HUMAN RIGHTS COUNCIL

HRC

Handbook A

Human Trafficking and Immigrants’ Smuggling in Asia-Pacific.

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Please be welcomed to the Human Rights Council at TAEMUN 2015. It is an honour to have your distinguished presence with us.

We hope to see an intense debate these days, with strong arguments that will lead us to a satisfying resolution. The Human Rights Council, must ensure the respect of Human Rights and their enjoyment; responding immediately to any violation that might occur. The Human Rights Council (HRC) is nowadays taking a serious position on human trafficking and immigration all over the world and especially in the Asia-Pacific region. Along with other nations and organizations, we have gotten to several treaties and action plans that respond to this problem in a very successful way, such as the Bali Process. It is imperative that people all over the world understand the potential dangers and effects of human immigration. Moreover, to help nations to protect the people that are inside their territories, without racial or religious segregation.

On the other side, the disappearances in Latin America are really worrying the Human Rights Council. When addressing this topic, delegates must understand the political state of Latin America, bearing in mind that this region of the world is extremely complex, like the Asia-Pacific, since it is an immense territory.

We are so grateful of helping you in your mission. Finally, we ask you to work with passion and courage, always contemplating the purposes, values, and actions of the United Nations. Thank you for being with us in the twelfth edition of TAEMUN.

Human Rights Council
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**Topic A: Human Trafficking and Immigrants’ Smuggling in Asia-Pacific.**

There are millions of people being trafficked and smuggled, at any time and in any region. However, one of the most critical regions is Asia-Pacific. The last statistics show that more than 53 million people were immigrating in the region, which is around half of all the migration in the world.

The problem started in the 1980s, when the region started to grow economically. Immigrants seek countries with a better economy, sometimes disregarding the status of human rights in the receiving country. In search of more stable economies, and better job opportunities, they go to countries like China.

First, to get a wide panorama of this topic, we need to determine the difference between human trafficking and immigrants’ smuggling. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which aims to supplement the United Nations Convention against Transnational Organizational Crime, defines human trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other terms 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 the forms of sexual exploitation, forced labour or services slavery or practices similar to slaver, servitude or the removal of organs.

On the other hand, the smuggling of immigrants is helping people to cross any border, since there is smuggling between different states inside a country or the most commonly known transnational smuggling. It is in this process where the immigrants are victimized, often by their smugglers. However, the government of the receiving countries, at the time when they pass, also victimize them; or their way is blocked by criminal organizations regarding human trafficking.

The thin line between human trafficking and immigrant smuggling is often confused and blurred. Therefore, delegates must understand the difference between these concepts, the way they relate, and the situations in which both of them occur. Also, understand that

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1 For more information be sure to check www.jcymun.org
2 Information taken from Human Smuggling and Trafficking
immigrant smuggling actions are not the main problem; those can be discussed between the two participant countries that share the border or the two regions that share borders inside the country. The main aim of the council is to defend the human rights, which are mostly violated in situations of human trafficking.

When the economy fell, people were left unemployed and in poverty, desperate to find a solution they entered into organized crime. Organized crime can include drugs, organs, weapons, assassins and trafficking. Trafficking in Asia-Pacific nowadays represents a big threat to international security, health and economy.

It is estimated that from the total number of trafficked persons in Asia-Pacific 12.3 million adults and children are induced into forced labour, especially in countries like China. In addition, most of the women and girls are prostituted in Asia and then commercialized all around the globe generating revenue of approximately 27.8 billion dollars.

Therefore, human trafficking is considered as modern slavery since it involves enormous breaches to the Human Rights, which might include the right of liberty, human dignity, freedom of movement, among others.

Prostitution, as mentioned, represents a high income to human trafficking, a serious violation to the human rights and when it is meticulously analysed it becomes an international health thread.

The last report showed that in Asia-Pacific there were about four and a half million people infected with HIV, and each year the number raised in half a million more. Approximately 25 % of the infected people do not have knowledge of it, this represents the necessity of stopping this phenomenon by the government. Human trafficking mainly causes this problem and it can only be controlled and stopped by implementing laws that respond to a common framework between countries so that all the parts involved agree with the treatments regarding this situation.

One of the firsts attempts to control this situation was the creation of the Trafficking Protocol in 2000. This protocol made the trafficking definition mentioned before, but the most important event was the international cooperation. This council aims to see that cooperation in the debate. The protocol was very general and it was not until they took

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3 According to The Australian National University
4 From Trafficking in Persons in East Asia and the Pacific
5 further development in Human Trafficking in the Asia Pacific Region
the next step which was the Protocol against Smuggling if Migrants by Land, Sea and Air, confusing trafficking with smuggling. That is why we emphasize the need to understand the difference between these two concepts. In that protocol the nations started to complement their efforts implementing punishments.

Several changes have been made to the protocol. Now it contemplates the implementation of regional and sub regional judges specialized in trafficking. It also aims to improve the level of consciousness among citizens regarding human trafficking, settled the beginning of a relationship between several international organizations that gave birth to several other protocols. It also seeks the implementation of special handbooks, which are going to be given to all the judges so that they know the basic principles of trafficking.

The Human Rights Council has fought for the rights of the victims, and for the participation of Non Governmental Organizations (NGO), which the Council believes as critical in the resolution of this problem. Regarding this protocol, the Human Rights council has seven main principles:

- Ratification of the Trafficking Protocol
- Implementation of the Trafficking Protocol
- Enforcement
- Protection of victims
- Research and policymaking
- Education
- Cooperation

The efforts of the Human Rights Council regarding cooperation can be seen nowadays, For example, when the United States Congress passed the Trafficking Victims Protection Act. One important feature of this act is the Annual Trafficking in Persons report that evaluates the United States government’s efforts in 150 countries to prevent human trafficking in the Asian region. They listed the minimum standards for the elimination of trafficking and include the government trafficking prohibition and institutes punishments for the offenders, which are severe enough to deter others. Additionally, the government should make serious and continuous efforts to eliminate trafficking.

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6 United Nations’ General Assembly Resolution 64/293
With the help of NGO’s, governments and international organizations the Human Rights Council has managed to arrange several bilateral and multilateral laws and agreements. For example:

- The Protocol between Lao PDR and Vietnam on Cooperation in Preventing and Combating Trafficking in Persons
- The treaty between Cambodia and Thailand on a Bilateral Cooperation in Eliminating Trafficking in Children and Women
- The Cambodia-Thailand Extradition Agreement
- The Asian Regional Initiative Against Trafficking
- The South-Asian Association for Regional Cooperation
- The Bali Process

All these plans are aiming at the same. Nevertheless, the Human Rights Council must arrive to a resolution that apart from all the problems exposed, takes into consideration the state of the borders. The possible resolution should be able to address properly this state in order to make easier the cooperation.

The black market theme should be taken but not in depth since it is a theme that should take another institution. Delegates must have in minds all the time that we care primarily for the defence of the human rights, secondly for the cooperation between nations, organizations and people in order to defend and ensure human rights and thirdly for recommendations to organizations and governments regarding themes of justice. Themes of justice must be understood as punishing acts of trafficking and smuggling.

We expect the development of the debate to be around these subtopics: Making conscience among nations and people about human trafficking and immigrants smuggling, this can include education at a regional and sub-regional level.

Improve international cooperation among nations regarding this topic.

Creation of possible programs such as the Bali Process but with bigger impacts.

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7 UNIAP
8 United Nations Resolution 11/3
9 According to the Australian National University
In order to improve the quality of the debate delegates should know:

- Human trafficking and immigrants smuggling inside their delegation.
- How international organizations such as the Human Rights Watch work to deal with this problem.
- What is the Bali Process?
- How these problems affect their delegation economically and socially?
- How can their delegation improve the international cooperation regarding these problems?
- How are human trafficking and immigrants smuggling treated in their delegation?
- How can their country help countries from the Asia-Pacific region overcome this situation?
- Has their delegation signed and ratified any protocol or action plan regarding this topic?
- NGO’s that defend human rights and their position regarding this topic.

Sources

speechpapers/ Human%20Trafficking%20in%20Asia%20Pacific%2030%20Nov.pdf


