



SOCHUM - ESCOLAR
TOPIC A
**ILLICIT
TRADE** 
DOUBLE DELEGATION



SOCHUM - ESCOLAR
TOPIC B
**RIGHTS OF CIVIL
DISOBEDIENCE** 
DOUBLE DELEGATION

Dear Delegates,

Hello and welcome to the Social, Humanitarian and Cultural committee. My name is Valeria Jara, I am currently a fourth-year student at San Martin de Porres University studying law. Over the course in the PUCPMUN 2019 weekend, you will be acting as member states of SOCHUM. You will be discussion two different topics: Illicit trade or Rights of civil disobedience, both incredibly complex topics that involve consideration of human rights, crime networks and the way that a society develops new laws.

For a little about myself, my munerlife started since 2017 at VillaMUN 1fts edition then I pass two years participating in the national circuit: PUCPMun 2017, San Marcos Mun 2017, USIL Mun 2018, and my last participation as delegate was at HNMUN 2019. I've also participates as a moderate at PUCPMUN 2018 at SOCHUM committee in the university level and now it is a honour to be in SOCHUM schools. And also, I've been collaborated at the organization of USMP MUN III, IV and this year finally USMP Mun V edition.

For me it's a goal to make this committee an entertaining and active as much as you allow me. What we will like to see in this committee for are 4 things: Content, negotiation, diplomacy and fun. Work, read, and research but most important, wins experience because your greatest reward will be your own growth.

See you at PUCPMUN 2019

Valeria Jara

Xoxo

Vale_jara26@hotmail.com

Hello, lovely Delegates!

It is a pleasure to welcome you to PUCP MUN 2019. My name is Camille Castañeda and I have the honor to be chairing, as Assistant Director, the Social, Humanitarian and Cultural Committee. This is also a very special conference for me because it is my first time chairing a General Assembly committee. I have very high expectations of you and hope that you come with innovative solutions and a lot of desire to debate. I have debated in couples committees and enjoy fast-paced conferences. Therefore, we value a lot the dynamism as a couple and those little details that make you stand out in the conference. Above all, our favorite part of Model United Nations is choosing which strategy to use in order to adapt to the constant change of the conference, always maintaining diplomacy and teamwork, something we hope to see reflected on your participation on these days of intense debate. Hopefully, you will find it as important and as passionate as I do to research and find solutions that are global, viable and according to your countries policy. I expect to see you in committee full of energy and willingness to work together, respecting important issues regarding sovereignty and diplomacy. I really appreciate leadership and teamwork, so I hope to see that during the negotiations and drafting process.

To mention a little more about me, with being only 19 years old, there is no bachelor's or even master's degree yet that I can show but I am working on these. I am currently a third year Informatics' Engineer student at PUCP, as I look forward to specialize in security and financial career. In regards of my MUN career, I started debating during high school in the 2014; MUN was such a big part of my school experience and I have already attended numerous conferences as well as a delegate, assistant director or director. In addition to that, I had worked with some schools in Lima to help them with MUN preparation.

PUCP MUN will be one of the most amazing conferences I have ever attended and I am absolutely looking forward to meeting all of you. I have no doubt that this MUN is going to be very interesting and you'll provide us with plenty of fruitful and thought provoking debate. Promise that I will do everything to give us a wonderful MUN experience and I hope this study guide will help get you excited for the debates to come! If you have any doubts regarding the committee, study guide or anything regarding PUCP MUN 2019, please do not hesitate to send me a mail. We will gladly answer all your questions.

Good luck and best wishes delegates!

Camille Castañeda

Dear delegates,

Welcome to the Social, Cultural and Humanitarian Committee! Or to make it shorter, welcome to SOCHUM! My name is Adriana Sánchez and I have the pleasure of being your moderator during these hopefully challenging days of debate.

To introduce myself, by the time you read this, I will have finished my first term as a freshman at Universidad de Piura studying law. My MUN adventure started with LiMUN 2017, at UNOCHA Committee. After that wonderful experience, I couldn't quit debating. The hours of research, the leadership required, and the fellowship of working hand in hand with talented and as passionate delegates as me, made my whole MUN experience worthy. Even with my short time at Model United Nations, I had the opportunity of competing in a variety of committees, three of them being this General Assembly, including The Ivy League Model of United Nations Conference Peru 2018.

Besides my MUN career, I spend much of my time playing the cello, reading novels and politics books from time to time, and of course, trying to survive university and looking for new hobbies. Likewise, I enjoy going to the theatre and relaxing with a good movie or series, so I expect your recommendations!

My best advice is to make your best effort and enjoy the conference, not just during fun time. At the end of the day, that's what differentiates a good MUN conference from a bad one, not an award. Actually, in some of the most amusing conferences I have attended, I didn't win what I expected or even anything at all. MUN is much more than that, it is about expanding our horizons, developing new skills, exceeding our limits and learning, even if it is hard. Who knows if this could be the beginning of your MUN journey.

I'm pretty excited to meet you all and having a fruitful conference! Don't hesitate to write me if you have any doubts.

Best regards,

Adriana Sánchez

Adrilu0404@gmail.com

INTRODUCTION TO THE COMMITTEE

Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprising all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the issues covered by the Charter. It also plays a significant role in the process of standard-setting and the codification of international law.

Nonetheless, the General assembly is only empowered to make recommendations to States regarding international issues within its competence. Therefore, the Committee is not in power or legitimacy to create, modify, or eliminate funds or budgetary competences.

The Social, Humanitarian and Cultural Issues, mostly known as SOCHUM, is the Third Committee of the General Assembly of the United Nations, thus it follows these guidelines regarding its operation, jurisdiction, voting, and scope. As its name indicates, the agenda items are related to a range of social humanitarian affairs and human rights issues that affect people all over the world. For instance, some matters discussed involve the protection of children, indigenous issues, the treatment of refugees and the promotion of fundamental freedoms and important social development questions, including crime. Due to its concern field, The Third Committee is complemented by the Economic and Social Council (ECOSOC), which is in charge of the discussion and decision-making regarding the reports issued by said Council. Also, unlike some of the other six committees, there are no subsidiary bodies but special rapporteurs and working groups often report to the committee. Whilst there are no subsidiary bodies, the Office of the High Commission for Human Rights (OHCHR) is one of the main affiliated committees. Likewise, the Third Committee focuses a large part of its efforts on convincing or urging the various governments to finance the projects and measures necessary to meet the objectives of the Committee.

Furthermore, it has had a meaningful role in history, being one of its most remarkable achievements the recommendation of the Declaration of Human Rights to the General Assembly in December 1948.

Like other general assemblies of the UN, SOCHUM works in close collaboration with other United Nations agencies and external agencies, both governmental or non-governmental. Together, they work in accordance with the Charter of the United Nations. In addition, the Third Committee, as part of the General Assembly, may request reports on specific issues from other UN agencies, such as the Human Rights Council.

TOPIC A: ILLICIT TRADE

DEFINITION

The definition of Trafficking, as outlined in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, is as follows: “Trafficking in persons’ shall mean 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;... (art. 3). 3 The three key elements that must be present for a situation of trafficking in persons (adults) to exist are therefore: (i) action (recruitment,...); (ii) means (threat, ...); and (iii) purpose (exploitation). International law provides a different definition for trafficking in children (i.e., persons under 18 years of age). The “means” element is not required in this case. It is necessary to show only: (i) an “action” such as recruitment, buying and selling; and (ii) that this action was for the specific purpose of exploitation. In other words, trafficking of a child will exist if the child was subjected to some act, such as recruitment or transport, the purpose of which is the exploitation of that child.”¹

¹ United Nations. (s.f.). *ANNEX II: THE DEFINITION OF TRAFFICKING IN PERSONS AND THE MANDATE FOR THE GLOBAL REPORT*. Recuperado de https://www.unodc.org/documents/data-and-analysis/glotip/Annex_II_-_Definition_and_mandate.pdf

This definition has since been incorporated into a number of other legal or policy instruments worldwide. It is important to analyze how this definition expanded prior views of trafficking to better understand its implications on legal frameworks created after its release. The definition expands the range of those who can be impacted by exploitation to any person, reflecting a departure from trafficking victims mainly being associated with women and young girls.²

Additionally, this definition demonstrates that trafficking can occur within a single country – crossing a national border is not a requirement for the classification. This definition also better distinguishes migrant trafficking from smuggling – the purpose of trafficking is to profit from the eventual exploitation whereas the purpose of smuggling is to profit from the transportation means itself.³

ILLCIT TRADE CURRENT SITUATION

Human trafficking is not a new issue and can be defined as the closest concept to “modern-day slavery”. Yet, it distinguishes itself nowadays because of its scope and scale, given that it is considered as the fastest-growing and second largest criminal industry, which affects virtually every country in the world. However, acutely determining the importance of human trafficking across the globe, both in terms of total number of victims and of traffickers’ profile, remains difficult for two reasons: the illegal and “underground” dimension of this crime makes it difficult to accurately portray the extent of the networks involved in human trafficking and no methodologically sound available estimate of victims exist.

Despite these difficulties, several international organizations have tried to estimate the extent of human trafficking around the world. Thus, the International Labour Organization estimates that, at any given time in 2016, about 40.3 million people were in modern slavery, out of which 24.9 million are subjected to forced labour – one dimension of human trafficking. Another source of information on the scale of human trafficking and the profile of victims are the reports published by the United Nations Office on Drugs and Crime every two

² Bassiouni, C., Rothenberg, D., Higonnet, E., Farenga, C. & Sol Invictus, A. (2010). Addressing International Human Trafficking in Women and Children for Commercial Sexual Exploitation in the 21st century. *Revue internationale de droit pénal*, vol. 81(3), 417-491. doi:10.3917/ridp.813.0417.

³ Trafficking in Persons and Migrant Smuggling. (s.f.). Recuperado de <https://www.unodc.org/lpo-brazil/en/trafico-de-pessoas/index.html>

years. The data provided and the conclusions on which they are based have, however, to be put into perspective as the UNODC's reports only analyse data of detected victims of human trafficking in 136 countries. These reports provide, nonetheless, valuable information on the profile of victims and traffickers as well as on the prevalence of human trafficking in different regions of the world

According to the latest report of the UNODC regarding Human Trafficking, launched in 2018, Globally countries are detecting and reporting more victims, and are convicting more traffickers. This can be the result of increased capacity to identify victims and/or an increased number of trafficked victims. Nonetheless, the number of reporting countries did not significantly increase, the total number of victims per country did.

From a regional perspective, the increases in the numbers of detected victims have been more pronounced in the Americas and in Asia. These increases can be the result of enhanced national capacities to detect, record and report data on trafficking victims, or to a growth in the incidence of trafficking, that is, that more victims have been trafficked. Enhanced national capacity to detect victims could be achieved through strengthened institutional efforts to combat trafficking including legislative reforms, coordination among national actors, special law enforcement capacities and improved victim protection efforts, to mention some. In countries with a long-standing antitrafficking framework, with no major recent legislative or programmatic initiatives, more detections may be more likely to reflect an increased number of trafficked victims.

Regarding the victims, most of them detected across the world are females; mainly adult women, but also increasingly girls. Almost three-quarters of the detected victims of trafficking for sexual exploitation are females, and 35 percent of the victims trafficked for forced labour are also females, both women, and girls. At the same time, more than half of the injured parties of trafficking for forced labor are men.

Notwithstanding, there are considerable regional differences in the sex and age profiles of detected trafficking victims. In West Africa, most of the detected victims are children, both boys and girls, while in South Asia victims are equally reported to be men, women, and children. In Central Asia, a larger share of adult men is detected compared to other regions, while in Central America and the Caribbean, more girls are recorded.

Trafficking for sexual exploitation continues to be the most detected form. Indeed, most of the victims worldwide are trafficked for this function, although this pattern is not consistent across all regions. It prevails in America, Europe, and East Asia and the Pacific. In Central America and the Caribbean, more girls are detected as victims of trafficking for sexual exploitation, while women are more commonly detected as victims of this form of exploitation in the other sub-regions.

Trafficking for forced labour is the most commonly detected form in sub-Saharan Africa. In the Middle East, forced labour is also the main form of trafficking detected, mainly involving adults. In Central Asia and South Asia, trafficking for forced labor and sexual exploitation are near-equally detected, although with different victim profiles.

The few national studies that have been carried out in European countries to estimate the total number of trafficking victims and their profiles have revealed that trafficking for sexual exploitation is the most prevalent form. At the same time, they show that trafficking for forced labour may be less readily detected there.

Different patterns of trafficking emerge in divergent parts of the world along with different forms of exploitation. While forms other than sexual exploitation and forced labour are detected at much lower rates, they still display some geographical specificities. Trafficking for forced marriage, for example, is more commonly detected in parts of South-East Asia, while trafficking of children for illegal adoption is recorded in Central and South American countries. Trafficking for forced criminality is mainly reported in Western and Southern Europe, while trafficking for organ removal is primarily detected in North Africa, Central and South-Eastern Europe, and Eastern Europe. Many other forms, such as trafficking for exploitation in begging or for the production of pornographic material, are reported in different parts of the world. The detection of other forms of trafficking may partly reflect the ways in which countries have chosen to criminalize different forms of exploitation

On the other hand, armed conflicts can increase the vulnerability to trafficking in different ways. Areas with weak rule of law and lack of resources to respond to crime provide traffickers with a fertile terrain to carry out their operations. This is exacerbated by more people in a desperate situation, lacking access to basic needs. Some armed groups involved in

conflict may exploit civilians. Armed groups and other criminals may take the opportunity to traffic victims, including children, for the causes seen previously and armed combat, in some cases for the purpose of financing the activities of armed groups.

Trafficking for sexual exploitation occurs within all conflict areas considered, including sub-Saharan Africa, North Africa, the Middle East, and South-East Asia, among others. In some refugee camps in the Middle East, for example, it has been documented that girls and young women have been ‘married off’ without their consent and subjected to sexual exploitation in neighbouring countries.

Within conflict zones, armed groups may make use of trafficking as a strategy to assert territorial dominance. They can spread fear of being trafficked among groups in the territories where they operate to keep the local population under control. They may also use women and girls as ‘sex slaves’ or force them into marriages to appeal to new potential male recruits.

Armed groups, however, are not the only actors engaging in trafficking in persons in the context of armed conflicts. Criminal groups and individual traffickers target civilians, as well as refugees and internally displaced populations in some formal or informal camps. Traffickers may target communities that are particularly vulnerable because of forced displacement, lack of access to opportunities for income generation, discrimination and family separation.

Regarding sanctions and policy, there are still large areas of impunity. While most countries have had comprehensive trafficking in person legislation in place for some years, the number of convictions has only recently started to grow. The rising number of convictions broadly follows the increases in the number of detected and reported victims, which shows that the criminal justice response is reflecting the detection trend. However, many countries in Africa and Asia continue to have very low numbers of convictions for trafficking, and at the same time detect fewer victims.

Reporting limited numbers of detected victims and few convictions does not necessarily mean that traffickers are not active in these countries. In fact, victims trafficked from subregions with low detection and conviction rates are found in large numbers in other

sub-regions. This suggests that trafficking networks operate with a high degree of impunity in these countries, which could serve as an incentive to carry out more trafficking. Most countries in these regions (Sub-Saharan Africa and parts of Asia) are now parties to the UN Trafficking in Persons Protocol and have appropriate legislation in place. The work in these regions of origin, as well as in the main countries of destination, now needs to focus on the implementation of the Protocol provisions. In the spirit of shared responsibility and international cooperation, support from other countries affected by these trafficking flows can help to accelerate anti-trafficking efforts and tackle impunity for this crime.

Nevertheless, in a departure from prior Global Report editions, the data show that victims who have been detected within their own national borders now represent the largest part of the victims detected worldwide. This finding clearly illustrates that the crime of trafficking in persons is not always defined by transnationality, and should be treated as a criminal justice priority in all national jurisdictions. It also shows that trafficking is rooted in the exploitation of victims, and not necessarily their movement, although victims detected in their own countries may have been destined for exploitation elsewhere. While transnational trafficking networks are still prevalent and must be responded to through international cooperation, national justice measures, strategies and priorities should acknowledge the increasingly national nature of the trafficking problem.

In addition, victims may find it difficult to speak out about their experiences because of fear, lack of trust or shame. Institutions dealing with trafficking should be able to identify the different and often complex contexts and realities in which sexual exploitation takes place in order to respond to victims' physical, psychological, social and economic needs.

The trafficking of children remains a key concern. Dedicated training can make practitioners better equipped to detect and assist these victims, ensuring that the best interest of the child is safeguarded. Teachers need to be part of a holistic approach to prevent trafficking and reduce the vulnerability of children to becoming trapped in exploitative patterns. Anti-trafficking interventions for children can be more effective if they are included in programs to provide quality education for all, especially in settings at an increased risk of trafficking such as refugee camps.

Addressing trafficking in persons in a conflict situation is particularly challenging. A recent UNODC Thematic Paper on Countering Trafficking in Persons in Conflict Situations discusses how to integrate efforts against trafficking in persons into conflict-related work. United Nations actors and entities that operate in conflict and post-conflict settings are well placed to address trafficking in persons in these contexts. The Paper addresses the issue of information gathering and research in conflict and post-conflict areas and the prevention of trafficking in persons in conflict situations, including reducing people's vulnerability to being trafficked or becoming a perpetrator of trafficking. Furthermore, it addresses the issue of victims' assistance and protection in conflict settings, the investigations, and prosecutions of cases of trafficking in persons in these contexts, and the issue of strengthening cooperation among the different actors working in conflict and post-conflict areas.

Given the prevalence of trafficking in persons, especially of a transnational nature, in areas marked by armed conflict and post-conflict situations, it is important to ensure that UN and other agencies' peacekeeping personnel deployed in field missions have the capacity to identify and report on cases of trafficking in persons, in line with their mandates. For that reason, consideration should be given to reviewing pre-deployment training curricula for field mission personnel to better address trafficking in persons.

HISTORICAL INFORMATION / TIMELINE (Illicit Trade)

Human trafficking and exploitation have been in existence across the globe for thousands of years. From the ancient Greek and Romans to the medieval times, and up until today, humans have been subject to various forms of physical and sexual slavery. Below are some of the more salient points in history related to human trafficking.

1400s-1600s-

Although forms of slavery existed before the 1400, the 1400s marked the start of the European slave trading in Africa with the Portuguese transporting people from Africa to Portugal and using them as slaves. In 1562, the British joined in on the slave trade in Africa. The development of plantation colonies increased the volume of the slave trade. Later on throughout the 1600s, other countries became more involved in the European slave trade. These included Spain, North America, Holland, France, Sweden, and Denmark

1904-

In 1904, the International Agreement for the Suppression of "White Slave Traffic" was signed and put into action. The purpose of this agreement was to protect women, young and old, from being involved in "white slave traffic." White slavery referred to forcing or deceiving a white woman or girl into prostitution. Some people argue, however, that this act was only put into place in order to control the number of European women who were seeking to find jobs abroad. Still, the agreement stands as a moral action against the trafficking of women.

1927-

The League of Nations was founded after WWI, and had the goal of maintaining world peace and also focusing on international issues such as human trafficking. The "suppression of White Slave Traffic" was changed to "traffic in women and children" so that everyone was included with no discrimination due to race. Children of both genders were also recognized as victims of trafficking. In addition, two major studies were conducted, one in the West and one in the East, in an attempt to find out the real status of trafficking in these areas. Factors that were measured included the number of women engaged in prostitution, the demand, and the surrounding environment of the women who were trafficked. Information was also gathered about the traffickers. This was a step toward gaining more insight about the issue of human trafficking.

1932-

During WWII, Japan had set up a horrifying and outrageous system where women all across Asia were forced into sexual slavery. The women were housed in what were known as "comfort stations." The conditions in these stations were atrocious, with each woman detained in a small cubicle, and received beatings and other tortures if they were defiant. Because of this, many women ultimately died of disease, malnutrition, exhaustion, suicide, etc. The stations were also surrounded by barbed wire, making escape impossible. The Japanese government set up these stations in hopes of preventing rape crimes in public, to prevent the spread of STDs, and to provide comfort for soldiers so they wouldn't tell military secrets.

1956-

In 1956, India initiated the Immoral Traffic (Prevention) Act, which persecutes the third parties involved in trafficking. These activities included running brothels, living on earnings from sex work, capturing and imprisoning people into prostitution, etc. It can be argued, however, that this Act failed to protect the women who may have been forced into prostitution. Many of the arrests that were made were for sex workers were for soliciting, and

they ultimately lost everything. Furthermore, many were forced from brothels into more dangerous areas. Although this Act made an effort to control trafficking, it was clear that it needed to be reformed.

1995-

In 1995, the United Nations held the fourth World Conference to address the issue of trafficking of women. In this meeting, a major accomplishment was the fact that trafficking was actually recognized as an act of violence. Most importantly, actions to be taken were also developed. These included enforcing international conventions on trafficking and human slavery, addressing the factors that encourage trafficking, setting up effective law enforcement and institutions who would work to eliminate trafficking both nationally and internationally, and implementing programs including educational and rehabilitation institutions to provide for the social, medical, and psychological needs to victims of trafficking.

2008-

In 2008, a case emerged where several migrants were found to be illegally smuggled into Thailand by traffickers. Fifty-seven of these migrants suffocated to death while being transported after being confined in a seafood container where the air-conditioning system malfunctioned. There were 67 survivors of the journey, and they told of how they had hopes of finding work in Thailand, but conditions in the lorry suddenly became unbearable. The driver ignored protests by the passengers, fearing that the police would be suspicious at checkpoints, and fled the scene when he realized that individuals had collapsed.

2009-

In 2009, a large human trafficking ring was busted in Taipei, Taiwan. The case involved several young females who were brought to the U.S. illegally with fake passports. They then used these fake passports to obtain visas. They were discovered by the National Immigration Agency and the U.S. Department of Homeland Security. A total of 74 suspects from the trafficking ring were brought in for investigation.

2011-

President Obama declared January to be Human Trafficking Awareness month, and Jan. 11, 2011 was named National Human Trafficking Awareness Day. On this day, various individual, as well as group events took place in an attempt to increase awareness about human trafficking among the general public. The Alliance to End Human Trafficking, an anti trafficking coalition, began a campaign to ask the government to take a serious look at

trafficking by renewing the Trafficking Victims Protection Act. The goal was not only to increase awareness, but to initiate action as well.

RELEVANT UN ACTION

The United Nations Convention against Transnational Organized Crime

Adopted by General Assembly resolution 55/25 of 15 November 2000, it is the main international instrument in the fight against human trafficking. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including fighting domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities. Countries must become parties to the Convention itself before they can become parties to any of the Protocols stated below.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children

This was adopted by General Assembly resolution 55/25. It entered into force on the 25th of December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons' cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

To see whether the country you are representing has ratified the protocol, check here: <https://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html>

The Protocol against the Smuggling of Migrants by Land Sea and Air

Adopted by General Assembly resolution 55/25, it entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of

the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

COUNTRIES AND ORGANISATIONS INVOLVED

Turkey -

Turkey is along the most-used route for passage into Europe by Middle-Eastern and Asian refugees. In a summit on November 29th with EU leaders, Turkey agreed to increase patrols in the Aegean Sea and on the land borders with Greece and Bulgaria, as well as crack down on human-trafficking gangs in return for an “initial”€3 billion to help it handle the crisis. Much of that money would go directly to groups helping refugees in Turkey or to programs set up by the Turkish government to house, train and integrate migrants. The country has absorbed over 1 million Syrian refugees since 2011 and is considered by many to be the key player in controlling the influx of refugees into Europe and ensuring a human-trafficking hot-spot is extirpated.

Syria -

Scholars have begun to document trafficking of Syrian refugees, producing sobering results. Susan Bartels and Kathleen Hamill of Harvard University recently published a report on Syrian Refugees in Lebanon. Based on 67 interviews of families, government officials, and nongovernmental aid agencies, the researchers find that numerous women have been trafficked for sex and children have been exploited for labor. Another study by the International Centre for Migration Policy Development examining the impact of the Syrian civil war and refugee crisis on trafficking in persons finds similar results.

Nepal -

Human trafficking is a very serious concern in the country of Nepal. The most booming type of human trafficking taking place is the trafficking of women from Nepal to India. Almost 5,000 to 10,000 Nepali women and girls are trafficked just to India every year. It is considered to be the busiest route of human trafficking in the world. Nepali girls are favoured in India because of their light skin colour. Apart from India, Nepal also has human trafficking connections and routes to other countries across the globe.

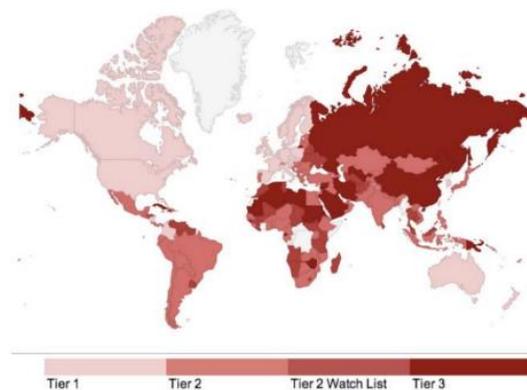
Russia-

In Russia, there are estimates that 50,000 children are involved in involuntary prostitution, said David Abramowitz, vice president for policy at Humanity United, an advocacy group. What's more, about one million people there are thought to be exposed to exploitive labor conditions, including extremely poor living conditions, the withholding of documents, and nonpayment for services. For the past 3 years, Russia has maintained a 3rd- tier rating in the annual global human-trafficking report (lowest rating).

Human Rights Watch has pointed out that some of Russia's labor abuses have occurred during the preparations for the 2014 Winter Olympics in Sochi, with some migrant workers enduring "12-hour shifts with one day off per month, having their passports confiscated, being denied employment contracts, and facing unsanitary and overcrowded employer-provided accommodations, with up to 200 migrant workers living in a one single-family home.”

Other countries with high human-trafficking:

- Bangladesh
- India
- Pakistan
- Uganda
- China



UNITED NATIONS OFFICE ON DRUGS AND CRIME

UNODC offers practical help to States, not only helping to draft laws and create comprehensive national anti-trafficking strategies (See above “Relevant UN action”.) but also assisting with resources to implement them. States receive specialized assistance including the development of local capacity and expertise, as well as practical tools to encourage cross-border cooperation in investigations and prosecutions. UNODC's strategic approach to combating trafficking in persons and the smuggling of migrants is founded in the full and effective implementation of its Protocols, and can be best understood as having three interdependent and complementary components:

- 1) research and awareness raising
- 2) promotion of the Protocols and capacity-building
- 3) the strengthening of partnerships and coordination

UNODC also produces issue papers on trafficking in persons and migrant smuggling and engages in both broad and targeted awareness-raising on these issues, notably through the Blue Heart Campaign against Human Trafficking.

Finally, UNODC initiatives on strengthening partnerships and coordination occur through its participation in inter-agency groups such as ICAT, UN.GIFT and GMG and its management of the UN Voluntary Trust Fund for Victims of Human Trafficking.

THE POLARIS PROJECT

The Polaris Project was officially founded in 2002 by Katherine Chon and Derek Ellerman, two seniors from Brown University. After learning about the existence of a brothel near their college, these two individuals began to envision a society where modern day slavery is eliminated. Their vision became a reality through the Polaris Project, which today, is a leading non-profit working to stop human trafficking. Their key developments include a national, toll-free hotline where they receive information or reports regarding human trafficking, advocating for more legislation, raising awareness, and training law enforcement to deal with trafficking issues.

QUESTIONS A RESOLUTION MUST ANSWER

1. What international process can be created to target, investigate and prosecute all about illicit trade for their illegal actions and disregard for human life?
2. Considering the different ways of illicit treatment, what would be the best way to regulate it focusing in the borders of States?
3. How can the rights can respected through legal or illegal migration processes in materia of illicit trade?

TOPIC B: RIGHT OF CIVIL DISOBEDIENCE

DEFINITION

“No one is obliged to cooperate in his own loss or in his own slavery. Civil disobedience is an imprescriptible right of every citizen” – Gandhi

The American author Henry David Thoreau pioneered the modern theory behind the practice of civil disobedience in his 1849 essay “Civil Disobedience”. Bringing the idea, through a metaphor, that one doesn't have to physically fight the government, but one must not support it or have it support one (if one is against it). This explained his reasons for having refused to pay taxes as an act of protest against slavery and against the Mexican-American War.

Civil disobedience, also called passive resistance, is the refusal to obey the demands or commands of a government or occupying power, without resorting to violence or active measures of opposition; its usual purpose is to force concessions from the government or occupying power. All this based on the position that laws can be unjust, and that there are human rights that supersede such laws, in an effort to achieve social change when all channels of negotiation failed. Therefore, the civil disobedient feel obligated by a higher, extralegal principle to break some specific law. It is because acts associated with civil disobedience are considered crimes, however, and known by actor and public alike to be punishable, that such acts serve as a protest. By submitting to punishment, the civil disobedient hopes to set a moral example that will provoke the majority or the government into affecting meaningful political, social, or economic change. Under the imperative of setting a moral example, leaders of civil disobedience insist that illegal actions be nonviolent.

However, within the framework of democracy, ideally ruled by the people, debate exists over whether or not practices such as civil disobedience are in fact not illegal because they are legitimate expressions of the people's discontent. When the incumbent government breaks the existing social contract, some would argue that citizens are fully justified in rebelling against it as the government is not fulfilling the citizens' needs. Thus, one might consider civil disobedience validated when legislation enacted by the government is in violation of natural law.

The principle of civil disobedience is recognized as justified, even required, by international law under exceptional circumstance such as war crimes. This means that an individual may, under certain circumstances, be held accountable for failure to break the laws of his country.

Nevertheless, Some states consider civil disobedience as a right and others do not. The reality is that there is a thin line between breaking a law because it is unfair and breaking the law by committing crimes. To determine that a law is unjust, one must base on the constitution of each nation or a specific situation that affects an entire nation, such as a dictatorship or an illegitimate government. Depending on each nation, civil disobedience can be accepted or not, in what spaces and how.

On the other hand, civil disobedience is different from a strike. Mainly because a strike is recognized around the globe as a right by the International Labor Organization, and it is when workers don't go to work in order to bargain for better pay or working conditions. Likewise, a protest is included in civil disobedience, it is when people go out into the streets because they're upset about something (not necessarily political or economic government's measures), and is one of the most common measures in contemporary civil disobedience.

Civil disobedience is categorized into three basic types:

Policy-based: when there is a refusal to follow laws or policies that the masses seem to think are dangerous in practice.

Justice-based: when a group tends to resist any unfair laws or policies that are denying them their deserved rights.

Integrity-based: the disobedience when someone or a group of people feel that a certain law, policy, or decision taken by the government is immoral

Throughout history, we can see successful cases of civil disobedience. Such as in India, where Gandhi's defiance of British colonial laws over the empire's salt monopoly, beginning in March 1930, sparked a wave of civil disobedience that contributed to expelling the British empire. Salt laws taxed the production of Indian salt so the country had to import British salt. Gandhi and his supporters began a long, expanding march to produce salt and transport it without having to fulfill the payment of the tax. Nevertheless, this did not stop the practice, since the British suppressed the march fiercely, arresting tens of thousands, and refused to make any concessions. It was also limited by its failure to win Muslim support.

However, the campaign had long-term effects that weighed against its failure to win its immediate goals. In the first instance, it was inspiring for those taking part, since many

had never been organized before. Second, it announced to the world that the Indian masses were a serious force and that the British authorities had been forced to negotiate with their leader. Third, it stimulated further waves of civil disobedience, after all, it was one of his most successful campaigns. Finally, the Salt March had a colossal influence on the thinking and strategy of other insurgents, such as Martin Luther King.

Another historical example of civil disobedience is the case in the United States, where Martin Luther King, Jr. became pastor of the Dexter Avenue Baptist Church, in Montgomery, Alabama at the young age of twenty-four. King correctly recognized that an organized, nonviolent protest against the racist system of southern segregation known as Jim Crow laws would lead to extensive media coverage of the struggle for black equality and voting rights. Indeed, journalistic accounts and televised footage of the daily deprivation and indignities suffered by southern blacks, and of segregationist violence and harassment of civil rights workers and marchers, produced a wave of sympathetic public opinion that made the Civil Rights Movement the single most important issue in American politics in the early-1960s. King organized and led marches for black people's right to vote, desegregation, labor rights, and other basic civil rights. Most of the latter were successfully enacted into United States law with the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

A more recent case is the one in Sudan, where leaders of Sudan's Alliance for Freedom and Change have agreed to end civil disobedience, which started on June 8th. The pro-democracy movement had called for "civil disobedience" throughout the country beginning on Sunday, days after a bloody military crackdown killed more than 100 people in the capital Khartoum. The Sudanese Professionals Association (SPA) stated that the civil disobedience campaign will only end when the ruling generals "transfer power to civil transitional authority in accordance with the Declaration of Freedom and Change (DFC)." And it would mean not going to work and "general civil disobedience for a civil state." However, the repression answered cause the increase of deaths and injured. Three days after its launch, both parts have agreed to also resume talks on the handover of power to a civilian authority.

Among others we can find, in Germany, the case of The White Rose (or the Weiße Rose in German), a movement of resistance to the Nazism formed by a group of students of

the University of Munich, who distributed six sheets from the summer of 1942 until their arrest in February 1943 and subsequent execution, facing the flagrant injustices committed by the National Socialist state, given the cruelty of the actions of the state. They were condemned because they defined the state as "the dictatorship of evil" and proclaimed that not only did they have the right to oppose it, but also that its elimination constituted a real duty.

And last but not least, the case of Venezuela, where since 2013 President Nicolas Maduro has withstood myriad anti-government protests, which have resulted in hundreds of deaths and thousands of arrests in violent clashes with police. There have been more than 48,900 anti-government protests since 2013, mostly consisting of large groups of neighbors, public workers, and university students, according to the Venezuelan Observatory of Social Conflict. Nevertheless, last year the number of demonstrations surpassed the two previous largest waves during 2014 and 2017.

CIVIL DISOBEDIENCE CURRENT SITUATION

Civil disobedience implies the violation of a law through an action, destined to be contemplated by the citizenship and political class, seeking the repeal of an unjust law. Numerous experiences of civil disobedience have taken place throughout history. In spite of the controversies that this term often raises as to which practices to include in this category - according to the theoretical referents that develop the theme-, there is a certain consensus in a group of them. We refer to experiences that, from a historical point of view, can be used to exemplify the various cases of civil disobedience and place us in front of other more recent and close ones.

Among the best known, and that for centuries has developed in our societies, we are forced to name cases, such as the Tea Party in 1773, promoted by Samuel Adams against the monopoly of the East India Company; the call to civil disobedience on the part of Gandhi in front of the British imperialism that counted on several referents of collective and pacific participation (like the march of the Transvaal 1913, the protests of Champaran and Kheda Satyagraha of 1918, the march of the Salt in 1930, etc.); the suffrage movement that claimed the right to vote of women or the civil rights movement led by Martin Luther King, among others.

Cases such as the ones mentioned represented an important frame of reference in the development of new "disobediences", in which we stop next. Without looking back, we are

aware that there are some initiatives that have lasted for years and that are close to us today; and others, that happen around us as a form of protest, inequality and discontent with the system. Conscientious objection by governments that generate clear cases of "disobedience" by the population, in turn, there are other experiences and new campaigns that oppose impositions, in many facets, that affect our life as civilians.

Conscientious objection as an expression of civil disobedience

It is necessary to specify what we mean by conscientious objection in order to understand their choice by an important social mass and its collectives for ends, contrary to the established norm. The conscientious objection is the fact by which the breach of the law or of the different existent norms is chosen in front of the duty that establishes the conscience, the ethical or even religious beliefs. The objections refer to different dimensions that have to do with moral positions in regard, among others, to civic worship, certain medical practices, tax obligations, suffrage, military conflicts or military service. However, the opposition to carry out certain activities or services - for the aforementioned reasons - has been especially highlighted in regard to compulsory military service or tax objection.

Conscientious objection to military service is the most prominent assumption of the objection. It consists of the opposition to the Mandatory Military Service that was imposed on the group of male citizens coming of age in different parts of the world in order to support the country in wars and armed conflicts, without giving its citizens a choice. In the same category - the objection - we can not fail to mention another of the most relevant cases: the tax objection to military expenditures. The implicit idea of this modality that supports their reception is that militarism prevents the development of a society in peace, solidarity and justice. The five cases of civil disobedience, the best known in the world are:

The Salt March of Ghandy

On April 6, 1930 there was a confrontation in India that challenged the British monopoly that prevailed there for that year. This uprising was led by who would be the most prominent leader of the Indian independence movement against the English crown, Mahatma Gandhi. The so-called March of Salt was the a posteriori way to achieve the independence of India, on the aforementioned date culminated a long journey of more than 20 days in which the civic disobedience indicted by Gandhi sought to stop the high tax established by the English to the production of salt by the Hindu population. This leader managed to gather more than 50 thousand people and arrived at the shores of the Indicated Ocean. There, to protest against the colony that had brought poverty to their land, he bent down, took a handful of salt and expressed "with this simple act I am shaking the foundations of the British

Empire." Hundreds imitated his gesture causing chaos that the British Raja could not control. Years later India got its longed for freedom induced by a man who simply took a fist of salt between his hands.

General strike of the Fallen Arms in El Salvador

On May 2, 1944 a group of Salvadoran students materialized a revolution that began in April of the same year, which led to the resignation of the president and named dictator, General Maximiliano Hernández Martínez. After several failed attempts to overthrow him, the popular forces forced him to resign and flee to Guatemala on May 9, 1944, after the General Strike of the Fallen Arms, which involved university students and private schools, shops, factories, employees banks, hospitals, street vendors and rail service, urban and intercity bus services. After incessant attempts by Hernández Martínez to end the strike through violence and not to get it yet with the support of the US government, the president had to resign his position. Thus the success of the student tactic of a revolution without weapons was written in the history of that country.

Martin Luther King, civil disobedience as a means of political action

Martin Luther King was an example of civil disobedience. This was always characterized by being public, peaceful and non-violent. With this action he achieved millions of followers of his thought and conquered the non-violent social change that went from achieving true progress for the Afro-descendant population living in the United States, to contribute to the success of civil rights. King's actions were so relevant that he is now known as a great American leader who achieved respect, dignity, equality and freedom for a population that at that time was denigrated by his skin color. On August 28, 1963, King mobilized to Washington at least 200,000 Afro-descendants who fought for their civil rights. In front of this crowd he pronounced his speech called "I have a dream". With this mobilization sought to produce pressure before the Congress of the United States to achieve equality of opportunities and the termination of the racial segregation prevailing in the nation at that time. In this demonstration King managed to unite whites and blacks in favor of the right of those who at that time were considered less than human beings by the dominant sectors.

Payment of the Capitation Tax in London

On March 31, 1990, in London, a demonstration was held by more than 200,000 people whose purpose was not to pay the capitation tax imposed by the State. While the police officers tried to impose the authority, in this case, the population proposed to resist at all costs the registration for the payment of the tax, thus obstructing the legal system. These

actions caused that the collection of the tax was ineffective and that the law that kept it in force was completely repealed. This was carried out without any violence or incident that lamented and was based on the decision of a population not to let the State abuse in its ordinances of the people.

Dismantling of unwanted company in France

In 1999, the Paysanne Confederation Agrarian Trade Union, made up of farmers who opposed the genetic manipulation of the food that would be sold to the public, managed to dismantle a McDonalds fast food restaurant. Against the fact that a subsidiary of that type of food was operative in Millau, the farmer José Bove and a large group of civilians arrived at the headquarters of the future restaurant and dismantled it brick by brick. These actions subsequently caused in that country an anti-capitalist movement that fought against genetic manipulation in food and joined the struggle against the European constitutional treaty. In this act violent demonstrations were not carried out either, but with a firm stance the population made known to the State that it did not agree with permitted actions that could affect the population.

BLOC POSITIONS

Due to the short quantity of past actions, the positions per block could be differenced between authoritarian countries and more democratic ones.

Authoritarian countries

Not necessarily dictatorships or totalitarian ones. This represents the countries which consider legal disobedience a crime or use repression methods against its demonstrator citizens, even if it is stated in its Constitution or another law mechanism. In this group, we have Venezuela, China, Russia, among others.

Democratic countries

Even though most countries have a democratic system, this is referred to countries that are more permissive regarding the issue and consider civil disobedience a right. Among them, we can find mainly Nordic countries.

QUESTIONS A RESOLUTION MUST ANSWER

1. Could a State combat or control a civil disobedience?
2. In the case of an act of civil disobedience is not recognized, what kind of actions should a State create or what measure should apply?
3. It will be viable to change the Responsibility to Protect (R2P) and create new mechanisms to control and end the civil disobedience?

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