agreeable to both parties to a dispute. In most villages, there are no jails, no peaceful way to enforce decisions and no mechanisms to protect decision makers (sheikhs) from retribution by aggrieved losing parties. Good relations between neighbours are considered necessary to survival. Today, these villagers live in the same tightly-knit villages – largely organised under the same power structures – within the vast tracts of IDP camps. Their traditions die hard.

Traditional mediation results may serve the short-term interests of peace in villages and IDP camps, isolated and facing scarce resources, even as they may do great injustice to the individual. The two-prong approach employed by paralegals is a responsible, client-centred and culturally sensitive response to overcome harmful traditional justice results.

The success of this first phase of the programme – conducted in the midst of a humanitarian emergency – shows that it is never too early to address the need for furthering the rule of law and respect for human rights and that it is possible to do so even while meeting survival needs.

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This article is written in a personal capacity and does not necessarily represent the views of the UN or any other organisation. The names of the people mentioned in the article have been changed to protect their privacy.

1. Sheikh means ‘elder’ in Arabic and is commonly used to designate an elder of a tribe, a lord, a revered wise man or an Islamic scholar.

Human trafficking: beyond the Protocol

Sergei Martynov

In February 2008, a major global event on human trafficking – the Vienna Forum – captured international attention and received broad global acclaim.

The Vienna Forum did not end up with specific declarations, plans or pledges as is usually the case with such events. It merely brought together around 2,000 representatives of governments, international organisations, civil society and the private sector, as well as many renowned individuals. The greatest value of the Forum lies in the fact that it awoke the world to the very bitter reality of our contemporary life – slavery is still with us and it is thriving.

Prohibited by law, human trafficking is a highly covert activity. Each year, some hundreds of thousands of people around the world become victims, unable to free themselves from an exploitative position. Criminals working in organised networks treat the victims like commodities, buying and selling them for profit.

Human trafficking is believed to be the third largest illicit activity in terms of profits after the illegal sales of arms and narcotics. Yet, it is precisely because of its covert nature that human trafficking defies any easy analysis and accurate estimate of numbers involved. Estimates of the number of global victims of human trafficking range from 800,000 to more than 2.4 million and of the profits of traffickers up to US$32 billion. It is believed that women and girls make up around 80% of all human trafficking victims. Of particular concern are children that fall prey to traffickers. UNICEF estimates that up to 1.2 million children are trafficked annually. Until recently, the main concern of public opinion has been with the trafficking for sexual exploitation. However, there seems to be a growing realisation that trafficking for labour exploitation should move higher up the policy agenda.

A new paradigm?
The world cannot drag its feet any longer. Global inequalities will surely persist, which, in turn, will continue to boost migration flows. Industrialised societies should acknowledge that they are to a great extent dependent on foreign labour to sustain their economic activities. It is within the power of governments to change the way global markets operate, thereby reducing the ‘push’ factor in the trafficking/migration nexus – and within their power to address the issue of how to optimise the regulation of migration, thus diminishing the ‘pull’ factor.

There are two major flaws in the current international anti-trafficking approach. First, there is the lack of a comprehensive institutional framework, at present epitomised by the Trafficking Protocol with its overriding focus on security. Second, there is the lack of an institutionalised structure for global cooperation against human trafficking.

The starting point for a new paradigm should be to recognise that victims of human trafficking are not solely the victims of traffickers but also of the global economic order and prevailing social contexts. A global response to trafficking should therefore include policies that address the three Ps – prevention, prosecution and protection. Furthermore, it must equally target both sides of the human trafficking coin, both demand and supply. And, finally, it should tackle both sexual and labour exploitation.

A new paradigm also requires an international structure that will ensure effective cooperation and coordination between stakeholders and the multiple anti-human trafficking initiatives. Far too often the efforts of the dozens of international
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intergovernmental organisations and hundreds of NGOs involved in the area of human trafficking are fragmented, uncoordinated and not channelled towards mutual goals.

In July 2008, at the initiative of Belarus, ECOSOC adopted a resolution on a global plan of action against human trafficking. At the 63rd session of the UN General Assembly in September 2008 Belarus sponsored for the second time (the first in 2006) a draft resolution on improving coordination of efforts against human trafficking. The key goal of this resolution is to make a decision on how best to formulate a global strategy against human trafficking. The momentum is mounting.

In practical terms, the role of a global coordinator could be assigned to the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) which was set up to facilitate coordination among various global and regional efforts. What it needs now is a renewed interest on the part of its members and political support from countries.

It is high time to make the necessary procedural decisions within the UN. Most crucial is that the current phase of anti-trafficking activities, which the Vienna Forum and the UN Global Initiative to Fight Human Trafficking (UN.GIFT) in general were so instrumental in setting in motion, should culminate in a Special Session of the UN General Assembly devoted to the issue of human trafficking. Outcomes of such a session might be a UN strategy or a Global Plan of Action against human trafficking and a political declaration on the issue. In the long run, no initiatives can be effectively realised without the firm commitment and strong political support of the UN’s member states. And it is for states to take responsibility and adopt a new comprehensive long-term paradigm on human trafficking that will surely better our common prospects for putting an end to this form of modern-day slavery.

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While there is no evidence to support the claim that refugee populations have an increased prevalence of HIV, it is true that refugees are inherently more vulnerable to HIV – due to social instability, loss of relatives and breadwinners, increased risk of sexual assault or involvement in commercial sexual activities, as well as a lack of resources and services in education and health.

Before the 1990s, there was little focus on the risks of HIV/AIDS within refugee populations due to the fear that highlighting these risks would cause governments to resist accepting refugees. As countries began to consider the necessity to test refugees for HIV before allowing international travel and resettlement, UNHCR strove to protect refugees against expulsion due to their HIV status by publishing its Policy Guidelines Regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS).

Since then UNHCR has continued to publish guidelines and strategic plans promoting the rights of refugees with regard to HIV and AIDS, including discouraging the use of mandatory testing.

According to the 1951 Refugee Convention, host countries are required to provide non-discriminatory social and medical assistance to refugees equal to that for nationals. However, countries already overburdened with HIV/AIDS within their own population are usually unwilling to provide additional services for refugees and seldom include refugees in their national AIDS policies.

As of March 2007, there were some 39,400 refugees and persons of

HIV/AIDS services for refugees in Egypt

Anna Popinchalk

HIV-positive refugees’ access to medical care in Egypt is impeded by the lack of medical services and by the intense stigma and discrimination associated with HIV/AIDS.

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