



JAMIA MILLIA ISLAMIA INTERNATIONAL MODEL UNITED NATIONS

UNITED NATIONS HUMAN RIGHTS COUNCIL

BACKGROUND GUIDE



From the Executive Board

Greetings Ladies and Gentlemen,

It is our distinguished honor to welcome you all to the simulation of United Nations Human Rights Council at Jamia Milia Islamia International Model United Nations'2019

Thus, with utmost sincerity we have tried to prepare this background guide so that you can best represent your country's government, and more importantly your ideas at the simulation of the HRC. Utilize this document as a guide, and not as an encyclopedia, as it does not contain all the information, analysis or concepts related to the agenda. It merely tries to introduce the agenda to you in a way that you are all at par with your understanding, and that you are aware of some basics. Do take note of this document, but we definitely encourage you to go beyond it.

Rest assured, we promise you that we will try to make this a memorable experience for all.

Warm Regards

President - Mr. Rahul Menon

Vice president - Ms. Garima Rajpal

Rapporteur - Mr. Hardik Aggarwal

About UNHRC

The UN Human Rights Council (Council or HRC) is the principle intergovernmental body within the United Nations (UN) system responsible for strengthening the promotion and protection of human rights around the globe, and for addressing and taking action on human rights violations around the globe. The Council holds meetings throughout the year providing a multilateral forum to address human rights violations wherever and whenever they occur. It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground. The Council has the ability to discuss all thematic human rights issues and country-specific situations that require its attention.

How does the council work?

The Human Rights Council meets for at least 10 weeks per year in regular sessions usually taking place in March, June and September. The Council can also convene urgent meetings on short notice to respond to emerging human rights crises-28 such special sessions were held thus far. The Council's subsidiary bodies meet for approximately 20 additional weeks each year. Since its 1st session in 2006, the Council's agenda has been expanding and its meeting time has more than doubled.

The Council is made up of 47-member States who are elected by the UN General Assembly by a simple majority vote, through a secret ballot. Members of the Council are elected for three-year terms with one-third of the members being renewed each year. Council membership is based on equitable geographical distribution of seats according to the following regional breakdown:

13 African States;

13 Asia Pacific States;

8 Latin American and Caribbean States;

7 Western European and other States;

6 Eastern European States.

114 countries have served as Council members so far, reflecting the UN's diversity giving it legitimacy when speaking out on human rights violations in all countries.

AGENDA

Victims of trafficking in conflicted and post conflicted zones.

What is trafficking?

Trafficking in persons is defined as "the recruitment, transportation, transfer, harboring 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." The definition can be found on the [Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime](#), commonly known as the Palermo Convention.

A growing number of countries have been ratifying the Palermo Convention and its protocols, including the countries where the UNODC Liaison and Partnership Office in Brazil acts.

Elements involved in human trafficking

On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements:

The Act (what is done):

Recruitment, transportation, transfer, harboring or receipt of persons.

The Means (how it is done):

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.

The Purpose (why it is done):

For the purpose of exploitation, which includes sexual exploitation, forced labor, slavery or similar practices and the removal of organs.

(Note: - To ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition of trafficking in the Trafficking in Persons Protocol and the constituent elements of the offence, as defined by relevant domestic legislation.)

Purposes of trafficking

There are different purposes of carrying out Human Trafficking.

Some of the purposes that are fulfilled through trafficking are mentioned below: -

- **Sex Trafficking**

When an adult engages in a commercial sex act, such as prostitution, as the result of force, threats of force, fraud, coercion, or any combination of such means, that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, transporting, providing, obtaining, patronizing, or soliciting of a person for that purpose are guilty of sex trafficking of an adult. Sex trafficking also may occur through a specific form of coercion whereby individuals are compelled to continue in prostitution through the use of unlawful “debt,” purportedly incurred through their transportation, recruitment, or even their “sale”—which exploiters insist they must pay off before they can be free. Even if an adult initially consents to engage in commercial sex, it is irrelevant: if an adult, after consenting, is subsequently held in service through psychological manipulation or physical force, he or she is a trafficking victim and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

- **Child Sex Trafficking**

When a child (under 18 years of age) is recruited, harbored, transported, provided, obtained, patronized, or solicited for the purpose of a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be prosecuted as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims. The use of children in the commercial sex industry is prohibited under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.

- **Bonded Labor or Debt Bondage**

One form of coercion used by traffickers in both sex trafficking and forced labor is the imposition of a bond or debt. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors’ debts. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment. Traffickers, labor agencies, recruiters, and employers in both the country of origin and the destination country can contribute to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker’s legal status in the destination country is tied to the employer so workers fear seeking redress.

- **Domestic Servitude**

Involuntary domestic servitude is a form of human trafficking found in distinct circumstances—work in a private residence—that create unique vulnerabilities for victims. It is a crime in which a domestic worker is not free to leave his or her employment and is abused and underpaid, if paid at all. Many domestic workers do not receive the basic benefits and protections commonly extended to other groups of workers—things as simple as a day off. Moreover, their ability to move freely is often limited, and employment in private homes increases their isolation and vulnerability. Labor officials generally do not have the authority to inspect employment conditions in private homes. Domestic workers, especially women, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence. These issues, taken together, may be symptoms of a situation of domestic servitude. When the employer of a domestic worker has diplomatic status and enjoys immunity from civil and/or criminal jurisdiction, the vulnerability to domestic servitude is enhanced.

- **Unlawful Recruitment and Use of Child Soldiers**

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment and use of children—through force, fraud, or coercion—by armed forces as combatants or other forms of labor. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made to work as porters, cooks, guards, servants, messengers, or spies. Young girls may be forced to “marry” or be raped by commanders and male combatants. Both male and female child soldiers are often sexually abused or exploited by armed groups and such children are subject to the same types of devastating physical and psychological consequences associated with child sex trafficking.

Features of 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.

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.

What is the relationship between human rights and human trafficking?

The links between human rights and the fight against trafficking are well established. From its earliest days to the present, human rights law has unequivocally proclaimed the fundamental immorality and unlawfulness of one person appropriating the legal personality, labor or humanity of another. Human rights law has prohibited discrimination on the basis of race and sex; it has demanded equal or at least certain key rights for non-citizens; it has decried and outlawed arbitrary detention, forced labor, debt bondage, forced marriage, and the sexual exploitation of children and women; and it has championed freedom of movement and the right to leave and return to one's own country.

Different human rights will be relevant at different points in the trafficking cycle. Some will be especially relevant to the causes of trafficking (for example, the right to an adequate standard of living); others to the actual process of trafficking (for example, the right to be free from slavery); and still others to the response to trafficking (for example, the right of suspects to a fair trial). Some rights are broadly applicable to each of these aspects.

National monitoring and accountability with respect to trafficking

In the final analysis, human rights are protected and respected because of what exists and what is done at the national level. It is the quality and strength of national laws, procedures and practices that will ultimately determine the nature of a State's response to trafficking. The establishment of mechanisms to oversee and guide national trafficking responses is an important aspect of developing a strong, rights-based response. Such mechanisms should be mandated to and capable of measuring the national response against the international standards set out in this Fact Sheet. As recognized in the Recommended Principles and Guidelines (guideline 1), national mechanisms also have a critical role to play in monitoring the impact of anti-trafficking interventions to ensure they do not interfere with or otherwise negatively affect established rights.

(NOTE: - The background guide aims to give a brief structure to the agenda and understanding the functioning of the committee. The background guide shall not be used explicitly in the committee.)