

Position paper

martes, 31 de agosto de 2010

11:05 p.m.

New Words: Quo vadis, pacta sunt servanda, counterfeiting, swindling, arson, sublime, question, undertake, mutatis mutandis

United Nations Human Rights Council

martes, 31 de agosto de 2010
11:05 p.m.

Jurisdiction: The Council Established under resolution **A/RES/60/251** (April 3rd 2006) has the duty of the promotion and protection of human rights and fundamental freedoms with out any kind of discrimination (Article 2), To address gross and systematic human rights violations and just to make recommendations, it can also address how the UN system is approaching its goals through Human Rights (Article 3). In **article 5** we see that it must uphold human rights through education, awareness, technical cooperation and capacity building, it gives the duty to give recommendations during the creation of new international law human rights instruments. The Council may discuss anything related to Human Rights for the purpose of bringing consensus and understanding. In the same article we see the implementation of a Universal Periodic Review that should report the overall situation of human right in states members of UN this report must not duplicate the other reports of the Seven core treaties but complement them with the work of the Mandate Holders.

Another part of the duties the Council has includes all past duties the Commission for Human rights had but this time the procedures and tasks should be improved and enhanced. It is based in Geneva.

Actual President and Vice-president:

President

H.E. Mr. **Sihesak Phuangketkeow** (Thailand)

Vice President and Rapporteur

H.E. Madam **Bente Angell-Hansen** (Norway)

Vice Presidents

H.E. Mr. **Arcanjo Maria Do**

Nascimento (Angola)

H.E. Mr. **Rodolfo Reyes Rodríguez** (Cuba)

H.E. Mr. **Fedor Rosocha** (Slovakia)

Office of the High Commissioner for Human Rights:

created through a resolution in 1993 of the General Assembly (**A/RES/48/141**) as part of the Secretariat and has the duty to promote and protect the Human rights enshrined in the Charter and in the Human rights treaties. Its coordinates human rights initiatives throughout all the UN system to integrate all the strength of the Organization relating to Human Rights. It is based in Geneva. The actual High Commissioner for Human rights is Navanethem Pillay

Resolutions regarding the topic:

Resolution 5/1 - Institution building Package (June 18th 2007): It established many of the special procedures the Council uses, it defines how the Universal Periodic reviews are going to be done, who is going to help in the process and which documentation is valid for the document (**Annex part 1**). The next part (**Annex part 2**) is related to the mandate holders, their work, and possible structures, the next part (**Annex part 3**) is about the Advisory Committee that is a committee of experts that through research helps the council in their work, it is composed of individuals and they work over the request of the council on the matters of its jurisdiction. The complaint procedure is next (**Annex part 4**) It is the mechanism that the Council uses to receive the denouncement of human rights violations, and how they can be admissible and how not and the due process for their reception. **Part V** has the Agenda and programme of work of the Council, **part VI** holds the methods of work for the Council and finally **part VII** holds the Rules of procedure of the Council.

Resolution 6/14 - Special Rapporteur on contemporary forms of slavery (September 28th 2007): It replaces the working group of the same area, for a Special Rapporteur to address contemporary forms of slavery and also it must address its causes and consequences (**Article 1**). It will cooperate mainly but not limited to, the mandate holders related to human trafficking, discrimination, violence against women and children in armed conflict (**Article 6**).

Resolution 9/8 - Effective implementation of Human rights instruments (September 18th 2008): it points out a series of aspects that must be taken into consideration during the work of the Council for a more adequate implementation of the international instruments and for them to be effective we can highlight:

- Reduction of the duplication of reporting and the length of the reports (**3.a and 3.e**).
- To provide concrete observation towards state parties (**3.g**).
- Enhancing of individual complaints procedures for treaty bodies (**3.j**).
- To continue the inter-committee meetings for harmonizing methods of work (**Art. 4**).
- Submission of Common Core documents (**8.c**).
- The effective dissemination of the recommendation in the states territory (**8.e**).

Resolution 11/3 - Human Trafficking specially women and children(June 17th 2009): After a series of instruments toolkits and reports this resolution takes to the member states needs that must be address in order to correctly suppress Human Trafficking, it points out that protection must be priority number 1 (**Article 1**)and that the access to justice must be also reinforced to protect victims and prosecute offenders(**Article 2.d**).Criminalization of Human trafficking and ALL related activities is also urged(**Art 3. b**) also there must be assistance and help with the victims (**Art. 3.c**). The use of principles and Guidelines of the OHCHR is called to be present during the legislation process.

Resolution 12/6 - Human rights of Migrants: Migration and human rights of the Child(October 12nd 2009): it is necessary for al states according to this resolution to respect the rights of migrants children irrespectively from their place of origin or destination(**Art 1.a**), mainly calls for the non discrimination of children during migration and to use gender and age sensitive mechanisms to address directly and correctly possible violation of children rights, this mechanisms must be for police, criminal justice staff and diplomats(**Art. 3.b & 3.c**).

Special Procedures

martes, 31 de agosto de 2010
11:07 p.m.

Universal periodic review: It is a report done every 4 years that is delivered to the Human Rights Council that contains an overall description of the human rights situation in a country and the progress the State has done in the sphere of human rights. It has a series of points it must cover but the main objectives are:

- (a) The improvement of the human rights situation on the ground;
- (b) The fulfillment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
- (c) The enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;
- (d) The sharing of best practice among States and other stakeholders;
- (e) Support for cooperation in the promotion and protection of human rights;
- (f) The encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights.

The final report is made in one part of the Documentation that State uses that must be mainly national and from the institutes the State has, and another part from the OHCHR that reports about the status of the state about its duties to the treaty bodies and other international instruments, also includes comments about the country and their involvement in the Council Special Procedures. Mixing the impartiality of the UN with the good will of the Member States. To facilitate the creation and review process each state will have a troika to help in such process. When the review is done an outcome document summarizing the procedures used, conclusions, recommendations and Pledges of the States being reviewed to commit itself to improve in the areas with flaws.

Zambia is part of the troikas of Estonia, Sierra Leone and Marshall Islands. On the other hand Zambia's troika was Switzerland, Senegal and Philippines.

Mandate Holders/Special Rapporteurs: Are Specialist Adopted initially through the Commission of Human Rights and now the Human Rights Council, to report, monitor and advise about human rights situations regarding an specific country (Country mandates) or regarding a specific situation (Theme based Mandates), both of them are created under a resolution that points out their mandate, they are involved in the UPR and other reports regarding their mandate. They have been improved and the communicate with state members when they receive communication of human rights violations in order to receive clarification on the subject.

There are actually 31 thematic and 8 country mandate holders, the countries are:

- Burundi
- Cambodia
- North Korea
- Haiti

Advisory Committee: it is designed to be the think tank of the Council, it must help the council in the expertise it is needed and under the Council's request, for thematic issues that are under the mandate of the Council, this meaning promotion and protection of all human rights. Special teams can be made for specific tasks if the council so decides, and to perform its tasks the committee must undertake communications with other organizations and states to be effective and gather valid information.

Complaints Procedure: it is a procedure to receive gross systematic human rights violations under no particular circumstances and can be related to any kind of human rights particular or special. The communication submitted must fill a series of conditions to be accepted as an active denouncement, and as the council cannot enforce nothing to states it must work through other institutions and national human rights institutions to address the situation or through the OHCHR to give technical assistance and capacity building to the state concerned. The admissibility of the communication sent through this procedure is a task that the Working group on Communication must do, this committee is integrated by members of the Advisory committee to prevent partiality issues regarding the communications. This first committee is a filter for inadequate communications, but if a Communication passes the criteria a Working group on Situations picks up the work and analyses if there is really a gross violation or if it decides to dismiss the case, if it wants to recommend something to the council it must do it through a draft decision or draft resolution with due explanation.

Forum on Minority Issues: This part of the Council is for the improvement of tools and mechanisms that help in protecting and promoting the rights and freedoms of minorities regarding ethnical, linguistic, national or religious characteristics. Thus it also enhances the work of the independent expert on minority issues, this Mandate holders guides the work of the Forum and through it, the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and also the independent expert based on the consensus of the Forum makes its report to the Council

Social Forum: It's a Plural dialogue forum for the debate on ways to create an adequate environment in the international level to enjoy human rights by all as well the possibilities to exercise them. Poverty has been the main issue of the Forum thus it includes States Human rights related institution from in and

- Myanmar
- Palestinian Territories
- Somalia
- Sudan

Of the 31 thematic mandate holders the ones that are related to the discussion are:

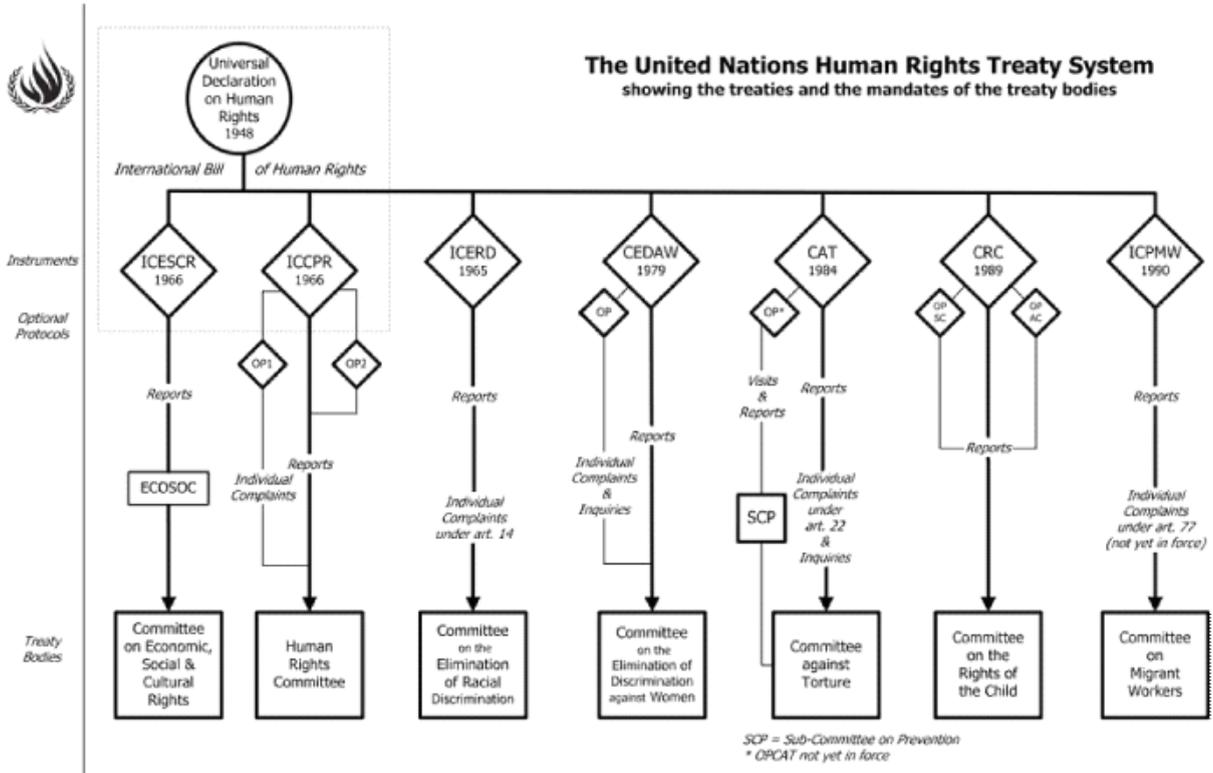
- Special Rapporteur on the sale of children child prostitution and child pornography - Ms. Najat M'jid Maalla.
- Special Rapporteur on the human rights of migrants - Mr. Jorge A. Bustamante - Mexico
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance - Mr. Githu Muigai
- Special Rapporteur on contemporary forms of slavery, including its causes and consequences - Ms Gulnara Shahinian - Armenia
- Special Rapporteur on trafficking in persons, specially Women and children - Ms Joy Ngozi Ezeilo - Nigeria
- SRSG on human rights and transnational corporations and other business enterprises - Mr. John Ruggie - USA

states, human rights related institution from inside and outside the UN, Economic related organization, Non-Governmental organizations and Related stakeholders making it a place really dedicated on how to fight poverty with a human rights based approach. This committee is not linked to the Advisory Committee.

Experts Mechanism on the rights of indigenous people: Its a research based mechanism that advises the Council on the Matter of the adequate exercise, promotion and protection of the human rights regarding indigenous people, composed of 5 experts, through the already mentioned research this committee must advise and report to the Council on ways to correctly address human rights situations of the indigenous people on a thematic based approach.

Human rights Treaty System

jueves, 07 de octubre de 2010
12:23 a.m.



Abstract - Republic of Zambia

martes, 31 de agosto de 2010
11:06 p.m.

Government Type: Presidential Representative Democratic Republic

Unicameral National Assembly

2 superior Judicial Organs

High Court: The Final Court of Appeal

Supreme Court: Unlimited

Jurisdiction for criminal and civil cases

Currency: Zambian Kwacha

UNDP GNI position:

Purchasing power parity: 18.46 billions \$ -129th

Per capita: 1,600 \$ - 195

Real Growth Rate: 6.3% - 15

International memberships: AfDB, AU, C, COMESA, FAO, G-77, IAEA, IBRD, ICAO, ICCT, ICRM, IDA, IFAD, IFC, IFRC, ILO, IMF, Interpol, IOC, IOM, IPU, ISO (correspondent), ITSO, ITU, ITUC, MIGA, NAM, OPCW, PCA, SADC, UN, UNAMID, UNCTAD, UNESCO, UNHCR, UNIDO, UNMIL, UNMIS, UNOCI, UNWTO, UPU, WCO, WFTU, WHO, WIPO, WMO, WTO.

UN PKO's contribution: 1015

distributed in : 300 for police, 56 Military experts and 659 troops. This data is from December 2009

Zambia is in :

- Democratic Republic of Congo
- Lebanon
- Nepal
- Darfur
- Sudan
- Timor Leste
- Ivory Coast

Political Stance: Center Left, basing ourselves in the dominating party, The Movement for Multiparty Democracy that is a center-left party is the main representative in the Assembly as it is the President's party

Special Characteristics:

No compulsory Conscription

Minimum age for work without parent consent: 15 years

In its Constitution Zambia upholds and establishes human rights as their promotion and protection mechanisms. In part 3 of the Constitution we have the fundamental rights of the Republic of Zambia, regarding the topic we have that:

Head of State: Rupiah Banda **National Motto:** One Zambia, One Nation

Head of Government: Rupiah Banda **National Anthem:** Stand and Sing of Zambia, Proud and Free

First president: Kenneth Kaunda

Ambassador to the UN: Lazarous Kapambwe

Capital: Lusaka

Independence day: October 24th 1964

Refugees and IDP's: Zambia has refugees from the beginning of its independence but now it holds refugees fleeing from the Democratic Republic of Congo, Rwanda and Angola, numbers are:

(Just Total Refugees aprox. To Dec 2010 - UNHCR)

DRC: 23,870

Angola: 15,990

Rwanda: 5140

Various: 3930

Refugees originating from Zambia: 260

There are no internal conflicts in Zambia so the number of Internally Displaced Person reaches zero.

Other International Indexes:

- Global Peace Index - Institute for Economics and Peace -58/144
- Human Development Index - 164/182
- Corruption Perception Index - 99/180
- Global Competitiveness index- 112/133

Official Position regarding the topic: There is a need for victim identification and help. Prevention process must be reinforced, the access to justice is a must, an example is the Victim support Unit and the child labor offices in the ministry of Labor. It is clearly Anti-USA. The focus of the topic must go around vulnerable groups, in this case women and children. We Use the Standing invitation for the mandate holders in order to facilitate work and the fulfillment of our pledges. The main strength of Zambia regarding human trafficking has been the reform to the Criminal Code in 2005 where it criminalizes human trafficking and now it is taking efforts deeper to a more comprehensive legislation, another great success is the constitutional reform that is being carried by the National Constitutional Conference, The draft Constitution was launched June 22nd. The other pledge that must be fulfilled and completed is to sign the remaining protocols of the Human rights treaty bodies.

- **Article 11 - Fundamental Rights and Freedoms** : establishes the non discrimination on the exercise of such rights and freedoms unless they can't be exercised due to incapability or when its exercise harms the rights and freedoms of other or of the Public interest.
- **Article 13 - Personal Liberty**: that is freedom unless a rightful trial so decides, so arbitrarily detainees must be set free.
- **Article 14 - Protection from Slavery and Forced Labor**: gives the same definition of prohibition of slavery as the International Covenant of Civil and Political Rights, it also uses the same savings for what its not slavery.
- **Article 15 - Protection from Inhuman treatment**: textually it states "No person shall be subjected to torture, or to inhuman or degrading punishment or other like treatment." .
- **Article 19 - Freedom of Conscience**: its freedom of thought and freedom of belief and to make such beliefs known without restriction, it is also the freedom to change such beliefs. No one can be forced to believe anything against its will, no religion can be prohibited to spread in a community unless it is dangerous. No one can be forced, or in the case of a minor without the const of the guardian, to assist or observe religious practices that are not from the religion of that person.
- **Article 20 - Freedom of Expression**: under this article we see the protection for making any kind of opinions, however if they contravene public order, health, safety or morality or they are against some law they should be checked.
- **Article 24 Protection of Young person from exploitation**: People under 15 cannot be forced to work under any circumstance and they will have special protection due to the fact that they cannot be subject of exploitation or ill treatment during those activities, regardless of that, or if there is consent, they cannot be forced to work if such activity is dangerous or interferes with the integral formation of the person. Persons over 15 years of age may begin to work without the need of parent consent but they will not be forced to any job. And in the General Sense no one can be forced to work according to **Article 14**.

Last Declarations:

MDG Debate(September 21st 2010): Thanks to the economic boost Zambia is having they are nearer to achieve many of the goals, the objectives that are most likely to be achieved are, the empowerment of women, Universal basic and free education, prevention of infectious diseases. Mr Mwansa, thanks the pledge that the international community makes through objective 8 and states that if the results must be inclusive such initiatives must continue not just in Africa but all over the world.

65th General Assembly General Debate: it aligns the position of Zambia to the speech that Malawi will give as Chairperson of the AU. The representative of Zambia explains that the country is experiencing progress in many areas but many other still pose a threat such as refugees, arms control, climate change , economic governance and international Cooperation. It condemns the sanctions that are over Zimbabwe and compares them to the ones in Cuba and calls for the lifting of both. Wants that sc is reformed and give Africa 4 seats, 2 permanent seats and 2 non permanent. It call to recognize the role of UN in Global governance and to enhance it.

AU Speech 65 General Assembly(Malawi): the president rejects the fact that the media only talks about Africa when it is about disasters death and mistakes, and that media does not recognizes the progress neither the advance in many areas, it says that Africa is not poor its the people that are poor. It envisages that 5 years from now hunger and malnutrition are gone. It talks about a renewed and strengthened strategies and initiatives of governments to fight Human trafficking but with special focus to women and children. It expects that the assembly might finally remove the sanctions over Cuba and over Zimbabwe considering them to be against the promoting of better life quality.

Arguments:

- The main challenges that prevention protection and prosecution face are, (a)knowledge and research (b) capacity building and development (c)monitoring and evaluation - UNODC international framework of action for implementing the Trafficking protocol.
- Since there are various interpretations of the Trafficking protocol and the legislation is so different in countries there is a need for the standardization of the legislation and of the definition of trafficking, an example of this is that even if state parties are members of ILO conventions, child labor remains not properly addressed - UNODC international framework of action for implementing the Trafficking protocol.
- Access to justice is fundamental to properly address prosecution of the right offenders and protection of the real victims.
- There must be an adequate approach on the matters

Proposals:

of trafficking to prevent further human rights violations or abuses by public officers towards victims - thus victim identification is essential.

- To properly address and approach the problems that come from human trafficking it is necessary that a human rights based approach is made, it must be age and gender sensitive, comprehensive and non discriminatory.
- There is a need for more proactive judicial procedures and with time the need of witnesses should be reduced , this procedures must also look for the prevention of the re victimization of trafficking victims.
- The fight on Human trafficking consists of 5 pillars (a) prosecution, (b) protection, (c) prevention, (d) national coordination and operation, and (e) international cooperation and coordination - UNODC international framework of action for implementing the Trafficking protocol.
- The identification of Victims and offenders is crucial to prevent abusive denial of rights and to prevent re victimization, it is also a priority to make a difference between smuggling and trafficking, in victims and offenders to make the proper procedure in the exercise of their rights, such as the right of non-refoulment - OHCHR Principles on Human Trafficking.
- A legal framework for a suitable criminalization of Human trafficking and related conducts is needed without it there cannot be a proper access to justice- OHCHR Principles on Human Trafficking.
- Prevention strategies should consider the demand of the trafficked persons as a root cause, and all stake holders should take into considerations the factor that increase vulnerability, like poverty and discrimination in their recommendations and reports - OHCHR Principles on Human Trafficking.
- Fighting Human trafficking is a duty of states and organizations, meaning that peacekeepers must also do their job to prevent trafficking, not getting involved and get punished if they do - OHCHR Principles on Human Trafficking.
- The criminalization of Human trafficking also comprehends related offences that are related to contemporary forms of slavery like forced labor , and inhuman exploitation so that if the actual system for Trafficking prosecuting is not effective the accumulation of penalties might create interest of jurists and legislators to create more effective legislation on the matter - UNODC Toolkit con the Fight against Human Trafficking.
- UNICEF provides a framework for child protection with its Child Protection Strategy.
- Other Arguments see Statistics part

Abstract - Modern Slavery - October 2010

martes, 31 de agosto de 2010

11:05 p.m.

Definitions, other committee resolutions, key notes and other relevant documents

Human Rights divisions: we can divide them in 3 types of divisions:

- **Generations:** in this division we have 2 generations that are defined and a 3rd one to be defined, 1st generation are rights related to civil and political rights, as right of speech, right of voting and rights enshrined in the Universal Declaration of Human Rights (**from article 3 to article 21**), and the International Covenant of Civil and Political Rights. And are the most personal of all rights. 2nd generation rights are those related to social, economic and cultural equality of peoples, they are the ones that bind states to guarantee equality on economic, social and cultural capabilities such as the right to work, right of housing, health care, social security, the violation or limitation of 1st generation rights have as consequence a deterioration of 2nd generation rights. A 3rd generation of rights are still being debated but given the variety of violations that still occur in 1st and 2nd generation some argue that any progress in human rights generations will cloak the offenders actions and make prosecutions more difficult. The 3rd generations ranges from self determination to environmental rights.
- **Civil and Political:** Civil rights verse about physical integrity, protection from discrimination, and fundamental freedoms, on the other hands political rights are those related to the inclusion of humans in the political system of the State, those rights include, right to vote, fair trial, right to participation, freedoms of association and so on. These rights qualify in negative rights and in the first generation rights.
- **Economic Social and Cultural:** are considered to be the rights that guarantee people their right of equality in those aspect and contrary to civil and political rights they always require the intervention of State for their compliance, making them positive rights and 2nd generation rights in a first glance we can say that the main economic social and Cultural rights are established in the International Covenant on Economic, Social and Cultural Rights and in the Universal Declaration of Human Rights (**Articles 22 to 28**).
- **Positive and Negative:** Positive and Negative rights have their differences in when to act. Positive rights require always the intervention or require actions in a more general sense for their compliance and protection, on the other hand we have that negative rights sometimes need to be complied or protected through inaction. Examples regarding right to life are:

if 'A' has a *negative right to life* against 'B', then 'B' is required to refrain from killing 'A'; while if 'A' has a *positive right to life* against 'B', then 'B' is required to act as necessary to preserve the life of 'A'

- **Individual and Group Rights:** As the name states are the rights that can be bestowed upon an individual or into a group. Some say that groups don't have rights because majorities can't discard the rights of the minorities, and that rights are created to protect minorities and the biggest minority of all in the individual. In my personal point of view individual should have special rights when they are in a vulnerable group, and that rights can't be used to oppress anybody and when you don't belong in any group you can't be more vulnerable than the minorities for them having special rights.

Indivisibility of Human rights: it establishes that rights cannot exist properly if they are violated, this means they right to life becomes aggressed if the right of housing is violated and in vice versa also, according to this concept, civil and political cannot exist without social and economic rights and economic rights cannot exist without fundamental freedoms.

Categorization: it establishes that under the division of Human rights civil and political rights differ completely from economic, social and cultural rights and that they can be separated and one category can exist without the other, fundamental differences are:

Economic social and cultural rights are:

- positive, meaning that they require active provision of entitlements by the state (as opposed to the state being required only to prevent the breach of rights)
- resource-intensive, meaning that they are expensive and difficult to provide
- progressive, meaning that they will take significant time to implement
- vague, meaning they cannot be quantitatively measured, and whether they are adequately provided or not is difficult to judge
- ideologically divisive/political, meaning that there is no consensus on what should and shouldn't be provided as a right
- socialist, as opposed to capitalist
- non-justiciable, meaning that their provision, or the breach of them, cannot be judged in a court of law
- aspirations or goals, as opposed to real 'legal' rights

Civil and Political rights are:

- negative, meaning the state can protect them simply by taking no action

- cost-free
- immediate, meaning they can be immediately provided if the state decides to
- precise, meaning their provision is easy to judge and measure
- non-ideological/non-political
- capitalist
- justiciable
- real 'legal' rights

African Charter on Human and Peoples' Rights/Banjul Charter(June 27th 1981): It is divided into 3 parts,

- 1) Rights and Duties: it is divided in 2 chapters,
 - i. Human and peoples' rights: **Art. 1** makes states to recognize the rights duties and freedoms of the charter and also binds them to make those effective. **Art. 5** speaks about the prohibition of slavery and of any degrading, inhuman or exploitative treatment (torture, slave trade, etc.) **Art 8.** gives freedom of consciousness, so Slaves of Consciousness cannot exist like in China or Myanmar, this article is also related to freedom of profession and religion. From **art. 9** through **article 18** the rest of the fundamental rights and freedoms for individuals are schemed, in **Art 19** the charter explains that all peoples are equal and that domination from one to other cannot be justified. The peoples described in the Charter have rights that are similar in meaning to those of humans, such as existence freedom of choice and determination , protection from foreign domination in any of its ways and to Self -determination, all of them are enshrined in **Art. 20.** **Art. 21** is related to the wealth of peoples and their properties, **paragraph 5** of that articles binds States and in **Art.22** they establish the right to development as a right for peoples. And **Art. 25 and 26** are related to education plus promotion of the rights and independence of the courts for protection and judgment respectively.
 - ii. Duties: establishes that individuals have responsibilities to their families, societies, States and the International Community, also establishes that the exercise of the rights before mentioned must be done without discrimination and with due regard to other individuals rights, morality, security and common interest. **Art. 29** specifies the most important duties of individuals towards State, societies and other individuals, paragraphs **7 and 8** are related to the promotion of African values and culture for the purpose of equality and tolerance. **Paragraph 6** calls for the payment of taxes.
- 2) Measures of Safeguard: it is all related to the African Commission of Human and Peoples' rights it has 4 chapters:
 - i. Establishment and Organization of the Commission: this chapter as its title says has the composition of the Commission, the procedures for election nomination of the members of the commission that in this case are individuals.
 - ii. Mandate of the Commission: here we describe the work and tasks of the commission. The Commission, according to **Art. 45**, is directed to investigate, organize, promote, defend, study and co-operate in matters of African Human and Peoples' rights for the creation of concern inside national and local institutions and if it is necessary make recommendations to Governments (**1.a**), to formulate principles and guidelines to solve legal problems related to human and peoples' rights and fundamental freedoms, and those principles are the ones that States should use to base their legislations (**1.b**) , Cooperate with other African Human Rights related institutions (**1.c**). **Paragraphs 2 and 3** give the Commission the power to ensure the protection of human rights according to charter and the duty that in request of a State party or institution of the OAU to interpret all provision of the Charter, these duties are related to the last two paragraphs above mentioned and respectively.
 - iii. Procedure of the Commission: In the first article (**Art. 46**) we see that the commission may resort to any way of investigation or to call to anyone that has the capabilities to enlighten the Commission in matters of the Mandate of the Commission. **Art. 47 through 49** speaks about the communication States have for the petition of investigation of the Commission for violations to this charter. Through written communication the inquiring State and draw the attention of the State in the matter to in a lapse of 3 months respond the inquire made and through bilateral negotiating give solution to the matter and notify the commission of such a communication, if after 3 months there is no solution then any of the states involved may submit the situation to the Commission, the other way to submit a situation to the Commission is that when a State possesses enough evidence about serious human rights violation it may notwithstanding the before mentioned procedure directly submit the communication to the Commission and the State concerned but this time without previous negotiation. Any Communication must also be addressed to the Sec General of the OAU, and when communications are addressed to the Commission they must be addressed to the Chairman. The commission must be sure that all mechanisms have been depleted or can't be used to accept the issue being submitted (**Art 51**). After the issue has been accepted the Commission will look for a amicable way to solve the issue, if it fails it will generate a report for the States involved and the Assembly of Heads of State and Government about the Facts and Findings. In **Art. 55 and 56** we see that other communications can be made towards the Commission from entities that are not States, such communication will be considered if they fill the requirements of **Art. 56**, then the concern should be notified to the Chairman and the State involved. When a series of these communications occur and they reveal mass violations of human rights the Commission will bring the situation to the Assembly (**Art. 58.1**), the measures used under the provision of the charter remain confidential unless the Assembly decides otherwise.
 - iv. Applicable Principles: It establishes in Art. 60 that the main principles are those enshrined in the UN Charter, the OAU Charter, this Charter, the Universal Declaration and the other main pacts and international instruments for Human Rights and those that the Member States of the Organization have

agreed to become members of. As second measures for the application of principles the Commission may use related instruments, specific or general, for the creation of such principles and shall also consider current law, as the usual sources of law as specified in **Art 61**. States shall submit every 2 years reports regarding the measures taken to give effect to the recognized rights and freedoms set in the Charter(**Art 62.**).

- 3) General Provisions: Are those related for the signature, ratification and entry into force of the Charter, it set the possibility of amendments and protocols for other matters related to the Charter.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa/Maputo Protocol(July 11 2003): This protocol as its name states its related to the special protection States should give to women for the complete exercise of their fundamental rights and freedoms guaranteed by the African Charter on Human and Peoples' Rights. It gives 3 key definitions in **Art. 1** that must be used when items related to women's rights are being debated, these are:

- **Discrimination Against Women:** is all prohibition, exclusion or restriction of the exercise, in all spheres of life, of the fundamental freedoms and rights of the Charter based on their gender, regardless of their marital Status.
- **Harmful Practices:** means any periodical or customary action that negatively affects the rights and freedoms of women, specially their integrity, life, education and health.
- **Violence against women:** are all the actions taken against the physical, sexual, psychological and economic integrity of a woman and the threat of them, it also includes the arbitrary deprivation of the fundamental rights and freedoms of the charter in public and private life, in peace and in conflict.

The rights in the charter that are mainly related to the slavery situation are, right to Dignity (**Art. 3**), Life, security and integrity of person(**Art. 4**), elimination of harmful practices (**Art. 5**), marriage (**Art. 6**), Protection in armed conflict (**Art. 11**), health and reproductive rights(**Art. 14**) . In **Art. 25** States bind themselves to give remedies to women that have suffered violations of the rights in the protocol or the charter, as they also bind themselves to the implementation of the protocol in the national level and to report the measures taken in their report established in **Art. 62** of the Charter (**Art. 26**).

Universal Declaration of Human Rights(December 10th 1948): It is the main instrument of Human Rights nowadays. Through it the international and regional system of human rights is based. According to experts it divides human rights in 2 categories, civil and political rights (**from article 3 to article 21**), and economic, social and cultural rights(**Articles 22 to 28**). Regarding Slavery and related practices the articles directly involved are:

- **Article 4:** It clearly denies the status of slavery in all its ways, it prohibits slavery and the slave trade in all their forms.
- **Article 5:** speaks against torture or inhuman treatment, upholding the right to human dignity.
- **Article 9:** It prohibits arbitrary detention, jail and banishment.
- **Article 23:** it is related to the right of work, of free choice, under adequate conditions, without discrimination of any kind, the right for equal and adequate remuneration. Thus it established the right of free association.

International Covenant of Civil and Political Rights(December 19th, 1966)(ICCPR): It is made of 6 parts:

- 1) This first part its about the right of peoples' to self determination, and that states have the duty to respect it and promote it, regarding self determination it is not only political will but disposition of the wealth and common resources of peoples.
- 2) Is related to the guarantees and the duty of States to make effective and respect the exercise of such rights and freedoms set in the Covenant. The whole part makes States that they must make effective through legislative and constitutional mechanisms so that the equality of exercise is guaranteed.
- 3) This part sets the rights that are civil and political and the obligations States have to fulfill them. The rights agreed in this covenant to be civil and political that are related to the situation are:
 - i. Right to Life - **Article 6**
 - ii. Prohibition of torture or inhuman treatment - **Article 7**
 - iii. Abolition of Slavery in all its forms - **Article 8**
 - iv. Right to liberty and security of person - **Article 9**
 - v. Freedom of Movement - **Article 12**
 - vi. Right to a Fair Trial - **Article 14**
 - vii. Freedom of thought conscience and religion - **Article 18**
 - viii. Freedom of expression - **Article 19**
 - ix. Right of association and to form trade unions - **Article 22**
 - x. Right to family - **Article 23**
 - xi. Rights of the Child - **Article 24**
 - xii. Rights of ethnic minorities - **Article 27**

In article 8.3.c we have activities that are not slavery, these are:

- hard labor for prisoners that is established as punishment for a crime in the pursuance of a legal sentence
- Usual labor or services required to a prisoner during its time in prison.
- Military service or national service for those that can't do the first one.
- Service imposed in time of disasters or threat of them.
- Labor and service that is part of the usual civil obligations.

- 4) This part of the Covenant establishes a **Human Rights Committee** made of 18 members of the states parties

to the Covenant, that is going to be established in the UN. States, must according to **Art. 40.1** submit to the UNSG, who will then bring it to the Commission, a report of the measures adopted for the guarantee of the rights present in the Covenant. States can communicate the committee about other States that are not fulfilling their duties according to the covenant, but all States involved must accept the Covenant and the authority the Committee has over them. The procedure for the communication is similar to the one of the African Commission for Human and Peoples' rights, however the Human Rights Committee cannot call anyone to enlighten it, it must require the information it needs to the states Parties, and in case the situation is not solved through negotiation or diplomacy by the good offices offered by the Committee or by the States themselves in a period of 12 months after the receipt of the situation by the committee, the last may, with the consent of the States concerned establish an **ad hoc Conciliation Commission** for the diplomatic solution of the situation (**Art. 42**), for a period of 12 months. The commission and the committee must send reports to the Assembly, ECOSOC and other organs so decided by the States parties to the Covenant. Another capability that the Committee does not have is the power to begin investigations or discussion by itself and also it cannot receive directly a communication from a State that proves systematic violations to human rights enshrined in the Covenant and that skips procedure of diplomacy.

- 5) This part of the Covenant clarifies that no disposition in this covenant can be interpreted as impairing of the provisions of the Charter of the United Nations nor any document or specialized body that is related to the purpose of the Covenant.
- 6) This part relates to the signature, ratification and introduction of amendments to the Covenant.

In its First Optional Protocol the Covenant makes that states party to it recognize the authority of the Committee before mentioned and ratifies all the provisions this Covenant has regarding Part IV.

International Covenant on Economic, Social and Cultural Rights(December 19th, 1966)(ICECSR): This Covenant is divided into 5 parts and it is related to the 2nd Generation Human rights or positive rights, the parts of the covenant are very similar to the Covenant on Civil and Political Rights:

- 1) It States the same needs and meaning of self determination as in the ICCPR first part.
- 2) This second part binds states that the must individually or in association, through assistance and international cooperation in economic and technical grounds, take measures for the guarantee of the rights recognized in the Covenant, such measures must be appropriate and the main channel should be legislative measures for the due implementation of the Covenant. It establishes that the only limitation to the rights recognized in the Covenant are the laws related to such rights that search the wellbeing of society and democracy and as such they cannot diminish them but control them.
- 3) The rights that are precisely specified in the covenant and that are related to the Topic in Discussion are:
 - i. **Article 6** recognizes the right to work in the general sense, however the relevant part of this right is in **Article 7 under paragraphs a(right to remuneration), b(safe working conditions) and d(right to rest)**
 - ii. **Article 8** recognizes the right to association and to form trade unions.
 - iii. **Article 10** recognizes the right to a family but **paragraphs 1 and 3** give the information needed for the situation, the first one is states that marriage must be made with due consent of the parties, and the last calls for the special protection children must be granted.
 - iv. Article 13 gives us the right to education in the general sense but its 3rd paragraph reminds us that parents and guardians have the right to choose which education system is better for their children or pupils.
- 4) This part binds states to send reports to the SG who will take them to ECOSOC, about the progress related to the implementation of the duties of the present Covenant, who will examine it(). The ECOSOC can submit the reports to other specialized organs to receive recommendations about the reports and the way ahead, furthermore it can send the reports mentioned to the Commission on Human Rights (Now the Human Rights Council)(Article 19) for the purpose of general Study and Recommendation. State bind themselves to accept and apply recommendations and that nothing the Covenant can undermine superior disposition such as the UN Charter or Universal Declaration of Human Rights.
- 5) This last part is about signature and ratification as the procedures about amendments.

General Assembly Resolution 317 (IV)(1949)(Convention for the Suppression in the Traffic of persons and the Exploitation of the prostitution of others): is a resolution that condemns and prohibits prostitution and is the first instrument regarding human trafficking, at this moment of history human trafficking and prostitution were believed to be a great threat but the other activities that are now included into trafficking were absent in this resolution.

Article 25 gives States parties the capability to denounce other states through a written notification to the Secretary General who will submit the communication to the General Assembly, however there is no explanation about how will be the procedure after the communication is taken to the GA. Regarding trafficking States parties are bound to punish and prevent the traffic of persons but there is nothing specific.

General Assembly Resolution 122(LXII): It establishes march 25th as the annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade and welcomes the creation of a permanent memorial to the represent the day stated before. It gives high responsibility to Black history research institutes for the comprehension of black history specially transatlantic slave trade

General Assembly Resolution 5(LXIII): it is a reinforcement of resolution A/LXIII/122.

United Nations Convention on the Rights of the Child (November 20th 1989)(CRC): This convention looks quite the same as the 2 international covenants on human rights, thus being a international instrument for positive and negative rights of the child. This Convention as the 2 International Covenants is divided into 3 parts.

- 1) That establishes the special guarantees over the rights of children, rights related to our discussion are:
 - i. **Article 9** gives children the right to remain with their parents or with their guardian.
 - ii. **Article 11** Binds states to fight the illegal movement of children to other countries and the keeping of foreign children in the states parties territory.
 - iii. **Article 12** gives the child the right to be heard in matters related to its interest, and **Article 13** gives the child freedom of expression
 - iv. **Article 15** gives children right of association.
 - v. **Article 19** gives protection against torture, physical and mental abuse, degrading treatment and exploitation.
 - vi. **Article 28** gives the right to education
 - vii. **Article 32** protects child of economic exploitation and gives states the duty to take the legislative, administrative, social and educational necessary measures to prevent exploitation and to punish the exploiters.
 - viii. **Article 34** gives children protection against sexual abuse and makes states to enforce measures to prevent illegal sexual activities involving children, the prostitution of children and the dissemination of child sexual abuse.
 - ix. **Article 37** guarantees that no child is arbitrarily detained, tortured or deprived of liberty.
 - x. **Article 38** guarantees the protection by states towards child according to the Geneva conventions , and prohibits child soldiers under the age of 15.
 - xi. **Article 39** gives child the right to be helped if they are abandoned, exploited or abused for the purpose of reintegration of the Child into society.
- 2) This part is related to the mechanism to the control and report on the progress of this convention, It establishes a Committee for the Rights of the Child for the examination of the progress of States regarding the Convention(**Art. 43**). Under **Article 44** we have that States will submit to the UNSG the reports on the progress of the effectiveness of measures for the promotion and protection of the rights set in the Convention, the UNSG will then submit the reports to the Committee. A difference with the other committees is that the reports of the other instruments don't necessarily have the problems the state faced during the period of evaluation on the other hand the report for this instrument has progress and difficulties (**Art 44.1 & 44.2**). Another Difference is that on this Committee for the purpose of strengthening cooperation in the areas of the Convention specialized related organisms can be represented (such as UNICEF), and can be used for consultation and technical assistance and for the creation of reports for the disposition of the convention in their correspondent areas of work(**Art 45**). The last difference is that in this committee complaints cannot be raised for violations or through special communications as in the previous 2 committees.
- 3) This part is related to signature, ratification and deposit of the instrument.

Optional Protocol on the involvement of children in armed conflict (May 25th 2000): Key improvements are that the voluntary military service must be proved to be voluntary and over 15 and must have a series of permission to be valid, other corps that are not regular forces must me conformed only by 18+ members. It must include the measures related to this protocol in the report to the CRC. Through the protocol there can be communications for the violations of the provisions set in the protocol, how ever in the denouncing state is in conflict, the communication will take effect after the latter finishes the conflict, this in any way must not be interpreted that the denounced state is just accountable for the acts after the effect of the communication, the situation will be investigated from the moment it was submitted but the procedure will begin when the communication enters into force.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography(May 25th 2000): it is another step in the criminalization of prostitution of children and their use as object for commercial profit. Article 3 defines the minimum conducts that must be criminalized sexual exploitation, organ sale/transfer, forced labor, and profit from pornography material(all in children)(Art. 3). It reaffirms the vulnerable condition of child and binds states to take the measures to protect always the interest of the child. The Denouncing process is the same as the other related protocol.

United Nations Global Initiative to fight Human trafficking/ UN.GIFT(March 2007): it is a strategy of the United Nations Office on Drugs and Crime to fight through a multi-stakeholder basis the problem of human trafficking, working with all the involved it makes that a human rights approach can be taken to the problem, thus it requires help from all countries involved to be solved and according to the guiding principle it cannot be fought alone. The main goals of the strategy are:

- Building awareness;
- Broadening the knowledge base of data, facts and statistics on global trafficking;
- Stepping up technical assistance.

The initiative's main donor is HRH Crown prince of Abu Dhabi.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime / Trafficking Protocol(November 15,

2000): This protocol is divided into 4 parts:

- 1) Specifies the general provision of the protocol, such as the definition of Human trafficking, the scope of application, that states that the use of the protocol is for the offences on **Article 4** and have a transnational nature and involve a organized crime organization.
- 2) Its the main part of the protocol and is related to the protection of victims of human trafficking. It starts with the assistance and protection to victims in legal, physical and psychological matters thus implying that many of their rights must be guaranteed again, to begin the process of re-insertion into society (**Art. 6**). Since the spirit of the protocol in about transnational organized crime we see that an special status must be granted to the victims and that measures for repatriation of victims must be done for the process to continue.
- 3) This part is about the prevention of the offences and other measures that can be taken, mainly is the combat and prevention through all measures and mechanisms possible to eradicate the problem without undermining fundamental rights and freedoms. Other measures include cooperation and training of the involved forces and individuals, information exchange, border reinforcement and so on.
- 4) This part is for the arbitration of the protocol on grounds of interpretation, the final word will be given by the ICJ, the rest of the part is about signature, ratification and deposit of the instrument.

Protocol against the Smuggling of Migrants by Land, Sea and Air/Smuggling Protocol(November 15, 2000): this instrument is also divided into 4 parts and now aside from the main convention needed for interpretation we need the Law of the Sea in the case the offence comes to happen in the Sea:

- 1) Like the past protocol it has the same scope and needs for application, the offence needs a transnational nature, and a organized crime organization related the offence, also this part gives the initial provisions such as definitions for the protocol. It also states that the migrants that are involved in the situation cannot be given a criminal prosecution since they are the object used for the criminal offence. Nevertheless that last disposition will never undermine the power of domestic law.
- 2) This one is related to human smuggling but using a vessel (water craft). If there is evidence of human smuggling the investigating state can stop the vessel and with due considerations and guidelines that the flag state of the vessel will approve or inform. Safeguard of people in the vessel, of the boat and of the interests of the flag state are the main objectives.
- 3) This part as the other protocol is about prevention, cooperation and etc. The prevention is based on information through investigation or foreign coop., reinforcement of borders and through international cooperation as main action. For the repatriation of victims, the state that is the receipt must take high care of the migrants that were smuggled and to help in their insertion into society.
- 4) This part is about disputes and signature, ratification and deposit.

Rome Statue (International Criminal Court): there are certain activities that are defined for the worst crime of all and that are related to the situation discussed.

- Under Crimes against humanity we have that slavery is an activity that if proved to be present under a planned and systematic attack against a certain population the enslavement is a Crime against humanity (**Article 7.1.c**). Other related activities under Crimes against humanity are, sexual violence (**7.1.g**), and for the specific purpose of Zambia, the crime of apartheid (**Article 7.1.j**).
- Under War Crimes we have the violation of the Geneva Conventions, in particular common **Article 3** about the protection of civilians in armed conflict, related activities are (**Article 8.c supra**):
 - Humiliation and degrading treatment (**ii**)
 - Taking hostages (**iii**).
- Also under War Crimes we have the recruitment of children for conflict for the purpose of active presence during conflict (**8.2.e.vii**), sexual violence (**8.2.e.vi**).

International Labor Organization Worst Forms of Child Labor Convention (1999): It sets standards for the possible works a child might get, here child is being under 18. The worst forms are (**Article 3**):

- ◆ Slavery or similar practices, children trafficking, serfdom and compulsory or forced recruitment of children in armed conflict
- ◆ Child prostitution and pornography
- ◆ To include children in illicit activities
- ◆ And all jobs that by nature can harm or risk the integrity and safety of the child.

Later in **Article 7**, there are a series of Duties state must do to eliminate child labor, preventing children to be engaged in the worst forms of child labor of **Article 3** of this convention the removal and further assistance of the children already engaged, educative measures, identification of possible victims and to monitor the special situation of girls.

International Labor Organization Minimum Age Convention (1973): The idea of this convention is that state parties can create a series of national policies for the abolition of child labor through progressively raising the minimum age for working and through other action to prevent the engagement of children in harmful jobs. It puts a default minimum, that is to finish all compulsory education or to be at least 15 years old (**Article 2**), on the other hand all possible or completely hazardous job requires a minimum of 18 years of age. **Article 7** defines "light work" activities that will never harm or activities that help them in their professional or commercial development.

Convention to Suppress the Slave Trade and Slavery(1926) : At this point slavery is the condition of a person that

can be treated as an object and that all or any rights of ownership can be exercised over the person under the condition mentioned and Slave trade are all act related in the acquisition of a person for the purpose of making it a slave (**Art. 2**). It binds states in the abolition of Slave and Slave trade and states that forced labor can be just for public purposes but it doesn't points out what are the public conditions where it will be permitted (**Art. 5**).

The United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery(April 30th 1956): it maintains the definitions of the 1926 Slavery Convention and adds debt bondage and serfdom to the convention (**Art. 1**). Now the prevention is not just directed towards the abolition of slavery and the slave trade but to the prevention of such activities and condition inside the member states territories and between them through cooperation (**Articles 3 & 8**).

International Labor Organization Convention on Forced Labor(1930): It defines forced labor, and gives the same definition that the International Covenant of Civil and political rights has. Forced labor meaning involuntarily labor made under the threat of a penalty, military service and related military work and civil obligations are not included as forced labor(**Article 2**). It Binds States to abolish progressively all kinds of forced and compulsory labor (**Article 1**).

Universal Jurisdiction: is a Public International Law principle that means a state can claim a person for trial for crimes committed outside the prosecuting country regardless of the nature of the person, nationality or other relation with the country that claims the prosecution, arguing that the crime is a crime against all peoples and that all states have the duty to punish it. It might be misunderstood and be used for the displacement of a country Sovereignty or an individuals freedom for ulterior motives and disabling the capabilities for reaction or retaliation. This in a way can be used for genocide, war crimes or crimes against humanity.

Jurisdictional Arbitrage: is the practice of using discrepancies of legal competing jurisdictions for getting the best outcome, example in a country women are punished with genital mutilation and in other women are not punished, logically these women will fled to the latter country to do not be subject of the first one's jurisdiction. When this principle is abused state used its opposite "Universal Jurisdiction", an example of it is Augusto Pinochet prosecution.

Human Trafficking: it is defined by the Trafficking protocol as, "The recruitment, transportation, transfer, harboring or receipt 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used." . And is one of the main manifestations of modern slavery. See notes to understand the difference with people smuggling. According to UNODC it its made of 3 parts:

1. The Act - What is done ? Recruiting, transportation or receipt of persons
2. The Means - How is it done ? Through force, threat of using force, coercion, abduction , fraud, etc.
3. The purpose - Why is it done ? For exploitation, forced labor, sexual exploitation, serfdom, etc.

Source Transit and destination: regarding locations or countries where it is a Source of people that are trafficked, Transit if they are just mobilized through an area for the purpose of reaching a Destination that is where the person is forced to do any kind of forced labor. **Transit is not always present** in the process of trafficking, also transit may become people smuggling.

Child Laundering: is to illegally obtain a child (stealing, kidnapping, Trafficking) and selling it to adoption agencies or to other families under the pretense that the child is a real orphan thus laundering the origin of the child.

People Smuggling: the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national, as defined by Protocol against the Smuggling of Migrants by Land, Sea and Air.

Types of modern Slavery:

- **Human trafficking:** the final purpose of the person being trafficked can be one of the following or another kind of slavery not stated below.
 - **Bonded Labor:** is when the Labor is the payment for a Loan or service, where there are no clear terms about hoe much work it must be done to repay and making it a way to maintain the person bonded to work, the quantity of work is almost always greater that the loan or service borrowed.
 - **Forced Labor:** is when the person works against its will under threat of violence (**Unfree Labor**), use of violent methods to scare and force or with reduced freedom and no capacity of ownership.
 - **Sex Trafficking (Women and Children alike):** Usually is way of servitude is through deceit to special persons usually in some sort of disarray, then their vulnerabilities are exploited to force them to work in the sex industry or involuntary servitude and under no specific conditions.
 - **Child Labor:** is related to any form hazardous to the correct development of the capacities of a child including interruption of education and their involvement in any illicit activity or their trafficking for servitude and in many cases their involvement in armed conflict. Se Geneva conventions and Rome Statue in this document for more information.

- **Ritual Trafficking:** is the use of women, for sexual or labor servitude (in first but not only place) as payment in rituals or tribal traditions, examples are:
- **Domestic servitude:** is the use of Forced or Bonded Labor for domestic purposes basically the other way of this can be to disrespect the integrity of the servant, other way can be hazardous work conditions and inhuman work hours (example: the hours for work instead of 8 hours can be 23 hours) thus violating international labor standards.
- **Factory and farm slavery:** Like domestic servitude it is forced labor with an specific presence in factories or farms where the slave works under inhumane conditions, for time that it is permitted or working for drugs or other delictive activities in the case. In this particular cases the work conditions are the worst of all. Through the industrial revolution and in the present times these kind of works combined with child labor generated great income increases for industries.
- **Military use of Children:** in this case we have that child can participate in conflicts in 3 ways:
 - Directly in conflict (child soldiers).
 - Support roles, like spies, messenger or even sexual slaves.
 - For political advantage, like human shields or for propaganda.

Unfree Labor: is when people are employed against their will under threat of detention, destitution or threat of violence, it is a generalization for slavery that includes forced and bonded labor.

Maafa: refers to the 500 years of suffering of Black Africans and the African Diaspora, through slavery, imperialism, colonialism, invasion, oppression, dehumanization and exploitation, prevention of contribution to society and the policies related to discrimination. The word comes from Swahili and is related to disaster and destruction to give the real emphasis to the word.

Underclass: is a social class that has still not been seen but it exists at the core of the working class. Aside from economic poor conditions it should show other conditions like health, cultural and ideological characteristics that will make them specially rejected from society.

Lumpenproletariat: Defined by Marx and Engels as:

"This scum of the deprived elements of all classes ... decayed roués, vagabonds, discharged soldiers, discharged jailbirds, escaped galley slaves, swindlers, mountebanks, lazzaroni, pickpockets, tricksters, gamblers, brothel keepers, tinkers, beggars, the dangerous class, the social scum, that passively rotting mass thrown off by the lowest layers of the old society. "

Note: The Seven Core treaties of Human Rights are the instruments that bind states in their duties of promoting and protecting human rights, each of these treaties has a committee of experts for their supervision, the committees and their correspondent treaties are :

- 1) The Committee on the Elimination of Racial Discrimination (CERD), the first treaty body to be established, has monitored implementation of the International Convention on the Elimination of All Forms of Racial Discrimination since 1969.
- 2) The Committee on Economic, Social and Cultural Rights (CESCR) was created in 1987 to carry out the monitoring mandate of the Economic and Social Council (ECOSOC) under the International Covenant on Economic, Social and Cultural Rights.
- 3) The Human Rights Committee (HRC) was created in 1976 to monitor implementation of the International Covenant on Civil and Political Rights.
- 4) The Committee on the Elimination of Discrimination against Women (CEDAW) has monitored implementation of the Convention on the Elimination of All Forms of Discrimination against Women by its States parties since 1982.
- 5) The Committee against Torture (CAT), created in 1987, monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- 6) The Committee on the Rights of the Child (CRC), since 1990, has monitored implementation of the Convention on the Rights of the Child by its States parties, as well as two Optional Protocols to the CRC on child soldiers and child exploitation.
- 7) The Committee on Migrant Workers (CMW) held its first session in March 2004 and will monitor implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Note: Human rights are indivisible, untransferable, irrevocable, unrelinquishable, universal, interdependent and related.

Note: examples of ritual servitude are: the trokoski (Ghana), voodoo (Togo and Benin) and Chukri (India and Bangladesh) systems, all of them include some sort of sexual slavery, those systems even if prohibited are still practiced by some tribes in the countries mentioned above.

Note: In India the Dalits (untouchables) are bonded workers that still exist even if the caste system is abolished in the Indian Constitution, they can still be found as bonded workers under discrimination conditions.

Note: People smuggling is different from Human trafficking, they differ in first place from the idea they represent,

the problem to differentiate them is the word used, the first one regards mainly the transport of people from one place to the other usually international borders using a third player called smuggler that helps in the activity, in the latter we have that there is not necessarily movement of the person but what it is necessary is the presence of exploitation regarding commercial sex, labor or other forced commercial means, other difference is that in Trafficking the person is not allowed to leave. The 4 main technical differences between Smuggling and Trafficking are:

- Consent - migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficking victims, on the other hand, have either never consented or if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive action of the traffickers.
- Exploitation - migrant smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim.
- Transnationality - smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or moved within a state's borders.
- Source of profits - in smuggling cases profits are derived from the transportation or facilitation of the illegal entry or stay of a person into another country, while in trafficking cases profits are derived from exploitation.

These differences are according to UNODC specifications.

Note: Some of the criticism to States about their work in fighting Human trafficking speak about inaction and ineffectively addressing the protection and identification of the victims, furthermore it speaks about the re-victimization of such victims due to inadequate immigration policies.

Note: Bonded Labor is the least known form of Human Trafficking but one of the most used actually.

Note: Forms of forced labor can include domestic servitude; agricultural labor; sweatshop factory labor; janitorial, food service and other service industry labor; and begging, according to a Labor Trafficking Fact Sheet of the United States Department of Health and Human Services.

Note: under Forced Labor the usual activities that are present are:

- Agriculture and fishing
- Domestic work
- Construction, mining, quarrying and brick kilns
- Manufacturing, processing and packaging
- Prostitution and sexual exploitation
- Market trading and illegal activities
- Military and civil conscription, in the case that people can't decline such activities under any circumstances or are actually forced to.
- Penal Labour, under inhuman circumstances.

Note: Non State actors, such as Guerilla are completely forbidden to use people under 18 years of age for any purpose, being different from the capabilities of recruitment for States.

Note: The incidence of child labor in the world decreased from 25 to 10 percent between 1960 and 2003, according to the World Bank used in studies of the Kingdom of Sweden.

Note: 21 October is the African Human Rights day.

Note: China Abolished Slavery in 1910 however some places still apply some ways of unofficial Slavery according to reports of the BBC News (Asia & Pacific) when Chinese Police found 100 slave children in Guangdong, the children came from the province of Sichuan and were from the Yi ethnic minority in 2008 .

Note: August 23 is International Day for the Remembrance of the Slave Trade and its Abolition, according to UNESCO.

Note: South Asia is main target for debt slavery according to the New Internationalist Magazine, and the main purpose of trafficking is sexual and child slavery according to the Voice of America. **Requires more UN sources**

Note: A surplus index of more than 100% should be exploitation in a leftist kind of way. As are taxes for the liberals or Anti-Abortion for feminists.

Note: A United Nations mission, headed by UN Special Rapporteur and mission leader Gulnara Shahinian, was in Mauritania in November 2009 to evaluate slavery practices in the country. The mission's findings will be presented to the United Nations Human Rights Council (UNHRC) in 2010.

Note: According to the Vienna Declaration and Programme of Action, World Conference on Human Rights (1993), "All human rights are universal, indivisible and interdependent and related. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis ".

Note: John Ziegler Special Rapporteur of the UN Commission on Human Rights on the right to food stated in a report in 2003: the growing power of transnational corporations and their extension of power through privatization, deregulation and the rolling back of the State also mean that it is now time to develop binding legal norms that hold corporations to human rights standards and circumscribe potential abuses of their position of power.

Note: this General Assembly general debate is about "Reaffirming the central role of the United Nations in global governance".

Relevant Actors:

International Labor Organization(ILO): Founded in 1919 it is an Organization that works to guarantee workers rights and suitable conditions for all works in the world, it is the only tripartite multi lateral agency in the world, this meaning that it has governments, employers and workers working together for the creation of standards and guarantees for all. The Director General of the ILO is Juan Somavia of Chile. Ilo became the first specialized agency of the UN in 1946. Its relation to the topic its the abolition of forced labor and the prevention of exploitation.

United Nations International Children's Emergency fund(UNICEF): Founded through the GA in 1946 **(A/I/57)** it is a Intergovernmental fund to help the needs of children all around the world through the contributions of states and private donors, initially used for helping post-world war II needs of children, it is now one of the most influential organizations in their sphere of interest and one of the most influential in the UN system. Its main goals are

- Child survival and development
- Basic education and Gender Equality
- HIV/AIDS prevention
- Child Protection (the part that will be used for the discussion)
- And policy advocacy.

The Executive director is Mr. Anthony Lake. The Goal is to prevent the engagement of Children in all known forms of slavery, forced labor and sexual exploitation.

United Nations Office on Drugs and Crime(UNODC): It is created as a merger of two former organs of the UN in 1997 mixing the drug problem with its relevance in organized crime. It works through field offices in all the world and it relies in voluntary contributions to do its work. Its main spheres of influence are the creation of capacities through technical based assistance , research and data analysis for understanding the problems related to organized crime and drugs and to raise their awareness in people and the knowledge in the Governments and helping them in the implementation of normative and treaties, it also helps governments to create domestic laws that correctly address the problems. In the topic their interests and spheres are human trafficking and people smuggling. There are two key instruments related to the situation, **the Toolkit for Fighting Human Trafficking and the International Framework for the Implementation of Human Trafficking Related Treaties**, furthermore we have the **Blue Heart Campaign** to prevent and address human trafficking through awareness and victim support. The general strategy of the UNODC is based in 3 approaches

- Prevention: the tools used in this area are to raise awareness in particular to vulnerable groups, and specially in places with highly porous borders, the other strategy is that through investigation possible problems are addressed by creating awareness in policy makers thus giving high prevention response.
- Protection: in this part the office looks for the right approach that police and criminal justice staff must use to address the victims of human trafficking, learn who is a victim and who is an offender, help and cooperate with victims to do not be part again of such activities. Finally the last part is to reintegrate el trafficked person to their normal society and preventing that he/she falls again in the same mistakes.
- Prosecution: this part is effective when senior officers and normal members of the police and criminal justice know what to do and how to work over a problem of trafficking to effectively bring justice

Relevant Persons

Siddarth Kara

Mumba Malila

Bingu Wa Mutharika: Chairperson of the AU.

Juan Somavia: Director general of the ILO

Anthony Lake: Executive Director of UNICEF

Yury Fedotov: UNODC Director General.

Mary Mabureke: Executive chairman of the African Commission on Human and Peoples' rights.

Irina Bokova: Director General of UNESCO

Kenneth Roth: Executive Director of Human Rights watch.

Salil Shetty: Secretary General of Amnesty International

Navanethem Pillay: High Commissioner for human rights.

without exposing the victim. The other part is to have the appropriate legislation over the matter since many anti-human trafficking laws just comprehend a part of the main activities proper justice can't be given that is the reason of proper legislation for prosecution of the offenders and for protection of the victims.

The Director General of the UNODC is the Russian Yury Fedotov.

Coalition to Stop the Use of Child Soldiers: founded in 1998 Its a coalition with the purpose of the abolition of the use of child soldiers worldwide and to denounce violations to the Optional protocol of the Involvement of children in Armed Conflict. It engages with the CRC and the UNSC in the use of children in armed conflict through reports that the coalition submits to those organs.

Human Rights Watch: founded in 1978 as Helsinki watch and in 1988 it became the Actual Human Rights Watch it initially was a committee to observe the compliance with the Helsinki Accords but over time it denounced states with abusive regimes and human rights violations. Through research and publications the organization has expressed different needs regarding many issues in the Human Rights Sphere. Thus its activism is directly connected to protect and uphold human rights. Regarding the situation in discussion it reports according to countries and rarely touches general problems for capacity building. It is related to the whole problem as such since the nature of the organization is related to all human rights. Kenneth Roth is the Executive Director.

Amnesty International: Founded in 1961 is the oldest NGO related to human rights activism, that works against human rights violations, through awareness, research, assistance, also denounces such violations and looks for justice where such rights have been violated. They search through their members to exert influence wherever they must to prevent human rights violations. Just as Human Rights watch does it has a focus over Countries but it has a focus over thematic issues and various campaigns that include to create rather to criticize. And as such their priorities are the violation of human rights in countries: DRC Congo, Myanmar, China, Colombia, Middle East, etc. Salil Shetty is the general Secretary of the organization.

African Commission on Human and Peoples' Rights: Check Banjul Charter item.

World Congress against Commercial Sexual Exploitation of Children(1996 and 2001): Were meeting to fight and create strategies against children sex exploitation and other commercial exploitation, its more important documents are the Stockholm Declaration(1996) and the Yokohama Declaration (2001), this document hold great importance since they became milestones in the fight and bind states to work against children exploitation and sets a series of principles to be remembered in the fight. In this case this actor is related to child exploitation.

Zambian Human Rights Commission: It is an organ that through 1996 constitution of Zambia it works on Alleged human rights violations, monitor the human rights situations in the country it has worked for the human rights approach of the last Draft Constitution reform and is one of the main instruments of Zambia in Human rights promotion and protection.

Background:

We will begin this historical timeline referring to Atlantic Slave trade and African Slave trade as manifestation in the timeline from the 16th to the 19th century of the modern slavery being suffered in the 20th and 21st century.

The main end to which the enslaved were brought to a place was forced labor and in a particular fashion farm slavery, the economical needs of these eras were cotton, coffee, rice, cocoa and minerals as were other goods of agriculture. One main difference in the act of enslaving people is in these centuries it was a formal economic activity to sell African slaves for forced labor as were the raids used for kidnapping to finally bring the victims to forced labor in any of their ways. The slave market was the second step in the economic cycle of the Middle Passage, the goods from Europe were sold in Africa, the slaves were bought and brought to America where they worked to make the good that were brought to Europe, thus

maintaining the cycle. Such a cycle still persists in Criminal organizations, many have been detected but many remain hidden.

Through time economic agreements and systems were established under the activity of slavery, the first and second systems of Atlantic Slavery are the examples. When the colonization process was deep enough and the status quo on colony supremacy turned from Spanish to British we saw manifestations of bonded labor in North America to war prisoners of debtors, but previous to this we have that in the Old World the use of bonded labor through a contract was used due to the labor shortage the continent was going through, the diseases and the economic needs made the Empires to look for the African Slaves and thus creating the "Triangular slave-economic system".

In Africa some tribes used their criminals or prisoners and sold them to the slave market of the "Triangle", through this system the empires did not have to risk themselves to enter more into Africa with violent means, thus leaving the violence to the ever conflictive and rising kingdoms in Africa. Slavery as time passed just became more violent and less humane, deriving in the limitless bounds it has nowadays, in colonial times in Africa slavery was not heritable, in America it was. In Africa slaves retained part of their civil rights and in America they did not. By the legality of the acts committed the major places for slavery and its commercialization were widely known.

After the Atlantic Slave trade reached its peak, abolitionist moves began to surge from the great countries, and finally with the British Emancipation Act on August 1st, 1834 (*entry into force*) the Slave Trade suffered a great strike to its core by the fact that the great maritime power, Great Britain, abolished such a conduct, giving an end to the Middle Passage. However in Asia Slavery still continued to exist as a common economic activity at the beginning of the 1900's.

Soviet Gulags and Nazi Camps were the worst demonstration of slavery during the 20th century thus, shocking the world and initiating movements around the world so that everyone will know what was happening in the world, thus making more humane the penal ways of punishment or in some cases the prohibition of forced labor for inmates.

With the Creation of the United Nations and after realizing the presence of the Nazi concentration camps the Universal Declaration on Human Rights was passed and all kinds of slavery were abolished. After the abolishment of the old types of slavery new kinds arose due to the problems of capitalist economic rise and forms of unfree labor, all related to the modes of production around the world and how people were exploited in a way that was slavery, such a discussion has not ended in 1970's discussions rose about the conditions to determine when and how someone was under unfree labor.

Actual Ground:

Europe remains as the first location for sexual slavery. Sudan and the Middle east are also cases of forced, child and sexual slavery also the are cases of forced marriage, the first are present in almost every country with a situation of a breach to peace o threat to peace. These places include as mentioned above:

- Sudan,
- The Palestinian Occupied territories,
- Brazil,
- Iraq,
- USA,
- Central African Republic,
- Ivory Coast,
- Niger,
- Nigeria,
- Mauritania,
- India
- Haiti
- Ethiopia
- Mali
- Chad

Places with constant conflict or extreme poverty are target to forced labor and in the other side places with economic stability posses more sexual slaves. **(must be proved with UN data)**.

At the end of last year the world had 29.2 million people as slaves.

After the creation of the Human Rights treaty system many legislation about human rights has been done, for the system, slavery is a violation to a series of rights and the monitoring of such violations is

not the duty of a single organ but a multidisciplinary task that requires high comprehension and activity to pass from reaction to prevention.

The problems are inefficient legislation, system slow response and inadequate protection for the victims. Caused by the fact that through trafficking the causes of the problem are too diverse as are the consequences thus the pattern cannot be established to the causes and consequences but to the process between them. These activities, including trafficking, are highly related to transnational organized crime and as such multinational effort must be set in motion to correctly address the problem.

In 1996 and 2001 the world witnessed huge progress with the 2 world Congresses against child exploitation, on 2000 another step with the Millennium Declaration. But we see that the core of the Human right treaty system has just recently begun to evolve, in 1948, 1956 and 1966 we saw the first progress and the last one with the optional protocols of the Convention of the rights on of the child in 2000, furthermore the organs and the system became reformed with the creation of the Human Rights Council in 2006 with the resolution A/RES/60/251 and the implementation of its special procedures with resolution HRC/RES/5/1.

The UN seeing the growing importance to battle human trafficking endorsed the UN.GIFT strategy of the UNDOC in 2007 being the latest achievement of the UN regarding Human Trafficking, The Human Rights Council decided to hold a discussion panel for the problem of human trafficking, but regarding modern slavery its last resolution is from .

Quotations

- Until lions become lambs - African Proverb
- Unless Lions have a historian, Hunt tales will keep t glorify the hunter - African Proverbs.
- The union in the flock forces man to sleep with the lion - African Proverbs
- International Media reports on the Africa of extreme poverty, widespread endemic diseases and human suffering, They Constantly Portray the Africa of civil wars, genocide, terrorism and piracy; They Glorify the Africa of underdevelopment and hopelessness. But we do not hear in such a media about the success stories by a number of African Governments" - Bingu Wa Mutharika President of Malawi 65 general Assembly on behalf of the AU.
- "Yes, This is the Africa I want you to know. This is the Africa of the New beginning" Bingu Wa Mutharika President of Malawi 65 general Assembly on behalf of the AU.
- Silence Calls The Storm - Me.
- Victors in the struggle for the right, We have won freedom's fight. All one, strong and free. Zambia National Anthem

Schemed Analysis: Lack of access to justice, no capacity on preventing, protecting and prosecuting, incomplete criminalization of human trafficking around the world. Problems with child labor matter, ineffective trafficking victim and offender identification. Constant re victimization of victims lack of a organized fight against human trafficking, role of women in human trafficking

Conscription in Countries

domingo, 05 de septiembre de 2010
04:32 p.m.

No defence forces

- Andorra
- Costa Rica
- Federated States of Micronesia
- Grenada
- Iceland
- Kiribati
- Liechtenstein
- Marshall Islands
- Mauritius
- Monaco
- Nauru
- Palau
- Panama
- Samoa
- San Marino
- Solomon Islands
- Tuvalu
- Vatican City

No enforced conscription

- | | | |
|-------------------------------|---------------|----------------------------|
| • Afghanistan | • Honduras | • Pakistan |
| • Antigua and Barbuda | • Hungary | • Papua New Guinea |
| • Argentina | • India | • Peru |
| • Australia | • Indonesia | • Philippines |
| • Bahamas | • Iraq | • Poland |
| • Bahrain | • Ireland | • Portugal |
| • Bangladesh | • Italy | • Qatar |
| • Barbados | • Jamaica | • Romania |
| • Belgium | • Japan | • Rwanda |
| • Belize | • Jordan | • Saint Kitts and Nevis |
| • Bhutan | • Kenya | • Saudi Arabia |
| • Bosnia and Herzegovina | • Latvia | • Seychelles |
| • Botswana | • Lebanon | • Sierra Leone |
| • Brunei | • Lesotho | • Slovakia |
| • Bulgaria | • Lithuania | • Slovenia |
| • Burma | • Liberia | • South Africa |
| • Cameroon | • Luxembourg | • Spain |
| • Canada | • Macedonia | • Sri Lanka |
| • Chile | • Malawi | • Suriname |
| • China (legal, not enforced) | • Maldives | • Sweden |
| • Congo | • Malta | • Swaziland |
| • Croatia | • Morocco | • Tanzania |
| • Czech Republic | • Montenegro | • Timor-Leste |
| • Djibouti | • Namibia | • Tonga |
| • Dominican Republic | • Nepal | • Trinidad and Tobago |
| • Fiji | • Netherlands | • United Arab Emirates |
| • France | • New Zealand | • United Kingdom |
| • Gambia | • Nicaragua | • United States of America |
| • Ghana | • Nigeria | • Uruguay |
| • Haiti | • Oman | • Zambia |

Military service limited to 1 year or less

- Austria (6 months)
- Mongolia (12 months)

Conscription only in special circumstances

- Belize — conscription only if volunteers are insufficient; conscription has never been implemented
- Bolivia — when annual number of volunteers falls short of goal, compulsory recruitment is effected
- Indonesia - selective conscription may be in effect when the state is in wartime and it is considered as necessary or on demand
- Jamaica — younger recruits may be conscripted with parental consent
- United States of America — United States Congress has the power to institute conscription.
- Uruguay — enlistment is voluntary in peacetime, but the government has the authority to conscript in emergencies

Both compulsory and voluntary military service

- Bermuda
- Burundi
- Gabon
- Kuwait
- Mali
- Mauritania
- Uganda
- Venezuela

Selective conscription

- | | |
|----------------------------|------------|
| • Benin | • Malaysia |
| • Cape Verde | • Mexico |
| • Central African Republic | • Niger |
| • Chad | • Nigeria |
| • China | • Senegal |
| • Guinea-Bissau | • Taiwan |
| • Ecuador | • Togo |
| • El Salvador | |

Civilian, unarmed or non-combatant service option

- | | |
|--|---|
| • Angola | • Estonia |
| • Algeria | • Finland (12 months civilian, unarmed 9 months, armed 6, 9 or 12 months) |
| • Austria (9 months civilian, 6 armed) | • Germany (6 months civilian, same as armed) |
| • Belarus | • Greece |
| • Burkina Faso | • Norway |
| • Cyprus (option is written but you may not select it) | • Serbia (9 months) |

- Bolivia (12 months)
- Brazil (9–12 months)
- Denmark (4–12 months)
- Estonia (8–11 months)
- Finland (6–12 months)
- Germany (6 months)
- Greece (9 months)
- Guatemala (12–24 months)
- Moldavia (12 months)
- Norway (6–12 months)
- Paraguay (12 months for Army, 24 months for Navy)
- Russia (12 months)
- Serbia (6 months)
- Switzerland
- Taiwán (12 months)
- Tunisia (12 months)
- Ukraine (12 months)
- Uzbekistan (12 months)

>

Military service longer than 18 months, no unarmed option

- Armenia
- Congo (Democratic Republic)
- Cuba
- Equatorial Guinea
- Egypt
- Guinea
- Israel (21 months for women, 36 months for men)
- Kazakhstan
- Kyrgyzstan
- Libya
- Mozambique
- North Korea
- São Tomé and Príncipe
- Singapore (disregarding Civil Defence forces which is part of the Interior Ministry)
- Somalia
- South Korea
- Syria
- Sudan
- Tajikistan
- Thailand
- Turkmenistan

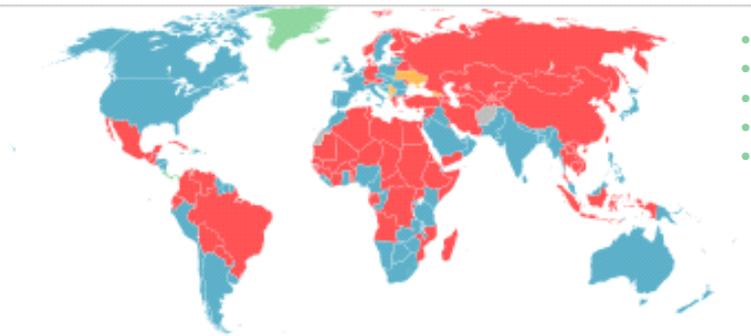
- Denmark (civilian)

Military service limited to 18 months

- Azerbaijan
- Cambodia
- Colombia
- Côte d'Ivoire
- Eritrea
- Georgia
- Iran
- Laos
- Madagascar
- Turkey (6–15 months)

Conscription to be abolished in the near future

- Albania (end of 2010)
- Serbia (January 2011)
- Ukraine (end of 2010)

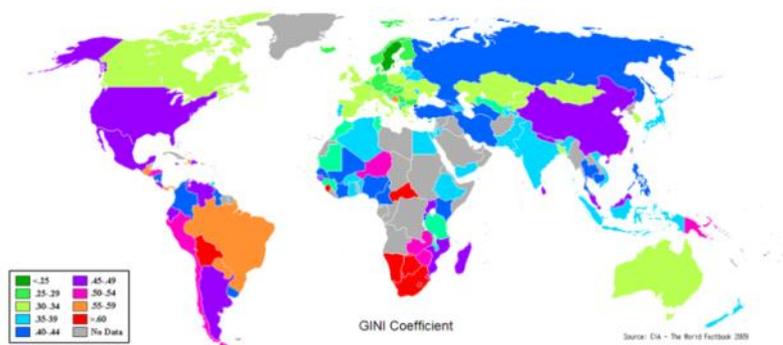


- No armed forces
- No conscription
- Plan to abolish conscription in the near future
- Conscription
- No information

Statistics

martes, 07 de septiembre de 2010
12:36 a.m.

Gini Coefficient: The Gini coefficient is a measure of the inequality of a distribution, a value of 0 expressing total equality and a value of 1 maximal inequality. Differences in national income equality around the world as measured by the national Gini coefficient. The Gini coefficient is a number between 0 and 1, where 0 corresponds with perfect equality (where everyone has the same income) and 1 corresponds with perfect inequality (where one person has all the income, and everyone else has zero income).



Legislation Data:

Findings from the Global Report (UN.GIFT) show that:

- before 2003, only 35% of the countries had legislation on human trafficking.
- as of November 2008, 80% of the countries had enacted legislation.
- by November 2008, 17% of countries had a specific offence criminalizing only some forms of trafficking.
- at least 20% of the countries with a specific offence on trafficking in persons use systematically other offences to prosecute trafficking cases.

Impunity Data:

Findings from the Global Report (UN.GIFT) show that:

- 32% of the countries recorded no prosecutions from 2003 to 2007.
- 40% of the countries recorded no convictions from 2003 to 2007.
- 19% of the countries that had a specific offence on trafficking in persons recorded no convictions from 2003 to 2007

Regarding Women:

Findings from the Global Report (UN.GIFT) show that:

- Female offenders have a more prominent role in trafficking in persons than in other crimes.
- In 30% of the countries where the gender of the offender was known, more women were convicted than men.
- Female victims represented, globally, between 80 and 84% of all victims detected; child victims between 13 and 21%; and male victims around 16-21%.

Regarding Exploitation:

Findings from the Global Report (UN.GIFT) show that:

- victims of trafficking for sexual exploitation accounted, globally, 79% of the victims detected, and
- victims of forced labour for about 18%.
- Trafficking for forced labour was frequently detected in West Africa, South Asia and South America.
- also in Europe and North America a relevant numbers of forced Labour cases have been detected (35% in Europe and 63% in the USA).
- trafficking in persons for forced labour is likely under-detected because it is less visible.

Regarding Mandate Holder's Communications:

The 2009 UNHRC Facts and figures shows:

Except Working group on forced disappearances

- 689 Total number of communications sent
- 66% Joint communications sent by two or more

- mandates
- 1840 Individuals covered (women 13.5%)
- 119 Countries received communications

The Working group on Forced disappearances registered 456 new cases of enforced disappearance to 25 Governments