



Measures to prevent and assist victims of human trafficking, especially women and children

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Introduction

Human trafficking affects all nations across the globe. It is not a new phenomenon, but contemporary technologies appear to have increased its scale and public awareness of its reach. While human trafficking may not be new, the number of persons being trafficked against their will is new and alarming. There is widespread agreement the problem calls for immediate action to effectively put an end to illegal trade in humans.

Human trafficking, according to the *Palermo Protocol*, is the recruitment, transportation, transfer, harboring, or receipt of persons using threat or use of force, coercion, abduction, giving or receiving payment to achieve the consent of a person or having control over another person for exploitation (Parreñas et al., 2012, p. 1015).

It has three distinct features: transportation of an individual, in a forced or coercive manner, for labor or sexual exploitation. Human trafficking has been defined by the Trafficking Victims Protection Act (2000) in two distinct ways:

Sex trafficking that includes a commercial sex act induced by force, fraud, or coercion or with a minor who has not reached the age of (18) and the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through force fraud or coercion for

involuntary servitude, debt bondage or slavery (Clawson et al., 2009).

The United Nations has been criticized for having too broad a definition, which allows space for competing legal definitions and resulted in little consensus among Member States about the extent of the problem (Parreñas et al., 2012). According to a prominent report, human trafficking is the third most lucrative illegal activity, following the illegal trade in guns and drugs. It affects boys and girls, but women and girls are at a higher risk of being trafficked for sexual exploitation and prostitution (News-Center, 2018).

A report by the International Labor Organization (ILO) concluded in 2017 that labor trafficking is a far more pervasive issue, with approximately 40.3 million victims being forced into illegal labor and modern slavery (News-Center, 2018), and from this statistic, 9.5 million are being trafficked from Asia alone (Feingold, 2005, p. 26).

The United States Department of State estimated that 80 percent of the victims trafficked annually are female with 70 percent being trafficked into the sex industry (Clawson et al., 2009). The (UNODC) also supports this with statistics indicating that approximately 72 percent of trafficked migrants are women and girls with the percentage of female children doubling from 2004-2016 (MonarchMUN, 2019).



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Current situation

While young adults can be victims of human trafficking the most vulnerable cohort is children or minors. This may be for many reasons but children are far more easily manipulated, forced, or deceived into human trafficking which is

further exacerbated by issues of poverty, exposure to sexual abuse before the abduction, substance abuse, and the loss of parents or the lack of a support system (Clawson et al., 2009).

Trafficking *victims* are often prosecuted for crimes that they were forced to commit, and this inevitably prevents survivors from accessing



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social resources that aid in their recovery ("Human Trafficking and Sex Work," 2021). Due to the many conflicting definitions, and varied interpretations that are used by scholars

and researchers the collecting and reporting of human trafficking data is extremely difficult which then means that any plan of action to address the global phenomenon is hindered and ineffective (De Vries & Dettmeijer-Vermeulen, 2015, pp. 5-6).



Victims of human trafficking who are forced into labor or sexual exploitation are often ignored with very little protection or support while being victimized and they are more often than not foreign nationals who are at a higher risk of being deported if they are arrested and charged (Human Trafficking and Sex Work, 2021). As of 2020, 90 percent of the United States of America's federal 24 million trafficking prevention budget has been dedicated to arresting sex workers rather than to detect and deter traffickers or assist victims which further exacerbates the challenges that victims of trafficking face (ACF, 2020).

Human trafficking is modern-day slavery and according to the UN Chronicle, there are approximately 2.4 million people currently being trafficked with 600,000 - 800,000 being trafficked across international borders annually. For example, some 12,000 children are forced to

work as slaves on cocoa plantations in West Africa (Dearnley, 2021).

But human trafficking is an ever-growing one that affects almost every single country whether it is that they receive trafficked victims or citizens are being trafficked from them. To address this issue there first have to be the recognition of the complexity of organized crime, and as was posited by Dearnley (2021) anti-trafficking strategies have to be embedded in every policy decision.

Role of the United Nations

The office of the UN High Commissioner for Human Rights (OHCHR) has worked with the International Civil Aviation Organization (ICAO) in an attempt to create comprehensive guidelines and procedures for airlines to train cabin crew members to effectively identify, possibly stop and report any incidents of suspected human trafficking (News-Center, 2018). Also, there is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* which has an internationally accepted legal definition for human trafficking that supplements the UN Convention against Transnational Organized Crime.

The United Nations also partners with NGOs, Start Freedom is one such NGO that aims to engage and raise awareness among youth, by helping them to learn about human trafficking and protect themselves from it as best as they can (Dearnley, 2021).

The 2030 *Agenda for Sustainable Development*, adopted by member states in 2015 addresses the root causes that inevitably make people vulnerable to human trafficking, such as poverty and inequality, and as was posited by UNSG,



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“fighting trafficking and advancing sustainable, inclusive development goes hand in hand” (UN, 2017).

The member states of the UNGA along with the Human rights Council with a particular focus on SDGs 16.2.2 have all agreed to consistently track victims of human trafficking to ensure proper recording and reporting and the eventual creation of effective long-term solutions (UN, 2017).

UNSG Antonio Guterres has highlighted that the issue of Human Trafficking is a global issue that affects all regions of the world, and millions of children, women, and men who are affected by local instability find themselves victims of would-be traffickers (UN, 2017). He further elaborates that the only way to achieve the complete eradication of this phenomenon is through the greater use of the UN Conventions and relevant international Instruments against Transnational organized crime.

The United Nations has also attempted to address the issue of human trafficking through the implementation of the Global Plan of Action with the adoption of UNGA resolution 64/293 which aims to combat trafficking in persons (UNGA, 2010b).

There is an issue with getting accurate data on human trafficking victims, and because of the cross-border nature of the phenomenon, if there



is to be an effective response it has to be done through transnational effort. This issue is being addressed by the UN with efforts to improve the methods used to estimate human trafficking as well as improve the reliability and validity of the data that is being collected and reported.

Many other international and regional organizations partner with the UN such as Amnesty International, Human Rights Watch, UNAIDS, the Global Alliance Against Traffic in Women, the UN Special Rapporteur on the Right to Health, and the World Health Organization. All offer their support toward decriminalization of consensual sex work (AmnestyInternational, 2016).

This proposal has gotten a lot of attention and limited support, especially in Europe, to remove the issue of convicting victims of human trafficking and ensuring that they are given access to proper treatment and rehabilitation programs as opposed to being punished for crimes they were forced to commit.



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NGO Contribution

More than most human rights and humanitarian issues, human trafficking is heavily driven by the activism and work of non-governmental organizations (NGOs). A prominent example is *World's Children*, an NGO in existence since 1965, to help child victims and survivors of human trafficking. This organization is actively working in 30 different children's homes in India, one in Ethiopia, and one in Guatemala. There are three primary initiatives; sponsorship, scholarships, and special projects that seek to assist children (Prevention of Child Trafficking Program April 2017—February 2022).

The World's Children started funding a Prevention of Child Trafficking initiative in 2017 that lasted for 3 years and was run by Catholic sisters in India. This program was relatively successful with approximately 130,985 adults and children being educated and 12,297 girls and boys across 80 different schools

(Prevention of Child Trafficking Program April 2017—February 2022, p. 5). Moreover, the organization rescued 153 victims and created 473 women's self-help groups, 182 community vigilant committees, and 131 child vigilant clubs during its three-year execution.

The Blue Campaign is an organization that is committed to assisting victims of human trafficking and hosts campaigns for public awareness and education. This Organization is a national organization that partners with Law enforcement and the private sector to recognize the indicators of human trafficking and suggest ways of effectively and appropriately responding to instances of trafficking. The Blue Campaign partners with the Department of Homeland Security in the United States of America to provide awareness training and to provide specific educational resources to prevent victimization (DHS, 2023).

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Landmark UN Resolutions

The United Nations through the Universal Declaration of Human Rights states the most basic human rights that should be universally enjoyed, Article 4 specifically states that no one should be held in slavery or servitude, and slavery and the slave trade should be prohibited in all forms (UN, n.d.).

UN General Assembly resolution 64/293 (2010)- Adopted at the sixty-fourth session on 30 July 2010, *The United Nations Global Plan of Action to Combat Trafficking in Persons* was guided by the principles of the Charter of the UN and reaffirmed the role to ensure development, peace and security and human

rights. The resolution reaffirmed the strong condemnation of trafficking in persons especially women and children as this constituted a serious threat to human dignity, human rights, and human development. Resolution 64/293 also recognized the impact that poverty, unemployment, lack of socio-economic opportunities, gender-based violence, and discrimination had on individuals making them vulnerable to human trafficking (UNGA, 2010a).

UN General Assembly resolution 71/167 (2017), *Trafficking in Women and Girls*, adopted by the UNGA at the seventy-first session on December 19, 2016, highlighted the strong condemnation of trafficking in persons,



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especially women and children. This resolution recalls all international conventions that deal specifically with issues that are relevant to the trafficking of women and girls such as the UN Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea, and Air, (UNGA, 2017).

UN General Assembly resolution 55/25 (2000), adopted at the fifty-fifth session on 8 January 2001, supported previously adopted resolutions and established the Convention against Transnational Organized Crime and the Protocol to prevent, suppress, and punish Trafficking in persons, especially women and children. This resolution further supplemented the United Nations Convention against Transnational Organized Crime and the protocol against smuggling migrants by Land, sea, and air. (UNGA, 2001). Resolution 55/25 further requested that the UNSG prepare a comprehensive report on the high-level political signing conference which was held in Palermo by resolution 54/129.

UN General Assembly resolution 61/144 (2007), *Trafficking in women and girls*, was adopted on 19 December 2006, and recalled all international conventions that deal with the issue of trafficking in women and girls: (*Convention on the Elimination of All Forms of Discrimination against Women*, the *Optional Protocol*, *The Convention on the Rights of the Child*, its *Optional Protocol on the sale of children, child prostitution and child pornography*, and the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, (UNGA, 2007).

Resolution 61/144 reaffirmed the provisions that pertain to the trafficking of women and girls contained in the outcome documents of the relevant international conferences and summits with specific mention of the Beijing Declaration

and the Platform for action that was adopted by the Fourth World Conference on Women (UNGA, 2007).

UN General Assembly resolution 54/126 (2000), adopted on 26 January 2000, formalized an Ad Hoc Committee to prepare the International Instrument to address trafficking in all persons but especially women and children (UNGA, 2000).

UN Security Council Resolution 2388 (2017), adopted on 21 November 2017, reiterated the condemnation of the trafficking of human beings, with specific mention of the sale of people by the Islamic State in Iraq and the Levant (Da'esh). Resolution 2388 also addressed and condemned any violations and abuses by terrorist cells such as Boko Haram, Al-Shabaab, and the Lord's Resistance Army for any actions that involve sexual slavery, sexual exploitation, or any form of forced labor (UNSC, 2017). This Resolution was unanimously adopted and the importance of collecting and preserving evidence was reiterated as this was necessary to hold those responsible accountable, moreover, the resolution highlighted that trafficking in humans undermines the rule of law and contributes to other forms of transnational organized crimes (UNSC, 2017).

Country and bloc positions

China's foreign and international policy issue are delicate, reflecting tension between a desire to be seen as a cause for humanitarian good, and its commitment to strengthening the national sovereignty of every state, ensuring they are free from foreign meddling of all kinds. China—and many Asian and African member States—support normative principles strengthening protection for women and children. But it tried



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not to support actual obligations and commitments that could weaken its own freedom of action.

China's laws are against the trafficking of humans and Article 240 of the Chinese Criminal Code criminalized the abducting and trafficking of women. Article 244 criminalizes forcing people to work by means of violence or threat, and condemns the recruiting, transporting, or any involvement in forcing others to work against their will.

While China maintains its support for anti-trafficking sentiments believes that the international community has no right to violate the sovereignty of member states and insists that the UN should only intervene when there is an express request for assistance. The United States has been especially critical of China on this topic, reporting that China has not met the minimum requirements for the elimination of trafficking, and according to (DOS, n.d.).

European Union (EU): The EU remains the leading bloc in the international community against human trafficking. It offers a common refuge for victims of trafficking, and expect its 27 Member States to openly receive and assist victims. More than any other group in the UN, The EU is willing to help foreign government combat trafficking by investing and offering grants to improve law enforcement, investigation and prosecution, as well as to provide assistance to victims.

The EU adopted a proposal in 2010 that called for a holistic approach to the prevention, protection, and prosecution of those involved in trafficking and who are victims of trafficking. The EU has a comprehensive list of laws that offer protection for victims as well as support through national mechanisms for early identification based on cooperation between law enforcement and civil society organizations.

Moreover, the EU has established the Anti-Trafficking Coordinator which operates the Stockholm Programme as well as various partnership programs that create a framework for action (EC, n.d.).

The Non-Aligned Movement (NAM): the Africa, Asian, Latin American and Pacific Island member States of the NAM, the UN's largest voting bloc, agree on the principles of action to control and suppress human trafficking. Where they disagree is on their willingness to see money invested in the struggle. They are worried that limited development and humanitarian assistance will be sunk into this cause, reducing the amount available for over-all national development. They fear that trafficking control will benefit to the detriment of anti-poverty efforts. Their primary concern is to make sure that current aid streams stay at their current levels and grow as expected. New funding courses must be found on this issue, they generally insist.

Another vital issue for NAM Member States is fear that human trafficking control will be used to undermine the power of their governments and state security agencies, that NGOs and governments from European and North America will use the issue to justify aggressive intervention in their own home affairs, undermining their national sovereignty. Whatever initiatives are approved, they will insist on maintaining their own sovereign national control. This makes them natural allies of Europe on funding aspects, and allies of China and Russia on legal aspects of trafficking control.

Russia has purposed a distinctive path on this issue. It has not met the minimum requirements for the elimination of trafficking and is not making significant efforts to do so and has remained on Tier 3 similar to China. Russia, has, however, taken some steps to address trafficking



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of humans such as prosecuting and convicting more traffickers while attempting to return trafficked Russian children from Iraq and Syria.

The Russian Government has been condemned for being involved in the forced labor of North Koreans, and for the neglect of proper screening for trafficking indicators (DOS, 2022). Russia maintains that there should be no outside influence and that sovereignty should be respected and has actively tried to circumvent UNSC resolutions by granting 4,093 visas to North Koreans. Russia has also not reported any trafficking victims and the efforts to arrest and charge traffickers have been weak (DOS, 2022).

United States has been very active in the fight against human trafficking and established several programs to punish traffickers and to assist victims of trafficking.

Unlike most international issues, human trafficking has bi-partisan support in the UN Congress, where the right has made the issue its preferred foreign policy issue, and the left willingly offers support. Where they differ is the willingness to spend money on the issue. American Republican Party prefers solutions that stress private action, especially by religious organizations, and voluntary donations, as well as harsh sanctions against countries it suspects, especially China, Cuba, North Korea (DPR Korea) and Venezuela. The American Democratic Party generally favors spending government resources to ensure action globally, and avoids targeting just a few countries.

The United States has created special initiatives such as the National Action Plan to Combat Human Trafficking, Task forces and working groups, The Anti-Trafficking Coordination Team (ACT) initiative, and the Human Trafficking Task Force (DOJ, 2022). Each initiative focuses on a separate issue, but the

core principles are prevention, protection, prosecution, and partnership.

The United States has focused its energy on finding more effective ways to detect and investigate human trafficking through collaborative approaches and seeks to maintain its obligations to the International Conventions of the UN. Moreover, the US has partnered with others in a multi-agency task force; The Enhanced Collaborative Model Human Trafficking Program which is funded through the Office for victims of crime (OVC) (DOJ, 2022).

Some Proposals for Action

- **The HRC can recommend global adoption** of a single, universal set of parameters to define human trafficking is. Similarly, it has the power to **establish global principles** regarding identification of victims, where they can be found, and how they should be treated. It can urge Member States to alleviate the national variations in law enforcement, prosecution and victim response that cripple international responses today.
- **The HCR has the ability to coordinate** Member States as they collect and report accurate data, and share that information to ensure the most efficient use of global resources to deal with all aspects of the problem. Because it asks less of Member States than global principles, requests to coordinate policy will be especially welcome among governments such as China, Russia and the NAM, which fear and resent foreign interference in their domestic affairs.
- **The HRC can encourage its Member States to protect safe reporting** without risk



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of being arrested and charged, which will increase reporting as people who are currently being exploited are less likely to report because of fear of arrest. The European Union and United States, which hope for aggressive action, also advocate easy access to data and sharing of data to facilitate law enforcement, as do countries like China, which hope to strengthen their law enforcement agencies.

- **Some Member States**, especially in Asia and East Asia, favor decriminalization of sex work to give trafficking survivors access to their human rights and protection against punishment for crimes committed while being exploited. This proposal will be resisted in much of Latin America and the Middle East, and some of Africa. Others like China and countries of South Asian would

prefer policy-making such a sensitive issue is left to each member State acting on the basis of its own preferences.

- **Promote use of international and national surveys** for analysis to better understand the hidden aspects of human trafficking. This will help leaders and policymakers to better make decisions that protect victims.
- **Surveys** are a favorite of the European Union. They are welcome in countries trying to strengthen their knowledge of what is happening on their territory, such as countries of Africa and Latin America. They will be resisted by those who believe these issues too sensitive or whose governments are worried about being forced to act, especially in East Asia and the Middle East.



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