

## Background Guide

# CCPCJ

HIGH SCHOOL MODEL UNITED NATIONS



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*Arise and Shine*



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## **Committee Introduction**

### ***General Introduction***

The Commission on Crime Prevention and Criminal Justice (CCPCJ) is one of the subsidiary bodies of the United Nations Economic and Social Council (ECOSOC),<sup>1</sup> playing a crucial role in the field of crime prevention and criminal justice.<sup>2</sup> Together with the Commission on Narcotic Drugs (CND), they act as the functional commissions of the ECOSOC and Governing Bodies of the United Nations Office on Drugs and Crime (UNODC)<sup>3</sup>. The CCPCJ also offers Member States a forum to exchange expertise, information, and experience regarding the issue combatting crime.<sup>2</sup> Its resolutions and decisions provide guidance in concerning issues to Member States and the UNODC.<sup>3</sup>

The CCPCJ consists of 40 Member States elected by the ECOSOC with equitable geographical distribution: twelve for African States, nine for Asian States, eight for Latin American and Caribbean States, Four for Eastern European States, Seven for Western European and other States. The term of office for each member is three years and elected by staggered terms.<sup>4</sup>

### ***Mandates and Functions***

In accordance to the GA resolution 46/152, the CCPCJ shall have the following functions: to provide guidance to the UN in the field of crime prevention and criminal justice; to develop, monitor, and review the implementation of the program; to facilitate and assist to coordinate the activities of the UN in related areas; to mobilize the support of Member States for the program; to prepare for the UN Congresses on the prevention of crime and the treatment of offenders and to consider suggestions regarding possible subjects for the programme.<sup>5</sup> In addition, the ECOSOC resolution 1992/22 provided principles for the implementation of GA resolution 46/152 and for the CCPCJ's mandates and priorities, which included improving international action to combat national and transnational crime, including organized crime, economic crime and money laundering; promoting criminal law in protecting the environment; crime prevention in urban areas, including juvenile crime and violence; and improving the efficiency and fairness of criminal justice administration systems.<sup>6</sup>

The mandates of the CCPCJ were further expanded in 2006 pursuant to the GA resolution 61/252<sup>7</sup>, which enabled CCPCJ to become a governing body of the UNODC and approve the budget of the United Nations Crime Prevention and Criminal Justice Fund, which offers resources for technical assistance with respect to crime prevention and criminal justice worldwide.<sup>8</sup>

## Statement of the Problem

### *Statistics*

Human trafficking, which is estimated to account for a huge global annual profit of \$32 billion, is considered the third most profitable crime, the first and second being drugs smuggling and illegal arms trade.<sup>9</sup> There are up to 161 member states of the UN that have been involved in human trafficking, either as the origin, transit, or destination of trafficked people.<sup>10</sup> Statistics show that 27 million people have been trafficked around the world.<sup>11</sup> In 2006, 79% of the victims of human trafficking were exposed to sexual exploitation, and the other 21% to forced labor. Approximately 800,000~900,000 people were being trafficked abroad for exploitation each year.<sup>12</sup> In 2005, 2.5 million victims of both labor and sexual exploitation were reported.<sup>10</sup> Recently, the Asia-Pacific region has the highest rate of forced labor victims, which accounts for 64% of the total amount. In spite of the tremendous numbers of victims, in 2013, very few victims were identified, with only 10,096 in Africa, 7,886 in East Asia and Pacific, 10,374 in Europe, 1,460 in the Near East, 7,124 in South and Central Asia, and 7,818 in the Americas.<sup>13</sup>

### *Impact on Victims*

Human trafficking has impacts on victims of all aspect of life, and trauma resulted from exploitation continues even when the crime ends.<sup>14</sup> Victims of child trafficking experience inhumane living conditions, inadequate diet and hygiene, beatings and abuse, neglect, and denial of their basic human rights to health care and protection, resulting in lasting health problems.<sup>15</sup> The exploitation of labor and prostitution results in several physical problems. Aside from exploitation from perpetrators, many of the victims developed substance abuses. Some trafficked women have described how they were forced to use drugs or alcohol to ensure their effectiveness. Substance abuse also occurs on other forms of trafficking victims to alleviate the pain of their situation. HIV/ AIDS are also frequently diagnosed on victims of sexual exploitation, owing to lack of condom use, medical or educational services, and information about HIV/AIDS.<sup>16</sup>

The most significant psychological impacts on victims include depression, anxiety and hostility symptoms. Victims may appear to have no interest in things, feeling hopeless about the future, and become suicidal. Restless anxiety, fear, nervousness and shakiness impact significantly on well-beings of the victims. PTSD makes victims continuously re-experience traumatic events. Trouble sleeping, difficulty concentrating, feeling irritable, avoidance and numbing to the realistic interfere all the aspect of their daily lives.<sup>17</sup>

### ***Difficulties of Social Reintegration***

Trafficked victims often experience extreme forms of trauma over long period of time of trafficking, which directly impairs victims' living and communication ability. The identification of trafficking victims of a crime becomes difficult, and they may end up without access to legal medical or social services. Upon returning to their origin, trafficking victims may be faced with reprisals such as threat or physical violence against victims or those close to victims, and to the worst point, victims may be re-trafficked.

Child victims are often more vulnerable, and the impact on their physical and mental growth are long lasting or even permanent. Prolonged abuse may lead to permanent stunt of growth and compound mental illness. Case studies have reported adverse emotional effects among trafficked children, including depression, hopelessness, guilt, shame, flashbacks, nightmares, loss of confidence, lower self-esteem, and anxiety. The negative messages they routinely receive can influence their sense of worth, leading to feelings of self-blame. When enrolling back to education system, the deprivation of education during trafficking results in developmental delays, language and cognitive difficulties, deficits in verbal and memory skills, poorer academic performance, and grade retention.

Another reason result in problematic reintegration is social stigma. In some cases, the impact of mental trauma actually results from the perception of how society will view their experience. For instance, in Nepal, the returned victims of sexual exploitation were considered likely to continue as prostitutes or trying to recruit other young girls as prostitutions. They thought that all trafficking crimes are associated to sex work, and those who were trafficked were assumed to be infected with HIV/AIDS and to be a source of infection in the community. The misconception of human trafficking makes victims hard to reconnect to society and makes them vulnerable to re-victimization.

### ***Protection of Victims***

Based on the Recommended Principles and Guidelines on Human Rights and Human Trafficking, human rights shall be on top of all efforts concerning battling human trafficking, protecting and assisting trafficked persons. States should take responsibility under international law to devote to not only prosecuting traffickers but also protecting trafficked persons. Of all measures taken to combat human trafficking, none shall have affected the primary human rights and dignity of trafficked persons.<sup>18</sup>

After being rescued, protection of the victims both in legislative process and physical care starts in no time. Victims will also be asked to testify against traffickers in court.<sup>19</sup> In regard with their legal rights, appropriate counseling and information are necessary for the victims. The judicial system should also ensure the safety of the victims and their siblings during the whole prosecution.<sup>20</sup> In addition, both the stating state and destination state should guarantee safe and complete return of trafficked persons.

### ***Identification of Trafficked Persons***

Trafficking is much more than organized crime movements. It consists of three factors: acts, means and purposes. At times, the key factors that can distinguish human trafficking from migrant smuggling could be subtle. A failure to identify a victim of human trafficking correctly and instantly could put great threat to the violation of their human rights.<sup>21</sup> For example, Department of health and human service in USA has issued several guidelines for identification of trafficked persons. Such manners can raise public awareness to certain extent.

Even with the guidelines, it is still hard for authorities to identify victims in a short period of time. A standard operation procedure that can be adopted by all member states is needed and such mechanism that can merge all relevant authorities including law enforcement agencies, government bodies, and international agencies to be involved in identification could be discussed.

### ***Reintegration***

Along with the protection of the victims' right on court against offender and during the whole prosecution, reintegration and adequate support are important as well. Based on the report of United States health and human resources department (HHS), resources provided for pre-certified victims include food, shelter, clothing, medical assistance, legal agency and educational service. Pre-certified victims are persons who don't possess lawful permanent residential in the destination state. State governments are in cooperation with local resources like NGOs to strike an effort to provide sufficient support for victims.<sup>22</sup> Sufficient support for victims of human trafficking is highly mentioned in the Recommended Principles and Guidelines on Human Rights and Human Trafficking for States to follow and construct policies toward this issue.<sup>21</sup>

## ***Compensation for Trafficked Persons***

Compensation is essential for trafficked persons since this money can provide a chance for victims to restart their life. Compensation to a victim will enhance the economic empowerment and reduce the chances from being re-trafficked.<sup>23</sup> According to UNGIFT, compensation include but not limited to unpaid wages, legal fees, medical expenses, and loss of opportunities while kept as a victim.

Confiscation seems to be logical for providing compensation to victims. However, compensation is still one of the weakest rights for trafficked persons. According to UNODC, amount of confiscation vary yearly from thousands to 6 millions US dollar. When comparing to the number of victims, the amount is below 9000 dollars per victim. Even with the clear structure and schemes provided by UNGIFT and Trafficking in Persons Protocol, very few countries seem to have sufficient resources to implement confiscation by legal investigation process.

## ***Case Study: Children Trafficking in Europe***

Through out the world, children are the second largest vulnerable group that is prone to becoming victims of human trafficking.<sup>524</sup> Children trafficking are commonly defined as “the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation.”<sup>25</sup> None of the fraud means are required for a child to be regarded a victim of trafficking. State parties should take all measures including but not limited to national, bilateral and multi-lateral aspect to the prevention of children trafficking in any kinds of form.

The first difficulty in child trafficking is that different regulation regarding child varies from states to states. For instance, there are variations on the eligible age for a child to work, sexual contentment, and other closely related issues. Child trafficking has been a long term and serious international crime in Europe. Due to its convenience on the transport between states, cross-border of trafficking human beings is relatively easy.<sup>26</sup> Based on the statistic research by EU, in 2010, the number of victims under 18 registered by the police and NGOs are 90. In 2011, the number increases to 206.<sup>27</sup> This is merely the official registration number, and the real number of victims could be way higher. According to UNICEF, over 27 European countries have reported human trafficking. As for legal instrument, the Convention on the Rights of Child is the most comprehensive law currently, in which Article 3 states that the best interest of child should be a primary consideration among states.



International policy adopted to combat human trafficking in Europe is the National Action Plan. When a country issues related policy, National Action Plan is a useful tool to join multilateral approach. This plans is a tool for prevention for human trafficking and protection of the victims. Nevertheless, only 9 countries in Europe have adopted National Action Plan specifically for children.<sup>26</sup>

## **Past UN Actions**

In terms of the prevention of the crucial problem, the United Nations calls for the community-led activities as a tool for prohibition of human trafficking. Between 2006 and 2007, the United Nations Office on Drugs and Crimes (UNODC) started to support and assist some NGO initiatives with these activities, such as the Community Vigilance Program, a project on the border between India and Nepal that trains residents to detect human trafficking. Additionally, in order to hold some prevention campaigns, UNODC also provided funds for NGOs in some countries, such as Bosnia and Herzegovina, especially for the refugees.<sup>30</sup>

Regarding the protection of the victims, UNODC established the second edition of the Toolkit to Combat Trafficking in Persons, which provides an specific overview for the trafficking in human.<sup>31</sup> There are a series of aspects and elements in the toolkit including law enforcement, victim identification, and victim assistance.<sup>32</sup> In 2010, the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons was launched by the United Nations, and the UNODC was assigned to be the manager.<sup>33</sup> The trust fund was launched to aid all organizations to provide potential victims with physical, psychological, and social assistance with respect to their human rights, especially for women and children.<sup>34</sup> Concerning the severe situation of human trafficking in the world, the United Nations also devoted to disciplining criminal justice executioner on protection of the victims and enforcing the legislation.<sup>35</sup> In 2007, the UNODC also launched the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT).<sup>36</sup> By working with all the stakeholders, UN.GIFT cooperate with the partners and develop better instruments to fight human trafficking.<sup>37</sup> Furthermore, the United Nations also emphasizes on the prosecution of the criminals who convict human trafficking. Their most important target is to develop effective laws and criminal justice institutions. For instance, in 2006, UNODC assists some countries like Armenia, Lebanon, and South Africa to draft anti-human trafficking laws. Furthermore, UNODC also offers some official criminal justice training programs for Burkina Faso, Ghana, Nigeria, Togo, Ukraine, and South Africa.<sup>39</sup>

In 2009, UNODC released anti-human trafficking manual for criminal justice practitioners with UN.GIFT, which contained 14 modules on human trafficking, also mentioned about the considerations in sentencing the criminals.<sup>39</sup>

### ***Suggestions for Further Research***

Since the topic we are going to discuss is about the protection of human trafficking's victims, we put a lot of elaborations on the impact and the impairment of their ability to reintegrate the community. However, it is fundamental for delegates to look for information about what kind of conditions result in this monolithic crime, in order to make the discussion more comprehensive.

We can categorize countries into three types: the origin, the transit, and the destination countries. The origins are often developing countries with problems of poverty, unemployment, and low education rates or contain stereotypes towards certain groups of people. Countries with unstable political situation or suffering from conflicts or wars are also targets of perpetrators to hunt for victims. Delegates representing these countries can seek for solutions by means of arousing public awareness, providing alternative course of action, and improving education. Political structures and public services are often weak or even turmoil in these states. Thus it may be unrealistic to try to legalize counter-trafficking acts. Traffickers move victims through transit countries, often for extended periods when the victims may be forced to work. Traffickers choose these countries based on their geographical location (near a border or a port), their weak border controls, corruption of immigration officials or their affiliation with the organized crime groups that are involved in trafficking.<sup>88</sup> The destination countries are mostly developed countries that are economically prosperous because they must be able to support the commercial exploitation.<sup>89</sup> Delegates of these countries can seek for solution by enhancing border control, reinforce social welfare system and develop method for victims' identification.

After years of discussion, the acts of anti-trafficking are still being criticized in many aspects. The identification of victims, the settlement of refugees, the providence of alternative courses of acts, or even the definition of trafficking itself are still murky and under debates. Moreover, as one of the principles of economics states, "people respond to incentives". It is the demand for illegal labors that create the crime of trafficking.

## Questions to Consider


1. Considering *the UN Global Plan of Action to Combat Trafficking in Persons*, the vulnerability of victims lies in poverty, unemployment, lack of socio-economic opportunities, gender based violence, discrimination and marginalization, etc, which exert influence over the supply side of human trafficking. How can CCPCJ enhance crime prevention measures by reducing the quantitative supplied and how can cooperation be built within UN system or, moreover, nations to achieve the goal?<sup>42</sup>
2. Sexual exploitation was noted by far the most commonly identified form of human trafficking; nonetheless, it is due to the visibility that other forms of human trafficking such as organ removal, forced labour, and exploitation of children, etc. are under-reported.<sup>43</sup> How can CCPCJ strengthen and develop identification techniques and exchange information to combat human trafficking?
3. Trafficking of children is also one of the most ubiquitous form in trafficking in person. Since compared to adults children are more vulnerable, cheaper to hire and are less likely to demand higher wages or better working conditions.<sup>44</sup> Moreover, most children of trafficking undergo sexual exploitation. Consequently, what can CCPCJ do to thwart the prevailing of the rising demand toward younger victims and preclude the tragedy from repeating itself?
4. Former victims of human trafficking are tend to become perpetrators with an eye to escaping their own victimization and consequently might be prosecuted for the offensive behavior, how can CCPCJ address the problem?

5. Rehabilitation is undoubtedly the most crucial issue for victims, since the improvement in judiciary is not capable of altering their vulnerability and desperate condition. How can CCPCJ provide assistance in physical, psychological and social recovery? What organizations or NGOs can get involved to ameliorate the phenomenon?
6. Last but not least, human trafficking is getting more and more severe in today's modern era and becomes a sort of transnational organized crimes, yet it is often underestimated and neglected by international community. What can CCPCJ do to raise public awareness and thus stress nations to attach great importance to the issue?

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