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# TOPIC 1: SEX TRAFFICKING

In 2003, David Feingold, head of the United Nations Educational, Scientific and Cultural Organization in Bangkok, produced the documentary *Trading Women* to give the world an inside look at the Thai sex industry. *Trading Women* depicts the poverty, lack of citizenship and vulnerability that characterizes the women who fall prey to sex traffickers in Thailand. However, while the film takes place in Thailand, its message assumes a much broader perspective: commercial trafficking is a global issue.

## Overview

The human sex trafficking industry is a worldwide multimillion-dollar illicit trade, and is one of the fastest-growing transnational organized crimes. Each year, 32 billion dollars are generated by the human trafficking industry and the business has affected 161 nations. The U.S. government recently estimated that approximately 900,000 people are trafficked across international borders across the globe each year – of these victims, 80 percent are women and girls and half are children<sup>i</sup>. Still, other estimates indicate that several million people are trafficked within and from Asia and the former Soviet Union alone. Due to the highly secretive nature of this industry,

many of these statistics are difficult to validate. The UNESCO Trafficking Statistics Project is working to distinguish fact from speculation in the human sex trafficking investigation.

According to the United Nations, trafficking in persons is the “recruitment, transportation, transfer, harboring or receipt

"A CLEAR AND CONSISTENT MESSAGE OF THE FILM IS THAT TRAFFICKING IS NOT A LOCALIZED PROBLEM. THE INTERNATIONAL CRIME OF TRAFFICKING IS SUSCEPTIBLE TO A COMPLEX RANGE OF INFLUENCING FACTORS, WHICH INCLUDE THE ECONOMIES OF SUPPLY COUNTRIES AND THEIR NEIGHBOURS, GOVERNMENT ANTI-DRUGS INITIATIVES AFFECTING AGRICULTURAL COMMUNITIES, SEXUAL DEMAND FOR PARTICULAR ETHNIC TYPES, THE LEGAL STATUS OF COMMUNITIES, RESTRICTIVE IMMIGRATION POLICIES, OFFICIAL CORRUPTION AND CULTURAL STEREOTYPES."

– UN Chronicle on the documentary *Trading Women* by David Feingold

of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”<sup>ii</sup>.

Traffickers may employ psychological or physical coercion or bondage including threats of serious harm to or physical restraint against the victim, any scheme or plan intended

to cause the victim to believe that failure to perform an act may result in physical harm or restraint against him or her, or the abuse or threatened abuse of the victim in the legal process<sup>iii</sup>. This topic specifically addresses sex trafficking, or sexual exploitation through this illicit trade.

Though victims of sex trafficking may be of either gender, the majority are women and girls. These females often come from vulnerable populations, frequently those granted little to no citizen's rights. These groups include undocumented migrants, runaways, oppressed or marginalized groups, the poor and residents of war-torn areas. Since these communities are hardly protected, traffickers preying on their members receive little to no resistance from law enforcement.

Predators often employ the same patterns to lure their victims into trafficking situations, including:

- Promising the victim a rewarding job in another country.
- Turning a false marriage proposal into a bondage situation.
- Purchasing victims from parents, husbands or boyfriends.
- Kidnapping the victim.

Victims will often submit to their perpetrators to escape poverty or discrimination. Many believe that the opportunities that they are promised will offer them the chance to send money home and improve the quality of life of their families.

Once the victim has been transported to the new nation, the trafficker often subjects him or her to debt-bondage and "conditioning". Debt-bondage is an illegal practice by which traffickers convince their victims that they owe money for their transport and accommodations and must pledge their personal services to repay the debt. The victim is then often starved, confined, beaten, physically abused, raped, gang raped, threatened with violence, forced to use drugs and threatened with the shame of revealing these activities to the victim's

family. Traffickers often exploit victims' unfamiliarity with foreign legal processes to intimidate them by threatening to turn them in to the federal government.

Sex trafficking victims face numerous physical and psychological health risks. Often they may become addicted to drugs and alcohol from forced drug use. Physical abuse may result in broken bones, concussions, burns, vaginal/anal tearing and traumatic brain injury (TBI), which causes memory loss, dizziness, headaches or numbness. Furthermore, due to the nature of the acts the victims are forced to perform, many are subjected to sexually transmitted diseases including HIV/AIDS, gonorrhea, syphilis, may become sterile or suffer menstrual problems, contract other diseases from their abusers including tuberculosis, hepatitis, malaria and pneumonia and be forced or coerced into abortions.

Beyond physical harms, psychological ramifications can also be devastating. Removing victims from their homes can cause acute anxiety, depression and insomnia. The violence enacted against them may result in posttraumatic stress disorder, mind/body separation/disassociated ego states, shame, grief, fear, distrust, hatred of men and suicidal thoughts. Victims may also suffer from traumatic bonding in which the victim fears the trafficker but is grateful to the trafficker for allowing him or her to live.

The victims of sex trafficking, as mentioned earlier, come from nations where poverty is widespread, such as the Philippines and Indonesia. As the economic climate around these people deteriorates, they become more vulnerable to sex trade predators. These "predators" are actually recruiters who are hired by sex traffickers, often a strip-club or

bar owner. Since the recruiting business runs entirely unregulated, it is a profitable and attractive industry for potential recruiters and recruiting agencies. The lack of controls allows them to import large numbers of sex victims to destination countries without regard to the effect on the individual or her family.

Recruiters are often able to smuggle sex slaves out of their origin country using trade systems already in place. Given that most origin nations continuously struggle against poverty, many, like the Philippines, have removed economic barriers in favor of “free trade”. This, however, allows victims to be removed from the country undetected through labor export and tourism programs.

The international sex trade is a profitable industry. While gentlemen pay high prices for exotic prostitutes, the woman or child often only receives a meager wage. “A [Filipina] prostitute in Cebu testified that a tourist guide and a bar-owner pimps her to Japanese men for \$10,000.00. The bar owner [received] \$8,000.00 and the tourist guide [received] \$1,500.00 while she only got \$500.”<sup>iv</sup> Moreover, the continued import of sex slaves increases the elasticity of the demand. As a greater number of sex slaves are imported into a destination nation, sex traffickers are able to charge a lesser price for their acts while keeping the same profit. This increases the availability of the sexual acts to customers of lower incomes. As a result, the market for cheap prostitutes expands, thereby increasing the demand for slaves.

The practice of human sex trafficking directly violates multiple inalienable human rights. According to the Universal Declaration of Human Rights, each person is entitled to the right to equality in dignity and

rights, security of person, free choice of employment, just and favorable conditions of work, a standard of living adequate for the health and well being of himself as well as freedom from slavery or servitude and cruel, inhuman or degrading treatment or punishment and arbitrary exile<sup>v</sup>. The issue extends beyond human rights and takes a critical look at the economic, legal and security conditions of affected nations throughout the globe.

### **Current Solutions**

Generally, efforts made against human sex trafficking have been far too localized and have failed to make the necessary global impact. As of November 2008, only 63 percent of the 155 countries and territories that provided information for the UNODC trafficking report had passed laws against trafficking in persons addressing the major forms of trafficking. 16 percent of the cooperating nations had passed anti-trafficking laws that cover only certain elements of the Protocol definition.

In one case that was handled in February 2009, four Guatemalan nationals and one Mexican national were convicted of forcing Guatemalan girls and women into prostitution. The charges included conspiracy, sex trafficking by force, fraud or coercion, and importation of aliens for purposes of prostitution. During a six-week trial, which was prosecuted by the Department of Justice’s Civil Rights Division and the U.S. Attorney’s Office for the Central District of California, evidence indicating that the defendants targeted young, uneducated, impoverished, undocumented Guatemalan women and conspired to smuggle them into the United States to work as prostitutes was presented.

They exploited the victims' desire for better lives to lure them into unsafe, inhuman conditions. All five defendants were found guilty and face maximum sentences of life in prison for their actions. However, while the scheme engaged conspirators from Mexico and Guatemala, these two nations were uninvolved with their prosecution and have not followed with preventative legislative measures.<sup>vi</sup>

Since the commercial sex industry is a transnational trade, solutions will require international cooperation. National legislation should be supplemented by partnerships and working relationships among affected nations. Keep in mind that there are more enslaved people in the world today than there ever were in human history.

### *Europe*

In 2003, the Organization for Security and Cooperation in Europe (OSCE) launched an anti-trafficking campaign intended to raise public awareness of the issue among participating states and address the concern effectively. These actions, coordinated by the Office of the Special Representative for Combating the Traffic of Human Beings, have ranged from training law enforcement agencies to crack down on human trafficking to promoting policies geared toward eliminating corruption and organized crime. The Special Representative also visits countries, and with their support, can support the implementation of anti-trafficking policies.

On May 16, 2005, the Council of Europe Convention on Action against Trafficking in Human Beings was adopted to prevent and

combat human trafficking, but is still in its infancy.

### *United States*

Within its borders, the U.S. provides resources to assist its trafficking victims, put forth by the Trafficking Victims Protection Reauthorization Act of 2005.

Internationally, the U.S. has initiated anti-trafficking and development programs to combat this growing problem. The Office to Monitor and Combat Trafficking was created in 2000, and has provided millions of dollars in grants to organizations worldwide to help implement anti-trafficking programs. The U.S. has also helped nations to enact combat trafficking through legislative means, train law enforcement officials, prosecutors, border guards and judicial officers on detecting, investigating and prosecuting traffickers, and protecting victims<sup>vii</sup>.

### *Asia*

While many Asian nations have taken legal action against sex trafficking, many of these statements are strictly nominal. Several other nations have left the issue unattended. For instance, the Burmese government criminalized sex and labor trafficking in Burma through the 2005 Anti-Trafficking in Persons law, however Burma remains a prime site for trafficking and limited services are offered to protect trafficking victims. The East Timorese government has not prosecuted any traffickers, while 115 victims were believed to have been trafficked in 2004.

Some solutions have been presented on regional and state levels. The Hong Kong

Special Administrative Region Government provides legal aid and alternatives for victims who participate in the investigation and prosecution of their traffickers. Many governments shelter their victims in subsidized homes for domestic violence or cooperate with NGOs for support. Some have initiated prevention measures through print, television and radio.

#### *Australia and New Zealand*

Australia and New Zealand are destination nations for trafficking, and as such, each funds return and reintegration programs for trafficking victims and their families. The Australian government has anti-human trafficking agreements with Cambodia, Burma, Laos and Thailand to coordinate investigations and improve cooperation. As its own preventative measure, New Zealand's International Aid and Development Agency (NZAID) funds anti-trafficking activities in source countries.

#### *Non-governmental Organizations*

Charities and non-governmental organizations (NGOs) such as Amnesty International, Anti-Slavery International play a crucial role in the fight against sex trafficking.

The Arizona League to End Regional Trafficking (ALERT) helps victims of trafficking by providing food and shelter, medical care, psychological counseling, immigration and legal assistance, language

interpretation and case management in the U.S. state of Arizona.

The Coalition to Abolish Slavery and Trafficking (CAST) is a Los Angeles-based anti-human trafficking organization that helps rehabilitate trafficking survivors, raise awareness and implement anti-trafficking legislation.

The Alliance Anti-Traffic (AAT) is a French NGO established in 2007 created to combat trafficking in women and children by protecting at-risk groups, empowering targeted females to develop alternatives and reintegrating them into communities based on their needs and wishes.

The Somaly Mam Foundation was founded in 2007 by the United Nations. The foundation is recognized for empowering human trafficking victims to become agents of change.

The Redlight Children Campaign, founded in 2002, fights sex trafficking by reducing demand through legislation while increasing awareness over mass media.

The Polaris project works internationally by operating local and national human trafficking hotlines, conducting direct outreach and victim identification, offering services and housing to victims, promoting stronger anti-trafficking legislation and engaging communities in these efforts.

#### *The United Nations*

On June 30, 2009, the United Nations Office on Drugs and Crime (UNODC) published a model law on trafficking in persons for use by Member States of the United Nations Convention against Transnational Organized

Crime to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. (The Protocol requires ratifying states to prevent and combat trafficking in persons, protect and assist victims of trafficking and promote cooperation among states in order to meet those objectives). The model law serves as a detailed tool to draft legislation on trafficking in persons, including definitions, criminal provisions, victim protection and assistance, and cooperation between government agencies. The model law accentuates the need to criminalize trafficking of persons and establish sentences appropriate to the seriousness of the crime. The model is designed to be adapted to the particular legal confines of individual nations.<sup>viii</sup>

At its sixtieth session, the Commission on Human Rights decided to appoint a Special Rapporteur on trafficking in persons, especially women and children, for a three-year period to investigate the human rights aspects of the victims of trafficking in persons (decision 2004/110). With this decision, the Commission requested the Special Rapporteur to submit annual reports to the Commission with recommendations on protecting the human rights of the victims and cooperate with relevant United Nations bodies, regional organizations and victims and their representatives<sup>ix</sup>.

On October 19, 2006, the Third Committee of the General Assembly (Social, Humanitarian and Cultural – SOCHUM) approved, without a vote, a draft resolution in favor of encouraging international partnerships to combat trafficking in persons. This included the development of bilateral, subregional and regional partnerships in counter-trafficking efforts.

SOCHUM requested that the Secretary-General improve on the fledgling inter-agency coordination group on trafficking in persons to enhance coordination. The committee also approved a draft on international cooperation in the prevention, combating, and elimination of kidnapping and in providing assistance to victims. “The Assembly would also call upon Member States that have not yet done so to strengthen measures to combat money-laundering and to cooperate and legally assist in the tracing, detection, freezing and confiscation of kidnapping proceeds, as well as assist and protect victims of kidnapping and their families.”<sup>x</sup>

On March 12, 2009, the Special Rapporteur on trafficking in persons, particularly in women and children, Joy Ngozi Ezeilo, addressed the United Nations Human Rights Council on the global trafficking phenomenon. She said, “Trafficking in persons results in cumulative breaches of human rights, and this correlation needs to be recognized in any intervention effort. As far as the mandate of the Special Rapporteur is concerned, the real challenge is not just in adopting strategies that will effectively lead to catching the perpetrators and punishing them. Rather, it is preferable to put in place strategies that will focus equally on the victim by recognizing and redressing the violations suffered, empowering the victim to speak out without being doubly victimized, jeopardized or stigmatized, while at the same time targeting the root causes of human trafficking. The strategies must be people-centred, bearing in mind that human trafficking is about persons whose basic right to live free particularly from fear and want is under constant threat. We must recognize the dignity of the victims and their right to survival and development. Thus,

restorative justice is central to combating human trafficking."

### **Questions to Consider**

1. How might the vulnerability of victims be reduced (e.g. initiatives to reduce poverty and discrimination, enhanced legal protection)?
2. How might the risks to traffickers be increased (e.g. legislation, harsher punishments)?
3. How might the cooperation between origin, transit and destination nations be facilitated in order to reduce and ultimately eliminate human sex trafficking?
4. What resources can be made available to victims of sex trafficking to minimize permanent violations against their human rights?
5. Is the nation you represent an origin of sex trafficking? Destination? Transit nation? What can the nation you represent do to prevent sex trafficking?
6. What is/are the most relevant concern(s) about the transnational sex trade for the nation you represent? How might your nation, with the cooperation of the U.N. General Assembly, address this concern?

### **Sources**

See footnotes for useful sources.

- <sup>i</sup> United States Department of State, *Trafficking in Persons Report: 2007*, <http://www.state.gov/documents/organization/82902.pdf>
- <sup>ii</sup> United Nations Office on Drugs and Crime: Toolkit to Combat Trafficking in Persons, [http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_1-1.pdf](http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_1-1.pdf)
- <sup>iii</sup> National Human Trafficking Resource Center, [http://www.acf.hhs.gov/trafficking/about/fact\\_sex.pdf](http://www.acf.hhs.gov/trafficking/about/fact_sex.pdf)
- <sup>iv</sup> Article: Stop Sex Trafficking of Filipino Women and Children, [http://members.tripod.com/gabriela\\_p/8-articles/990601\\_prose.html](http://members.tripod.com/gabriela_p/8-articles/990601_prose.html)
- <sup>v</sup> The Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>
- <sup>vi</sup> U.S. Immigration and Customs Enforcement, <http://www.ice.gov/pi/nr/0902/0902111a.htm>
- <sup>vii</sup> Human Trafficking in the United States, [http://www.humantrafficking.org/countries/united\\_states\\_of\\_america](http://www.humantrafficking.org/countries/united_states_of_america)
- <sup>viii</sup> Model Law on Trafficking in Persons, [http://www.unodc.org/documents/human-trafficking/UNODC\\_Model\\_Law\\_on\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf)
- <sup>ix</sup> Special Rapporteur on Trafficking in Persons, <http://www2.ohchr.org/english/issues/trafficking/index.htm>
- <sup>x</sup> Third Committee Approves Draft Resolutions on Human Trafficking, Literacy, Ageing Crime Prevention, Kidnapping; Continues Consideration of Human Rights Issues, <http://www.un.org/News/Press/docs/2006/gashc3858.doc.htm>