

MUNAAL'18

GAS: SOCIAL, HUMANITARIAN AND CULTURAL COMMITTEE

1- EMPOWERING DEVELOPING AND
UNDERDEVELOPING NATIONS TO COMBAT
HUMAN TRAFFICKING

2- THE PROTECTION AND SAFETY OF
JOURNALISTS IN CONFLICT ZONES

STUDY GUIDE

LETTER FROM THE SECRETARY GENERAL

Honourable Participants,

My name is İnci Çetin and it is an immense pleasure to welcome you as the Secretary General of the very first session of MUNAAL18, on behalf of both academic and organization teams. We are exhilarated to see you join us while we are at one of the benchmarks of our club's history. We worked relentlessly to deliver you a satisfactory academic experience alongside a quality organization to make your experience a remarkable one.

We determined the theme as 'Will For Change' in hopes of emphasizing the much-needed initiative taking to make a change in the world. In the upcoming days you will learn how to adopt yourself in times of crises and take actions accordingly. You will understand the dynamics of negotiating and compromising. Most importantly you will deepen your understanding regarding the importance of changing your mind and being able to come together to achieve a solution which will not only make an impact but also last for a long time. Ultimately this is what we strive for this conference as well as aim to make you contemplate through this theme.

A glimpse into the real world is enough to make us pessimistic about what is coming for future generations. Not only that but also the international community oftentimes acts hesitant to react to most crucial humanitarian issues of our time. However, be the human life at stake, it is no longer possible to remain inactive. The Third Committee of the General Assembly deals with mass scale humanitarian affairs and human rights issues. Anything regarding a human being, in its nature, is uncertain and hard to predict. But the very hope and struggle for the betterment of humanitarian affairs are going to make this century truly memorable. With the agenda items determined for this committee, I hope you get a grasp of the dynamics that create a humanitarian crisis and complicated work that has to be done to actually resolve them. My deputy and lifelong friend Ms. Beril Anıl will be there to help you make the most your experience in this challenging task.

I highly advise you to read the guide thoroughly and make further research to make the most of this experience. The challenges might vary, but your enthusiasm and hard work will surely overcome them all.

Kindest Regards,

İnci Çetin
Secretary General of MUNAAL 2018

LETTER FROM THE UNDER SECRETARY GENERAL

Honourable Delegates of SOCHUM,

My name is Beril Anıl and I study at Ankara Atatürk High School. It is a pleasure for me to serve as the Under Secretary General of SOCHUM and also as the Deputy-Secretary-General of MUNAAL 2018.

The delegates of SOCHUM are going to discuss two crucial topics; “Empowering Developing and Underdeveloped Nations to Combat Human Trafficking” which has been an important issue since the human trafficking is a global problem affecting some specific states the most. The other topic will be “The Protection and Safety of Journalists in Conflict Zones” which is a disregarded human right concession. Both topics are essentially important, thus, the delegates are expected to evaluate and address the issues with the awareness of representing a diplomat. Personally speaking, MUN became the first place that I’ve learnt how to make a research apart from my study guides and when I deepened my researches I always felt like I am progressing. I highly suggest you to deepen your researches as well in order to contribute yourselves and understand the topic better.

In the interest of brevity (so that you can make your researches on topic) hence I want to express my sincere gratitude to my dearest friend and the Secretary-General İnci Çetin for being the best and the most hard working Secretary-General that I can ever work with. I also want to MUNAAL 2018 family especially İdil Sivaslı and her amazing Özlem Özkan, and the ones who led this conference to this point.

If you would have any inquiries or questions, please feel free to contact me via berilanil@outlook.com.

Best regards,

Beril Anıl

Deputy-Secretary-General & Under Secretary-General of the General Assembly Third Committee: Social, Humanitarian and Cultural Committee

I. Empowering Developing and Underdeveloped Nations to Combat Human Trafficking

Introduction to the Committee

Social, Humanitarian and Cultural Committee (GA3:SOCHUM): The General Assembly allocates to the Third Committee, agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world. As in previous sessions, an important part of the work of the Committee will focus on the examination of human rights questions, including reports of the special procedures of the Human Rights Council which was established in 2006.¹

1. Introduction to the Topic

Human trafficking affects every country of the world, as countries of origin, transit or destination - or even a combination of all. Trafficking often occurs from less developed countries to more developed countries, where people are rendered vulnerable to trafficking by virtue of poverty, conflict or other conditions. Most trafficking is national or regional, but there are also notable cases of long-distance trafficking. Europe is the destination for victims from the widest range of destinations, while victims from Asia are trafficked to the widest range of destinations. The Americas are prominent both as the origin and destination of victims of human trafficking.² There is strong evidence that the migration crisis has been exploited by criminal networks involved in trafficking in human beings to target the most vulnerable, in particular women and children.³ Issues such as disempowerment, social

¹ United Nations, Third Committee, Social, Humanitarian, Cultural, main body, main organs, General Assembly. (n.d.). Retrieved June 12, 2018, from <http://www.un.org/en/ga/third/>

² Teixeira, D. United Nations Office on Drugs and Crime. *Strengthening capacity to counter terrorism in Nigeria* Available at: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>. (Accessed: 13th June 2018)

³ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them particularly vulnerable to being trafficked. Natural disasters, conflict and political turmoil weaken already tenuous social protection measures. Individuals are vulnerable to being trafficked not only because of conditions in their countries of origin, however.

2. Definitions

Refugee: Refugees are people fleeing conflict or persecution. They are defined and protected in international law, and must not be expelled or returned to situations where their life and freedom are at risk.⁴

Least Developed Countries: Since 1971, the United Nations has recognized the Least Developed Countries (LDCs) as the “poorest and weakest segment” of the international community. They are highly disadvantaged in their development process and risk, more than other countries, failure to come out of poverty. As such, the LDCs require special support from the international community. Forty-nine countries are presently classified as LDCs by the United Nations. They are geographically distributed as follows:

Africa: 33 countries – Angola, Benin, Burkina Faso, Burundi, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Lesotho, Libéria, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sudan, Togo, Uganda, Tanzania, and Zambia **Asia and the Pacific:** 15 countries – Afghanistan, Bangladesh, Bhutan, Cambodia, Kiribati, Lao People's Democratic Republic,

{SWD(2016) 159 final} [Advertisement]. (2016, May 19). Retrieved April 15, 2018, from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/commission_report_on_the_progress_made_in_the_fight_against_trafficking_in_human_beings_2016_en.pdf

⁴United Nations. (n.d.). Refugees. Retrieved April 15, 2018, from <http://www.unhcr.org/refugees.html>

Maldives, Myanmar, Nepal, Samoa, Solomon Islands, Timor-Leste, Tuvalu, Vanuatu, and Yemen.

Latin America and the Caribbean: 1 country – Haiti⁵

Developing Countries

Developing economies by region*

Africa		Asia		Latin America and the Caribbean
North Africa	Southern Africa	East Asia		Caribbean
Algeria	Angola	Brunei Darussalam		Barbados
Egypt	Botswana	China		Cuba
Libya ⁵	Lesotho	Hong Kong SAR ⁶		Dominican Republic
Mauritania	Malawi	Indonesia		Guyana
Morocco	Mauritius	Malaysia		Haiti
Sudan	Mozambique	Myanmar		Jamaica
Tunisia	Namibia	Papua New Guinea		Trinidad and Tobago
Central Africa	South Africa	Philippines		Mexico and Central America
Cameroon	Zambia	Republic of Korea		Costa Rica
Central African Republic	Zimbabwe	Singapore		El Salvador
Chad	West Africa	Taiwan Province of China		Guatemala
Congo	Benin	Thailand		Honduras
Equatorial Guinea	Burkina Faso	Viet Nam		Mexico
Gabon	Cabo Verde	South Asia		Nicaragua
Sao Tome and Principe	Côte d'Ivoire	Bangladesh		Panama
East Africa	Gambia	India		South America
Burundi	Ghana	Iran (Islamic Republic of)		Argentina
Comoros	Guinea	Nepal		Bolivia (Plurinational State of)
Democratic Republic of the Congo	Guinea-Bissau	Pakistan		Brazil
Djibouti	Liberia	Sri Lanka		Chile
Eritrea	Mali	Western Asia		Colombia
Ethiopia	Niger	Bahrain		Ecuador
Kenya	Nigeria	Iraq		Paraguay
Madagascar	Senegal	Israel		Peru
Rwanda	Sierra Leone	Jordan		Uruguay
Somalia	Togo	Kuwait		Venezuela (Bolivarian Republic of)
Uganda		Lebanon		
United Republic of Tanzania		Oman		
		Qatar		
		Saudi Arabia		
		Syrian Arab Republic		
		Turkey		
		United Arab Emirates		
		Yemen		

Figure 1: Developing Economies by Region⁶

Human Trafficking: Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring 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.

⁵ *The Least Developed Countries Things to Know, Things to Do*[PDF]. (2009). New York: Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing Countries (UN-OHRLLS).

⁶ WESP Country Classification

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs⁷. Since 2000, the international development community has been organized around fulfilling the UN Millennium Development Goals (MDGs) -- or getting as close as possible. People without legal identities are more vulnerable to victimization in general and to being trafficked specifically. Meanwhile, the tourism and transportation industries have been important partners in combating trafficking.⁸ Most trafficked forced labour affects people working at the margins of the formal economy, with irregular employment or migration status. The sectors most frequently documented are agriculture or horticulture, construction, garments and textiles under sweatshop conditions, catering and restaurants, domestic work, entertainment and the sex industry.⁹

3. Trafficking in Persons in Conflict Situations

The complex linkages between trafficking in persons and conflict have been acknowledged and investigated by the United Nations in various contexts.¹⁰ During an armed conflict, many elements that appear to increase individual and group vulnerability to trafficking -- such as lack of economic opportunities, discrimination and gender-based violence - are exacerbated. Moreover, as a result of forced displacements, community and family support networks are weakened or destroyed, which further increases individual vulnerability to trafficking. There is also evidence of children - but also men and women -- who have been

⁷ L. (n.d.). United Nations Office on Drugs and Crime. Retrieved April 15, 2018, from <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

⁸ Mendelson, S. E. (2014, September 23). Born Free. Retrieved April 15, 2018, from <https://www.foreignaffairs.com/articles/2014-09-22/born-free>

⁹ Teixeira, D. United Nations Office on Drugs and Crime. *Strengthening capacity to counter terrorism in Nigeria* Available at: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>. (Accessed: 13th June 2018)

¹⁰ See, for example, A/HRC/32/41, op. cit.; S/PRST/2015/25, United Nations Security Council, Statement by the President of the Security Council, 31 December 2015; and S/2016/361, United Nations Security Council, Report of the Secretary-General on conflict-related sexual violence, 20 April 2016 (p. 7).

forcibly recruited by armed groups to fight and provide labour and sexual services. For instance, in the Central African Republic - a country which has been wracked by civil war over the past four years - boys are domestically trafficked to serve as combatants in the armed forces. In 2014, as many as 6,000 children were estimated to be associated with different armed groups involved in this conflict.¹¹In conflict situations, women and girls are particularly vulnerable to sexual and gender-based violence, including trafficking in persons for sexual exploitation.¹²

4. The Link Between Human Trafficking and Migration Flows

Most detected victims of trafficking in persons (approximately 60 per cent) are foreigners in the country of detection. Most are international migrants¹³ who have moved from one country to another. A move to another country is, for most, a life-changing decision that can be motivated by a range of factors.¹⁴For instance, the most intense regular migration flows from Central and SouthEastern Europe are directed towards the wealthier Western European countries, and at the same time, citizens of Central and South-Eastern European countries are widely detected as victims of trafficking in persons in Western and Southern Europe.¹⁵

¹¹ S/2014/142, United Nations Security Council, Report of the Secretary-General on the Central African Republic submitted pursuant to paragraph 48 of Security Council resolution 2127 (2013), 3 March 2014; S/2014/562, United Nations Security Council, Report of the Secretary-General on the situation in the Central African Republic, 1 August 2014.

¹² *Global Report on Trafficking in Persons, December 2016*[PDF]. (2016). New York: United Nations Office on Drugs and Crime.

¹³ The United Nations (ST/ESA/STAS/SER.M/58/Rev.1, United Nations Department of Economic and Social Affairs, Population Division, United Nations Recommendations on Statistics of International Migration, Revision 1, 1998) has defined an international migrant as “any person who changes his or her country of usual residence” (para. 32, p. 9). An international migrant who changes his or her place of usual residence for at least one year is defined as a long-term migrant, while a person who changes his or her place of usual residence for more than three months but less than one year is considered to be a short-term migrant. In practice, national definitions and methods of data collection vary, which present challenges of comparability. Countries that collect and publish data on the flows of international migrants use different criteria to identify migrants and use different concepts to determine their origin and destination.

¹⁴ *Global Report on Trafficking in Persons, December 2016*[PDF]. (2016). New York: United Nations Office on Drugs and Crime.

¹⁵Ibid.

5. Consequences of Human Trafficking

Human trafficking has an impact on the individuals it victimizes in all areas of their lives. Every stage of the trafficking process can involve physical, sexual and psychological abuse and violence, deprivation and torture, the forced use of substances, manipulation, economic exploitation and abusive working and living conditions. Unlike most other violent crime, trafficking usually involves prolonged and repeated trauma. As a criminal act, trafficking violates the rule of law, threatening national jurisdictions and international law. Organized crime is one of the most important mechanisms for unlawful redistribution of national wealth, unduly influencing markets, political power and societal relations. These effects may be acute in countries responding to civil unrest, natural disasters or post-conflict situations. The corresponding challenges faced by Governments are in stark contrast to the opportunities created for human traffickers. The underlying threat posed by trafficking in persons is why the issue is increasingly recognized as one of global security.¹⁶

6. Differences Between Human Trafficking and and Migrant Smuggling

There are four main differences between human trafficking and migrant smuggling. *Consent* - migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. *Trafficking victims*, on the other hand, have either never consented or if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive action of the traffickers.

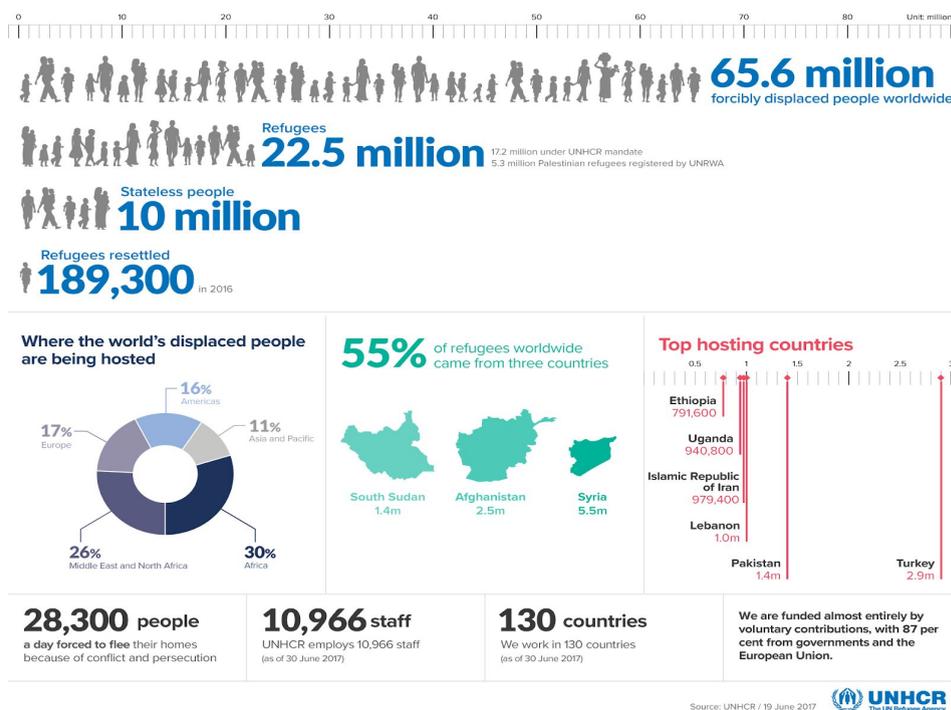
Exploitation - migrant smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim.

¹⁶ Kangaspunta, K., Fowke, M., Albert, S., Puttonen, R., Vester, T., Eischen, J., & Uebel, K. (2008, January). *An Introduction to Human Trafficking: Vulnerability, Impact and Action*[PDF]. Vienna, Austria: United Nations Office on Drugs and Crime.

Transnationality - smuggling is always transnational, whereas trafficking may not be.

Trafficking can occur regardless of whether victims are taken to another state or moved within a state's borders.

Source of profits - in smuggling cases profits are derived from the transportation or facilitation of the illegal entry or stay of a person in another country, while in trafficking cases profits are derived from exploitation.¹⁷



7. Sex Trafficking

The conditions in which migrants travel can not only be deadly, but also open venues through which they can become ensnared in sex trafficking rings. In some circumstances, migrants voluntarily make the decision to take on sex work—which smugglers promise will be lucrative and not require foreign language skills or documentation—as a means of

¹⁷ Teixeira, D. United Nations Office on Drugs and Crime. *Strengthening capacity to counter terrorism in Nigeria* Available at: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html> . (Accessed: 13th June 2018)

surviving financially. However, upon agreeing to this work, many are abused and treated as sex slaves as well as taken further from home, where they often fall deeper into poverty.¹⁸

8. Conditions of Vulnerability

Children: Children are one of the most vulnerable groups targeted by the organised criminal groups involved in trafficking human beings. Trafficked children are typically exploited by forcing them into committing criminal activities and begging for money in public places.

These children are often falsely identified as petty criminals and not victims of trafficking. Trafficking networks specifically target economically deprived families and use complicit money lenders to push them into debt. Victims are forced to engage in a wide range of criminal activities by their exploiters. This includes dealing in drugs, different forms of property crime including burglaries, pick-pocketing, shoplifting and organised begging. Victims are often forced to commit various types of crime at the same time.¹⁹

Women: Women are vulnerable to trafficking because they are frequently excluded from mainstream economic and social systems, such as employment, higher education, and legal as well as political parity. Women are vulnerable to rape, domestic violence, harmful traditional practices, trafficking and lack of or limited access to resources. Many of these gender-based conditions of vulnerability are linked to social and cultural conditions.²⁰

Political Instability, war and conflict: Women and girls are particularly vulnerable to the consequences of political instability and armed conflict. The disruption of traditional community life, along with its protective framework, and the resulting displacement make

¹⁸ Sex Trafficking and the Refugee Crisis: Exploiting the Vulnerable. (2018, May 05). Retrieved from <https://www.cfr.org/blog/sex-trafficking-and-refugee-crisis-exploiting-vulnerable>

¹⁹ Fighting child trafficking: A main priority for EU law enforcement. (2016, October 12). Retrieved April 15, 2018, from <https://www.europol.europa.eu/newsroom/news/fighting-child-trafficking-main-priority-for-eu-law-enforcement>

²⁰ Women's Commission for Refugee Women and Children, Displaced Women and Girls

them extremely vulnerable to exploitation, including abuse of power by relief workers, limited access to resources and sexual assault²¹

9. Related Treaties and UN Organizations

United Nations Office on Drugs and Crime (UNODC): As the only United Nations entity focusing on the criminal justice element of these crimes, the work that UNODC does to combat human trafficking and the smuggling of migrants is underpinned by the United Nations Convention on Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling.²² The relevant technical assistance provided to countries by UNODC includes:

- Assisting the review and revision of domestic legislation concerning assistance and protection of victims;
- Training criminal justice practitioners and service providers on protection of victims of trafficking in persons;
- Supporting countries in the provision of physical, psychological and social assistance to the victims, including cooperation with NGOs and civil society;
- Securing the safety of victims.

The Inter-Agency Coordination Group Against Trafficking in Persons (ICAT): The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) is a policy forum mandated by the UN General Assembly to improve coordination among UN agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons, including protection and

²¹ Women's Commission for Refugee Women and Children, Displaced Women and Girls

²² R. (n.d.). United Nations Office on Drugs and Crime. Retrieved June 12, 2018, from <https://www.unodc.org/unodc/en/human-trafficking/index.html>

support for victims of trafficking. Responding to the Economic and Social Council (ECOSOC) Resolution 2006/27 requesting intergovernmental agencies to further cooperate in order to strengthen technical assistance provided to countries in the area of human trafficking, the Government of Japan hosted in September 2006 a coordination meeting of international organizations working to counter trafficking in persons. The participating organizations (ILO, IOM, UNICEF, UNIFEM, UNDAW, UNHCR and UNODC) decided to continue the effort initiated, and proposed the creation of a coordination group.²³

UN.GIFT: UN.GIFT was launched in March 2007 by the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE). The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was conceived to promote the global fight on human trafficking, on the basis of international agreements reached at the UN. To date, 140 parties have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, which supplements the Palermo Convention against transnational organized crime. UN.GIFT works with all stakeholders - governments, business, academia, civil society and the media - to support each other's work, create new partnerships and develop effective tools to fight human trafficking.²⁴

The Protocol to Prevent, Suppress and Punish Trafficking in Persons: The purposes of this Protocol are: to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect

²³ About Us. (n.d.). Retrieved June 12, 2018, from <http://icat.network/about-us>

²⁴ (n.d.). Retrieved June 14, 2018, from <http://www.ungift.org/about/>

for their human rights; and to promote cooperation among States Parties in order to meet those objectives.

United Nations Voluntary Trust for Victims of Human Trafficking: The United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children was established in 2010 within the UN Global Plan of Action to Combat Trafficking in Persons, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. As the first global legally binding instrument to protect and assist the victims of trafficking with full respect for their human rights, the Protocol frames the specific efforts to prevent and combat human trafficking, as well as to reinforce the implementation of existing instruments and promote cooperation among States Parties.

International Organisation for Migration (IOM): Established in 1951, IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. With 169 member states, a further 8 states holding observer status and offices in over 100 countries, IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants. IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people. The IOM Constitution recognizes the link between migration and economic, social and cultural development, as well as to the right of freedom of movement.

United Nations Relief and Works Agency (UNRWA): The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) is funded almost entirely by voluntary contributions from UN Member States. UNRWA also receives some funding from the Regular Budget of the United Nations, which is used mostly for international staffing costs. The Agency's services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance, including in times of armed conflict.²⁶

10. Background

The sexual abuse and trafficking of refugees is a little-acknowledged facet of the refugee crisis in Europe and the Middle East. However, it is a very real part of life for many forced to flee their homes because of violence from Syria and Iraq. The total number of people forcibly displaced by conflict reached 65.3 million by the end of 2015. These refugees face a dire economic situation; for instance, 90 percent of Syrian refugees are living below their host country's national poverty line.²⁷

Examples of Events: One 17-year-old girl from Nigeria told UNICEF that she was trapped in Libya for three months and sexually assaulted by her smuggler-turned-trafficker as she attempted to travel alone to Italy. Aimamo, 16, and his twin brother reported having to endure two months of forced labour on a farm in Libya in order to pay off their smugglers, a situation he likened to slavery.²⁸

²⁶ Who We Are UNRWA. (n.d.). Retrieved May 5, 2018, from <https://www.unrwa.org/who-we-are>

²⁷ Sex Trafficking and the Refugee Crisis: Exploiting the Vulnerable. (n.d.). Retrieved May 5, 2018, from <https://www.cfr.org/blog/sex-trafficking-and-refugee-crisis-exploiting-vulnerable>

²⁸ Hodal, K. (2017, May 17). Traffickers and smugglers exploit record rise in unaccompanied child refugees. Retrieved from <https://www.theguardian.com/global-development/2017/may/17/traffickers-smugglers-exploit-record-rise-un-accompanied-child-refugees-migrants-unicef-report>

The Sudan People’s Liberation Army recruited unaccompanied minors residing in refugee camps during the Sudanese civil war.²⁹ It is also believed that the SPLA regularly recruits soldiers from the Dadaab camps of Kenya.³⁰

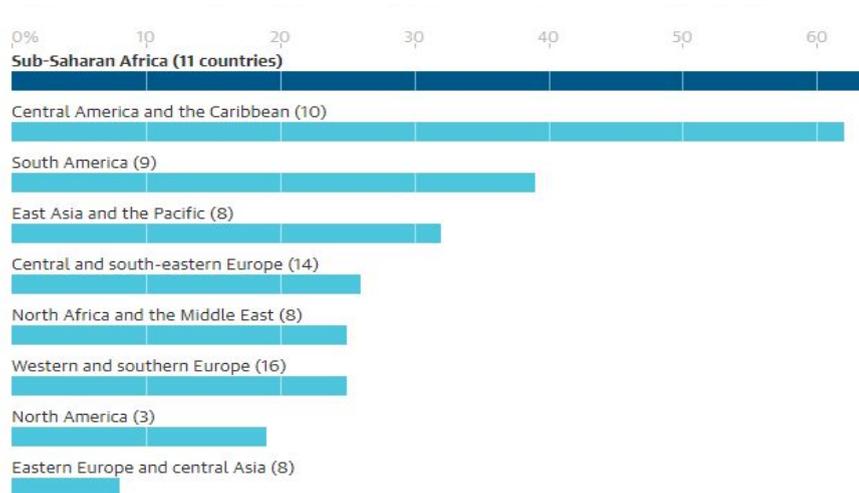


Figure 2: Share of children among detected trafficking victims in 2014 or most recent

Conclusion

No single body or mechanism within the United Nations system is responsible for ensuring that these standards are adhered to or for giving advice to States where the level of protection and assistance is significantly lower than called for in the standards. Not surprisingly, the result is that many trafficked persons prefer not to make contact with government agencies to protect or assist them, which has unfortunate consequences for the trafficked person, who is not able to get assistance, and for the States, which are hindered in their efforts to bring criminals to justice. It seems to be a clear priority to raise these

²⁹ Singer, P. W. 2006. [Children at War](#). Berkeley and Los Angeles, California: University of California Press.

³⁰ Crisp, Jeff. 2000. [“A State of Insecurity: The Political Economy of Violence in Kenya’s Refugee Camps.”](#) African Affairs 99 (397): 601-632: 603.

standards and to develop mechanisms for mutual accountability between States on the quality of the protection and assistance they provide.³¹

Points That A Resolution Should Cover

- What can the Member States do in order to protect refugees who are at the risk of being a victim of human trafficking?
- What are the special measurements to ensure the protection of the human trafficking victims in general?
- What can Member States do in order to raise awareness in society on the “refugees in human trafficking” matter?
- How can the Member States ensure the international protection in accordance with 1951 Convention and The Protocol to Prevent, Suppress and Punish Trafficking in Persons?
- What can the Member States do in order to strengthen the mechanisms for data collection?
- What can the Member States do in order to provide social integration of the refugees into society and what can be done in order to provide resilience services?
- What can the Member States do to minimize the effects of absence of anti-trafficking legislation in some countries?
- What can the Member States do in order to strengthen protection and assistance mechanisms?
- What can be done in order to minimize the effects of human trafficking in LDCs and developing countries?

³¹ Kangaspunta, K., Fowke, M., Albert, S., Puttonen, R., Vester, T., Eischen, J., & Uebel, K. (2008, January). *An Introduction to Human Trafficking: Vulnerability, Impact and Action*[PDF]. Vienna, Austria: United Nations Office on Drugs and Crime.

II. The Protection and Safety of Journalists in Conflict Zones

1. Introduction

“Journalists are extremely useful as part of the machinery which ensures the implementation of the rules of war when most other means of enforcement are lacking. It is often through the reports of journalists that inhuman practices in wars are made known to the rest of the world and their function of transmitting news to those outside a particular conflict may be conducive to the condemnation by world opinion of certain methods of warfare or a certain state of affairs (Detter, 2000)”

War reporting is inherently dangerous. Indeed, it could arguably be one of the most dangerous occupations in the world. Still, out of sense of professional duty, many journalists and media professionals make the courageous choice to go to conflict zones, so as to tell the world about the stories of armed conflicts and the human cost they entail (KANG, 2010)³²

It is often said that the first casualty of war is truth. In that sense, journalists are instrumental in raising awareness of wars and play a critical role in influencing the international community's humanitarian response to populations affected by crises.³³ Amidst the fog of war, they play a vital role in keeping the world informed and ensuring that our responses are based on the facts and truths unfolding on the ground. In times of armed

³² K Kang, 'Opening Remarks by Ms. Kyung-wha Kang Deputy High Commissioner for Human Rights at the panel discussion on the protection of journalists in armed conflict' (14th session of the Human Rights Council, Geneva) (OHCHR, 4 June 2010) accessed 23 May 2012

³³ **War on words: Is journalism disappearing from conflict zones?. (2018). Retrieved from <https://www.icrc.org/en/document/war-words-journalism-disappearing-conflict-zones>**

conflict, whether it is international or non-international, the media's surveillance role and their importance in informing the population are enhanced.³⁴ This is mainly due to the fact that during war, a functioning civil society that critically monitors the behaviour of the government and military is often absent. The media is the main, if not the sole, transmitter of information on breaches of international security and the primary medium through which people gain a clear picture of a distant situation. This essential role makes the media one of the most powerful tools in waging war.³⁵

However, the media's role in conflict reporting is increasingly under threat. Protection for journalists is urgently needed and failure to do so may have a number of adverse effects. The absence of media in a society may add a sense of being voiceless and 'left out' from the world. The abuse that journalists have to face not only limits the depth of the news being broadcasted, but also sparks up much debate in the human rights area. All in all, ensuring the safety of journalists is a critical issue because it allows for reliable information to be passed on to citizens and provides journalists with a feeling of security.

2. Definitions

In war time, media are not mere observers but simultaneously a source of intelligence, a combatant, a weapon, target, and a battlefield. (Robert A. Hackett)

A journalist can be defined as any correspondent, reporter, photographer, and their technical film, radio, and television assistants that are ordinarily engaged in any of these activities as their principal occupation.

³⁴ How does international humanitarian law protect journalists in armed-conflict situations? - ICRC. (2018). Retrieved from

<https://www.icrc.org/eng/resources/documents/interview/protection-journalists-interview-270710.htm>

³⁵ [Ebook]. Retrieved from <https://utrechtjournal.org/articles/10.5334/ujel.../download/>

War journalists can be considered as “international watchdogs” as they report the real situation of armed conflicts. War journalists are spectators objectively trying to report on a conflict. By definition, war journalists often find themselves in life threatening situations.

War correspondents are defined as specialized journalists who are present, with the authorization and under the protection of the armed forces of a belligerent, on the theatre of operations and whose mission is to provide information on events relating to ongoing hostilities.³⁶

Embedded journalist is a modern term not referred to in legal instruments that denotes all journalists who travel with the armed forces.

Freelance journalism is exactly the same as described above in all but one respect, freelance journalists do not work for only one publication, they are self-employed. As the reliance on freelance journalists by news organizations is increasing, a rising proportion of journalists killed have been freelance. UNESCO has found that over the past five years, 113 freelance journalists were killed, representing 21 percent of the total. Freelance journalists are particularly vulnerable, often working alone on stories, in dangerous environments, and without the same level of assistance and protection as staff-journalists.³⁷

Citizen journalists are a new category of persons. It is indeed complex, multi-tiered and relatively new. The term includes unpaid, untrained and unprofessional citizens reporting on events for public consumption. They are largely concerned with blogging, but may also use

³⁶ J Salmon (dir), Dictionnaire de Droit International Public (Bruylant, 2001) 275 [translated from French]. The ICTY initially defined war correspondents generally as ‘individuals who, for any period of time, report (or investigate for the purposes of reporting) from a conflict zone on issues relating to the conflict’, omitting the need for accreditation in Prosecutor v Brdjanin and Talić IT-99-36-AR73.9 (11 December 2002) paragraph 29.

³⁷ (2018). [Ebook]. Retrieved from <http://unesdoc.unesco.org/images/0026/002613/261372e.pdf>

social networking sites to report, distribute video footage or photographs and moderate internet polls and forums.³⁸

3. Freedom of Expression

Freedom of expression is a universal human right. Free press is a fundamental to a democratic society. It seeks out and circulates news, information, ideas, comment and opinion and holds those in authority to account. An informed and engaged public is an essential component of a democratic society. In conflict zones and countries where press freedom is not sufficiently valued, journalists become targets of rebel groups, militias, drug traffickers, extremists or corrupt politician.³⁹ By targeting journalists, they do not only violate journalists' right to life and right to exercise their profession safely, but also limit the right of society at large to be informed. For every journalist killed, the right to freedom of opinion and expression is inhibited. Even in countries at peace, erosions on press freedoms and the harassment and intimidation of reporters often signal a crackdown on civil, political and human rights. Thus, a close link between the protection of journalists and the maintenance of freedom of expression can be detected. In fact, it could be argued that targeting journalists is a direct attack against freedom of expression and hence against democracy.⁴⁰

4. Safety of Journalists in Conflict Zones

War journalism is inherently dangerous. Indeed, it could arguably be one of the most dangerous occupations in the world. Still, out of sense of professional duty, many journalists

³⁸ Retrieved from

https://www.repository.cam.ac.uk/bitstream/handle/1810/245114/CGHR_WP_4_2012_Journalists-Report.pdf?sequence=4

³⁹ Retrieved from

<http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009000/themes/safety-of-journalists/>.

⁴⁰ (2018). [Ebook] (pp. <https://utrechtjournal.org/articles/10.5334/ujel.../download/>).

and media professionals make the courageous choice to go to conflict zones, so as to tell the world about the stories of armed conflict and the human cost they entail. (KANG, 2010)

War reporters have traditionally been subjected to dangers related to their general safety, although it has been shown that they can be intentionally also targeted by combatants because of their work. Journalists remain a specifically vulnerable group when working in conflict zones. This heightened vulnerability stems from the fact that they are unarmed and play a vital role in revealing information and exposing abuses about armed conflicts to the world where often other independent voices (including civil society actors) cannot. Journalists in conflict zones are facing unprecedented threats amid a rise in violent non-state actors, a decline in rule of law. They can become a target for a variety of reasons, such as being mistaken for spies or allies of opponents, or to silence the media and halt coverage of a certain situation or location.⁴¹ Journalists are often caught in crossfire or targeted by drug cartels as a warning to other unwelcome reporters. The risks also include being kidnapped for ransom or political gain, and murder by insurgents who see journalists as surrogates of an enemy too powerful to attack directly.⁴²

Three main forms of violence are experienced across different categories of journalism: psychological harm, physical harm, and death. Although these dangers are not particular to armed conflict journalism, the danger of physical harm is most pronounced for this category. The victims are often taken hostage, either because of the content of their work or because of their mere presence in conflict zones. The

⁴¹ Ciobanu, M. (2018). What news organisations can do to protect journalists reporting from conflict zones | AMP Media News. Retrieved from <https://www.journalism.co.uk/ampnews/how-news-organisations-can-protect-journalists-reporting-from-conflict-zones/s435/a651253/>

⁴² Journalists face rising threats in trouble spots: watchdog. (2018). Retrieved from <http://www.dailymail.co.uk/wires/afp/article-4245608/Journalists-face-rising-threats-trouble-spots-watdog.html>

risk of death is also heightened where physical and psychological harm (including torture or sexual assault) and abduction is prevalent in this context.⁴³ Thus, international journalists face mainly three common threats in the line of their work: death, kidnapping, and wrongful imprisonment.

Killings

In conflict zones, journalists might be murdered directly and deliberately. The killing of journalists and media professionals is the ultimate form of censorship. Not only is it a grave violation of human rights, it also represents a broader attack on the collective right to freedom of expression and access to information. As the UN Special Rapporteur on the right of freedom of opinion and expression has noted, protection against attacks on journalists is ‘fundamental not only for journalists to be able to perform their work, but also for society’s access to information and for government accountability’. Such violence censors the voices of individuals, works to intimidate others and encourages the use of self-censorship with a ‘chilling-effect’ on free expression.



Figure 1: Journalists killed in countries with armed conflict / Map of journalists killed by region

⁴³ [Ebook]. Retrieved from https://www.repository.cam.ac.uk/bitstream/handle/1810/245114/CGHR_WP_4_2012_Journalists-Report.pdf?sequence=4

Abduction

Abduction is the second way journalists are endangered internationally and domestically. Often the goal of abduction is to threaten the journalist into silence, and a bonus for the abductors is that ransom money can support them much more easily than working year-round could. Abduction is usually not state sponsored, but rather carried out by non-state actors with political goals, or by criminal organizations looking to profit from the ransom. Most abductions are done to local journalists, 90% of journalists abducted are from the country they were taken in.

Wrongful Imprisonment

The third major way journalists are endangered, both internationally and domestically, is by imprisonment. This happens when the state that they are operating in is an oppressive one, and states that frown upon press freedom are those that journalists are most in danger of being imprisoned. All over the world journalists are held in poorly managed and equipped prisons without rights, and with baseless charges. International pressure usually results in many of these cases not ending in the sentencing of journalists, but if they do sentences can be several years.

5. Vulnerability of Local Journalists

Of all journalists working in dangerous situations, local reporters run the greatest risk of becoming victims of violence. Locally-based journalists face by far the largest threat and endure the vast majority of murders, imprisonments and abductions. According to the CPJ analysis, 85 % of all journalists killed were not foreign correspondents working in war zones, but local journalists doing their work. They were typically murdered “not on assignment, but in their offices, on their commutes, or in their homes. Nine out of 10 murders, CPJ found, had the hallmarks of premeditation such as careful planning, groups of assailants, and

gangland style executions.” In conflict zones and countries where press freedom is not sufficiently valued, journalists become targets of rebel groups, militias, drug traffickers, extremists or corrupt politicians. While international journalists are often heavily equipped and protected, local journalists usually do not have the means to protect themselves sufficiently. One of the objectives of every safety strategy should be the provision of safety training for local journalists and the development of international norms for safety training and equipment.⁴⁴

Although the killings of foreign correspondents tend to garner international publicity, it is overwhelmingly local journalists who are killed while reporting on local expressions of war, corruption or the activities of criminal groups. This trend holds across all regions. Political groups, military officials, insurgent groups, militias and criminal organizations have directly targeted and sought to silence the voices of journalists.

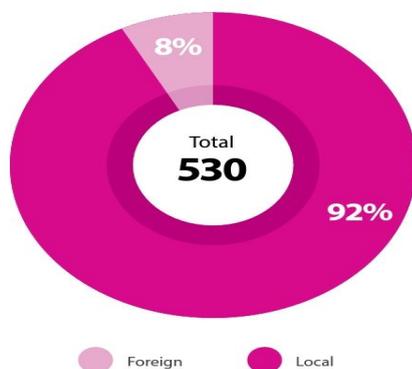


Figure 3: Local and foreign journalists killed, 2012-2016

It is also worth noting that the fear or inability of journalists to report from dangerous territories has given rise to what we call “citizen journalists” in conflict-torn countries, like Syria. They have become the sources of information that even well-established news outlets

⁴⁴ Safety of Journalists | United Nations Educational, Scientific and Cultural Organization. (2018). Retrieved from <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009000/themes/safety-of-journalists/>

immensely rely on for their coverage. However, even citizen journalists are not safe and many of them have been deliberately targeted.

6. Existing International Legal Framework

Journalists' rights and duties in the armed conflict zones are laid down by the International Humanitarian Law (IHL) (or International Law of Armed Conflict) recognized, for the most part, by all countries of the world. The Hague Conventions and Declarations of 1899 and 1907 (the so-called Hague Law), the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and the 1977 Additional Protocols to it (Geneva Law), pertinent UN General Assembly Resolutions are key documents in this domain. In a broader sense, the Hague Law addresses the rules and customs of warfare, and sets restrictions to the use of weapons. The Geneva Law establishes protections for those who are in and around a conflict zone, but do not participate in the conflict – civilian population, the wounded, prisoners of war, etc.

There are two disputable issues regarding the IHL definitions. First, some experts would argue that Article 79 of the 1st Additional Protocol, which is the principal document specifying measures or protections for journalists who work in the conflict zone, stipulates that “journalists shall be considered as civilians”, whereas they are civilians in the conflict. So the above language nuances do not allow for any preferences for journalists as the IHL provides for the two distinct categories: combatants and non-combatants (including civilians).

Second, they would maintain that in the absence of a clear definition of the term ‘journalist’, the scope of the Geneva Conventions and Additional Protocols becomes vague. Indeed, given the ever growing numbers of public journalists and bloggers, as well as the

opportunities provided by the social media, it is very hard to determine who is a journalist and who is a media-active citizen. After all, it does not matter much from the humanitarian law perspective as it treats the media professionals, with the only exception of war correspondents enjoying a special status, as falling within the category of civilian population. Therefore, this debate would become really important and meaningful only if the journalists obtain a special status, different from that of the other civilians.⁴⁵

7. The Issue Regarding Impunity

There is a general agreement that the legal protection to journalists reporting in conflict zones is sufficient and well developed.⁴⁶ Journalists should be protected against the effects of hostilities as well as against arbitrary conduct such as killings or torture on the part of combatants if they are captured or arrested. The problem, however, remains the implementation of existing laws during times of crisis. Thus, zones of active hostilities often lack impartial investigations of the conduct of parties engaged in the conflict and the prosecution of those who attack civilians, including journalists, often remains unaddressed. Apart from the challenges posed by the paralysis of proper judicial accountability mechanisms during conflict, impunity will be rife where journalists are targeted specifically by government armed forces and/or other organisations in conflict zones to suppress the delivery of uncensored information about such conflicts elsewhere, or for supposed affiliations with foreign governments and NGOS.

⁴⁵ Retrieved from <https://www.osce.org/ukraine/254526?download=true>

⁴⁶ How does international humanitarian law protect journalists in armed-conflict situations? - ICRC. (2018). Retrieved from <https://www.icrc.org/eng/resources/documents/interview/protection-journalists-interview-270710.htm>

Deputy High Commissioner Kang added her voice to those calling for action from the international community, saying, “The erosion in the observance of the international norms highlights the need to take proactive measures to ensure they will be fully respected and implemented. Translating them from aspiration into more effective action on the ground is the challenge that we must as an international community of States urgently confront.”

To reiterate, the most serious deficiency is not a lack of rules, but a failure to implement existing rules and systematically investigate, prosecute and punish violations. Impunity for the killing of journalists prevails as the predominant trend, with the vast majority of crimes remaining unresolved. It is considered a key obstacle to ensuring journalists’ safety, while producing a strong chilling effect on the exercise of freedom of expression. In the world, more than 90 percent of crimes against journalists are never prosecuted, are never punished. A culture of impunity works to embolden would-be perpetrators of violence against journalists given the knowledge that their crimes will go unpunished, while also working to silence journalists by encouraging self-censorship within the media itself and deterring the investigation of sensitive topics, ultimately perpetuating more violence in what becomes a ‘vicious cycle’. The root cause of the continuing trend of impunity has been attributed to lack of political will to pursue investigations, including for fear of reprisals from criminal networks in addition to inadequate legal frameworks, a weak judicial system, lack of resources allocated to law enforcement, negligence, and corruption.⁴⁷

⁴⁷ Safety of Journalists | United Nations Educational, Scientific and Cultural Organization. (2018). Retrieved from <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009000/themes/safety-of-journalists/>

8. Related Organizations

Committee to Protect Journalist (CPJ)

Founded in 1981 by a group of U.S. correspondents, they could not ignore the plight of colleagues whose reporting put them in peril on a daily basis. The idea that journalists around the world should come together to defend the rights of colleagues working in repressive and dangerous environments led to CPJ's first advocacy campaign in 1982. A letter from CPJ Honorary Chairman Walter Cronkite helped spring many innocent journalists from prison such as Simon Winchester, Ian Mather, and Tony Prime who were arrested in Argentina. CPJ's job is to help mistreated journalists, who are imprisoned, tortured, abused or captured.

Reporters Without Borders (RWB)

RWB (also known as Reporters Sans Frontières (RSF)) is a France-based international non-profit, NGO that works with the United Nations to encourage and protect the freedom of facts and the freedom of press members.

9. Past UN Actions

The safety of journalists and their role in promoting inclusive and sustainable societies has also been recognized in the 2030 Agenda for Sustainable Development. In particular, Goal 16, which outlines the promotion of peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective and inclusive institutions at all levels. Target 16.10 aims to ensure public access to information and one of its two corresponding indicators, indicator 16.10.1, measures this in instances of killings,

kidnappings, enforced disappearances, arbitrary detention and torture against journalists, associated media personnel, human rights activists and trade unionists.

In the past five years, the United Nations General Assembly, the UN Security Council, the UN Human Rights Council and UNESCO have all passed resolutions explicitly condemning attacks and violence against journalists and the prevailing impunity. It must be noted that while the protection of journalists may not always be core to the UN Security Council's work, it may always be in the council's own interest to call for greater access as well as greater protection for media professionals.⁴⁸

Relevant UN Treaties and Events

1- Protection of Journalists, 27 May 2015 (S/RES/2222)

The resolution, adopted unanimously, condemns all violations and abuses committed against journalists, media professionals and associated personnel in conflict areas. The Resolution, put forward by Lithuania, also calls upon all parties in armed conflict to bring an end to such practices. "Recognizing the importance of ...protecting journalists, media professionals and associated personnel in armed conflicts.. Strongly condemns the prevailing impunity for violations and abuses committed against journalists, media professionals and associated personnel in situations of armed conflict, which in turn may contribute to the recurrence of these acts."

2- UN General Assembly Resolution 75/152 on the safety of journalists and the issue of impunity (A/RES/72/175)

This Resolution condemns unequivocally all attacks and violence against journalists and media workers. It also condemns specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and

⁴⁸ (2018). Retrieved from <http://unesdoc.unesco.org/images/0026/002613/261372e.pdf>

harassment, online and offline. The Resolution calls upon States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat impunity. It also recognizes the decision of the Secretary-General to mobilize a network of focal points throughout the United Nations system to intensify efforts to enhance the safety of journalists and media workers.⁴⁹

3- UN General Assembly Resolution 68/163 on the safety of journalists and the issue of impunity (A/RES/68/163)

This Resolution condemns unequivocally all attacks and violence against journalists. It urges Member States to do their utmost to prevent violence against journalists and media workers, to ensure accountability through the conduct of impartial, speedy and effective investigations and to bring the perpetrators of such crimes to justice. The Resolution also proclaims 2 November as the International Day to End Impunity for Crimes against Journalists.⁵⁰

10. Protection

Although in the armed conflict zones journalists are protected by international and national law, one should not rely solely on this protective mechanism. Protection could be guaranteed only if the conflicting parties adhere to the internationally recognized rules of warfare – which is not always the case. One should also consider psychological and mental condition of the armed persons engaged in the conflict. At the same time, the importance of the international humanitarian law must never be underestimated, because it stipulates the journalists' rights and protects them in the armed conflict zone.⁵¹

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Retrieved from <https://www.osce.org/ukraine/254526?download=true>

Conclusion

Media, and hence also journalists, occupy an essential role in society. They stand for human rights such as freedom of expression, they are witnesses to injustices worldwide and they function as a watchdog for governments and militaries misusing their power. This essential role is, however, increasingly endangered in armed conflicts by the rapidly changing nature of warfare, continuously rising demands of audiences and the growing fear of the power of media. Tight budgets of media organisations and highly partisan militaries and governments have aggravated the protection of journalists and exacerbated the conditions under which they operate in conflicts worldwide. Overall, it must be realised that all dangers and threats can never be completely circumvented or eliminated and that journalists will remain famous and effective targets in the future, not least due to the power of the words and images they distribute. It is thus also up to the demanding audiences at home to realise that the protection of journalists is essential, and that they cannot demand the impossible. The approach to enhancing journalists' protection in the future is an all-encompassing and comprehensive responsibility, which cannot be satisfactorily executed by one entity, but must rather evolve into a common mission pursued by governments, militaries, journalists, media NGOs and society.⁵²

Points That A Resolution Should Cover

- What are the main risks for journalists working in contemporary armed conflict?
- What are the measures that should be taken to protect journalists working in armed conflict?
- How could the cases of violence against journalism be prevented?

⁵² Retrieved from <https://utrechtjournal.org/articles/10.5334/ujel.../download/>

- Should the journalists fall under the same category as civilians in international law or should there be an implementation of the law as to protect them?
- What can be done to ensure that crimes committed against journalists are punished?
- What can the member states do at a national level to support journalistic integrity and safety?
- What could be the additional protections for local journalists?