where they become exploited. For instance, they may be more willing to work for construction companies, sweatshops, or agricultural work. They also become targets of sexual exploitation or even enslavement if they cannot support themselves financially.

This issue has persisted especially since stateless individuals tend to be minorities of the country. This results in more than 130 countries to become affected by human trafficking, and it has caused physical, sexual, and psychological trauma for victims that is correlated with short- and long-term physical injuries, disabilities, and deaths. This also results in distress that may not necessarily be overcome over a lifetime. For instance, children who were once victimized may become revictimized as adults if they were unable to relieve their trauma from human trafficking.

Domestic Servitude

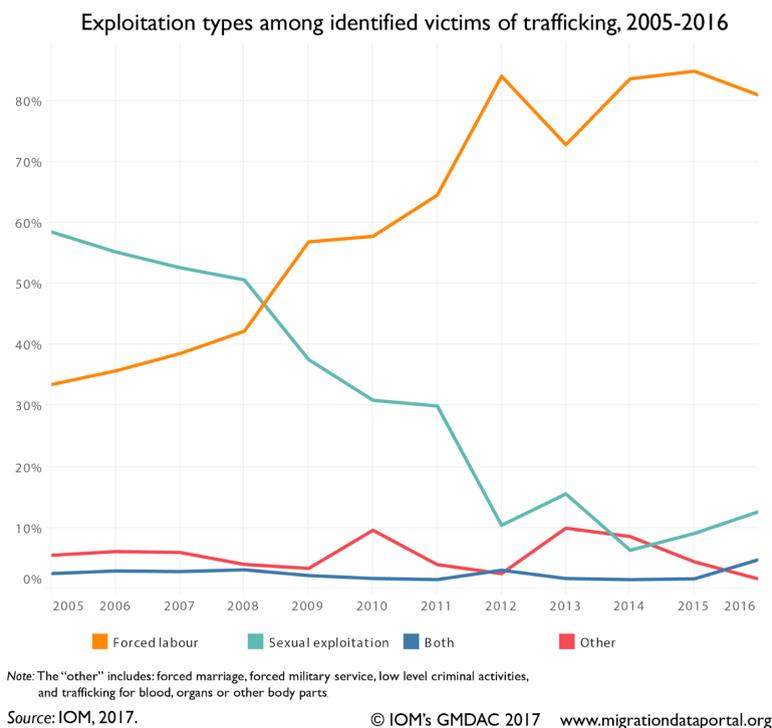


Figure 2: Types of human trafficking exploitation over time.

Domestic servitude is the practice of a live-in help where workers cannot leave on their free will. Although these workers typically help with household chores like regular domestic workers, their employers may calculate their fees dishonestly and refuse to sign legal documentation. This is a form of bonded labor since these workers typically incur a debt for their accommodations, recruitment, or travel

fees. Domestic servitude is especially dangerous because workers typically don't understand the language of the local area, only earn low wages, and may be unfamiliar with the local laws and customs. The labor exploitation of domestic workers is significant because these situations are typically not overseen by the government, and thus it may be more difficult to detect instances of domestic servitude. Furthermore, domestic workers may not be able to seek help easily because they may not be familiar with the culture and social customs of the society that they live in.

Domestic workers have often been forced to work for unpaid labor and may thus be unable to truly support themselves financially even if their employer originally promised to pay. As aforementioned, this is because the employers often lie to the government when signing official papers for the migrant workers. In addition, it may be difficult for these domestic workers to find new jobs because they often lack the job experience or skills necessary. Furthermore, they may be unable to navigate the country that they are employed in and thus need further assistance. As more households begin to hire domestic workers, more individuals become enslaved to such labor exploitation.

Major Parties Involved and Their Views

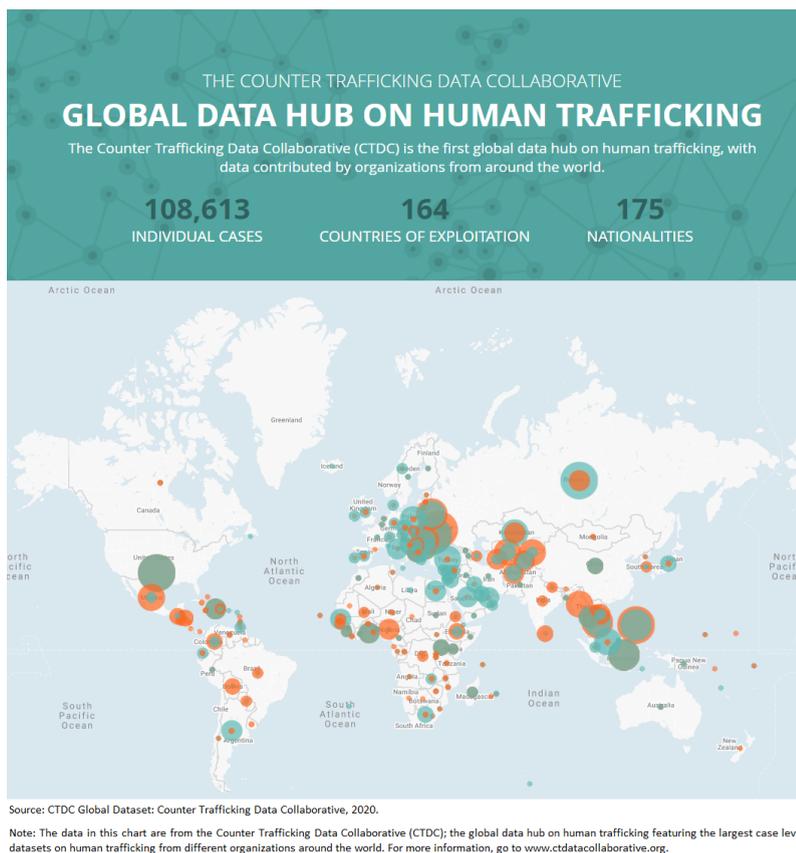


Figure 3: Human trafficking around the world.

Haiti

In 2014, the Haitian government criminalized sex trafficking and labor trafficking and enforced punishment of up to 15 years of imprisonment in addition to a fine up to 1.5 million Haitian gourdes (20,950 USD). Today, authorities of the Haitian-Dominican border and non-governmental organizations (NGOs) work to police human trafficking in Haiti and has been working to reduce the number of victims. However, many migrants may be deported to other countries, and thus these numbers of victims may be under-reported. The country also provides benefits to foreign victims, such as medical and psychological attention, access to food and shelter, and medical assistance.

Thailand

In 1956, the government introduced a civil registration act to everyone in the nation as a citizen. However, the government disregarded remote locations, causing 37% of individuals that live in areas like the Hill tribe to be stateless. This resulted in individuals from remote locations having less access to education and healthcare (Rijken). To mitigate this, the government enforced the Thai Nationality Law in 2008 to help more people to acquire citizenship, which allowed people like those from the Hill tribe to gain citizenship.

With 4.9 million migrants from Less Economically Developed Countries (LEDCs) such as Myanmar and Cambodia, many of these migrants have been subjected to human trafficking. To combat this, Thailand adopted The Royal Ordinance on Management of Migrant Workers in March 2018 although the nation continues to struggle enforcing the regulations and fees involved with the law.

United States of America (USA)

Over the past few decades, the United States has been working with various organizations to combat human trafficking, and the government also helps promote initiatives such as Blue Lightning, No Te Enganes, and the Blue Campaign. To reduce the amount of victims and instances of human trafficking the United States, the nation adopted the 4P Paradigms -- protection, prevention, prosecution, and partnership. Despite these efforts, over 10,000 instances of human trafficking were reported in 2020, with most victims being coerced into sex trafficking. Today, the nation continues to work towards combatting human trafficking by collaborating with other nations and various organizations.

Russia

Human trafficking is still a major issue in Russia today, and today, most of this happens through forcing migrants from China, the Democratic People's Republic of Korea (DPRK), Nigeria, Ukraine, and Vietnam (Waid). According to the Harvard International Review, "Traffickers promise potential victims the paperwork that they need to cross the border and a high-paying job, and then trap them in

forced labor by withholding travel documents, refusing to pay wages, or exacting physical or psychological abuse.” They also use drugs and kidnapping to recruit vulnerable persons, especially those that are stateless. Although many of these issues have been raised to the government, courts have witnessed the hearings of officials that indicate that many officials actually hire others to facilitate human trafficking as well. Still, there have been efforts to mitigate the situation of human trafficking in Russia, mainly from NGOs such as the Russian Red Cross and Help Services for Nigerians in Russia.

China

In China, there is human trafficking of minority groups, including women, children, people who are disabled, and ethnic groups -- Uyghurs, Kazachs, Kyrgyz, and Muslims. Many foreign or stateless women have also been kidnapped to serve as prostitutes or wives of Chinese men, and many stateless individuals have also been forced into organ trafficking. Although China has made efforts to convict some traffickers, imprisoning them up to seven years, human trafficking still remains a huge issue, and over 17% of the entire Chinese population (236 million individuals) has been affected by it. Despite these alarming numbers, the government continues to violate human rights by placing Tibetans and Uyghurs in concentration camps, forcing them into labor. Over the past several years, however, women have played a role in combating human trafficking, forming organizations such as the All-China Women’s Federation (ACWF) and Equality Now.

Council of Europe’s Group of Experts on Actions against Trafficking in Human Beings (GRETA)

GRETA is an organization appointed by the Council of Europe that works to protect human rights and the laws in Europe in the case of human trafficking. It meets three times every year to evaluate legislative activities concerning human rights and also publishes reports regarding legislatures. It has carried country visits for evaluation of human trafficking to countries like Armenia, Belarus, Belgium, Bulgaria, France, Ireland, Italy, Norway, Portugal, Romania, Turkey, the United Kingdom, and many more. Despite its name, the organization is not restrictive to members of the European Union, and non-member states can also attend the Convention.

The Asian Foundation

The Asian Foundation is an international non-profit organization that works to improve lives across Asia. Currently, it is working on the Strategy2025 plan, which they are hoping to complete by 2025. To combat human trafficking, it has partnered with national organizations in Australia, Cambodia, India, Myanmar, and many other countries to work towards the UN’s 4P’s. It has also worked with the

Association of Southeast Asian Nations (ASEAN) for counter-trafficking efforts and the Bohol Work Plan, which focuses on human trafficking for especially women and children.

Timeline of Relevant Resolutions, Treaties and Events

Date	Description of Event
3500 BC	Slavery operated for the first time in human civilizations.
1000	Slavery becomes normal practice in most European societies.
1950-60s	New refugee groups, especially in Africa, began to emerge, and they were in need of protection that were not guaranteed by the 1951 Convention.
1980s	Organ trafficking started in India. Many Indians would be forced to sell their kidneys to foreign patients, especially from the Middle East.
1997	The Blue Heart campaign begins, and it makes a blue heart a symbol for human trafficking.
1999	The UN creates the mandate Special Rapporteur on the Human Rights of Migrants, which mandates the protection of stateless persons.
2000	The UN passes the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, and this establishes a concrete definition of trafficking in persons.
2015	The UN adopts 17 SDGs and include a target for abolishing slavery and human trafficking.
2017	Felipe González Morales becomes the Special Rapporteur on the human rights of migrants.

Relevant UN Treaties and Events

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (A/RES/317)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000 (A/RES/55/25)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/25)
- GUIDELINES ON STATELESSNESS NO. 1: The definition of “Stateless Person” in Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons, 20 February 2021 (HCR/GS/12/01)

Evaluation of Previous Attempts to Resolve the Issue

1961 Convention on the Reduction of Statelessness

The UN Human Rights Council (UNHRC) started providing services to individuals and received the mandate to help stateless people through identification, prevention, reduction, and protection. This attempt has allowed nations around the world to help four million people acquire or confirm their nationality. This has also allowed children to acquire a nationality even if their parents were unable to do so. This action plan has also involved conventions in 1954 and 1961 to ensure basic human rights for stateless individuals and reduce statelessness respectively. Overall, this attempt was successful because it allowed millions of people to receive help in acquiring a nationality, and it has also allowed people to gain more privileges in their everyday lives.

The Global Plan of Action to Combat Trafficking in Persons and the United Nations Trust Fund for Victims of Trafficking

The action plan was adopted in 2010 and focuses on preventing trafficking, prosecuting offenders, and protecting victims of human trafficking. It also works to gain more research and data for combating the issue. This global plan helped establish the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children. This allowed nations to have funding for helping trafficked persons around the world. In 2021, the General Assembly appraised the action plan and declared that more action was needed to help combat human trafficking completely. This is especially because (1) social medias and online platforms have made people particularly vulnerable to human trafficking and (2) the COVID-19 pandemic has worsened social and political inequalities globally.

Possible Solutions

1. Provide government funding to help stateless individuals acquire nationality.
 - **Pros:** The government would be able to help if these individuals are trafficked. Furthermore, they would be able to access resources that the governments provide the citizens, such as government funding or rations. This allows them to divert from locations where they would be more susceptible to human trafficking.
 - **Cons:** As an indirect solution to human trafficking of stateless individuals, other stateless individuals may be captured and forced into labor or sexual exploitation. This may result in only partial improvement on the issue as a whole.
2. Provide emergency, social, and legal victim services to all.

- **Pros:** Stateless individuals who experienced human trafficking would have support and would thus have a smaller chance of being trafficked again. Those who are trafficked may also access emergency and legal services to protect themselves.
- **Cons:** It may be difficult for those who were trafficked to reach out to these services to help defeat the vicious mentality that they may have been indoctrinated. Those who may be trafficked may also have difficulty with accessing these services.

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Appendix or Appendices

- I. Comprehensive Intro to Human Trafficking:
https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf

- II. Organ Trafficking: [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU\(2015\)549055_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU(2015)549055_EN.pdf)
- III. Combatting Trafficking: https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook%5B1%5D.pdf
- IV. Statelessness: <https://www.un.org/ruleoflaw/files/Nationality%20and%20Statelessness.pdf>