

ISMUNHK 2017-2018  
United Nations Human Rights Council  
CHAIR REPORT



TOPIC: THE LEGAL STATUS OF  
INTERNALLY DISPLACED PERSONS

By Matthew Chiu



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## Introduction

Internally displaced persons and their legal status are a growing issue the world is facing today. Since the many armed conflicts our world has witnessed in the 21st century there have been a growing amount of internally displaced persons. According to figures from the United Nations High Commissioner for Refugees (UNHCR), there are over 40.3 million people who were internally displaced due to a multitude of reasons in October 2017. Furthermore it is estimated that between 70% and 80% of internally displaced people are women or children. Developing nations and nations engaging in armed conflict (which is why this problem is especially relevant in the Middle East) usually have a significant population of internally displaced persons.

The main problem with internally displaced persons considered by the United Nations is their legal status. While these internally displaced persons would generally be classified as “refugees”, they do not enjoy the same rights and protection as refugees do. There is limited help offered to these internally displaced persons.

The United Nations Human Rights Council has a role to play in the protection and promotion of the human rights of internally displaced people. As a growing issue it is pivotal that the Human Rights Council take measures to intervene and protect the core human rights and dignity of internally displaced people before the situation continues to worsen.

## Key terms

### Internally displaced person

An internally displaced person is someone who is forced to flee their homes but remain within the borders of their country. They are recognized as refugees but do not officially have the legal rights and statuses of refugees.

### United Nations High Commissioner for Refugees



The United Nations High Commissioner for Refugees (UNHCR) is the United Nations agency responsible for the protection of refugees and to ensure that they do not encounter refoulement (where the refugee is returned to their country of origin).

### **Internal Displacement Monitoring Centre**

The Internal Displacement Monitoring Centre is a non-governmental organisation established in 1998 to improve the livelihoods of internally displaced people around the world. It works closely with the Office for the High Commissioner for Refugees to protect the rights of internally displaced people.

## **Background information and key areas to consider**

There are a wide range of reasons why people would become internally displaced. The most obvious one is armed conflict, but development, gentrification, human rights abuses and other reasons have also led to people being forcibly displaced from their homes. Syria, Sudan, Somalia and the Democratic Republic of the Congo are countries which suffer the most from the situation. They usually have a very low likelihood of ever being able to return home, and are often forced to move from urban areas to areas which lack development.

### **The legal status of internally displaced persons**

Although under international law it is the duty of a country to provide support to refugees and internally displaced persons, they are not actually supported in reality. It is estimated that 5 million internally displaced people in 11 countries do not receive enough support from their governments, or do not receive support at all. Furthermore, there is currently no international policy or international treaty which safeguards the human rights of internally displaced people.

### **Proper treatment and protection of internally displaced persons**

Although camps have been set up by the United Nations to support internally displaced persons, providing “relief and rehabilitation programmes”, there is still not enough support for the over 40 million refugees (UNHCR only supported 13.3 million IDPs in 2016). Services involving



life-saving assistance and operational forces are provided by the United Nations and coordinated by the UNHCR. However governments of states harboring internally displaced persons should be held accountable for their human rights violations, or there needs to be better methods (including non-governmental organization support, establishment of more international agencies) to ensure that the basic human rights of internally displaced persons are upheld.

## Guiding questions

1. What is the best way to safeguard the legal status and the human rights of internally displaced persons?
  - a. Countries right now although under international law should be preserving the human rights of internally displaced people, are not actually taking any action. Instead, they actively violate the human rights of internally displaced people. How should the United Nations galvanize countries into protecting and actually taking responsibility for internally displaced people?
  - b. Does there need to be a change to conventional refugee law to incorporate the protection of the human rights of internally displaced people?
2. How do we best protect and preserve the human rights of internally displaced persons?
  - a. What better way is there to protect the human rights of internally displaced persons rather than just leaving them in the hands of their governments, who from previous history have seen them failing in preserving the human rights of internally displaced people?
  - b. How can the United Nations best improve the living conditions and the living standards of internally displaced people, as well as ensure that they have adequate human rights?



## Key parties involved

### Internally displaced persons

Once displaced, internally displaced persons usually never see their home again. They are often forced to flee to other parts of their country (usually rural) because of conflict, natural disasters, human rights violations, danger or development, amongst others. Once they are displaced, the quality of their lives drops significantly, and there is little to no support from their government to get them back to where they were previously or to improve their living conditions. It is imperative that these people get some dignity and their human rights, as that is currently not happening under current status quo. United Nations action is necessary to improve the situation.

### Government of countries with internally displaced persons

These governments are usually countries like Syria and the Democratic Republic of the Congo, and are often corrupt, undeveloped, lack democracy and oftentimes in civil war or armed conflict. Their regimes (for example the Syrian regime) actively oppresses human rights, committing human rights violations everywhere and often sanctioned by international forces. In terms of internally displaced persons, they oftentimes do not provide enough support/do not provide support to these people, leading to them having extremely poor quality of living.

### The United Nations

Although previous action has been taken by the United Nations and the UNHCR, action is not enough. The UN is working with a multitude of non-governmental organizations like the Internal Displacement Monitoring Centre to monitor the situation and have also set up camps and other support mechanisms to help internally displaced persons. Their effort is not enough and only help a small minority of the population of internally displaced people.



## Timeline

Date	Place	Event
1951	Geneva	<p><b><u>Convention relating to the status of refugees</u></b></p> <p>A convention was established by the United Nations to give a legal definition to refugees, and to establish the non-refoulement policy for refugees (that they will not be forcibly returned to their country of origin to face retribution or human rights abuses). Also ordains the human rights to which refugees are entitled to.</p>
1967	New York	<p><b><u>Protocol related to the status of refugees</u></b></p> <p>Made the application of international laws related to refugees non time-bound and removed any geographical limits to the application of the laws.</p>
2009		<p><b><u>Kampala Convention</u></b></p> <p>This is a treaty of the African Union to address internally displaced people (caused by armed conflict and natural disasters) and the proper treatment of these people. It is currently ratified by 25 out of 54 member states in the African Union.</p>

## Possible solutions

### Solution 1: Creation of an international treaty to protect the legal rights of internally displaced persons

A potential solution would be to create an international treaty which would cover the legal rights which would protect all the rights of internally displaced people. It would establish standards for the treatment of internally displaced persons by international agencies and governments, and also methods of accountability for governments. This international treaty should be legally binding as currently there is a lack of actual enforcement of policies relating to IDPs and refugees, having only the supervision of the UNHCR to put into place conventions and protocols related to the treatment of refugees/internally displaced persons.

### Solution 2: Increase of resources devoted towards alleviating the current issue



There may need to be an increase of resources and international cooperation devoted towards solving this issue, and delegates should discuss the most efficient way to achieve efficiency with these resources if more resources are used. Right now only a limited scope of internally displaced people are reached by the United Nations and the amount of internally displaced people continues to grow. More resources from more economically developed countries as well as holding governments accountable may be possible solutions to the problem at hand.

## Further research suggestions

The United Nations High Commissioner for Refugees's information webpage on internally displaced people: <http://www.unhcr.org/internally-displaced-people.html>

Conventions relating to the status of refugees: [www.unhcr.org/3b66c2aa10](http://www.unhcr.org/3b66c2aa10)

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ISMUNHK 2017-2018  
HRC CHAIR REPORT



TOPIC: ERADICATION OF CHILD  
TRAFFICKING, PORNOGRAPHY AND  
PROSTITUTION

By Michelia Wong and Matthew Chiu



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## Introduction

At any time on the Internet, there are thousands of pictures of child pornography and adults possess an evil mind, just as predators watching their preys. In fact, countless children, especially in developing nations, are prone to children trafficking, pornography, and prostitution. They are either sold by parents to human traffickers or caught by criminals for the purpose of forced labor, mainly engaging in sexual activities. Vulnerable children are often deprived of the right to association with both parents, human identity, and fulfillment of their basic physical needs. Studies show that children with prolonged separation with parents and sexually abused will develop low self-esteem, a sense of worthlessness and an abnormal view of sex. In extreme cases, they may become suicidal.

The problem of children trafficking and pornography are in growing concern since the advancement of technology makes it even more difficult to trace offenders. The Internet has no borders, children are exposed to sexual assault and various forms of sexual violence, some even do not know that they are sold for child labor or prostitutes online. The loose monitoring and enforcement of children protection laws favor the act of human traffickers. It is time the Human Right Council put greater effort in protecting the human right of children, by gathering member nations to cast a wider net of protection for children worldwide.

## Key Terms

### Child

- a person below an age specified by law, for example a person 14 years and under

### Sale of children

-any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration

### Child prostitution

- the use of a child in sexual activities for remuneration or any other form of consideration

Severe forms of trafficking in persons: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age

### Child pornography

- any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes

### Children's rights



- the right to health, education, family life, play and recreation, an adequate standard of living and to be protected from abuse and harm. Children's rights cover their developmental and age-appropriate needs that change over time as a child grows up, and are underpinned by four principles – non-discrimination, the best interests of the child, the right to survival and development, and the view of the child

### **Child Sexual Abuse**

-The involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity is intended to gratify or satisfy the needs of the other person. This may include but is not limited to: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and material, in other words, it includes both physical contact and non-contact abuses.

### **Trafficking Victims Protection Act of 2000(TVPA)**

- It is a protocol to combat the widespread problem of human trafficking across the globe. It is made up of three main components, namely 'prosecution', 'protection' and 'prevention' regarding human trafficking. It sets minimum standards to measure a country's effort in human trafficking and related issues and divides countries into 3 tiers according to their level of standard in the protection of human rights in terms of eradication of human trafficking.

## **Background Information and Key Areas to Consider**

According to UNICEF, 2 million children suffer from the global commercial sex trade, the scaring number takes up half of the total population of people trafficked. The average age of children victims is 11-14, they are sold and brought to the sex service industry underground. Children are often targeted by human traffickers as higher profits can be earned compared to selling adults. Children can also be easily manipulated, especially when they are addicted to drugs, many victims end up with drug abuse and physical damage as they are beaten in prostitution or by human traffickers.

### **Factors Contributing to Children Trafficking and Child Pornography**

There are a few pull factors contributing to children trafficking and child pornography. The huge demand for cheap labor worldwide is one of the most significant reason. With the rapid growth of industrialization and globalization, cheap labor is increasingly important for multi-national companies to maximize their profit. Children are caught and sold to sweat factories. Since they have no bargaining power, they can only get a very low wage and have to work 12-16



hours a day. Indonesia, Pakistan, and Bangladesh are some of the examples that employ most workers under 16. Children and their families are often cheated by the human traffickers, who promise them of a better life in other countries, where they can make their own money and send them back to their own countries. In such cases, children are often willing to follow human traffickers, or their families usually agree to selling them for money, in a hope of getting job opportunities overseas but without knowing the actual working environment outside.

The advancement of technology also contributes to the rising problem of child pornography. The Internet provides a wider choice of children related sexual products, in which pedophiles can conduct undetectable transactions within a second simply by a click. With the right to privacy, it is difficult for the authorities to trace the browsing record of possible criminals and pedophiles, hence making the process of identification and arrest nearly impossible. In other words, most states can just turn a blind eye to the recent situation of children trafficking and child pornography.

Furthermore, many of the victims are caught and sold due to their tragic background. Some of them are migrants, and according to the International Labour Organization (ILO), children migrants often face maltreatments including exploitations and being unable to attend school. Meanwhile, some of them are sold by their families to human traffickers because of the existence of addicts, abusive environment faced by the victim or being in debt. In recent years, different nations are putting greater efforts in protecting the rights of children, however, necessary laws, legal procedures and enforcement mechanisms are still not well developed in many countries. For example, such mechanisms are lacking in eastern and southern Africa. According to the International Centre for Missing & Exploited Children (ICMEC), child pornography is not considered as a crime, and in 196 countries in 2012, it was found that over 100 countries have at least one law to protect children against child pornography and sexual crimes, and among them, 69 countries have sufficient legal protection over children. Apart from these countries, nearly all nations are having difficulties in the eradication of children trafficking and child pornography because of the nature of this crime, especially cross-border law enforcements and high coverage of the crime.

## Key Parties Involved

### United State of America

- It has carried out IVPA and fully meet all the minimum standards of IVPA. The state provides sufficient assistance to child victims, including providing education and granting nonimmigrant status to them. There are strict laws to prohibit all forms of human trafficking and corresponding specialized departments to enforce these laws and policies. Preventive measures are taken to curb the demand for child pornography and sexual tourism in the country, echoing the root cause of children trafficking.

### The People's Republic of China

- China shows limited effort in eliminating human trafficking in her country. There are laws aiming at the reduction of human trafficking crimes, however, the laws are not



comprehensive enough. For example, facilitation and prostitution of children under 18 are not targeted by the law. Due to the low transparency of the country, data are not submitted and provided to the international society. It is hard to estimate the actual amount of criminals arrested and sent to jail, and whether these prisoners really committed related crimes or not.

#### Syria

- The Government shows no effort to stop human trafficking in her country and therefore does not meet any of the minimum standards of IVPA. Institutionally, there are no anti-human trafficking laws in the country. Officials do not arrest criminals and investigate any suspected cases of human trafficking. As a direct result of being subjected to human trafficking, victims, including children, are punished by the Government for the crimes committed. There is also no initiative to protect victims and prevent children trafficking. The Government continues to employ child soldiers, which is actually a form of forced labor.

#### Russia

- In general, the measures to minimize child trafficking is not strong enough. No programs or welfare is provided to human trafficking victims, leaving them vulnerable in the country. The Government also continues her bilateral agreement with the North Korea, which allows North Korean camps that employ a large amount of forced labor for protection to be set within her borders. With the lack of a national plan, there is no specialized authority dealing with anti-trafficking activities and no effort has been made to raise public awareness on forced labor, sex trafficking and child pornography and prostitution.

## Timeline

Date	Place (Optional)	Event
June 1921	Geneva International conference held by League of Nations	34 nations participated in the Conference, which asked for the first time that white slave traffic should be replaced by traffic in women and children. Expanding the scope of trafficking to include other than white women and children. It also included children of both sexes to be addressed as victims of traffic. For the first time, the international community recognized that male children could be victims of trafficking.
1923		The League of Nations agreed to initiate a study on the traffic of women and children and suggested to appoint



		<p>a group of experts to investigate the situation in cooperation with the governments of the countries concerned.</p> <p>Two major studies were carried out, the first one resulting in a report in 1927 focusing on the situation mainly in the West. The results of the second study were published in 1932 dealing with the situation in the East.</p>
1927		International traffic was defined as: the direct or indirect procurement and transportation for gain to a foreign country of women and girls for the sexual gratification of one or more other persons.
1949 - 1951		The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was adopted in 1949 and entered into force in 1951. It was the first instrument which was legally binding.
1995	Beijing	The Beijing Platform for Action adopted by the Fourth World Conference on Women calls for the effective suppression of trafficking in women and girls for the sex trade.
1999 - 2000		Some instruments were passed to address specific issues on human trafficking, such as The Optional Protocol on the Sale of Children, Child prostitution and Child pornography deals with trafficking in children, and the ILO Conventions particularly addressed forced labour when it involves children.
2000 - 2003		<p>In 2000 The United Nations Protocol against Trafficking in Persons was adopted and it came into force in 2003. The Protocol defines trafficking in persons for the first time.</p> <p>It is the only international legal instrument addressing human trafficking as a crime including all forms of exploitation. Based on the Trafficking Protocol the approach of three P's was developed (prevention, protection and prosecution).</p>
April 2004	USA	The International Center for Missing and Exploited





		Children (ICMEC) launched the Global Campaign against Child Pornography Washington, D.C.
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## UN Involvement

To eradicate sex-trafficking of children worldwide, the United Nations has carried out a myriad of protocols and conventions. The Optional Protocol to the Convention to the Rights of the Child on the sale of children, child pornography and child prostitution, which is Adopted and opened for signature, ratification, and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, is acting as a guiding protocol. It sets guidelines and principles for member states to follow, such as corresponding measures on children trafficking, forced labour, and sexual tourism crimes. It also defines the roles and responsibilities of member states in reducing such crimes.

In order to collect more resources to make the legal process possible, databases and funds are set. The Human Trafficking Knowledge Portal is set to gather more information, including the testimonies of human trafficking victims, trafficking routes and background of criminals. It boosts the dissemination of information regarding the implementation of the UN Convention against Transnational Organized Crime and specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The UNODC Voluntary Trust Fund for Victims of Human Trafficking is set to provide basic legal, financial and humanitarian assistance to victims, allowing them to go through the long period of the legal process. It also allows the setting up of various non-profit organizations which have successful direct intervention against trafficking.

Furthermore, the United Nations also works to foster international corporations. The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) is working to link various UN agencies, relevant international organizations, and civil society organizations together, trying to build a supportive environment for victims and to reduce sex-trafficking in persons, especially children.

## Clashes

### Common Barriers Found in Legal Process

Even with the existence of anti-trafficking laws and laws that protect children against sexually forced labor, it is still hard to curl these activities as barriers are blocking the prosecution process of criminals or suspected human traffickers, i.e. failure to address the time and resource-intensive nature.

The first barrier is the lack of specialized prosecutors with techniques to handle child trafficking, pornography, and prostitution cases. These are long-term crimes that impose torture and cause harm to child victims consecutively. As the victims are often traumatized, it is hard to conduct and corroborate testimonies with them, thus making it difficult to collect pieces of evidence and prove the intents of suspects in sex-trafficking. Therefore, it is necessary to have trained officers that can step into the child victims' shoes so as to collect evidence in a more effective way. For instance, they have to understand that the past is always haunting to the victims, causing them a delusion that human traffickers are still taking control. Most authorities fail to sue suspects due to inadequate evidence, which can be attributed to poor evidence collection techniques. Currently, only a few countries have provided specialized training, implemented



cooperation scheme between the police and the prosecutors to make a better use of human resources or granted greater access of information or power for the authorities for investigation purposes. Such countries, for example, include Ukraine and Canada, which issued a directive in 2017 to give human trafficking investigations priority access to surveillance resources and authorized sophisticated evidence-collection techniques (e.g. undercover investigations, wiretaps, the use of search warrants) respectively. Human resources cannot be fully utilized in most nations, due to the failure of authorization of greater power for investigation purposes and the lack of adequate training.

The second barrier is the prolonged period of the legal process. On average, each human trafficking case requires 3-5 years for the whole legal process, from prosecution to the time when final judgment is made by the courts. The problem is exacerbated in countries with civil law system. As children trafficking, pornography and prostitution are perceived as serious crimes, trials at the high courts are required. Delays in legal process are expected since there are critical caseloads and other cases taking a higher priority. The delays will discourage victims from suing and pursuing justice, some of them may turn to solving their cases out of courts. No deterrent effects can be given to the human traffickers, which can also be perceived as turning a blind eye to children trafficking, pornography and prostitution crimes.

### **Corruption and Official Complexity**

Secondary employment is an occupation in which you engage temporarily or permanently alongside your employment and which does not concern your private life. It is a common practice in many less developed countries in order to earn more income. However, intricacies are brought when officers take work as a security guard for human traffickers or at whorehouses. It contributes to an incompatible situation, the officers face conflicts of interest, driving him to corruption, protecting the suspects' interests instead of those of the victims'. The conflicting identities of officers make a fair enforcement of anti-trafficking/ anti-prostitution/ anti-pornography laws impossible. Under this circumstance, most criminals will only receive lighter penalties. Some officers may even facilitate or assist criminals in sex-trafficking crime for economic benefits offered, making the prosecution and investigation process unreasonably long. This adds more financial burdens to the victims and may even trigger re-victimization as they may feel that they are not respected and trusted.

Some countries are trying to eradicate this intricate situation. In 2015, a new standing order prohibiting police officers from engaging in secondary employment at nightclubs and strip clubs was passed by Antigua and Barbuda's Royal Police Force. However, these regulations may not be strictly followed, as many of them rather risk their jobs to earn a higher income. Therefore, the situation of tempting to assist human traffickers for economic benefits or bribery is still prevailing in many countries. It is hard to carry out stricter regulations to stop secondary employment or corruption, as most officers, including those who make decisions and set guiding principle for their fellows, have engaged in similar activities. To protect their vested interest, it is unlikely that the complexed and serious corruption will be addressed and solved.

### **The Cross-border Nature and Insufficient Multilateral Cooperation**

Children trafficking that leads to pornography and prostitution is an international crime. In which, traffickers set different checkpoints and shelters across the globe to set up various routes for selling forced labor from less developed countries to more developed ones. However, this kind of close and tight linkage only exists between criminals. There is inadequate cooperation between governments. The linkage to trace sex-trafficking is missing, in which the source-countries, the transit-countries, and the destination countries show little or no exchange of information. The world fails to help each other in eradicating sex-trafficking of children and protect our next generation against it. Nations are worried that their confidential data and



statistics will be stolen by others if they share the information to trace some traffickers. Some of the countries also believe that eradicating children sex-trafficking should be an internal issue which requires solely national law on protection of children against trafficking or sexual abuse, in order to protect their own sovereignties. Exchange of skills and techniques in handling sex-trafficking cases, especially interviewing underage victims, is prohibited. The shortage of human resources in some countries persists. To top it all off, inadequate multilateral agreements makes extra-territorial jurisdiction difficult, the proper investigation cannot be carried out to make criminals, who escaped to other countries from his home country, liable. All of the above are detrimental to the overall eradication of sex-trafficking of children, they will keep on living under the threats of traffickers.

Although some intergovernmental investigation has been carried out, official agreements and protocols stating the detailed responsibilities and roles of each nation in reducing children trafficking, pornography and prostitution are still insufficient. One of the examples of joint-countries investigations is the cooperation between Kazakhstan, together with the Kyrgyz Republic, Uzbekistan, Russia, and Tajikistan in 2016, however, it is not in global scale, which can reduce such crimes more effectively. As a whole, there is a lack of intergovernmental coordination as different member states have their own concerns.

## Possible Solutions

1. Redistribution of Funds to Less Developed Countries
  - With the setting up of the trust fund, children in less developed countries are still exposed to the danger of human trafficking. In fact, most of the organizations set by the donations focus on the rehabilitation and protection work of victims. It is vital that we stop human trafficking at its root. More donations should be allocated to less developed countries to provide specialized training for officers, so as to collect testimonies with victims in an efficient and humane manner. The increased amount of funds can be used in enhancing the level of technology used in the investigation and tracing the routes of human traffickers in the countries. Tier 1 countries can contribute more by sharing their technologies and donations. They can do more to help as they have more capital and more advanced technology.
2. More multilateral coordination
  - To address the cross-border nature of children trafficking, pornography, and prostitution, it is necessary to take more multilateral regulations into practices. Countries can make use of big data to trace the route of traffickers in their own countries, then by sharing and uploading it on the database, other countries can get an access to this important information to arrest human traffickers, thus avoiding further sex-trafficking cases of children. Agreements should be signed to clarify duties of each country to avoid redundancy. Resources can be better allocated worldwide to tackle the problem. Adequate agreements should be set to allow extra-territorial jurisdictions, which further discourages criminals from committing human trafficking and related crimes.



## Guiding Questions

1. How should the resources be allocated? Should there be sharing of resources worldwide? If yes, which countries have to contribute more?
2. To what extent is multilateral cooperation acceptable? In particular, will sharing of data harm one country's interest?
3. Will the establishment of a database that includes the personal information and background of suspects and criminals of human-trafficking or related crimes deprive their right to privacy?
4. To what extent should member states sacrifice in order to reduce children trafficking, pornography and prostitution?

## Further research suggestions

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