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Human trafficking as a modern form of slavery in Southeast Asia



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Introduction

The countries of Southeast Asia are quite heterogeneous in economic, political and social development, which complicates systematic study. They are both developing countries and others catching up in development. The Southeast Asia region includes 11 countries: Vietnam, Thailand, Myanmar, Cambodia, Laos, Indonesia, the Philippines, Singapore, East Timor, Brunei and Malaysia. Despite the differences in the level of development of political and economic systems, the countries of the region share same climatic and geographical conditions, which has helped to create common cultural and economic systems. To a large extent, countries use the Association of Southeast Asian Nations (ASEAN) platform for cooperation in all spheres, including regulating conflicts and distributing potential markets and places of sale at the regional level.

The Southeast Asian region is characterized by rapid economic growth, which is associated with the development of tourism, trade and industry. As part of exports, Southeast Asia is a transporter of electronics, oil, textiles. The diverse transport infrastructure makes the Southeast Asian countries accessible for tourism and open for trade, which also increases economic potential.

The social sphere is developing as well: new universities are being opened, social scholarships are being created for the poor, healthcare is developing. However, the Southeast Asian countries are still struggling with great social inequality, tension between different strata of society and environmental problems. In many countries, especially in Indonesia, the Philippines, Thailand, Vietnam, most of the economic benefits are concentrated in the hands of a narrow circle of people, which feeds the soil of conflicts between different segments of the population.

Economically heterogeneous population gives rise to inequality of social status and inequality of living standard. Many people become dependent on others and turn a part of an international trafficking network against their will. Slavery in Southeast Asia has been widespread since Antiquity, both in general and in the rest of the world, however, even in modern times, human trafficking persists in certain areas of Southeast Asia. Forced labor remains a fairly frequent phenomenon of people



becoming dependent, illegal child labor and various types of sexual slavery are also used. In conditions of impoverishment of some segments of the population and enrichment of others, the demand for labor in the industrial sector grows, which in turn increases human trafficking.



Definition of the concepts of slavery and human trafficking.

At the international level, the concept of slavery was first formulated in the 1926 Slavery Convention¹, created under the auspices of the League of Nations. In this document, Slavery is the position or condition of a person in respect of whom some or all of the powers inherent in the right of property are exercised. The Convention also gave the definition of slave trade: all actions related to the capture, acquisition or disposal of a person for the purpose of enslaving them; all actions related to the acquisition of a slave for the purpose of selling or exchanging them; all actions for the sale or exchange of a person acquired for this purpose, and in general any action for the trade or transportation of slaves.

The following official definition of the concepts related to slave trade was given in the Rome Statute of the International Criminal Court², in which the term «enslavement» was defined as follows: “the exercise of any or all rights related to the right of ownership in relation to an individual, including the exercise of such rights in the course of trafficking of persons, and in particular women and children”. Enslavement is also included in the list of crimes against humanity, long with murder, extermination, deportation or forced displacement of the population, imprisonment, etc.

The International Labor Organization defines the slave status of an employee according to a certain list of signs: performing work against their own will, violation of legal labor rights, inability to quit, restriction of physical freedom, the presence of supervisors in the workplace, the use of physical violence against an employee.

At the same time our understanding of slavery must take into account not only the links between slavery and other labor relations but also the multiple manifestations of slavery itself. Different forms of slavery existed globally in the early modern period. They have been distinguished as “open” and “closed” forms of

¹ The Slavery Convention. [Электронный ресурс]. URL: https://www.un.org/ru/documents/decl_conv/conventions/convention_slavery.shtml (дата обращения: 10.10.2023)

² Rome Statute of the International Criminal Cour, 1992. URL: [Электронный ресурс]. [https://www.un.org/ru/documents/decl_conv/conventions/pdf/rome_statute\(r\).pdf](https://www.un.org/ru/documents/decl_conv/conventions/pdf/rome_statute(r).pdf) (дата обращения: 15.10.2023)



slavery—with “open” forms of slavery providing “slaves with an opportunity to become part of their owners’ kinship systems” and “closed” forms of slavery being rooted in (hereditary) “relations of possession shaped by property rights which turn slaves into permanent outsiders”.

The dynamics of the West African and wider Atlantic slave trade are not that different from what we encounter in the Indian Ocean and Indonesian archipelago regions. Local inequalities (caste, indebtedness, slave lineage) and conflicts (warfare, punishment) were sources for an expanding long-distance slave trade in West Africa, as well as different parts of Southeast Asia, South Asia, and the Western Indian Ocean. Many of these dynamics existed before the arrival of Europeans, but their arrival seems to have led to an integration and intensification of slave trade systems throughout Asia. In both the Atlantic and the Indian Ocean and Indonesian archipelago regions, European imperial expansion led to the growth of slave-based production of key global commodities, such as nutmeg, pepper, and other spices but also sugar, coffee, and even silver.

At the same time, there was no officially fixed concept of slavery and human trafficking at that time, since the institution of slavery itself was beneficial to the metropolises and exploiting countries. The definition of human trafficking has lived through approximately the same transformations. It existed as one of the types of slavery that was not distinguished at the legislative level until the beginning of the 21st century.

The definition of trafficking of persons itself was established by the United Nations Office on Drugs and Crime in the Protocol on the Prevention, Suppression and Punishment of Trafficking of Persons³ as “recruitment, transportation, transfer, harboring or receiving people through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerable position or providing or receiving payments or benefits to obtain the consent of a person controlling another person for the purpose of exploitation.”In this report and at our

³ Борьба с торговлей людьми. Руководство для парламентариев. [Электронный ресурс]. URL: https://www.unodc.org/documents/human-trafficking/Handbook_for_Parliamentarians_Russian_V0983316.pdf



meetings, we will adhere to this meaning of the term "human trafficking", as well as other actors in the international arena.

In this section we will also look at the existing classifications of slavery and its types. Slavery is generally divided into patriarchal and labor slavery. Patriarchal slavery presupposes that a certain person belongs to another (who is called the master). Patriarchal slavery presupposes the complete dependence of the life of the slave on the life of the master. Labor slavery emerged with the development of capitalism. De facto a worker is free, but in fact they are forced to trade their own labor in order to survive.

In the modern world, there is also a greater number of types of slavery that are still widespread around the world. Among them is the already mentioned forced labor (labor slavery), the subject of our committee, - human trafficking and new types: sexual slavery (also very common in Southeast Asian countries), reproductive slavery, drug trafficking, military slavery, organ transplantation. It can be noted that most forms of modern slavery are associated with the exploitation of the human body, its carnal component. This goes back to the origins of slavery in the Ancient World, when the body as an object of exploitation played the most important role. In this case, the conflict of body and mind becomes relevant again - those who control slaves have a sufficient level of intellectual development to exploit their equals (people) by nature, but unequal in origin, social capital and economic potential.



The History of slavery and human trafficking in Southeast Asia

About slavery in Ancient times and the period of the existence of Ancient states (the Wanlangs (founded in 2524 BC, existed until 258 BC), the Khmer Empire (IX-XIII centuries), Srivijaya (approximately 300-1400 AD), the Malacca Sultanate (1400-1511 AD)), we will not talk in detail, because at that time in the Asia-Pacific region, slavery existed in the same forms of formal exploitation as in all other countries of the Ancient world. It forms the concept of the complete dependence of the slave on the master: from subordination in the performance of household and military tasks to the need to die at the behest of the master. In the 16th century, the active colonization of Southeast Asia by Europeans began. The Portuguese, the British, the French, and the Spaniards built military fortifications in the occupied territories and used the local population as part of free labor under pain of death.

Let's note some features of the described states. In the Khmer Empire, a person unable to repay a monetary debt could be enslaved. In addition, many mountain tribes, when conquered by the imperial army, were also captured and transferred to the position of slaves. Various forms of slavery are also known in the Chinese provinces, which occupied some territories in Southeast Asia until the end of the 19th century. When the Chinese Dynasty dominated Vietnam, about half of Vietnamese girls were taken into sexual slavery in Central China.

From the 17th to the 19th centuries, when the regions of Central and Southeast Asia finally became dependent on Western metropolises, European colonial powers such as Portugal, Spain, Holland and Great Britain imported tens of thousands of slaves from Africa, South Asia and other parts of the world to the region to use them on plantations and in industry as free labor. At the same time, the division into sexual slavery, labor, property and general (within its framework, a slave could only do anything at the behest of the master) emerged.

In different countries of Southeast Asia, slavery had its own characteristics. The Philippines trades slaves with Indonesia and Malaysia, where slaves were used in agriculture and domestic labor. There were castes and slaves in the Philippines (some



historians prefer to call them peasants). Usually, they fell into the lower caste immediately from birth. In Indonesia and Malaysia, the tradition of slavery was linked to the social and economic structure of society, where slavery was considered part of the normal order of things. Slaves from Indonesia were traded on the Indonesian islands, where forced labor was often needed, as well as in Siam. Slaves could buy their freedom, but their children, even those born to free people, remained slaves and had to pay a ransom to get freedom. There were many written official restrictions for slaves in the Dutch colonies: they could not eat from the same dishes as their masters, wear similar clothes, have sex with free people. Slavery in Indonesia was officially abolished in 1863.

In addition to the colonial slave trade, slavery in Southeast Asia was also widespread within the domestic economy and society. In Siam (present-day Thailand) there was a system of "-corvei-", when peasants were obliged to work for their landlords or the state a certain number of days a year. Besides, in Thailand, before the upheavals of the early 20th century, slavery was common and was abolished only in 1905. During the joint ownership of Siam by France, Great Britain and the Siamese king in the 19th century, there were constant military clashes between the three regions and Western representatives, which obliged the Siamese king to have a developed army. Military personnel were considered not just subjects of the king, but his slaves. As for Burma (present-day Myanmar), its history is directly related to the sexual slavery of women who were taken for these purposes to Great Britain during its protectorate over Burma, and then to Japan. Also from Myanmar, girls left for the Pacific islands and remote cities of Indonesia, where there was always a demand for slaves.

Slavery and human trafficking in Southeast Asia reached its apogee in the late 18th - 19th century, when pirates from Austronesian ethnic groups sailed the South China, Java, Bali, and Philippines and everywhere took people and took them into slavery for various purposes. Often local chiefs and representatives of regional control centers sold people on their own, because it was economically profitable.

With the advent of new political and economic systems in the XIX and XX centuries, slavery was officially banned in most countries of Southeast Asia.



Nevertheless, many of its species have survived to this day, since historically the Southeast Asian region was considered as a region with a large proportion of the poor population who are actively sold into slavery as sexual objects or free labor.

In the Asia-Pacific region, according to various statisticians, the number of people who fall into slavery through human trafficking was estimated annually in 2017 at 5 million people. The main industries in which human trafficking is actively used remain sexual slavery, including child labor, industry, and agriculture. Let's consider each country separately.

Thailand is considered a transit country. Men leave it en masse to find higher-paying jobs, and since most of them return sooner or later, they most often fall into long-term dependence on Thai employers with the possibility of resale to other countries. Most often, people from Thailand are resold in the same Southeast Asia, since Thailand is in its center. Human trafficking in the fishing industry is also common in Thailand, as Thailand is the world's largest exporter of seafood.

People from Myanmar are also most often sold into slavery in Thailand - for the same work in the field of fish sorting and as domestic servants. In 2020, the International Labor Organization roughly estimated the number of Burmese caught in the human trafficking process at 800 thousand people. With a population of 57 million people, this figure seems quite impressive.

The Philippines in human trafficking is best known in the context of child trafficking. A report published in 2004 by the Vatican stated: "There is a serious problem of trafficking in women and children illegally recruited into the tourism industry for sexual exploitation in the Philippines". The Philippines in human trafficking is best known in the context of child trafficking. A report published in 2004 by the Vatican stated: "There is a serious problem of trafficking in women and children illegally recruited into the tourism industry for sexual exploitation in the Philippines." The U.S. Department of State estimated in July 2001 that about 40,000 Filipino women were trafficked into the sex and entertainment industry in Japan using recreational visas. A 2007 CBC News report estimated the number of Filipino women smuggled into Japan for prostitution at 150,000.



Factors contributing to the spread and persistence of human trafficking at the present time

The presence of human trafficking networks, a story about the process of falling into slavery According to a report by the International Labour Organization (ILO), which used a methodology based on national surveys, in 2012 alone, 20.9 million people were subjected to various forms of forced labor around the world against their will. The majority of these workers were women (55%) and men (45%). The annual profit of industries specializing in forced labor, according to the calculations of the World Monetary Fund, averaged \$44.3 billion in 2005.

The main causes of human trafficking in Southeast Asia are universal factors such as poverty and globalization. Countries with rapid economic development have established a demand for cheap labor since the 20th century, which has led to the spread and preservation of a high level of human trafficking for even greater development of the economic sector. The forced labor market remains quite profitable. The need for a constant increase in the number of workers working for free, as well as the development of new economic sectors, leads to the demand for traffickers in Southeast Asia. The economic factors contributing to the preservation and development of slavery also include illegal labor markets. The enrichment of certain segments of the population in various ways, illegal groups controlling certain areas, contribute to the spread of the institution of human trafficking. At the intersection of the social and economic spheres is human trafficking for sexual purposes. Sometimes, it is easier for girls from poor areas to earn a living by prostitution than to get a hard-to-get education. The factor of the development of tourism and sex tourism within this framework makes work in this area dangerous. Cases of sexual slavery in Southeast Asian countries are much more common than others

All Governments of Southeast Asian countries are trying to fight the factors that can be considered contributing to the spread of slavery. Their changes in legislation and international assistance will be discussed in detail in the next chapter.



At the state level, only a few countries have an institution of social security for citizens, in all other countries citizens have to escape without social support. Military conflicts constantly occurring in the region (for example, the ongoing civil war in Myanmar) also do not contribute to the development of sustainable legislation on human trafficking in Southeast Asia.

Within the framework of international cooperation of the UN, countries can call on the UN Security Council to create a special commission, which at the annual meetings of the UN General Assembly will provide reporting reports on the improvement or deterioration of the situation of the institution of human trafficking in Southeast Asian countries.



Actions of the UN, Commission on Crime Prevention and Criminal Justice and the Governments of the Southeast Asian countries on the problem of human trafficking in Southeast Asia

The main international treaties concerning the slave trade and slavery are the Slavery Convention of 1926, as amended by the 1953 Protocol, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Customs Similar to Slavery, 1956⁴. The convention states that freedom is an inalienable right of every human being, therefore slavery should be abolished, and severe penalties should be imposed for any violations of the agreements of 1926. The United Nations has also adopted a number of conventions dealing with the problem of human trafficking.

In 1949, the Convention for the Suppression of Trafficking in Persons and the Exploitation of Prostitution by Third Parties⁵ was adopted.

In 2000, the Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children, was adopted, supplementing the United Nations Convention against Transnational Organized Crime. These documents once again emphasized the inadmissibility of human trafficking, noted special attention to the illegal use of the lives and bodies of women and children.

As part of the agenda of this meeting of our commission, it is necessary to pay attention to the Human Trafficking Report, or TIP Report, is an annual report issued since 2001 by the Office of the US Department of State for Monitoring and Combating Human Trafficking. It ranks Governments based on their perceived efforts to recognize and combat human trafficking.

⁴ Дополнительная Конвенция об упразднении рабства, работорговли и институтов и обычаев, сходных с рабством. Официальный сайт ООН. [Электронный ресурс]. URL: https://www.un.org/ru/documents/decl_conv/conventions/supplementconvention_slavery.shtml

⁵ Конвенция о борьбе с торговлей людьми и с эксплуатацией проституции третьими лицами. Официальный сайт ООН. [Электронный ресурс]. URL: https://www.un.org/ru/documents/decl_conv/conventions/trafficking_suppression.shtml



The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is an agreement aimed at establishing links between human rights and migrant workers, as well as their families. The agreement emphasizes the importance of migrant labor and the recognition that migrant workers should be rewarded, and also states that migrant workers are subject to equality and protection.[19] This agreement has not yet been signed by many Southeast Asian countries.

The Commission on Crime Prevention and Criminal Justice (CCPCJ) is a functional commission of the United Nations Economic and Social Council (ECOSOC) based in Vienna. The Commission's mandate was defined by ECOSOC at the request of the General Assembly in 1992. In this resolution, the commission was appointed the main decision-making body of the United Nations in the field of crime prevention and criminal justice. Its other main functions include:

- Provides policy guidance for UN organizations and Member States in the field of crime prevention and criminal justice,
- Development, monitoring and revision of the implementation of the UN Crime control Program Acts as the governing body of UNODC
- Coordinates the activities of the United Nations Crime Prevention and Criminal Justice (PNI) Network of Programmes
- Mobilization of support among the Member States of the United Nations Crime Prevention Programme
- Acts as a preparatory and executive body, as well as the UN Congresses on Crime Prevention and Criminal Justice held every five years⁶

Within the framework of the commission's action, it should be noted decision 16/1 - Global Initiative to Combat Human Trafficking⁷. We will allow ourselves to cite here all the measures taken by the commission.

⁶ Официальный сайт Комиссии по предупреждению и уголовному правосудию ООН. [Электронный ресурс]. URL: <https://www.unodc.org/unodc/ru/commissions/CCPCJ/index.html>

⁷ Комиссия по предупреждению преступности и уголовному правосудию. Решение 16/1. [Электронный ресурс]. URL: https://www.un.org/ru/rights/trafficking/global_initiative.shtml



(a) Decides that the Global Initiative to Combat Trafficking in Persons should be led by Member States;

(b) Also decides that the Commission on Crime Prevention and Criminal Justice will decide on the policy aspects of the Global Initiative to Combat Trafficking in Persons event scheduled for November 2007, with particular attention to the preparatory process, form and possible outcomes of this event;

(c) Requests its Chairman to hold informal open-ended intergovernmental consultations and to report to it at an inter-sessional meeting before July 2007 on the outcome of these consultations so that it can take the decision referred to in paragraph 2 above;

(d) Requests the Executive Director of the United Nations Office on Drugs and Crime to submit to it at its seventeenth session, as well as to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

As we can see, the activities of the commission lead to recommendations and appeals, and their practical application can be seen in the actions of individual Governments.

Some Southeast Asian countries are taking measures to prevent the development of the slave trade. In 2007, the Philippines Government Interagency Council against Trafficking in Persons established its first anti-trafficking task force at Manila International Airport to exchange information about traffickers and provide assistance to victims. In 2006, the Philippine Overseas Employment Agency (POEA) issued new requirements for the employment of Filipino domestic workers abroad to protect them from widespread abuse by employers and human trafficking. In December 2022, the Fourth National Strategic Plan to Combat Human Trafficking for 2023-2027 in the Philippines was approved. There are also a number of non-governmental organizations and foundations in the Philippines that donate funds to investigations and try to help prevent cases of human trafficking.

In 2015, Singapore joined the international standards for the Prosecution and Conviction of Traffickers in accordance with the Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children.



The Government of Vietnam, in turn, demonstrated the intensification of law enforcement efforts to combat human trafficking for sexual exploitation and uneven efforts to combat labor trafficking. Existing laws do not fully cover human trafficking; however, various provisions of the Criminal Code allow for prosecution for all forms. Prime Minister's Directive No. 16 of July 2007 directed the Ministry of Justice to propose to the National Assembly a draft law on a comprehensive new anti-tipping law and expanded the definition of human trafficking in Vietnam to include men, not just women and children. The directive also introduced a certain level of responsibility for all chairmen of provincial people's committees to combat human trafficking.

In 2018, the Royal Thai Police organized a task force (TATIP) to combat human trafficking in Thailand, consisting of law enforcement officers, social workers and members of non-governmental organizations. Their goal is to improve the situation in law enforcement agencies in the field of sex industry and labor, however, it is not difficult to understand that a small group of workers will not solve all the problems related to the issue of human trafficking in Thailand.

Cambodia limited itself to the introduction of a holiday on December 12 - the day of combating human trafficking.

The Lao Government has stepped up efforts to prevent human trafficking with the assistance of international organizations and civil society. For example, MLSW collaborated with UNICEF in installing information billboards near border checkpoints and major cities. In addition, in December 2007, the Lao Youth Union held a one-day event with workshops, puppet shows and plays dedicated to the problem of child trafficking.

The Government of East Timor relies mainly on the Indonesian Criminal Code, and most of the cases that have emerged over the past 10-15 years concerning human trafficking have not reached trial. In January 2008, the United Nations Police Force (UNPOL) and the East Timor National Police (PNTL) conducted a joint raid on a Dili bar suspected of sex trafficking. They arrested about fifty people, but the trials were soon closed.



The United Nations (UN) has published guidelines on how to prevent human trafficking on an international scale. According to the guidelines, countries should identify demand as the main reason for the existence of human trafficking. It is also recommended to study poverty, inequality and discrimination, since these factors, depending on the prevalence, can lead to human trafficking



Conclusion

The issue of human trafficking is complex and remains relevant to this day. The presence of historical prerequisites and the preservation of certain types of slavery does not make it possible to eradicate it in the coming years, since the human trafficking system is established and consolidated in many Southeast Asian countries.

Economic, social and political reasons are also a brake on the fight against human trafficking in Southeast Asian countries. As for economic reasons, these include the development of industry and the need for cheap or free labor, the poverty of certain segments of the population and their constant desire to earn. Social reasons include the lack of social guarantees and support in most Southeast Asian countries. As part of the political reasons, it is necessary to highlight the unstable political and military situation in some Southeast Asian countries, as well as the failure to comply with a number of norms of state legislation concerning human trafficking.

Some countries do not take the necessary actions to prevent human trafficking, but turn a blind eye to crimes, which develops underground networks even more.

The international community and the United Nations in particular have long drawn attention to the problem of human trafficking. Conventions and treaties adopted since the middle of the XX century urge countries to act more decisively against violators of the law on the prohibition of human trafficking, but neither regional governments nor conventions introduce effective measures.

As part of our meeting, you will have to take the situation with human trafficking under your control and come up with effective measures that meet modern global challenges.



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