

United Nations Human Rights Council (UNHCR)



Committee Background Guide

Chair: Annabella Lugo
Co-Chair: Cinzia Baracco



AHPMUN VII



Letter From Your Chairs

Hi everyone! Welcome, my name is Annabella Lugo and I will be your chair for this committee. I am a senior at American Heritage and have been doing MUN since sophomore year. Last year I assisted in chairing the Senate Committee on Immigration. I have had such a great time competing in MUN over the years, and I hope I can share the same enthusiasm with you all throughout the conference. If you have any questions feel free to email me. This background guide is by no means all the information out there on these issues so make sure to delve deeper into the topics and bring your best ideas to the table!

In addition to MUN, I have participated in Mock Trial and the Pre-Law program since 7th grade and Moot Court since 10th. My interests lie in human rights advocacy (evidently), environmental awareness, and prison reform with concentration on mental health issues. I hope to find a future as an attorney for the ACLU or in criminal defense. So excited to meet everyone and hear riveting debate!

Annabella Lugo
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Hey and welcome to the Human Rights Council committee! My name is Cinzia Baracco and I will be helping chair this room. A little bit on me, I'm currently a junior at American Heritage and I've been competing in MUN since freshman year. This is my first time chairing a room and I could not be more excited! I think that the most important part of this experience is to make sure everyone has fun, especially since there is no point in competing if you're not going to have a good time.

Outside of Model UN, I am also a cheerleader for my school and I volunteer taking care of little kids every week. I believe it is so amazing to be able to influence the next generation in positive ways. I also love history and political science, as most MUNers do. My dream job is to be a business lawyer for a multinational company- preferably Google or Apple. I can't wait to meet you all and see all your amazing ideas in committee!

Cinzia Baracco



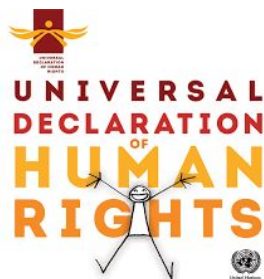
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General Overview of Universal Declaration of Human Rights

The Universal Declaration of Human Rights, UDHR, was created by delegates representing various cultures and regime types across the world. It was adopted by the UN General Assembly on December 10th, 1948. It was the first definitive document that outlined human rights that should be universally protected.¹ Despite the consensus among drafting countries, these rights are not always recognized under certain regimes and often lack uniformity in application. Since 71 years have passed since the adoption of the document, society's evolution has left gaps in the declaration. In this committee you will be tasked with handling ambiguities in the verbiage of rights and deciding whether catch-all phrases apply to certain scenarios. While still keeping in line with country policy, it will be necessary to form cross-cultural alliances to further the protection of human rights on a global scale.

The UN works to provide accountability for violations of rights, affirming that flagrant transgressions will not be tolerated. It focuses on genocide, war crimes, and crimes against humanity.² Accountability functions through the Office of the High Commission for Human Rights and its support for implementing standards in country-specific programs and monitoring justice through investigations and redressing grievances. This process is vital as individuals need to be protected in order to further societal progress and peace.³



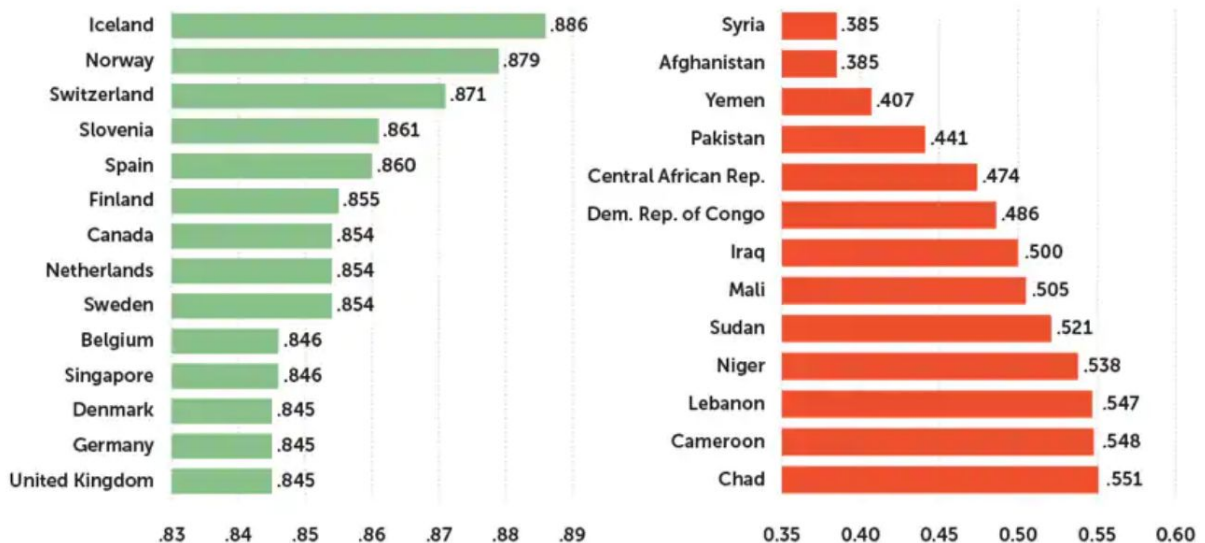


Topic A:

Global Women's Rights

Introduction

Article 2 of the UDHR holds “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind” including discrimination on the basis of sex. In practice, countries have not achieved true equality of the sexes, with some nations having practices that constitute humanitarian atrocities. Using data from the UN, the World Bank, and the Gallup World Poll, The Washington Post developed a study measuring women’s position globally with factors studied being inclusion, justice, and security. The study concluded that Iceland ranks highest while Afghanistan and Syria are tied for last place.⁴ This committee’s goal is to bridge the gap worldwide and set standards that are easily implemented and enforced complete with retribution for violations.



Legal Treatment and Employment

Articles 7, 10, 16, and 21 of the UDHR regard legal treatment in protection under the law, hearings and trials, marriage rights, and suffrage. The World Bank found that 10 years ago, no country had equal legal rights for men and women.⁵ Even then, these rights were relating to employment alone. Article 23 covers the right of everyone to work, be free from workplace discrimination, and earn equal wages. Currently, 155 countries have one or more laws that hinder equal employment opportunities.⁶



Women can be prohibited from working by their husbands in 18 countries.⁷ In nations where the pay gap is greater or job opportunities are severely limited for women, girls are seldom educated as families see their future earning capacity as limited. This causes a feedback loop where women are stuck in a cycle of not being educated which limits career availability which goes back into lack of education pursuit. Effective legislation could reconcile current social and cultural practices of gender discrimination. Barriers stop women in various countries from actually gaining equal citizenship identification meaning they have a more difficult time to contract work and gain business loans. Economic effects are seen through disparity in inheritance and marital property laws.

If women had greater protection in property, they would have increased bargaining power and in turn higher household equality.⁸ Individual households would see widespread changes as literate mothers have healthier children since they spend a higher proportion of it on their children's health and education than their male counterparts do.

The economic repercussions on the global level are dramatic as well. The McKinsey Global Institute recently “estimated that if women participated in the economy identically to men, with equal wages and labour force participation, it would add up to \$28tn to global GDP by 2025: a 26% increase over business as usual, equivalent to adding a new United States *and* China to the world economy.”⁹ Even more modest projections where countries match the gender parity of the best country in their region would add \$12tn.



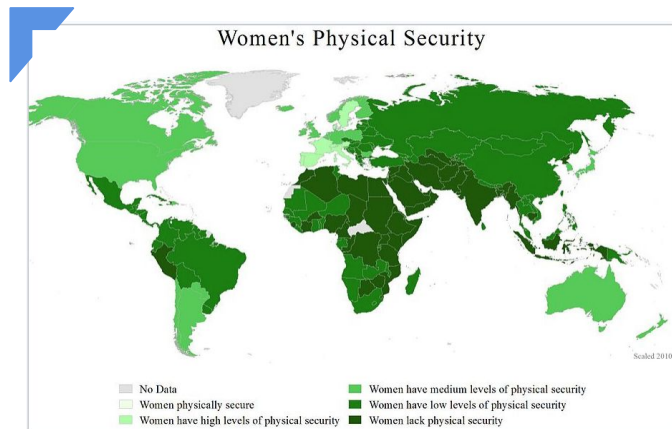
Equal wages and job opportunities are not the only issues that need to be addressed with employment but also parental leave legislation. The Organization of Economic Cooperation and Development, a 35 member organization, holds the average maternity leave at 18 weeks.¹⁰ The only developed country offering zero paid maternity leave is the US. Depending on the country, mothers are paid a percentage to full salary with most developed countries starting at 30% of salary. The majority of states offering generous paid maternity leave are in Europe with exceptions such as Israel, Australia, New Zealand and more. Maternity leave standards do not apply to least developed countries (LDCs), often where women need paid maternity leave the most.

The clearest indication of discrimination is found where women have a different set of laws altogether. In Yemen, women are not recognized as full people in court proceedings and is subsequently treated as a “half-witness” whose testimony is only truly considered with male corroboration.¹¹ In both Saudi Arabia and Morocco, the court system works against women as rape victims can be charged with crimes. Furthermore Yemen does not allow women to leave the house without their husbands.¹² Brunei and Iran have stoning laws in place which are harder to escape for women than for men. Such institutionalized double standards are not limited to North Africa and the Middle East; In Ecuador, abortion is illegal except for those considered “demented” a word which politicians are trying to change to mentally ill but a change that will not stop the law being used to frequently criminalize miscarriages. Despite the existence of these punishments, the world has moved in a positive direction when acknowledging female rights. Saudi Arabia lifted the ban on women driving, Ireland lifted its abortion ban, and women across the world are engaging in political leadership at higher rates.¹³



Social Treatment

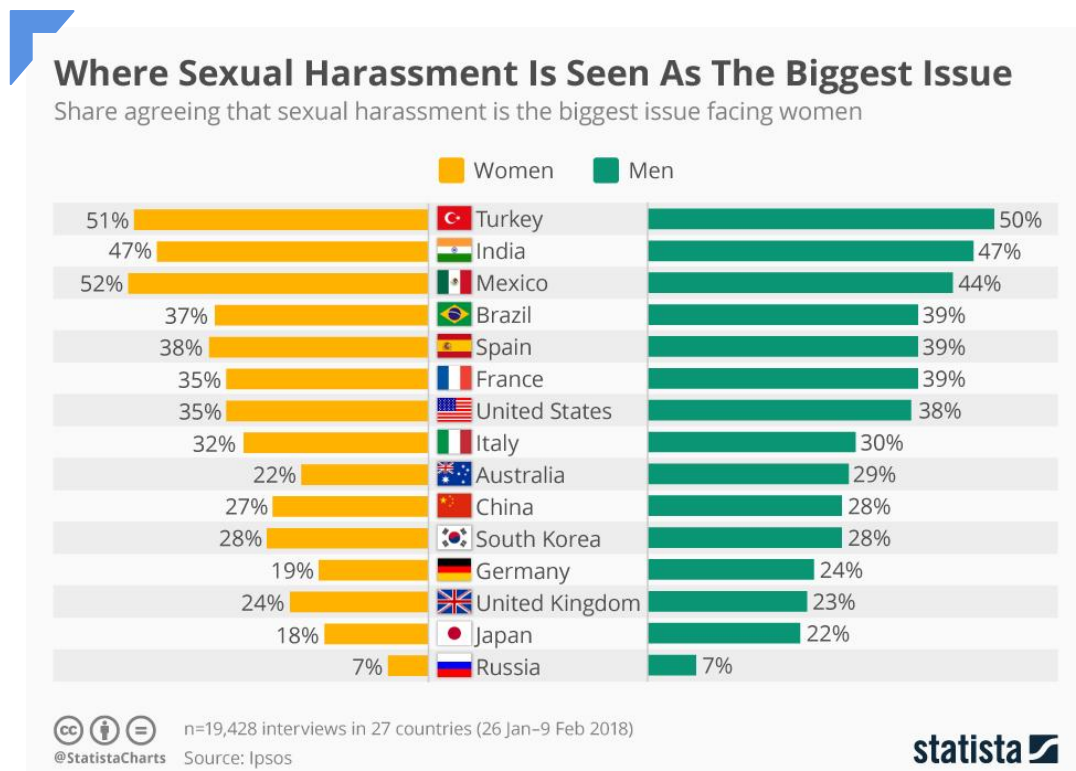
The social treatment of women varies from culture to culture. For example, predominantly Muslim countries base their treatment of women on sharia law, often targeting women who break strict norms of education, dress, and behavior. Latin American countries tend to have a prevalence of machismo culture. Social differences often come through in marriage rights and accepted gender roles.



Even in areas that purport to have equality, institutionalized sexism runs rampant and presents itself in the form of domestic violence and sexual harassment. Back in 2016, the UK cut legal aid and victims of domestic violence were forced to confront their abusers in court without legal representation.¹⁴ This led women to undergo psychological trauma and further stigmatized being a victim of domestic violence. The global lack of support systems, mental health counseling, and physical treatment of domestic violence disproportionately affects women. “It is estimated that 35 percent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner (not including sexual harassment) at some point in their lives” with some nations having estimates as high as 70 percent.¹⁵



Sexual harassment is a broad term that encompasses various means. A new form of harassment has arisen called cyber-harassment and 10 percent of EU women have experienced it which involves having received unwanted, offensive sexually explicit emails or SMS messages, or offensive, inappropriate advances on social networking sites. Those at highest risk are between 18 and 29 years old. Between 40 and 60 percent of women in the Middle East and North Africa said they had experienced street harassment. Women in the UK see street harassment as a daily occurrence.¹⁷ Estimates on more serious transgressions such as forced sex (forced sexual intercourse or other sexual acts) place 15 million adolescent girls (15-19) as victims with the majority of girls globally being at risk by a current/former husband, partner or boyfriend. In a 30 country study, only 1 percent of victims sought professional help.¹⁸ Based on data from 30 countries, only one per cent ever sought professional help.





Article 16 of the UDHR protects marriage between persons of “full age” and as something to be “entered into only with free and full consent of the intending spouses.”¹⁹ As a result, marriage before the age of 18 is considered a violation of human rights.²⁰ Child marriage can result in early pregnancy which curtails education, in turn the opportunity to earn wages and puts her at a higher risk for domestic violence. When marriage is not fully established, cohabitation yields the same issues with the addition of uncertain inheritance and citizenship. Child marriage is further prohibited by Article 16 of The Convention on the Elimination of All Forms of Discrimination against Women. It leaves the legislation of the minimum age for marriage open, however, which leads to abuses by those in power. In this committee, you are encouraged to discuss how much specificity guidelines should have in order to better enforce universal protections without infringing on national sovereignty.



Furthermore the UDHR states, “[Spouses] are entitled to equal rights as to marriage, during marriage and at its dissolution.” The Committee on the Elimination of Discrimination against Women (CEDAW) adopted a General Recommendation on how to protect women’s property rights after divorce or death of a spouse. Suggestions include breaking women’s reliance on husbands for financial support which ultimately traps them in a cycle of poverty. It also addresses that worldwide many family laws discriminate against women, and states now need to move toward prohibiting the disinheritance of the surviving spouse (in case of death) as well as not having land rights contingent on forced marriage to a deceased spouse’s brother or any other person.²¹ The General Recommendation specifies what should be done in cases of divorce, but it is important to some countries do not allow women to initiate divorce.



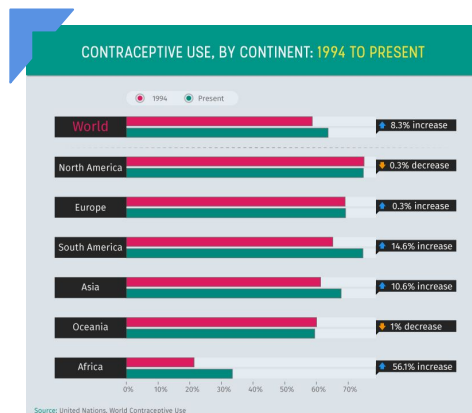


Reproductive Rights

Access to sexual and reproductive health is related to multiple human rights, however, it is not explicitly listed as such. Countries differ on interpretation, but access to reproductive health is severely lacking as “214 million women worldwide want, but lack access to, contraception.”²² The issues of contraception and abortion are highly controversial in many arenas but are necessary to discuss to fully comprehend their effect on human rights.

Contraception

Even in areas that purport to have equality, institutionalized sexism runs rampant and presents itself in the form of domestic violence and sexual harassment. Back in 2016, the UK cut legal aid and victims of domestic violence were forced to confront their abusers in court without legal representation.¹⁴ This led women to undergo psychological trauma and further stigmatized being a victim of domestic violence. The global lack of support systems, mental health counseling, and physical treatment of domestic violence disproportionately affects women. “It is estimated that 35 percent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner (not including sexual harassment) at some point in their lives” with some nations having estimates as high as 70 percent.¹⁵





When dealing with access to contraception, who should provide it becomes a prominent talking point. Whether it falls into the category of basic health is the criteria many countries use to determine whether the healthcare sector will actively provide contraception. The public versus private sector debate touches on whether having tax money fund contraception in a public health sector constitutes a violation of religious liberty by forcing individuals to pay for something that may be against their religious code.

Abortion

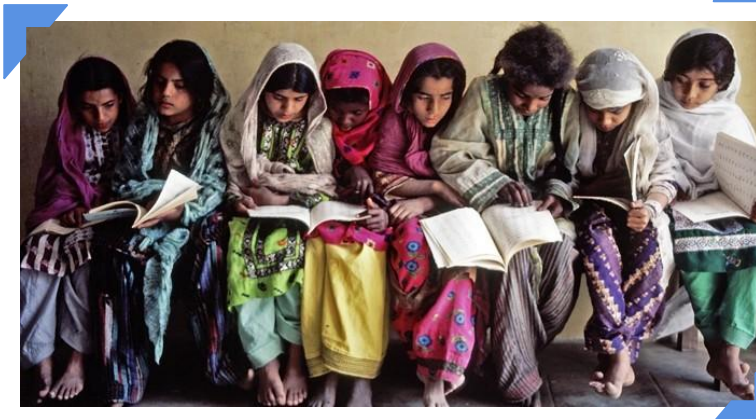
In 2013, abortion was not permitted in 6 countries (including Malta and Vatican City); permitted only to save a woman's life in 50 countries; in 70 countries to preserve a woman's physical or mental health, in case of rape or incest, or because of fetal impairment; and in 70 countries for economic or social reasons or on request.²⁵ Some countries, such as El Salvador and Chile, have total bans whose effects “can amount to torture and other forms of ill-treatment – as concluded by the UN Special Rapporteur on Torture, and are nothing less than institutionalized violence against women and girls.”²⁶ Countries that completely ban or set up barriers toward women getting abortions lead to clandestine abortions that threaten the lives of women as these procedures are not carried out by health professionals nor are supervised by the healthcare sector.

Education

Article 26 of the UDHR protects the rights of all individuals to 1) receive education (free and compulsory in elementary stages) along with having higher education equally accessible to all on the basis of merit , 2) have education direct to the “full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms”. Additionally, it gives parents the “right to choose the kind of education that shall be given to their children.”²⁷ Developing countries face a lack of access to education, but girls and women are disproportionately disadvantaged. According to BBC, the top ten most difficult places for girls to attend school are all in Africa.²⁸



130 million girls between the ages of 6 and 17 are out of school and “15 million girls of primary-school age—half of them in sub-Saharan Africa— will never enter a classroom.”²⁹ The most important factor determining whether females receive education is poverty. The World Bank Group is currently working to combat the factors which diminish female education.³⁰ A lack of infrastructure leads to diminished learning space and can often force parents to send only male children to school. Infrastructure deficits in sanitation also hinder girls’ education due to a lack of menstrual hygiene education. School-related gender based violence largely affects the decision to attend school and even accounts for 67% of female dropouts in West and Central Africa.³¹ Militant groups such as the Taliban have stopped female education in both Afghanistan and Pakistan, primarily in the Swat Valley.³²





Questions to Consider

1. How does the intersectionality of issues (race, religion, sexual orientation, and disability) affect women?
2. What can individual governments do to inhibit the root of gender discrimination?
3. How does culture affect the treatment of women?
4. To what extent can international action affect individual decisions?
5. How does the political participation of women affect their treatment in society?

For Further Reading

This background guide is the starting point of researching. For a deeper understanding, be sure to read into the sources linked in the footnotes, articles of your own finding, as well as the link below.

<https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

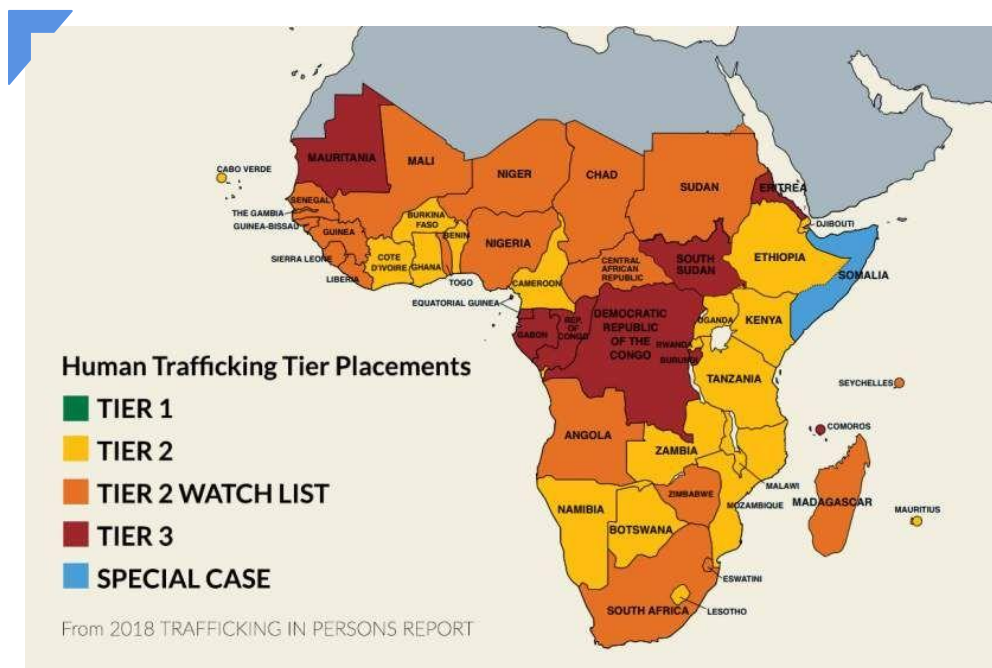


Topic B:

Human Trafficking in Asia

Introduction

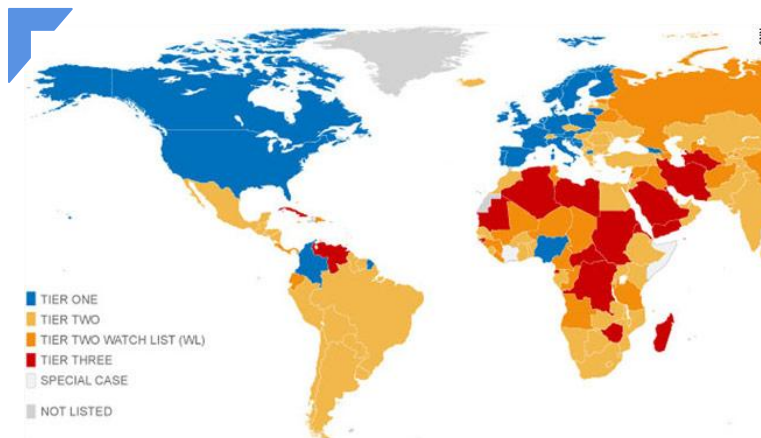
The issue of human trafficking in Africa has existed for many decades. Despite this, before truly understanding the extent to which human trafficking is a problem, one must define what human trafficking is. Throughout the years, this definition has been shifted several times, making it very difficult to create legislation against human trafficking. Under current United Nations protocol, “to be considered trafficking in persons, a situation must meet three conditions: act (recruitment), means (through the use of force or deception), and purpose (for the purpose of forced labour).”³³ Under these conditions, the topic of human trafficking can be diverged into two major divisions: modern slavery and sex trafficking. Under these two subtopics, it becomes apparent how diverse human trafficking tactics are.



Modern Slavery

Human trafficking for the means of coerced labor tends to be the most strenuous type of trafficking, as it is quite literally modern slavery. While many people worldwide do not realize, the abolitionist movement did nothing for the rights of people in underdeveloped countries, as if there are no means to an end, the end will not come.

These countries, especially those found in Sub-Saharan Africa, simply do not have the money, resources, or governmental power to stop trafficking. To put this into perspective, 8 out of the 10 poorest countries in the world are located in Africa.³⁴ These countries, plagued by a history full of civil war and suffering, seem as though they have little to offer the international community, and are often ignored as a result. Their governments are weak, residual from the struggle to designate which political party should rule. Even so, the losing side of these civil wars rarely recognizes the authority of the new regime ruling over their land. Due to this, modern slavery is very prominent in these areas. In fact, as of 2016 there were an estimated 40.3 million people captured into modern slavery in only African countries, of which over half were made to do hard labor. To make matters worse, approximately $\frac{1}{4}$ of all individuals brought into the trafficking market reside in Africa, making it one of the biggest hubs for the illegal selling and trading of humans.³⁵



Several African countries, such as Mauritania, the Democratic Republic of Congo (DRC) and Sudan are some of the world's leading countries where modern slavery is rife. African countries made 15 of the top twenty countries in the world engaged in modern day slavery according to the 2014 Global Slavery Index report. Mauritania tops the list with the highest estimated number of enslaved people per capita, 150,000 in a population of 3.8 million, while Nigeria and the Democratic Republic of Congo are in the list of top ten countries with the largest estimated numbers of enslaved persons, a list that includes India, China, Pakistan and Russia.³⁶



Trafficking is usually done for one of three reasons: poor economic conditions, violent environment, or a social or humanitarian crisis.³⁷ Starting with poor finances, human trafficking is elicited by people wanting to make a living when no other option is available. In places where jobs are scarce, it is not uncommon for the populace to turn to less conventional means of making cash. The pursuit of wealth and associated power and influence and the huge profits made from slavery and that sustained the trade for decades in the sixteenth to nineteenth century continue to spur human trafficking in the twenty-first century.



Huge illegal profits are made out of modern slavery. The International Labour Organization (ILO) estimates that over US\$150 billion in illicit profits is made by the private economy annually by those who trade human beings today.³⁸ That being said, it is important to note that despite the major profit that comes with the business, it also runs great risks, especially if done in places where the government is trying to raise awareness of trafficking.

The next major cause for modern slavery is the emergence of violent conflict along with territorial displacement. These conditions make taking and hiding individuals much easier, as during times of conflict, people are constantly lost, therefore seen as casualties of war rather than kidnapped persons. Due to this, many of these enslaved individuals are never searched for, as there is no motivation to look for someone who could easily be dead. These assumptions lead to people being trapped in the cycle of being bought and sold, sentenced to a life of labor and misery. Another reason why a violent environment leads to human trafficking is because of the economic depressions conflict leads to. With war, much of nations' annual fund goes into supplying the resources necessary to fight. This, however, makes it so that regular citizens are left with almost nothing to live off of. When it all comes down to it, money is everything in today's society and people will go to any length to gain it.

The final major cause of human trafficking would be the humanitarian crisis found in many countries. Many societies and cultures devalue, abuse and exploit women and girls, creating perilous living conditions for these women.

With little opportunities of upward mobility and with little value placed on women and girls, they are more vulnerable to human trafficking.³⁹ Many of these women are tricked into thinking that they can have a job and move forward in society if they follow these strangers, however, most times, they find themselves in a position full of financial debt or abuse causing them to stay “loyal” to their traffickers rather than rebelling.



Countries are not blind to all the tragedy that comes with the black market trade that is human trafficking. In attempts to solve this issue, several legislations have been written up over the years. To begin, the International Agreement for the Suppression of White Slave Traffic (UNTC) was created in 1904 as one of the first major anti-trafficking protocols. It then led into a series of protocols completing and expanding on the ideas touched upon in the original legislation.⁴⁰ The next major paper on this topic was the Trafficking Victims Protection Act of 2000. While a United States protocol, it still managed to impact other nations in their efforts to prevent human trafficking. It was attached as an amendment to the Violence Against Women Act and passed. There are two stipulations an applicant has to meet in order to receive the benefits of the T-Visa.

First, a victim of trafficking must prove/admit to being a victim of a severe form of trafficking and second must be a part of the prosecution of his or her trafficker.⁴¹ The next major protocol is the Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants (UNODC). This 2012 legislation is allotted into 3 partitions: research and awareness, the promotion of protocol and capacity building, and the strengthening of partnerships and coordination. The first section--research and awareness raising--included the introduction of the biennial Global Report on Trafficking in Persons and the establishment of the Blue Heart Campaign against Human Trafficking. The second section--the promotion of the protocol and capacity building--includes different strategies to assist member states in implementing policies to strengthen criminal justice systems and support victims of human trafficking.





The final part--the strengthening of partnerships and coordination--focuses on making alliances with non-governmental organizations with the same goal. More protocols regarding this topic include: the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), and various International Labour Organizations' instruments such as the Forced Labour Convention, 1930 (No.29). There is also the 2010 UN Global Plan of Action to Combat Trafficking in Persons, a General Assembly resolution, calling for global, regional and sub-regional efforts and cooperation in the prevention of trafficking, protection of victims of trafficking and the prosecution of crimes of trafficking. The UN Office of Drugs and Crime (UNODC) established in 1997, is the lead UN agency to address human trafficking and is also the guardian of related international instruments in this regard.⁴²



Human Trafficking and Migrant Smuggling Section

UNODC Thematic Programme :
Action against Transnational Organized Crime and Illicit
Trafficking, including Drug Trafficking
*Sub-Programme 3: Trafficking in Persons
and Smuggling of Migrants*

UNODC Comprehensive Strategy to Combat TIP and SOM

GLOT59

UNGIFT

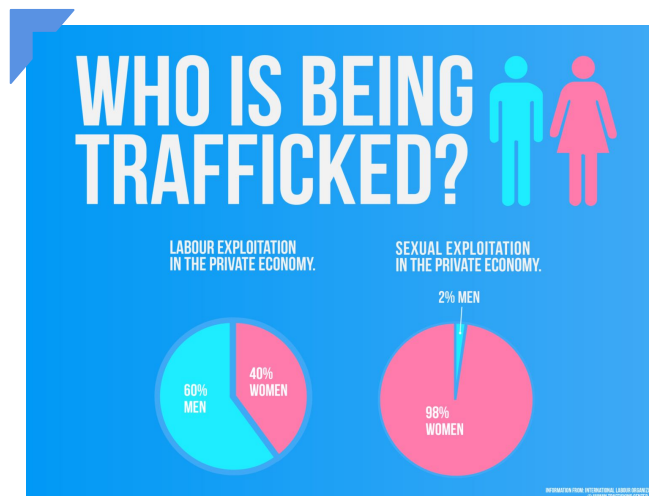
GLOT55

*Close synergy with UNODC
regional and country
programmes.
34 FO Focal Points
on TIP issues*



Sex Trafficking

Sex trafficking is the sexual derivative of human trafficking, otherwise defined as “the recruitment, transportation, harboring and/or exercising control, direction or influence over the movements of a person in order to exploit that person”.⁴³ A lingering problem for centuries, sex trafficking was only first addressed by the United Nations in 2000, when it adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. This protocol implemented the concept of dividing solutions into the three Ps: Prevention, Protection, and Prosecution.⁴⁴ Firstly, the prevention section of this protocol entails the creation of educational and awareness-based campaigns in areas considered “high risk” zones. These zones are seen as places with high crime rates and low amounts of or weak police enforcement centers. By educating people, mostly women and children, of the danger they might be in, the United Nations manages to lower the possibility of capture and exploitation in these especially hazardous and underdeveloped areas. This section also includes the concept of keeping annual status reports on countries that have difficulty containing the black market in their nation. Currently, the United States has taken control of this specific action, keeping track of progress in less wealthy nations, including many in Africa.



The second section of this protocol is protection. This part focuses more on helping victims after they've been taken, making sure that they are now safe and will not be brought back into the trafficking system. The concept of victim identification was created here, as they must keep track of who is at higher risks of being taken. Victims, despite having been rescued, would still be weakened from their time spent in captivity, making them easy targets for people looking to capture others. This part of the legislation also bring up the reintegration of victims to society. In most cases, people held captive have no clue about the ongoings of the outside world. Due to this, victims become unaware of current events, making it difficult to keep up with the fast pace of trends and modern society. In addition, many victims are taken as children, meaning they have no professional training once they manage to escape, making it especially difficult to get a job and move forward with life. With this protocol, job training and medical assistance is offered to victims once they reemerge into society.





The third, and final, section of this protocol is Prosecution. The basis of the section is to get the criminals that kidnapped innocent people off the streets and into prison. In prior years, there have been major issues in prosecuting traffickers, as victims aren't usually willing to face their captors, therefore making it impossible to find a person guilty. Without their victim's testimonies, the jury has no choice--due to lack of evidence--but to name a criminal an innocent man. In this section, the United Nations establishes a way to protect witnesses' identities while allowing them to testify against their captors without fear of retribution. In addition, they created guidance handbooks for law enforcement officers to learn universal policies on how to handle trafficked persons.⁴⁵ Since then, the international community has taken notice of the extremely high prevalence of sex trafficking in Africa, taking preliminary action to combat corruption and poorly-crafted legislation. Despite new international attention, many countries in Africa have ignored this glaring crisis and in many cases have become complicit, resulting in their Tier 2 or Tier 3 classifications in compliance with the Trafficking Victims Protection Act established by the US State Department.⁴⁶ Now more than ever, as Africa grows and women across the continent are exposed to greater economic opportunities than ever before, it is critical that the Human Rights Campaign take action to combat this primeval scourge and break the cycles of trauma and poverty that have kept women from reaching their fullest potential.



Questions to Consider

1. How do different legal systems handle the punishment of human trafficking?
2. Which groups of people are particularly vulnerable and how can they be protected?
3. What steps must be taken to tackle the root cause of human trafficking?
4. How can the countries where trafficked people are taken intervene?
5. Should there be a higher responsibility on a certain set of countries to take action?



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