

UNITED NATIONS HUMAN RIGHTS COUNCIL SBSMUN 2018



The Rohingya Crisis in Myanmar and the protection of victims of Human Trafficking in Conflict and Post-Conflict Situations

Letter from the Executive Board:

Dear Delegates of the UNHRC,

One of the largest and most grave humanitarian and refugee crises looms large before us, concentrated in Myanmar but spread across South East Asia. Gross human rights violations, persecution, violence - charges that could amount to war crimes and ethnic cleansing are taking place against a single group within a diverse democratic nation.

A larger problem also exists - that of human trafficking - another issue that is wrought with several counts of human rights violations.

As the Human Rights Council, as representatives of sovereign nations, but more importantly, as fellow human beings in a global community - it is up to you to find solutions for these problems. The plight of over a million people is in your hands.

While this background guide serves as a means to provide you with an insight into the subjects of discussion, it is deliberately only a glance into the larger issues. You will need to do a conclusive amount of research to really understand these problems, and to find a solution for the same.

See you in committee.

All the best.

Barkha Batra

Chairperson

United Nations Human Rights Council

SBSMUN 2018

About the UNHRC:

Established after the passing of Resolution 60/251 in 2006, the United Nations Human Rights Council is a subsidiary organ of the General Assembly. The function of the council lies within its name - the promotion of universal respect for the protection of all kinds of Human Rights and Fundamental Freedoms for all, in a fair and equal manner.¹ The Council also has the responsibility to address, find solutions to, and make recommendations on situations of human rights violations across the world, and promote the mainstreaming of human rights as a priority within the United Nations system.

As per the Resolution, and keeping in mind the UN Charter² as well as the Universal Declaration of Human Rights³, the work of the Council is grounded in the ideals and principles of impartiality, universality, and constructive international dialogue and cooperation.⁴ The mandate of the UNHRC includes but is not limited to - all human rights, civil, political, economic, social and cultural rights, including the Right to Development.

The Council functions with 47 members elected on a regional basis, for three-year terms, and is based in Geneva, Switzerland.

¹ <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

² <http://www.un.org/en/sections/un-charter/introductory-note/index.html>

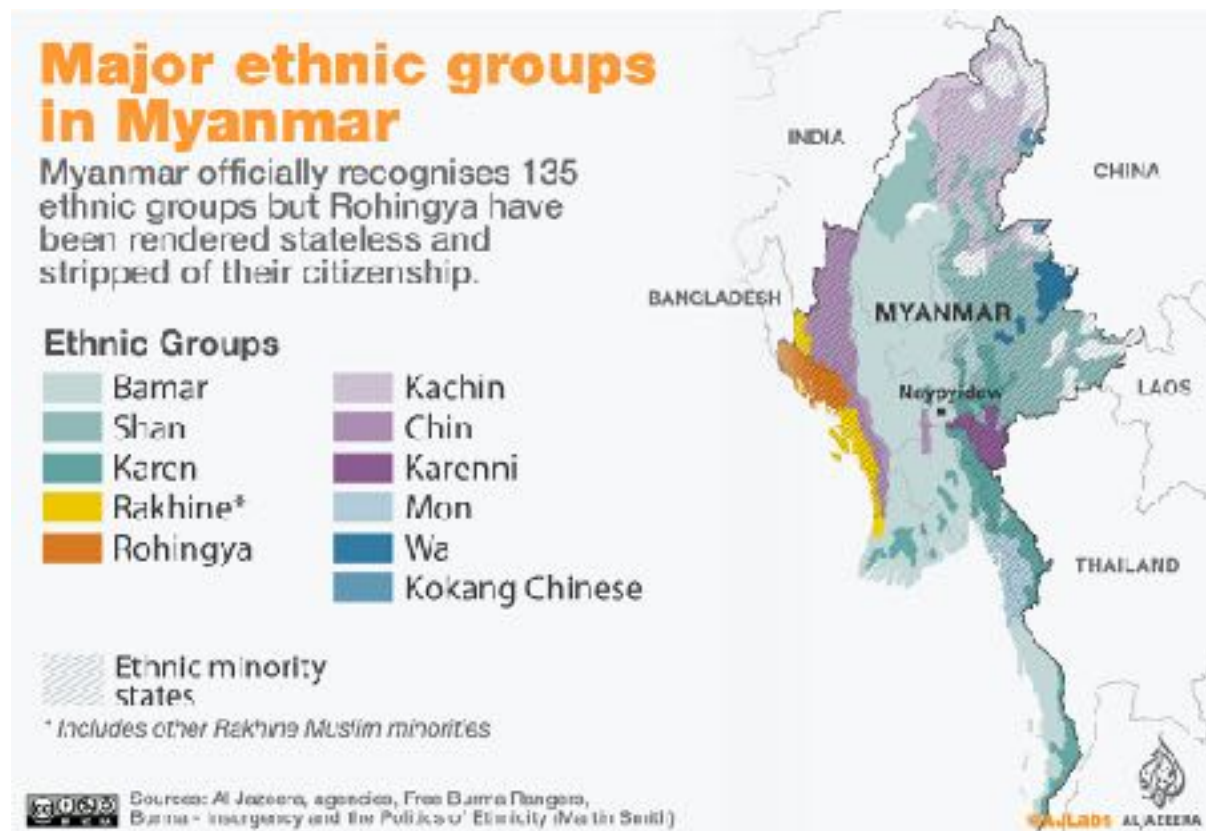
³ <http://www.un.org/en/universal-declaration-human-rights/>

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

The Agenda- The Rohingya Crisis

Introduction:

The Rohingya are an ethnic group, comprising primarily of Muslims, who have lived for centuries in Buddhist-majority Myanmar. They live largely in the Western Province of Rakhine. They have their own distinct culture and language of “Rohingya” or “Ruainnga,” very unlike the other cultures and existing across Myanmar.



Although the Rohingya population in Myanmar is, according to current statistics, about 1.1 million, the Myanmar government refuses to acknowledge or recognise their rights, their problems - even their very existence.

The Rohingya are not recognised as part of the 135 ethnic groups that exist in the country. They have been excluded from Censuses and surveys, and have been denied citizenship within Myanmar since 1982 - effectively leaving them as an unrecognised, stateless community. Even the area they occupy within Myanmar - the state of Rakhine - is one of the poorest states in the country. The people live in “ghetto-like camps,” in an area that lacks basic amenities, access, and opportunities.

Officially, the Myanmar government sees the Rohingya peoples as illegal immigrants from Bangladesh. However, legislation does not allow them to leave the country without government permission.

An ongoing situation of violence, persecution and abuse has led to the Rohingyas trying to flee Myanmar, either by land or boat. This process is wrought with trouble - a pertinent part of which involves human trafficking.



History of legal recognition:

Legislation that ensures the exclusion and statelessness of the Rohingya people finds its way back to when Myanmar first achieved independence from British rule - in 1948.

- The first act to be passed with regard to citizenship in Myanmar was the Union Citizenship Act⁵ that stated which ethnicities were allowed to avail Myanmar citizenship. While the Rohingya were not included within the bounds of this Act, they were allowed to apply for identity cards if their families had been living in Myanmar for two generations or more. This allowed them identification - even the opportunity to serve in Parliament.
- After the military coup in 1962, all citizens were legally required to have national identity cards. The Rohingya people, however, were only given foreign identity cards, essentially excluding them from availing opportunities that “real” citizens were allowed to receive.
- In 1982, the passing of the Myanmar Nationality Law led to absolute exclusion and persecution of the Rohingya people. Once again, the Rohingya were not included as part of the ethnic groups legally recognised in Myanmar. Further, citizenship could be availed under two conditions - one, proof that the person’s family had lived in Myanmar before 1948, and two, an articulate command over at least one of the recognised languages. This led to problems for two reasons - the Rohingya’s culture does not include the speaking of an “official” language. Additionally, their people were refused citizenship because their paperwork was either unavailable, or denied to them.

⁵ [http://www.burmalibrary.org/docs15/Union_Citizenship_\(Election\)_Rules-bu&en.pdf](http://www.burmalibrary.org/docs15/Union_Citizenship_(Election)_Rules-bu&en.pdf)

History of Persecution:

- **1948:** Shortly after Independence, and after the passing of the Union Citizenship Act, a Rohingya-Muslim rebellion begins in the state of Rakhine, with a demand for equal rights as well as an autonomous area. The rebellion is crushed by the military.
- **1962:** After the military coup, the nature of citizenship for the Rohingya people changes. In 1978, coercive institutionalised violence pushes more than 2,00,000 Muslims across the border into Bangladesh.
- **1982:** The Myanmar Nationality Law is passed.
- **2012:** The rape and murder of a Buddhist woman in the state of Rakhine sparks turmoil. Communal violence leaves over 200 people dead, and close to 1,50,000 (mostly Rohingya) people homeless. Violent conflict begins again in October, forcing the Rohingya people to flee, largely to Malaysia by boat.
- **March 2013:** An argument in a gold shop leads to violence between Buddhists and Muslims, leaving 40 people dead and whole neighbourhoods razed.



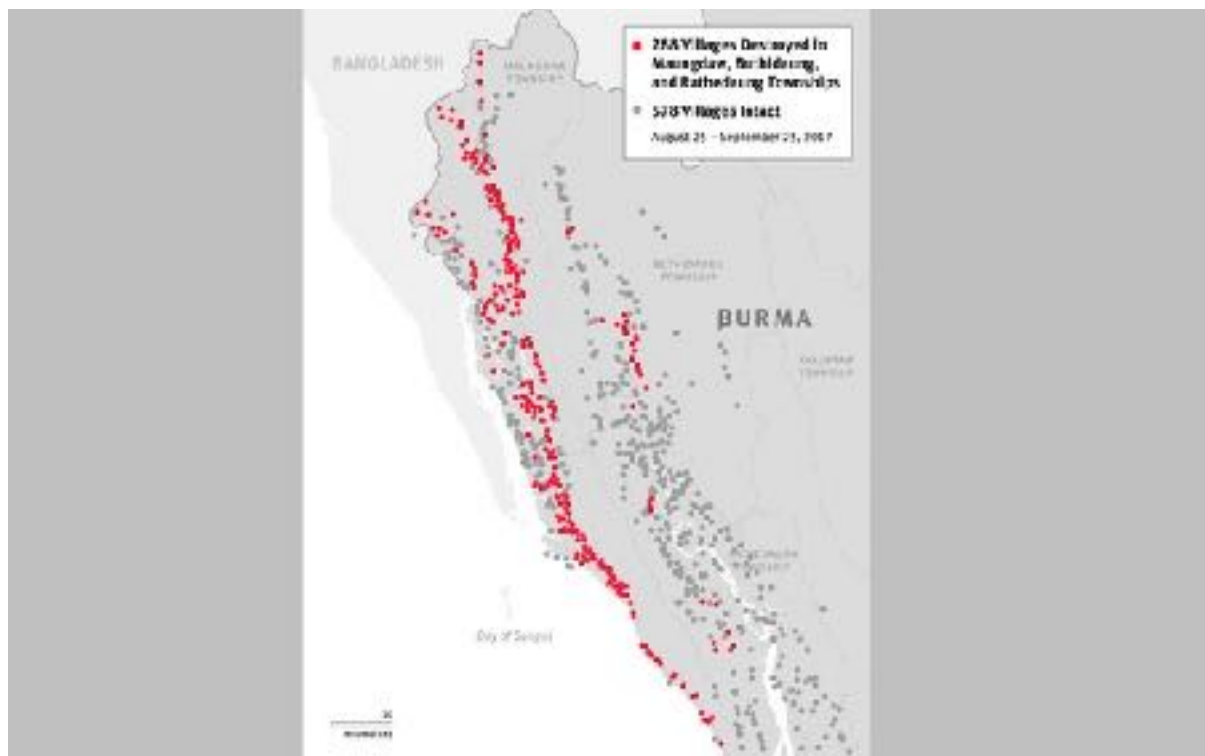
- **August 2013:** Muslim owned shops and houses are burnt after police refuses to hand over a man accused of raping a Buddhist woman.
- **January 2014:** 40 people killed in violence that flared after rumours that Rohingya people killed a Rakhine police officer.
- **2014-2015:** The 2014 Census excludes the Rohingya people from recognition. The 2015 democratic elections don't allow the Rohingya people to participate - as candidates or as voters.
- **October 2016:** 300 Rohingya men attack border posts, killing 9 policemen. The attack leads to violent crackdown upon the Rohingya people by Myanmar armed forces. 87,000 people flee from Myanmar into Bangladesh. The Arakan Rohingya Salvation Army (ARSA) takes responsibility for the attack.
- **August 2017:** The ARSA carries out a series of coordinated attacks, leading to the death of 12 security officers, targeting police outposts as well as an army base in Rakhine. The military responds with "*clearance operations*" - burning villages, leading to a mass refugee situation.

It is clear that since the 1970s, a constant state of military crackdown has forced the Rohingya people to flee to Bangladesh, Malaysia, Thailand, India, and other such neighbouring South East Asian Countries. During such repression efforts, the persecuted peoples have often reported instances of rape, torture, arson, extrajudicial killings, and murder by the official security forces.

Reports of indiscriminate firing at civilians and razing, while denied completely by the Myanmar government, are also gravely noticed by other

organisations. UN officials as well as international organisations such as Human Rights Watch⁶ have accused the Myanmar government of carrying out a campaign of ethnic cleansing, seen through actions of violence and “clearance operations.”

HRW also claims that a total of 362 villages have been destroyed, either completely or partially, since August 2017.



The Refugee Situation:

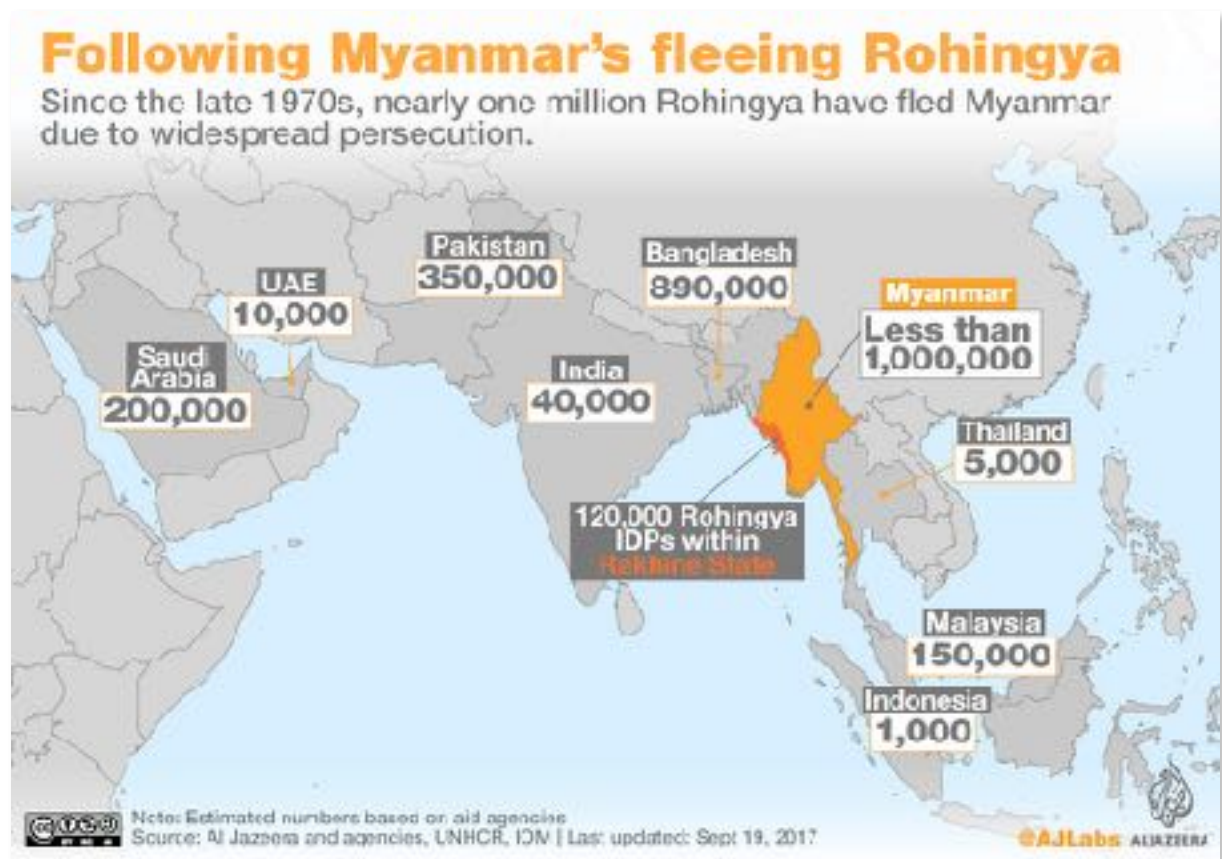
The issue of institutionalised and persistent persecution has led to the forced exodus of nearly one million Rohingya people. Before the violence of August 2017, it was estimated that there are approximately 4,20,00 Rohingya refugees in Southeast Asia, and over 1,20,000 Rohingya people

⁶ Referred to further as HRW

displaced internally.

More than 1,68,000 people have had to leave Myanmar. Many Rohingya people also tried to get to Malaysia by boat - across the Bay of Bengal and the Andaman Sea. The International Organisation for Migration claims that between 2012 and 2015, over 1,12,000 people tried to make the almost fatal journey.

Since the conflict began in August 2017, over 6,50,000 Rohingya have fled to Bangladesh, and over a thousand people have been killed within Myanmar.



The Rohingya situation is, in fact, the world's fastest growing refugee crisis. About 6,75,000 Rohingya refugees live in camp or makeshift settlements in their home countries. Most camps and settlements are set up

in places with dangerous terrain, and no access to healthcare or even basic amenities like shelter or food. There is also a widespread prevalence of illness and squalor across these camps. Most refugees are unemployed, but some find work as daily-wage labourers in their host countries. This, however, is not enough for them to be able to provide for themselves, or to visit doctors and hospitals.

Further, the Rohingya refugees are institutionally mistreated even within their countries of refuge. While the UN High Commission for Refugees has tried to distribute refugee cards to a number of Rohingya families, neighbouring countries still see them as illegal immigrants.

UN Action:

The UN General Assembly has drafted a Resolution that urges Myanmar to end the military campaign against the Rohingya people, claiming it is very likely that the military has committed drastic human rights violations, even those that could amount to war crimes, particularly in the Rakhine state. The resolution calls for the setting up of a commission that will investigate these claimed violations. The commission will present its findings in verbal terms in September of 2018, and will submit a full report in 2019. The UN has also warned Myanmar about the risk of ethnic cleansing charges, realising it may lead to a humanitarian catastrophe. The ICC is also investigating its jurisdiction over charging Myanmar for the deportation of the Rohingya people.

The Security Council has also appealed to Myanmar to end the violence, however no formal sanctions have been imposed so far.

Bangladesh-Myanmar Deal:

Bangladesh and Myanmar have come to a deal, for the resettlement of 6,50,000 Rohingya refugees who fled from the violence in Myanmar to seek refuge in Bangladesh.

The plan is based on an agreement similar to this one, signed between the two countries in 1990, wherein both countries have agreed to a voluntary repatriation within the next two years.

Reception centres and temporary shelters have been set up by Myanmar, near the Rakhine border, to receive the first wave of returned refugees. The deal also includes clauses such as the independent monitoring of those who have returned, as well as restoration of previously destroyed or lost homes for the Rohingya returnees.

While the deal is a step forward in ending the violence towards the Rohingya community, there remain a number of unanswered questions - including the method of repatriation, and the question of citizenship for the Rohingya people, amongst others.



THE AGENDA - HUMAN TRAFFICKING:

The breakdown of law and order, coupled with violence and, as in this case, arbitrary movement across borders, often makes civilians, specially those living without rights or protection vulnerable to human trafficking.

The International Labour Organisation estimates that global profits from human trafficking and its subsidiary practices exceed over US \$150 billion per annum, suggesting that trafficking, slavery and forced labour are more lucrative and profitable than arms trade.

Traffickers often prey on those who already lack security, coerce and deceive them in order to gain their control, and profit from forced service, be it in the form of sexual exploitation or forced labour.

This makes refugees from conflict situations the easiest targets, most susceptible to human trafficking.

The nature of and domino problems caused by trafficking are intricate and manifold - enslavement, forced marriages, forced surgeries for organ trafficking, and child labour to name a few.

Post conflict situations also foster a rapid increase in organised crime, particularly in human trafficking. There are a number of reasons for this - including the lack of functional institutions, a legal framework, or even of appropriate security for post-conflict protection and rehabilitation leads to an unofficial impunity for those wanting to target an already vulnerable population. This is often furthered with the dissolution of a traditional value system as well as lack of economic opportunities.

While the International Community led by the Security Council (resolution 2331)⁷ condemns human trafficking in harsh terms, the problem does still exist and is exacerbated in conflict and post-conflict situations. This committee must therefore answer fundamental questions about the nature of human trafficking, and find solutions for the same, keeping in mind the problems faced by those living in and trying to escape from conflict regions, such as the Rohingya people.

Regional Overviews of Trafficking:

1. Western and Southern Europe:

The countries existing within the subregion of Western and Southern Europe report a similar pattern when it comes to the profile of the victims. 56 percent of the total number of trafficked persons reported in 2016 were women. Out of the 12,775 victims detected between 2012 and 2014 whose form of exploitation was reported, some 67 percent were exploited for sexual purposes and 30 per cent for forced labour.⁸

Trafficking for sexual exploitation is most commonly reported in this part of the world. Nearly 4 percent of the victims were trafficked for ‘other’ purposes, including about 0.7 per cent for begging, and another 0.7 percent for the commission of crime. In addition, victims were trafficked for sham and forced marriages.

⁷ <https://www.un.org/press/en/2016/sc12647.doc.htm>

⁸ Including agriculture, construction, commercial cleaning and domestic servitude

Although a majority of the victims in this area were females, it turns out that the share of prosecuted and convicted female offenders is among the lowest. Only about 31 percent of the persons prosecuted and 22 percent of the persons convicted of trafficking in persons in 2014 (or most recent) were women. A clear majority (58 percent) of the convicted offenders were foreigners from outside Western and Southern Europe. Only North Africa and the Middle East reports a larger share of foreign trafficking offenders. The largest group of convicted foreigners were citizens of countries in South-Eastern Europe, and the third-largest group were citizens of Sub-Saharan Africa.

The emerging trend here is an increased significance of trafficking for forced labour.

2. Central and Southeastern Europe:

Approximately 75 percent of the total (6870) victims reported in this subregion were female - either women or girls. There has been a reported decreasing shares of trafficking in males, both boys and men, over the last six years. However, this is not representative of all the countries; Czechia and Serbia reported increasing numbers of male victims.

The vast majority of victims – more than two thirds – were trafficked for sexual exploitation. Of these, 97 percent were females. Trafficking for the purpose of forced labour accounts for a quarter of the trafficking detected in this subregion; and the overwhelming majority of these victims are males. The share of female victims of trafficking for forced labour (14 per

cent) is small compared to other areas. About 12 percent of the victims were trafficked for purposes other than sexual exploitation or forced labour. Nearly half of these were trafficked for the purpose of begging, and 1 per cent for the purpose of sham or forced marriages. Other forms of exploitation reported were trafficking for the commission of crime, for mixed exploitation, for pornography, and trafficking of pregnant women in order to sell their babies.

Men comprised more than 70 per cent of the approximately 700 persons investigated for trafficking in persons, and more than 80 per cent of the 2,400 persons prosecuted for, and 550 convicted of this crime. The share of convicted females was large in Latvia, where female participation resembles the levels reported in most Eastern European countries. Almost the entire offender population for trafficking in persons in this subregion were citizens of the countries where they were convicted.

The emerging trend here is trafficking for begging and forced marriages.

3. North America, Central America and the Caribbean:

North America, Central America and the Caribbean detect many female victims. About 70 percent of the 8,900 victims detected across the region are female. While girls are more frequently detected in Central America and the Caribbean, in North America, women dominate statistics. In North America, the share of children among the detected victims ranges around 20 percent. In Central America and the Caribbean, child trafficking is the most frequently detected form of trafficking. This area has the second-

highest level of child trafficking detected globally, after Sub-Saharan Africa.

Trafficking for sexual exploitation is the most frequently detected form in Central America and the Caribbean, with about 57 percent of the victims. The share in North America is similar; about 55 percent. In Central America and the Caribbean, many victims were trafficked for begging and illegal adoption. The share of victims who were trafficked for forced labour is small in a global perspective. In North America, on the other hand, the level of forced labour is quite high, accounting for about 40 percent.

The gender composition of the detected victims of trafficking in this region – particularly in Central America and the Caribbean - is also reflected in the relatively large shares of women offenders. Many female victims are detected, and many women offenders are sanctioned. Approximately half of the persons convicted of trafficking in persons in Central America and the Caribbean are females, with a share of about 40 per cent in North America. The prevalence of female offenders may be related to the local nature of the trafficking enterprise.

The emerging trend here is the targeting of children for human trafficking.

4. Sub-Saharan Africa⁹:

A high prevalence of child trafficking can be observed in different parts of the region. It appears to be more pronounced in West Africa than in Southern Africa. There is, however, a scarcity of data for this region, therefore a conclusive trend analysis cannot be done. Among the child victims, boys are more frequently detected than girls.

This is connected with the prevalent forms of exploitation in this part of the world, which include trafficking for forced labour and child soldiers. In adults, women are more frequently trafficked - mostly from Nigeria and Uganda. Trafficking of men is limited compared to trafficking in children and women.

Over half of the 2,580 victims detected in Sub-Saharan Africa were trafficked for forced labour. Among the types of forced labour, trafficking for domestic servitude was frequently reported. Trafficking of children for exploitation in the fishing industry has been documented by different actors in many Sub-Saharan countries. Many countries within this subregion have also reported the exploitation of children for use as porters, cooks and sex slaves. The use of children as combatants takes place in some conflict and post-conflict countries of the region. The number of identified victims is significant. Trafficking for sexual exploitation is reported throughout the region, either with regard to sexual slavery in the context of conflict, or in trafficking for the prostitution of others. About 29 percent of reported victims were trafficked for the purpose of sexual exploitation.

⁹ West, East, and South Africa

From the limited information available, the global pattern of a prominent female role in the trafficking process seems to apply in this region as well.

seems to apply also in this region. About half of the approximately 200 convicted traffickers were women. The vast majority of the traffickers in this region are citizens of the country where they were convicted. A limited number of traffickers were citizens of other countries in Sub-Saharan Africa; usually convicted of trafficking fellow citizens into other African countries.

An emerging trend in this area is trans regional trafficking.

5. North Africa and the Middle East:

There are different patterns within the region with regard to the profiles of detected victims, but the information available is too little to analyse the areas separately. At the regional level, most victims in the Middle East are adults, with somewhat more women than men. In North Africa, children are more frequently detected than adults. Both areas detect significant shares of women.

In this subregion, trafficking for forced labour is more frequently detected than trafficking for sexual exploitation. Nearly half of the victims in this region were trafficked for the purpose of forced labour. Victims were trafficked for forced labour in a range of economic sectors - largely domestic servitude, which mostly affects women. Trafficking for sexual exploitation makes up for about 39 percent of the reported victims, and trafficking for other purposes, particularly begging, makes up a large part

of the reported number in North Africa.

The prevalence of female offenders in trafficking activities in North Africa and the Middle East seems to be lower than in other subregions. Only about 25 percent of the 480 people investigated in the region were female. The citizenships of convicted offenders were only reported by a small number of Gulf Cooperation Council countries - namely Bahrain, Kuwait, Oman and the United Arab Emirates. Most of the persons investigated or convicted in these countries were foreigners; mainly from South and East Asia. A limited number of citizens of Eastern European and Central Asian countries were also convicted.

An emerging trend in this region is conflict and persecution driven trafficking, using migration routes to escape violence.

While only five large subregions have been mentioned in this guide, the trafficking problem is widely prevalent and gravely pressing across the world today. Thus, while the given subregions provide an idea of the subtleties and extent of the issue, other sub-regions, as well as specific countries also present compelling and important data that must also be scrutinised and kept in mind.¹⁰

¹⁰ https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf

CONCLUSION:

Once again, while this background guide attempts to provide an insight into both parts of the UNHRC agenda, it is by no means a conclusive measure of the issues to be addressed in committee, or the extent of the problems discussed. Delegates are urged to merely use this as a starting point - a beginner's guide, before delving into further, more substantial and more specific research.

The name of the United Nations Human Rights Council is extremely suggestive - the work of the Council is grounded in the ideals and principles of impartiality, universality, and constructive international dialogue and cooperation. The mandate of this committee includes the addressal of human rights, as well as the redressal of human rights violations across the world. Thus, as representatives of your nations, and as part of a cooperative, constructive council, it is in your hands to find solutions to both issues mentioned in the agenda, as well as find ways to help those already affected by those caught in these conflicts.

As members of the UNHRC, you have this mandate as your advantage - whether it is making recommendations, negotiating measures, providing assistance and aid (provision of food, setting up shelter, etc), and, after evaluating fundamental questions, finding an effective solution.

The fate of over a million people is in your hands. Good luck.