

STUDY GUIDE

UNHRC
IașiMUN 2019



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Welcoming letter

Distinguished and beloved delegates,

The conference could not seem to be closer than this. The clock is ticking faster and faster than we can even realise, therefore, here are your Chairpersons calling, welcoming you to the **United Nations Human Rights Council** of the eleventh edition of **Iasi Model United Nations 2019**. Our names are Bianca Iris Samoilă, Matei Pascariu and Matei Scoică. From now on, we are here to guide through this MUN experience, a true roller-coaster of emotions, and to help you grow as a delegate and as a person, while also enjoying every single part of the conference.

This year we have decided to introduce study guides in our conference, as we believe that the presentation of the topics on the website no longer sufficed. The study guide has the purpose of guiding your research in the right direction so that you will be prepared during the conference and know the most basic concepts of the topics.

This document will follow a structure that is easy to follow, from the definition of general key terms that you will often hear during the debate, all the way to historical context, international legislations, and major players. In your research, you will have to expand on those ideas, especially in regards to your own state's position, as your main purpose as a delegate should be to follow the interests of the country which you represent.

The goal of our committee at this edition will be to fight against the **modern** forms of **slavery** in our world and to reach common ground between the upholders of the **capital punishment** and the ones that consider it an extreme measure which we need to get rid of.

And now, some tips from us: always respect your country's policy, be spontaneous, always pay attention to the other delegates, speak your mind and be **bold**! MUNs are an ideal environment for self-improving and expressing yourself, so do take advantage of it!

Best regards,

Bianca Iris Samoilă, Matei Pascariu and Matei Scoică.

Introduction to the committee

UNHRC stands for The United Nations Human Rights Council and is an inter-governmental body within the United Nations whose mission is to strengthen, promote and protect human rights around the world and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. The UNHRC has 47 members elected for staggered three-year terms by the UN General Assembly. The headquarters of the council is in Geneva, Switzerland. The UNHRC investigates allegations of breaches of human rights in UN member states and addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

The Council was created by the United Nations General Assembly on 15 March 2006 and its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms. Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council's —think tank providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

Topic A: Modern Day Slavery

1. Overview of the topic

Someone is in slavery if they are:

- forced to work – through coercion, or mental or physical threat;
- trapped and controlled by an “employer”, through mental or physical abuse or the threat of abuse;
- dehumanised, treated as a commodity or bought and sold as “property”;
- physically constrained or have restrictions placed on their freedom of movement.

2. Historical Background

The history of slavery spans many cultures, nationalities, and religions from ancient times to the present day. However, the social, economic, and legal positions of slaves have differed vastly in different systems of slavery in different times and places. Although slavery is no longer legal anywhere in the world (with the exception of penal labour), human trafficking remains an international problem and an estimated 25-40 million people were enslaved as of 2013, the majority in Asia. During the 1983–2005 Second Sudanese Civil War people were taken into slavery. Evidence emerged in the late 1990s of systematic child-slavery and -trafficking on cacao plantations in West Africa. Slavery continues into the 21st century. Although Mauritania criminalized slavery in August 2007, an estimated up to 600.000 men, women and children, or 20% of the population of Mauritania, are currently enslaved, many of them used as bonded labour. Slavery in 21st-century Islamism continues, and Islamist quasi-states such as the Islamic State of Iraq and the Levant and Boko Haram have abducted and enslaved women and children (often to serve as sex slaves).

As we can see, slavery did not end with abolition in the 19th century. Instead, it changed its forms and continues to harm people in every country in the world. Whether they are women forced into prostitution, men forced to work in agriculture or construction, children in sweatshops or girls forced to marry older men, their lives are controlled by their exploiters, they no longer have a free choice and they have to do as they're told. They are in slavery.

3. Key Terms

Forms of modern slavery:

Forced labour – any work or services which people are forced to do against their will under the threat of some form of punishment.

Debt bondage or bonded labour – the world’s most widespread form of slavery, when people borrow money they cannot repay and are required to work to pay off the debt, then losing control over the conditions of both their employment and the debt.

Human trafficking– involves transporting, recruiting or harbouring people for the purpose of exploitation, using violence, threats or coercion.

Descent-based slavery – where people are born into slavery because their ancestors were captured and enslaved; they remain in slavery by descent.

Child slavery – many people often confuse child slavery with child labour, but it is much worse. Whilst child labour is harmful to children and hinders their education and development, child slavery occurs when a child is exploited for someone else’s gain. It can include child trafficking, child soldiers, child marriage and child domestic slavery.

Forced and early marriage – when someone is married against their will and cannot leave the marriage. Most child marriages can be considered slavery.

4. Current Situation and Issues



There are an estimated 40.3 million people in modern slavery around the world.

- 10 million children
- 24.9 million people in forced labour
- 15.4 million people in forced marriage
- 4.8 million people in forced sexual exploitation

In 2015, government leaders agreed to the Sustainable Development Goals (SDGs) to help achieve fair, inclusive, and sustainable development by 2030. SDG 8.7 calls on all governments to take immediate and effective measures to end forced labour, modern slavery, and human trafficking, as well as child labour in all its forms. But since then, progress made toward ending these abhorrent practices has been disgracefully marginal. The world must accelerate action to end this crime.

Of the 183 countries which agreed to the SDG 8.7, only 31 have ratified the ILO's 2014 Forced Labour Protocol. Forty-seven countries have not criminalised human trafficking in accordance with the definitions outlined in the UN Trafficking Protocol; a further 96 countries have not criminalised forced labour, and 133 have not criminalised forced marriage. Ratifying the Forced Labour Protocol and criminalising all forms of modern slavery are the most basic steps a country can take, but we find that many countries have failed to take these actions.

Victims are not being identified. Despite the large number of countries that have provided training to their police (166) and to immigration officials, border guards, or labour inspectors (141) on how to identify victims, the rates of identification remain extremely low. Governments cannot extend protection to victims they cannot reach and, at present, they are failing at the first step – identification.

Survivors are being let down by a lack of services, with limited options for men, children, and migrant populations in 95 countries. Many victims are also subject to re-traumatisation due to officials' limited understanding of their needs. In 71 countries, victims face criminal charges for crimes committed while exploited, and in 60 countries, victims are deported or detained for immigration violations. These figures are likely to be underestimated, with limited publicly available information on these issues. Survivors are also largely excluded, with few governments taking concrete action to engage directly with them to strengthen their policy response.

Despite the slow progress, the 10 countries taking the most action to respond to modern slavery are the UK, the Netherlands, the United States, Portugal, Sweden, Argentina, Belgium, Spain, Croatia, Australia.

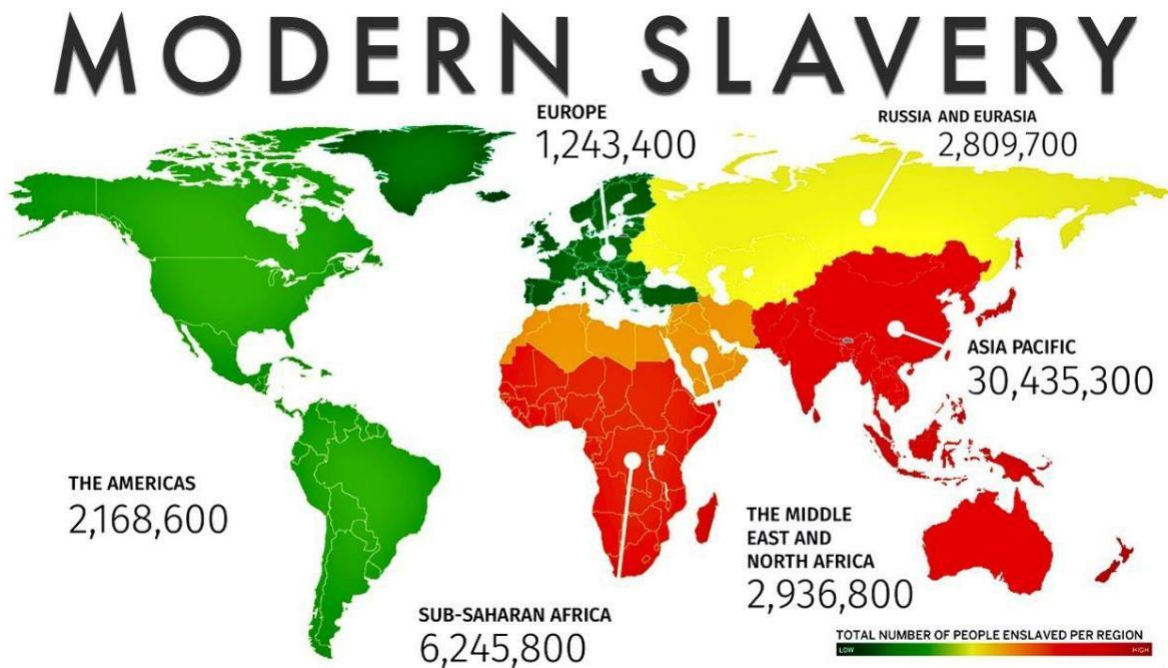
These countries are characterised by strong political will, high levels of resources, and a strong civil society that holds governments to account. However, not all of these countries have matched good policy with effective enforcement. There are low numbers of identified victims, as in Croatia, or few prosecutions for labour exploitation, as in the Netherlands. Countries with otherwise strong responses also may have restrictive and discriminatory migration policies, which continue to be a key driver of modern slavery, as is the case in the EU, UK, the US, and Australia.

The 10 countries taking the least action to respond to modern slavery are North Korea, Eritrea, Libya, Iran, Equatorial Guinea, Burundi, Democratic Republic of the Congo, Congo, Russia, Somalia.

According to the 2018 Global Slavery Index, approximately 6.9 million people were in some form of modern slavery in these countries. This amounts to 17 per cent of the total number of people in modern slavery living where there is limited, if any, government action. These countries are characterised by government complicity (North Korea and Eritrea), low levels of political will (Iran), high levels of corruption (Equatorial Guinea), or widespread conflict (Libya). Few victims are being identified and there are even fewer prosecutions. There is also evidence that governments are actively enslaving part of their population in some of these countries. In North Korea, there are reports that prisoners are forced to labour in camps under threats of violence, and actual violence, to themselves and their families.

When correlated against GDP (PPP) per capita, some countries stand out as taking relatively robust action when compared with those that may have stronger economies and a greater capacity to act. Countries such as Georgia, Nigeria, Ukraine, Moldova, Ethiopia, and Mozambique are notable for taking steps to respond to modern slavery despite having limited resources. Both Mozambique and Ethiopia have criminalised human trafficking in line with the UN Trafficking Protocol; in Mozambique, victims who participated as witnesses in criminal proceedings were able to access witness protection programs in 2018. In contrast, there are wealthier countries that have done little when it comes to combating modern slavery. Qatar, Singapore, Kuwait, Brunei, Hong Kong, and Russia stand out as taking relatively limited action despite the size of the problem they confront and the national resources at their disposal.

5. Position of Major Actors



North Korea

In North Korea, the government forces many people to work for the state sometimes for many years. The 2018 Global Slavery Index estimated that 2.8 million people were slaves in the country and the workers are often unpaid. Additionally, North Korea's army of 1.2 million soldiers is often made to work on construction projects unrelated to defence. North Korea has the highest prevalence of modern slavery in the world, with 1 out of every 10 citizens considered victim. North Korea's government had the weakest response to slavery out of all the countries surveyed, as the North Korean state itself is involved in forced labour both inside and outside the country. —There's a strong focus on bombs and missiles, but the North Korean tragedy is much more about lost freedom through the brutal suppression of human potential said Andrew Forrest, founder of the Walk Free Foundation.

Afghanistan

Trafficking in Persons (TIP) remains a national and regional variation in terms of trends, prevalence, and acceptance. Human trafficking is essentially the recruitment of individuals through coercive means for the purpose of exploitation. The International Organization on Migration has been assisting an increasing number of victims of trafficking from 13 victims in 2005 to 341 in 2012— with voluntary return and reintegration, while also supporting counter-trafficking initiatives at both government and field levels. TIP remains extremely pervasive in Afghanistan: men, women, and children of all ages fall prey to these exploitative practices. However, a growing

understanding of the causes and determinants of trafficking indicate that Afghanistan provides an environment in which TIP can not only persist but flourish. Structural factors, such as increasing economic vulnerability and a high incidence of migration and displacement, render households and individuals more vulnerable to exploitative practices, while proximate factors, such as poor law enforcement of victims create an environment in which perpetrators can operate with impunity.

Mauritania

Slavery has been called "deeply rooted" in the structure of the north-western African country of Mauritania. It is closely tied to the ethnic composition of the country. Unfortunately, the situation in Mauritania is unusually severe.

In 1905, an end of slavery in Mauritania was declared by the colonial French and in 1981, Mauritania became the last country in the world to abolish slavery, when a presidential decree abolished the practice. However, no criminal laws were passed to enforce the ban. In 2007, "under international pressure", the government passed a law allowing slaveholders to be prosecuted. Despite all of this, the number of slaves in the country has been estimated by the Global Slavery Index to be up to 600,000. The position of the government of Mauritania is that slavery is "totally finished all people are free". However, Amnesty International estimates that 43,000 people still live in slavery in Mauritania.

Pakistan

Slavery concerns about two million people in Pakistan nowadays. The awareness of this issue is limited. Pakistan is among the countries where forced labour exists. In Pakistan, about two million people are in bonded labour. Australian mining billionaire and philanthropist Andrew Forrest has made a deal with the province of Punjab to give it access to a technology making diesel from coal for laws against forced labour. Pakistan has forced marriage, sale or exploitation of children and human trafficking. These are alarming statistics. Last year, the Global Slavery Index 2016 estimated the number of modern slavery victims in Pakistan as 2.134M. In terms of absolute numbers, Pakistan ranked 3 in this index after India and China.

Cambodia

In Cambodia, recent studies show adults and children alike compelled to work in horrific conditions. But they also highlight modern slavery as a fundamentally structural issue, deeply enmeshed in systems of global commerce and growth. Cambodia is a source, transit and destination country for human trafficking. The traffickers are, reportedly, organized crime syndicates, parents, relatives, friends, intimate partners, and neighbours. Despite human trafficking being a crime in Cambodia, the country has a significant child sex tourism problem. Some children are sold by their parents, while others are lured by what they think are legitimate job offers like waitressing, but then are forced into prostitution. Children are often held captive, beaten, and starved to force them into prostitution.

Iran

Misogyny and rampant corruption are inextricably intertwined with the existence of the regime ruling Iran, victimizing women and girls. One of the most tragic aspects of such gender discrimination and exploitation in Iran is the business of trafficking of young women and girls for modern slavery. Trafficking of young women and girls from Iran for modern slavery, particularly to Arab countries of the Persian Gulf, is a common practice. This was publicly acknowledged in 2008 by Hassan Abbasi, one of the clerical regime's main theoreticians. The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not share information on its anti-trafficking efforts with the international community. For example, Iran was not among the 155 countries covered by the UN's Global Report on Trafficking in Persons, published in February 2009. Trafficking within, to, and from Iran is extensive. The authorities' response is not sufficient to penalize offenders, protect victims, and eliminate trafficking.

Somalia

Slavery in Somalia existed as a part of the Arab slave trade. To meet the demand for menial labour, Bantus from south-eastern Africa captured by Somali slave traders were sold in cumulatively large numbers over the centuries to customers in Somalia and other areas in Northeast Africa and Asia. People captured locally during wars and raids were also sometimes enslaved by Somalis mostly of Oromo and Nilotic origin. However, the perception, capture, treatment and duties of both groups of slaves differed markedly. The human trafficking trade out of Somalia is now one of the busiest, most lucrative and the most lethal in the world. The ferocious violence and anarchy in the region have kept the scale of profits and misery the most hidden from outside eyes. Dozens of corpses are found floating in the Arabian Sea every month, often

with gunshot wounds, often with hands tied behind their back - victims of traffickers who have jettisoned their cargo in the most final way.

Mongolia

Mongolia is a source country for men, women, and children trafficked for the purposes of sexual exploitation and forced labour. Mongolian women and girls are trafficked to China, Macau, Hong Kong, Malaysia, Kazakhstan, Turkey, and South Korea for both forced labour and sexual exploitation. There is also concern about involuntary child labour in the Mongolian construction, mining, and industrial sectors, where they are vulnerable to injury and face severe health hazards, such as exposure to mercury. Some Mongolian women who enter into marriages with foreign nationals – mainly South Koreans – were subjected to conditions of involuntary servitude after moving to their spouses' homeland. Mongolia continues to face the problem of children trafficked internally for the purpose of commercial sexual exploitation. There have been several reports of Mongolian girls and women being kidnapped and forced to work in the country's commercial sex trade. Methods used by traffickers to lure victims grew increasingly organized and sophisticated. For instance, traffickers are beginning to utilize TV Chat, a late-night broadcast through which viewers send and view text messages, as a method to recruit victims, typically through the promise of lucrative jobs. In 2008, the Mongolian government signed an agreement with North Korea that could bring as many as 5,300 additional DPRK labourers to Mongolia.

6. Points to Address



- How do the conflicts and the economy influence the levels of modern-day slavery?
- Why do countries with government complicity have a weaker response to modern slavery?
- Taking into consideration the fact that we need to free 10,000 people per day in order to eradicate modern slavery by 2030, how can we prevent millions of people from getting enslaved?

7. Further Reading

- <https://www.globallslaveryindex.org/2018/findings/global-findings/>
- <https://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>
- <https://www.theguardian.com/news/2019/feb/25/modern-slavery-trafficking-persons-one-in-200>

Topic B: The Capital Punishment

1. Overview of the Topic

Capital punishment is the practice of executing someone as punishment for a specific crime after a proper legal trial. It can only be used by a state, so when non-state organisations speak of having 'executed' a person they have actually committed a murder. It is usually only used as a punishment for particularly serious types of murder, but in some countries treason, types of fraud, adultery and rape are capital crimes. Capital punishment is used in many countries around the world. According to Amnesty International as at May 2012, 141 countries have abolished the death penalty either in law or in practice.

2. Historical Background

Capital punishment, often referred to as the death penalty, has been used as a method of crime deterrence since the earliest societies. Historical records show that even the most ancient primitive tribes utilized methods of punishing wrongdoers, including taking their lives, to pay for the crimes they committed. Murder most often warrants this ultimate form of punishment. —A life for a life has been one of the most basic concepts for dealing with crime since the start of recorded history. Early forms of capital punishment were designed to be slow, painful, and torturous. In some ancient cultures, lawbreakers were put to death by crucifixion, being burned at the stake, and even slowly being crushed by elephants. Later societies found these methods to be cruel and unusual forms of punishment and sought out more humane practices.

During the 18th and 19th centuries, legal bodies found faster and less painful approaches to the death penalty, including hanging and beheading with the guillotine. While these were still violent and bloody practices that were often large public spectacles, the end result was usually instantaneous and therefore seen as more compassionate. In 1791, the Constitution of the United States was amended for the eighth time, to prohibit any form of punishment considered —cruel and unusual. Although this was not an attempt to ban capital punishment, it did begin a movement towards carrying out more humane executions. By the late 1800s, employees of Thomas Edison introduced the electric chair to accomplish this goal. Later, in the 1970s, lethal injections entered the foray as another option.

Over time, the death penalty has become even more controversial throughout the world. Opponents to the practice declare it to be inhumane and unfair and believe that no life should be taken, regardless of the crime that has been committed. DNA testing has proven the innocence of several individuals on death row, and the argument that no one should be executed to avoid killing an innocent individual has grown in response. Several states in the U.S. no longer support the death penalty, and many countries have abolished the practice completely.

From the early 1960s, although a majority of countries still used the death penalty, the drafters of the International Covenant on Civil and Political Rights (ICCPR) had already begun moves for its abolition in international law. Although Article 6 of the ICCPR permits the use of the death penalty in limited circumstances, it also provides that —nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

In 1989, 33 years after the adoption of the Covenant itself, the UN General Assembly adopted the Second Optional Protocol to the ICCPR that gave abolition decisive new momentum. Member States which became parties to the Protocol agreed not to execute anyone within their jurisdictions.

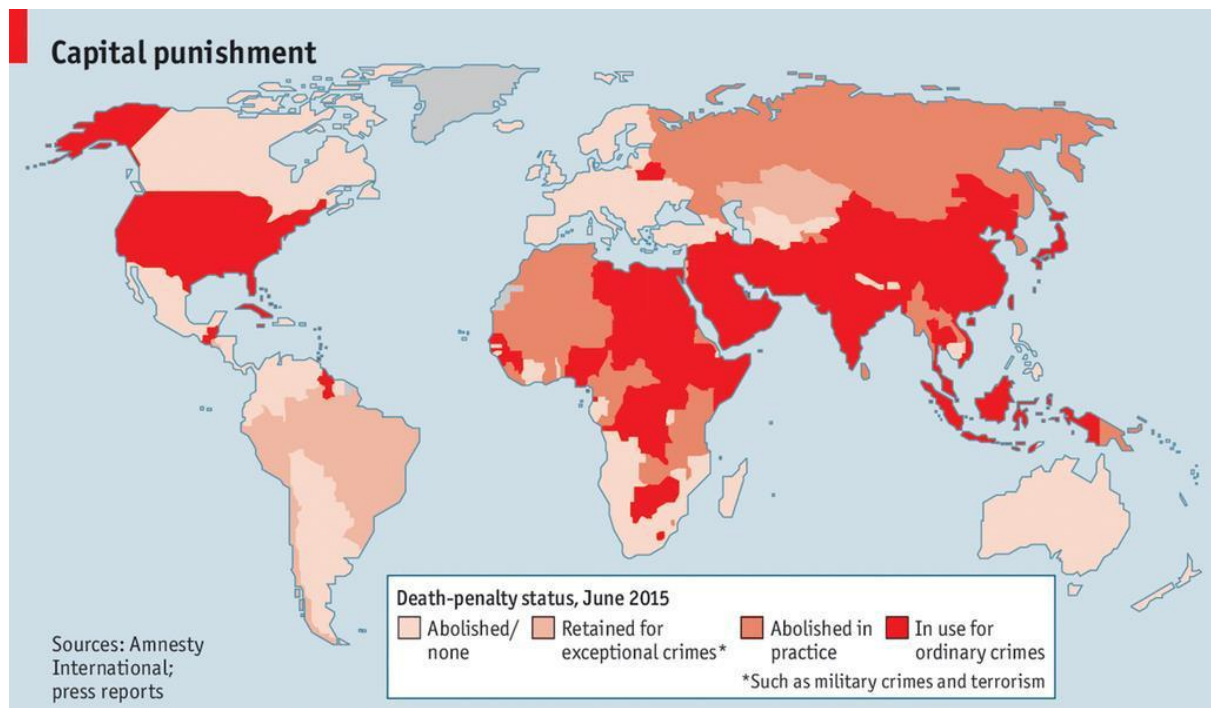
3. Key Terms

Capital punishment should be distinguished from extrajudicial executions carried out without due process of law.

Retribution - punishment inflicted on someone as vengeance for a wrong or criminal act

Deterrence - the action of discouraging an action or event through instilling doubt or fear of the consequences

4. Current Situation and Issues



In 2008, there was a growing reluctance among those countries that do retain the death penalty to use it in practice. In 2008, only 25 out of 59 countries that retain the death penalty carried out executions.

China executes the most people per year overall, with an estimated figure of 1,718 in 2008. In 2008, Iran executed at least 346 people, the USA 111, Saudi Arabia 102 and Pakistan 36.

In China, at least 1,718 people were executed and at least 7,003 people were known to have been sentenced to death in 2008. These figures represent minimum estimates - real figures are undoubtedly higher. However, the continued refusal by the Chinese authorities to release public information on the use of the death penalty means that in China the death penalty remains shrouded in secrecy.

There is now steadily increasing support for abolishing capital punishment.

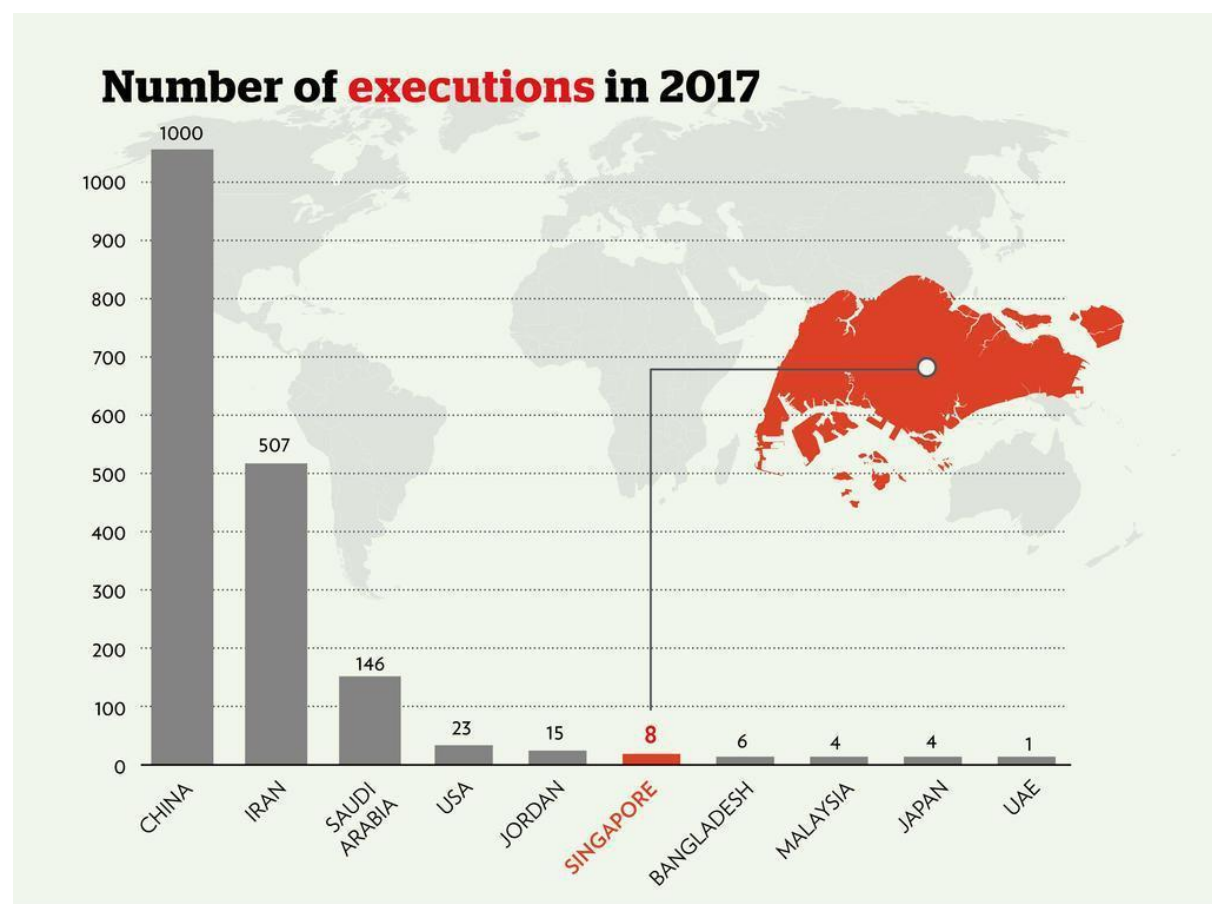
On 18 December 2008, the United Nations adopted resolution 63/168, which is a reaffirmation of its call for a moratorium on the use of the death penalty (62/149) passed in December the previous year. The resolution calls for states to freeze executions with a view to eventual abolition.

The World Coalition Against the Death Penalty was created in Rome in 2002, and 10th October 2006 was World Day against the Death Penalty.

In a series of four resolutions adopted in 2007, 2008, 2010 and 2013, the General Assembly urged States to respect international standards that protect the rights of those facing the death penalty, to progressively restrict its use and reduce the number of offences which are punishable by death. The fact that the death penalty is legalized as a form of ultimate punishment for heinous crimes in these countries does not mean that everyone who resides in the applicable countries, nor the government officials who make decisions about subjects like the death penalty, are in support of capital punishment.

Whether or not you agree with the death penalty as a consequence for serious criminal activity, capital punishment remains legal in fourteen countries around the world. The fourteen countries that have legalized and retained the right to execute criminals for their crimes include Bangladesh, China, Egypt, Ethiopia, India, Indonesia, Iran, Japan, Nigeria, Saudi, Arabia, South Korea, Sri Lanka, Taiwan, The United States.

5. Position of Major Actors



China

The Chinese government operates in an unusual and interesting way when it comes to capital punishment. Unlike places like the United States where death penalty cases are made public and execution dates are announced, China has a rule that states that all death penalty executions must remain absolutely private and confidential. They are deemed a secret, and even the families of those who are put to death do not know about the execution until after it has occurred.

Also, China still has firing squads as a tactic for carrying out the death penalty. This method is quite unheard of, as it is seen as being incredibly unethical and one could argue that the entire process of punishing criminals for their mistakes by taking their lives from them is unethical as it stands, but being shot in the head point-blank takes the lack of ethical practices a step further. The one other form of execution that Chinese officials can legally invoke is death by lethal injection.

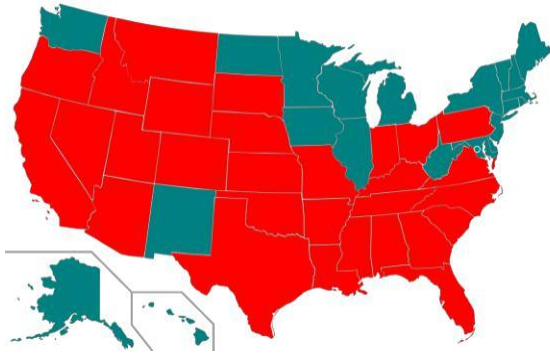
The shocking truth about Chinese executions is that a couple of thousand death penalty executions are carried out over the course of one year. That comes out to approximately five executions per day for three hundred sixty-five days in a row.

Japan

Japan carries out Death Row executions in a similar manner to China in the sense that Japanese officials do not inform anyone of the pending execution dates. However, the distinguishing factor that differentiates Chinese executions from those in Japan is that Japanese officials do not even let the inmate know that their execution dates are on the horizon. Instead, prison officials surprise inmates about one hour prior to the time that the execution is set to take place.

The only method of execution in Japan is by hanging, and prisoners are blindfolded, as well as adorned in a hood before the trap door is released and the inmate is executed. Japan has killed twenty-four Death Row inmates between 2012 and 2016. Once an inmate has been executed, Japanese prison officials inform the public of the execution that just took place. Except for very rare situations, most cases of the death penalty in Japan involve multiple murders.

The United States of America



Thirty of the fifty states in the US have legalized the death penalty, and these executions are carried out by the government on a state level. The federal government also participates in capital punishment when necessary.

There are thousands of inmates currently on Death Row in the United States. Twenty-five individuals convicted of criminal activity and sentenced to death were ultimately executed in 2018, even though forty-two inmates had death sentences looming over their heads. The death penalty was re-enacted in the US back in the year 1976, and ever since, the US has been responsible for about 1,493 deaths as a result of capital punishment sentences. As of 2019, sixty-three people are currently sitting on Death Row in America.

There are five different methods of executing Death Row inmates in the US, including lethal injection, hanging, electrocution, lethal gas, and firing squads. The most common way of carrying out an execution in the United States is a lethal injection, followed by electrocution, lethal gas, hanging, and firing squads.

6. Points to Address

- Is it ethically and morally correct to apply the principle of —an eye for an eye when considering judicial punishments?
- Is deterrence a sufficient argument for capital punishment?
- Could rehabilitation be a better option? Could we consider that punishments which aim rehabilitation are enough to prevent further crimes?
- Do the economic advantages of executing extremely dangerous convicts constitute a sufficient argument to choose this type of punishment?

7. Further Reading

- <http://www.bbc.co.uk/ethics/capitalpunishment/>
- <https://deathpenaltyinfo.org/>
- <https://www.ohchr.org/EN/Issues/DeathPenalty/Pages/DPIIndex.aspx>