

3rd SOCHUM

*Advanced
GA*



TOPICS: Human Trafficking in Southeast Asia,
Autonomy for Indigenous Communities

CHAIRS: Jackson Alexander, Madison Norberg

LAIMUN XXIX

December 2-3

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Letter from the Secretaries-General

Dear Delegates,

On behalf of our entire staff, it is our pleasure to welcome you to Session XXIX of the Los Angeles Invitational Model United Nations (LAIMUN) conference. LAIMUN XXIX will take place on Saturday, December 2 and Sunday, December 3 of 2023 at the Mira Costa High School (MCHS) campus.

Our staff, composed of over 120 MCHS students, has been working tirelessly to make your debate experience the best it can be. You will find your dais members to be knowledgeable about the issues being debated and MUN procedure. We pride ourselves in hosting a conference that is educational and engaging, and we hope you take advantage of that as you prepare and debate.

At LAIMUN, we value thorough research and preparation. We ask that delegates write position papers following [these directions](#). The deadline to submit position papers to be considered for Committee and Research Awards is Friday, November 24 at 11:59 PM PT. The deadline to submit to be considered for Committee Awards is Thursday, November 30 at 11:59 PM PT.

We also encourage all delegates to read the [LAIMUN Rules of Procedure](#) for conference-specific information and as a reminder of points and motions that can be made during committee.

Feel free to reach out to our staff with any questions or concerns you may have. Delegates can find their chairs' contact information next to their committee profile and the Secretariat's email addresses on the staff page. Any member of the LAIMUN staff will be happy to assist you.

We look forward to seeing you in December!

Sincerely,

Akash Mishra and Lily Stern
Secretaries-General, LAIMUN XXIX
secretarygeneral@mchsmun.org



Introduction to the USG

Welcome, Delegates, to LAIMUN XXIX!

My name is Naomi Kim, and I am so excited to conclude my fourth and final year at Mira Costa Model UN by being the Under-Secretaries General of the General Assembly!

Every year, we select the GA committee topics to reflect the diversity of issues present in our rapidly modernizing world, and this year is no exception. I am excited to hear the novel, creative, and detailed solutions each of you have to address these complex problems, and I hope that all of you can leave LAIMUN not just having given an awesome speech and spectacular formal caucus sessions, but with an enriched and diversified outlook.

But in order to have another amazing LAIMUN, I want to remind you all of our strict no pre-written resolutions policy. Under no circumstances is pre-written resolutions acceptable; additionally, delegates are only allowed to work on resolutions during committee sessions, not during breaks. Your chairs will outline this policy in greater detail before the start of debate, and we urge you all to comply.

Our staff have worked incredibly hard to create an informed, professional environment, and we hope that you enjoy it. Come equipped with knowledge, strong solutions, and your sleek WBA, but do not forget—MUN is fun!

If you have any additional questions or concerns, feel free to contact me at the following address: GA@mchsmun.org. If not, I look forward to seeing you all in December!

Best Regards,

Lily Stern and Akash Mishra
Secretaries-General

Naomi Kim
Under-Secretary General

Introduction to the Dias

Hello Delegates!

My name is Jackson Alexander! I will be your head chair for this debate in 3rd SOCHUM Advanced. I am currently a senior here at Mira Costa. This will be my 4th year with the MUN program here at Costa. In MUN I have been working as a teacher's assistant for the intro classes, helping freshmen learn to debate and improving their public speaking skills. I also have been to many local debates such as Surf City and UCLA. In addition, I have been able to go to travel conferences like BMUN twice and Berlin.

Outside of MUN I play water polo. I was on the water polo team this season and in the off season I play for Trojan water polo club. I also swim on the Costa swim team. I also love to go to the beach with my friends and hang out there. When I am not in the water, I work and tutor kids to help them get better at math. I also love to listen to music in my free time.

I am really excited to be your chair in this debate. I have loved doing MUN for these past years and am thrilled to try and make your MUN experiences as good as mine has been!

See you in December,

Jackson Alexander

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Hi Delegates!

My name is Madison Norberg and I am a junior here at Mira Costa. I have been a part of Mira Costa MUN since freshman year, making this my third year in the program. I have participated in many of the local and travel MUN conferences throughout my years including Yale MUN and am excited to be going to Brown MUN in November. My most memorable MUN experience was at Yale, where I was able to tour the campus and meet delegates from several different countries.

Outside of MUN, I enjoy playing both beach and indoor volleyball and like going to the beach with all my friends. Right now I am the president of Mira Costa's Canines of Manhattan Beach Club as well as on our beach volleyball team.

In SOCHUM I would like to see a variety of different approaches to the issues and well thought out, creative solutions. Don't be afraid to liven up debate! We are so excited to be back and feel free to reach out to us at sochum.adv.laimun.xxix@gmail.com with any questions.

Looking forward to seeing you all in debate,

Madison Norberg

Committee Description

The committee 3rd SOCHUM, or the Social, Humanitarian and Cultural committee, was established in 1947 and its participants encompassed the entirety of the United Nation's General Assembly. The committee deals with issues falling under any or multiple of those three categories as one of the 6 General Assembly committees. The main focus and reason for this committee is to examine and question human rights issues and has commonly debated the rights of women and how to enhance their place in society, the rights of children, and the treatment of refugees. In summary, 3rd SOCHUM focuses broadly on the welfare and protection of violated groups in order to alleviate the frequency of human rights breaches on an international scale¹.

One of the main and most important aspects of the SOCHUM committee is that not only does the committee debate upon social and humanitarian issues, but they also directly address and adapt to human rights questions that work in conjunction with the United Nations Human Rights Council, or the UNHRC. In working alongside the Human Rights Council, SOCHUM has notably pursued social development issues amongst the international community in order to provide sustainable humanitarian support where it is needed.

It is important to note that SOCHUM resolutions are not binding, legally enforced, therefore having no concrete power to force change on countries. Changes often come as a result of SOCHUM resolutions either suggesting countries to change, or helping mount international pressure on countries that refuse to respect the policies debated on and agreed upon by the

¹ <https://www.odu.edu/al/centers/modelun/conference/committees/third-sochum>

United Nations. Even still, what is passed is not law, so compromises should be made for countries to be willing to adopt any passed resolutions.

Topic A: Human Trafficking in Southeast Asia

I. Background

Human Trafficking is currently one of the largest issues in Southeast Asia, one that has become a multi-billion dollar global industry according to the UN.² Approximately 150,000 people are trafficked every year according to estimates from the United Nations Office on Drugs and Crime³, and this number only continues to rise as these groups gain more power in the Southeast Asian region. The majority of these people trafficked are young women and girls, with over 45% of the people trafficked being women and 20% being adolescent girls.⁴ The reason for the high trafficking rates of women are illicit industries for sex and pornography. In 2014, of 7800 saved victims of human trafficking, 60% were trafficked for sex or pornography.⁵ Child pornography alone is estimated to generate anywhere from 3 billion to 20 billion US dollars worth for these crime rings.⁶ Due to the internet's role in simplifying and easing the recording and distribution of pornography has caused Southeast Asia, but more specifically Cambodia, to become one of the biggest suppliers of child pornography.⁷ Because of this, many groups such as the South Asia Gender Innovation Lab, South Asia Social Sustainability and Inclusion, and South Asian Regional Trade Facilitation Program have been working to create anti-trafficking

² <https://www.worldbank.org/en/events/2022/11/30/16DaysofActivismSouthAsia>

³ <https://www.worldbank.org/en/events/2022/11/30/16DaysofActivismSouthAsia>

⁴ <https://www.worldbank.org/en/events/2022/11/30/16DaysofActivismSouthAsia>

⁵ <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

⁶ <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

⁷ <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

laws and initiatives in the region.⁸ These groups have helped women leave countries with high amounts of human trafficking such as Myanmar and Cambodia. This has been effective as these women have been trying to leave these countries with less strict laws that have these trafficking rings. Countries like Thailand, Malaysia, China, and Japan have been major destinations for trafficking victims as they have stronger laws to help protect these victims.⁹ However, this mass exodus can create other problems in these new countries. Making sure that every victim fleeing is properly accounted for and that they have a safe refuge from these rings are just some of the many issues.

While disproportionately affected, females are not the sole victims of human trafficking—many men are trafficked every year as well. These men are typically people who are in debt bondage, meaning they cannot repay loans and are unable to pay the interest back. Most victims of trafficking work in lower paying jobs, as trafficking crime rings exploit victims' lack of social power to capture and traffic more people. After being captured, men are forced into pseudo-slavery, which entails being paid very little money or even none at all. They are forced to work 20 hour days in very poor conditions that are prone to causing sickness, injury, or even death.¹⁰ The most common things that these men are forced to do is to be fishermen, work in agriculture, work in construction, or other manual labor types. In the US's Department of State's Trafficking in Persons Report (2018), the largest amount of unpaid labor was found in the Southeast Asian countries and the region as a whole.¹¹

⁸ <https://www.worldbank.org/en/events/2022/11/30/16DaysofActivismSouthAsia>

⁹ <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

¹⁰ <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

¹¹ <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

This system of exploitation is enabled by the lack of stability in the region. For example, spikes in human trafficking can occur following natural disasters and other catastrophic events as traffickers target and exploit vulnerable and desperate civilians.¹² Furthermore, the lack of infrastructure in unstable and poorer areas makes these disasters, such as typhoons, extremely dangerous for the residents, who are susceptible to losing all their belongings in an instant. With nothing to their name, these survivors are rendered vulnerable to being taken and trafficked.

Another major issue is the relatively weak or unstable governments in the area, which lack the ability to combat or restrict trafficking crime rings. They do not have the adequate resources to protect their people from being trafficked and are unable to monitor the safety of the civilians as well, making it easier for the traffickers to take civilians. In tandem with this, the heavy corruption in the governments and police forces is a significant problem.¹³ The influence of crime rings allows them to abscond from the law and continue heinous trafficking acts. This creates a need for better corruption policy in the area to ensure that the police, government, and security measures are not compromised and legitimately able to perform their role.

Unstable areas further exacerbate the prevalence of trafficking rings by enabling them to launder their money so that they can continue running their operations.¹⁴ Because of the lack of bank security in the region, these crime organizations are able to take advantage of this and launder money through various banks so they remain hard to catch. Some organizations have

¹² <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

¹³ <https://nij.ojp.gov/topics/articles/federally-backed-human-trafficking-task-force-model-yields-progress#:~:text=Inherently%20complex%2C%20human%20trafficking%20crimes,lack%20of%20appropriate%20agency%20resources.>

¹⁴ <https://nij.ojp.gov/topics/articles/federally-backed-human-trafficking-task-force-model-yields-progress#:~:text=Inherently%20complex%2C%20human%20trafficking%20crimes,lack%20of%20appropriate%20agency%20resources.>

attempted to improve bank security but the lack of infrastructure in the region has made this nearly impossible to bring security up to standards.

The final issue inflicted by the lack of infrastructure and stability which arises against anti human trafficking efforts is the lack of identification or records of civilians. People living in the Southeast Asia region do not have access to documentation or the ability to register for identification as easily due to the lack of technology and development in the region, which creates an environment where trafficking can thrive due to the inability to track and locate victims caused by their lack of identification, records, and documentation. By improving these, the ease at which we can track victims of human trafficking would dramatically increase.

II. UN Involvement

The UN has been working to curb trafficking through various frameworks and international laws. Since 2000, the UN Human Rights Office has been particularly active in this area; one example of the Human Rights Office's frameworks is the Recommended Principles and Guidelines on Human Rights and Human Trafficking.¹⁵ This framework works by creating a three-pronged approach to stopping human traffickers: capacity development, research protection, and partnerships.

The first area, capacity development, is developed by helping member states increase their capacity to pass and enforce laws that would limit trafficking. This has helped ensure that these countries have the adequate resources to pass frameworks and laws in their countries. For example, since 2013, it has aided the enforcement of international human trafficking laws in

¹⁵ <https://www.ohchr.org/en/trafficking-in-persons/what-we-do-end-human-trafficking>

Belarus. Though it has been especially effective in curbing human trafficking in Belarus specifically, similar programs have been put in place in countries in the Southeast Asia region.¹⁶ They have also been implementing training for citizens so that law enforcement and government officials can recognize common patterns for trafficking and how to best stop it. To make these campaigns more comprehensive and effective, police are also trained to recognize trafficking victims.¹⁷

The second prong, research protection, has been primarily headed by the GA/Resolution A/71/L.80 which has created a joint force between the OHCHR, WHO, and also the UNODC to share information about trafficking patterns, create principles and protect rights of victims of trafficking, and also research ways that they can best catch human trafficking rings.¹⁸ Another responsibility of the joint force was defining modern-slavery and human trafficking to create an unilateral definition for all countries to work by. This allows transparency to define exploitation, enabling countries to streamline their approaches for fixing the issue.¹⁹

The final prong of this plan has been the partnerships plan which has the UN partner with other organizations to further improve efficiency. The most notable has been the Inter-Agency Coordination Group against Trafficking in Persons (ICAT). This organization provides human-rights-based joint policy papers to create a unilateral approach. They also have briefings that can be issued to other member states. The other major partnership, a group of countries called Alliance 8.7, was formed to help achieve the goal that the UN had created regarding

¹⁶ <https://www.ohchr.org/en/trafficking-in-persons/what-we-do-end-human-trafficking>

¹⁷ <https://www.ohchr.org/en/trafficking-in-persons/what-we-do-end-human-trafficking>

¹⁸ <https://www.ohchr.org/en/trafficking-in-persons/what-we-do-end-human-trafficking>

¹⁹ <https://www.ohchr.org/en/trafficking-in-persons/what-we-do-end-human-trafficking>

trafficking. More specifically, this goal was to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”²⁰ The final major partnership is the Alliance against Trafficked Persons; led by the UN Human Rights Office, it holds several meetings with the aim to streamline all research and anti human trafficking efforts. It was created to let countries share best practices and to then streamline the efficiency for protecting people from human trafficking.

Finally, a major resolution that has been implemented by the UN is the PALERMO program. The main focus of this program has been to encourage states to criminalize the process of human trafficking.²¹ This requirement keeps countries accountable and promotes diligent efforts to address the issue at hand. It also encourages countries to strengthen security and border control to prevent any human trafficking ring to cross over borders easily.²² Having operated for 20 years now, it is the incipient of UN efforts to help reduce the amount of human trafficking in the Southeast Asian region and the world as a whole.

III. Topics to consider:

A. Poverty

²⁰ <https://www.ohchr.org/en/trafficking-in-persons/what-we-do-end-human-trafficking>

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<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

²²

<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

Impoverished areas act as stimuli for human trafficking in a variety of ways as the lack of proper infrastructure and stability makes these citizens susceptible to abuse. Few economic opportunities make it harder for citizens to refuse payment by the traffickers- many are only making \$2 USD per day while they are being offered \$4,000 USD to an estimated \$50,000 USD per person.²³ Often, the majority of a village's income comes from agriculture and fishing, which are both demanding occupations and leave little room for future development. While trafficking is typically common among the rural areas of Southeast Asia, three-fourths of the population resides in these non-urban areas, leaving a significant portion of the population vulnerable. High poverty rates are reflective of the lack of quality education in small villages across all borders with 28% of children not having the opportunity or resources.²⁴

Dropouts within rural regions are known to be another direct result of a family's income. While it is illegal that children under the ages of fourteen and fifteen do not work, many families must ignore this policy as they need another person bringing in income for their household. Lacking proper education and awareness as a result of this is unsafe as information regarding human traffickers are not taught to many children and upcoming generations leaving them easy targets. Not knowing dangers outside of one's community is dangerous as miles of human trafficking networks exist across Asia's borders. The use of roads and transit creates an efficient way for traffickers to move places while avoiding getting caught. Many civilians wanting to

²³ "Human Trafficking's Dirty Profits and Huge Costs." IADB, 2 Nov. 2006, www.iadb.org/en/news/human-traffickings-dirty-profits-and-huge-costs.

²⁴ The Future of 800 Million Children across Asia at Risk as Their Education Has Been Severely Affected by the COVID-19 Pandemic, www.unicef.org/rosa/press-releases/future-800-million-children-across-asia-risk-their-education-has-been-severely. Accessed 15 June 2023.

leave their villages to partake in poverty-induced migration blindly seeking employment, however often their course can intersect with existing trafficking routes.²⁵

B. Technology

Technology provides a platform for traffickers to easily come into contact with victims as manipulation is a key tool used on popular platforms such as Facebook, Instagram and Telegram. Many of the population does not have the access to basic technologies and resources due to poverty and yet those who do are susceptible to this variation of trafficking. Children are the target audience for most of these interactions, as shown by a study in South Korea which discovered that 95% of commercial sexual exploitation of children is often arranged over the internet.²⁶ The most common way traffickers utilize technology is through disguise, masking themselves with a false age or gender, then after establishing a relationship with the victim, requesting to meet in person and abducting them. Technology is also becoming more appealing as Crypto and digital transactions provide anonymity for transactions between people and traffickers. This incentivizes more traffickers to accept easy money as they can remain anonymous from the comfort of their device.

C. Corrupt governments

Lack of transparency within governments is a common trend existing within Southeastern Asian countries. Little knowledge of data regarding trafficking activity in areas makes it difficult

²⁵ Caballero-Anthony, Mely, and International Monetary Fund International Monetary Fund. "Human Trafficking in Southeast Asia – IMF Finance & Development Magazine: September 2018." IMF, 1 Sept. 2018, www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero.

²⁶ How Technology Fuels Trafficking and Exploitation in Asia and the Pacific, May 2019, [respect.international/wp-content/uploads/2019/06/How-Technology-Fuels-Trafficking-and-Exploitation-in-Asia-and-the-Pacific.pdf](https://www.international/wp-content/uploads/2019/06/How-Technology-Fuels-Trafficking-and-Exploitation-in-Asia-and-the-Pacific.pdf).

to understand the severity of the issue. Without proper knowledge, skills or data, the execution of appropriate laws can not happen leaving traffickers in control. Not only is there a lack of transparency between governments and outside entities, there is also a lack of communication between the federal and local governments. This disconnection provides opportunities for traffickers and local police to negotiate. In exchange for money corrupt authorities will ease the process of moving people across borders and in situations recruit the victims. In 2015 there was a discovery of mass graves along Malaysia and Thailand's border; within the 62 people convicted a Thai general and multiple police officers were among them.²⁷ While corruption to a smaller scale is more common it is hard to distinguish how many grand corruption schemes have happened as they require more federal support and therefore greater protection. Trafficking schemes done by air or sea will usually need assistance from fraudulent documents which are provided by government officials and with security often poor border interactions are executed more efficiently.²⁸

D. Sex tourism

Southeast Asian countries have relied on the income sex tourism provides and in Thailand and the Philippines tourism such as this accounts for two to fourteen percent of the countries total GDP.²⁹ The growth of this industry relies on the desperation from impoverished

²⁷ "Thailand Convicts Traffickers after 2015 Mass Graves Discovery." The Guardian, 19 July 2017, www.theguardian.com/world/2017/jul/19/thailand-convicts-dozens-of-traffickers-after-mass-graves-discovery.

²⁸ OECD Directorate for Financial and Enterprise Affairs. "Corruption and the Smuggling of Refugees - OECD." Corruption and the Smuggling of Refugees, Oct. 2015, www.oecd.org/corruption/Corruption-and-the-smuggling-of-refugees.pdf

²⁹ Hsu, Leina. "The Dark Side of Sex Tourism in Asia." Human Trafficking Search, 2020, humantraffickingsearch.org/resource/the-dark-side-of-tourism-in-asia/#:~:text=Thailand%20and%20the%20Philippines%20are,to%2014%20percent%20of%20GDP.

women and children needing money as new tourist destinations are continuously being constructed. While prostitution is a profession some women partake in it is often shamed and illegal in countries leaving an increase in demand intensifying the aggressiveness of the traffickers. The lack of rights women receive in their country has also directly affected this growing industry. Women migration levels have now surpassed those of men and those migrating internationally are deemed valuable for jobs such as domestic servitude, entertainment workers and manufacturing, despite not having proper qualifications. However, little pay from these jobs will often leave many unemployed and targets for sexual trafficking schemes.³⁰ Another major issue is the sex tourism in the region. Women are trafficked for the purpose of sex tourism as it is very profitable for these groups. Sex tourism is where foreigners travel to the region for sex, specifically with minors. Centered in redlight districts in the major urban areas, it is easy for the trafficking to go unnoticed. Some regulations have been put in place to stop this from occurring but the issue still persists.

IV. Case study: Thailand

Thailand has recently increased to Tier 2 on the human trafficking scale, meaning they are making significant efforts to reduce trafficking but are not quite there yet.³¹ Increases in the number of investigations as well as accountability has moved them up from Tier 3 despite hundreds of human trafficking victims in the past 5 years. In 2021 the government established a new trafficking victim identification center and updated and finalized its national referral

³⁰ Betz, , Diana L. Human Trafficking in Southeast Asia Causes and Policy Implications - Shram, 2009, www.shram.org/uploadFiles/20180215105947.pdf.

³¹ Reporters, Online. "Thailand Moved up to Tier 2 in US Trafficking Report." <https://www.bangkokpost.com>, 20 July 2022, www.bangkokpost.com/thailand/general/2349878/thailand-moved-up-to-tier-2-in-us-trafficking-report.

mechanism of NRM which required a forty-five-day reflection period. These beginning measures ensured more transparency within the government is kept while also making it easier for traffickers to be identified.

Penalties regarding trafficking crimes have been amended, becoming more severe. In 2019 amendments were made to the 2008 anti-trafficking law criminalizing sex and labor trafficking with punishments up to 12 years imprisonment and \$11,980 to \$35,930 USD fine involving adult victims as well as a \$17,960 to \$59,880 USD fine for adolescent victims. In 2021, the Thai Internet Crimes Against Children Task Force had executed around 79 cases of child trafficking that used technology; however, in the following year, only 19 cases were reported and investigated. Additional action was taken in December 2021 when the Ministry of Social Development and Human Security altered qualifications for law enforcement, requiring all officers to have at least one year of anti-trafficking training. In tandem with these qualifications, training and workshops were provided for all immigration officials, labor officials, police, and judges overseeing trafficking cases.

In December 2021 the DSI also set up a human trafficking victim identification center to console potential victims and prepare them for the identification interviews.³² Victims would be transferred to government-operated agencies where people had access to legal assistance, medical care, financial aid, civil compensation, witness protection, vocational training, counseling and employment opportunities. People who had visas were usually permitted to

³² Admin. "Home." Thaianti, 2 Feb. 2022, www.thaianti-humantraffickingaction.org/Home/2022/02/02/thai-government-to-establish-victim-identification-center-modeled-after-u-s-dcac/.

obtain outside employment however others, mostly Rohingyas, were not allowed; officials did not think Rohingyas were suitable for employment and feared they would flee as a part of their movement. Some victims did not want to participate in the enforcement investigation process often leading to mistreatment within the centers as services were usually contingent upon a victims' participation. Later that year the government facilitated the return of 245 people; 232 labor trafficking victims and 13 sex trafficking victims and provided 1.12 million baht for those returning to their hometown for living expenses.³³

V. Guiding Questions

- How has your country dealt with human trafficking in the past, and how can these strategies be applied to stopping it in Southeastern Asia?
- What are ways we can help current victims of human trafficking?
- What are ways we can prevent future victims from being trafficked?
- How can we stop human trafficking groups for the future as newer technology makes stopping trafficking harder ?
- How can your country implement anti-trafficking policies amidst existing conflicts in Southeast Asia?

³³ “Thailand - United States Department of State.” U.S. Department of State, 7 Apr. 2023, www.state.gov/reports/2022-trafficking-in-persons-report/thailand/.

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Topic B: Autonomy for Indigenous Communities

I. Background

Indigenous groups are the people who originated in a certain area first. These groups, however, usually have a hard time keeping their culture, language, and way of life. There are approximately 476 million indigenous individuals living on earth according to a study from the UN.³⁴ That accounts for about 6.2% of the global population on Earth.³⁵ There are also over 5000 distinct cultural and social groups of indigenous peoples.³⁶ However, an increasingly concerning issue is that many of these indigenous communities do not have full autonomy and struggle to stay afloat.

First is that their culture is constantly under attack from a rapidly globalizing landscape that we live in today. The UN estimates that of the 7000 distinctly different languages spoken, the wide majority are spoken by indigenous groups.³⁷ Due to the relatively small nature of these groups and the expansion of global languages such as English, these tribes are forced to abandon their culture and drop their indigenous language to conform with the modern world, causing many languages to become obsolete.³⁸ There are approximately 3000 indigenous languages on

³⁴<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,more%20than%205%2C000%20distinct%20groups>.

³⁵<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,more%20than%205%2C000%20distinct%20groups>.

³⁶<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,more%20than%205%2C000%20distinct%20groups>.

³⁷<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,more%20than%205%2C000%20distinct%20groups>.

³⁸ <https://www.iwgia.org/en/news/3894-autonomy-servindi.html>

the verge of collapse and death.³⁹ At the current rate that these languages are being destroyed, in 100 years time, only 10% of the languages we have today will be left.⁴⁰ This causes concern for many native tribes as their identity, history, and culture are all tied to these languages which give them their originality and culture.

Another issue that causes much of the lack of autonomy that we see in indigenous groups is the extreme poverty that these groups live in. The UN has stated that indigenous peoples are 3 times more likely to be living in extreme poverty when compared to non indigenous groups.⁴¹ Indigenous peoples are also a lot more likely to be unemployed or make up a larger majority of the unemployed population of an area. This was affirmed by a UN study conducted in 2015, which discovered that in Australia, the unemployment rate of indigenous tribes and peoples was 16%, compared to the national average unemployment rate of 5%.⁴² They also found similar trends in various countries across the world. This tampers with indigenous groups' ability to afford basic necessities and be self-sufficient. Without access to clean water or other modern resources and amenities, these native groups struggle to keep their culture and identity alive. Another thing that stems from extreme poverty is that these groups do not have access to social services.⁴³ They do not have access to relief assistance or food programs, and have limited access to modern medicine, health care, schooling, and other important facets of life.⁴⁴ According to

³⁹<https://languageconservancy.org/language-loss/#:~:text=Languages%20on%20the%20Edge%20of,2%2C900%20or%2041%25%20are%20endangered.>

⁴⁰<https://languageconservancy.org/language-loss/#:~:text=Languages%20on%20the%20Edge%20of,2%2C900%20or%2041%25%20are%20endangered.>

⁴¹<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,more%20than%2005%2C000%20distinct%20groups.>

⁴²https://www.un.org/en/ga/69/meetings/indigenous/pdf/IASG%20Thematic%20paper_%20Employment%20and%20Social%20Protection%20-%20rev1.pdf

⁴³<https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples#:~:text=There%20are%20over%20476%20million,more%20than%2005%2C000%20distinct%20groups.>

⁴⁴ <https://www.iwgia.org/en/news/3894-autonomy-servindi.html>

data found by the World Bank, indigenous groups are last to receive support from their governments.⁴⁵ The World Bank also found that the average life expectancy of these peoples is 20 years shorter on average than the national average of the country that they reside in.⁴⁶ This continues to create a disparity amongst the native people and the other citizens of the nation.

An additional issue that needs to be addressed is the lack of representation that these indigenous peoples face.⁴⁷ There are very few groups that have access to meaningful representation in their respective governments and countries.⁴⁸ This causes problems as there is no one advocating on behalf of the native groups and discussing the problems that these people face and deal with. This allows the problems these groups face to become ignored by the general public or by the federal government of the country.⁴⁹ By increasing the amount of representation for these indigenous groups, they can receive more acknowledgement and support from their government and they can use that succor to help better their communities

A big problem that contributes to both the lack of representation in government and also the lack of resources and extreme poverty is the limited access to education that these groups have. Indigenous people have disproportionately higher rates of illiteracy and are typically extremely far behind averages on education rates.⁵⁰ This dearth of education in these communities creates or exacerbates many of the aforementioned issues. Additionally, due to high

⁴⁵ <https://www.worldbank.org/en/topic/indigenouspeoples>

⁴⁶ <https://www.worldbank.org/en/topic/indigenouspeoples>

⁴⁷ <https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples/#:~:text=There%20are%20over%20476%20million,more%20than%2005%2C000%20distinct%20groups.>

⁴⁸ <https://www.amnesty.org/en/what-we-do/indigenous-peoples/#:~:text=Indigenous%20peoples%20often%20rank%20highest,landlessness%2C%20malnutrition%20and%20internal%20displacement.>

⁴⁹ <https://www.amnesty.org/en/what-we-do/indigenous-peoples/#:~:text=Indigenous%20peoples%20often%20rank%20highest,landlessness%2C%20malnutrition%20and%20internal%20displacement.>

⁵⁰ <https://www.worldbank.org/en/topic/indigenouspeoples>

rates of illiteracy, a majority are not able to receive an education and run for a position in government to help create change for their communities.⁵¹ These native groups are stuck in a state of limbo where they need a better education and better access to education to get assistance from the government but they also need assistance from the government to get said education.⁵² This cycle between education and representation creates challenges when aiming to address these issues.

One final problem that many indigenous peoples face that leads to a lack of autonomy and also causes many issues is that they have very little access to the internet, technology, or the infrastructure required to get either.⁵³ This creates a major problem for them to connect with other people and interact. Providing access to this technology would open a wide range of doors for these communities as access to health care, jobs, the marketplace, and education would become more efficient. However, another issue that would arise is the lack of internet literacy. Many would still not know how to actually use the internet to help them and to reap the full benefits of it. This creates another challenge in increasing the internet access for the people.

II. UN Involvement

The UN has gotten involved in the autonomy of these groups in a few different ways in the past. In 2007, they passed the UN Declaration on the Rights of Indigenous Peoples, or UN DRIP, which outlines the humanitarian rights that native groups are entitled to in every country.⁵⁴ They have also held a permanent annual forum on the status of indigenous groups and peoples

⁵¹ <https://www.iwgia.org/en/news/3894-autonomy-servindi.html>

⁵² <https://www.worldbank.org/en/topic/indigenouspeoples>

⁵³ <https://www.un.org/development/desa/dspd/2021/04/indigenous-peoples-digital-divide/>

⁵⁴ <https://social.desa.un.org/issues/indigenous-peoples/unpfi>

every year for the past 20 years.⁵⁵ At these forums, the council tries to provide advice to the other councils and ECOSOC as to best help indigenous groups gain access to the aid that the UN supplies. They have also been raising awareness about the situations that these communities are in and how they have been struggling. Finally, they have been enforcing the UN DRIP and been advocating more for its use. UN's DRIP however has not been able to influence Canada's indigenous populations. It has been almost twelve years and DRIP lacks proper implementation in which people are starting to blame the construction of the declaration itself on. The declaration could have been drafted unfairly between the indigenous tribes and the sovereign states leaving room for the abuse of DRIP in not only Canada but other countries as well.

One of the first actions taken in recent times was the Voluntary FAO Guidelines.⁵⁶ These were guidelines in an outline that detailed how land use should be distributed to ensure equality for indigenous communities. It also helped by outlining what the required food aid for these communities should be. The main goal of the guidelines was to help provide the groundwork for food assistance to be given to these communities.

Another UN action was in 2017 when the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPEBS) partnered with indigenous communities.⁵⁷ This was crucial as IPEBS was looking to study the land of these places around the world to help protect the environment. They partnered with these native groups to help better understand the land and they also provided aid to groups who helped them conduct research.⁵⁸ They would help

⁵⁵ <https://www.culturalsurvival.org/news/unpfii-releases-study-indigenous-peoples-autonomies>

⁵⁶ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

⁵⁷ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

⁵⁸ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

the communities and the environment as IPEBS wanted to help protect the environment and also help bolster the strength of indigenous communities for the future.⁵⁹ It also brought critically needed funds to these communities too as they were using the groups' knowledge to find sustainable research. Another target of IPEBS was to be able to ensure that future developments in the area would not disrupt the indigenous land. This was so the interests, homes, and cultures of the different communities were protected from anyone or any company in the future.⁶⁰

The UN also took action again in 2018 with the Green Climate Fund adding a clause that would ensure the protection of indigenous groups.⁶¹ They promised to ensure that any action they take will not hurt the culture or interests of native communities. This was to help these groups maintain autonomy in the future and safeguard them from any negative things that could occur. Another clause was that they would make sure that native groups are protected from climate change.⁶² As many indigenous groups rely on the land and nature for food or other resources, climate change can greatly affect them and their ability to do that. With this new clause, the Green Climate Fund vowed to ensure that they can protect native groups from climate change so that these communities can keep their culture, autonomy, and way of life intact.

III. Topics to consider:

A. Women and children

Women are responsible for playing large roles within indigenous tribes. Women often hold leadership positions within their communities and are responsible for the wellbeing of their

⁵⁹ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

⁶⁰ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

⁶¹ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

⁶² <https://www.un.org/development/desa/indigenouspeoples/mandated-areas/environment.html>

people. High levels of illiteracy exist amongst indigenous women preventing them from partaking in key opportunities.⁶³ Not being able to participate in the labor market leaves women responsible for more burdens in the household which has shown to increase their levels of stress and anxiety.⁶⁴

Alongside autonomy concerns, abuse toward indigenous women and children remains a pressing issue. Existing justice systems do not properly protect women from abuse within their communities and society, and therefore violence including women and children is commonly overlooked.⁶⁵ The culture, race and traditions of indigenous women are all excuses used to violate them; the concept of “cultural relativity” is used to justify these violations by labeling the abuses as “cultural” reaching beyond the legitimacy of existing human rights.⁶⁶ Before colonial America women were praised and highly valued in tribes however as a result of colonial power many tribes adopted new perceptions of women due to the dehumanizing of women through rape. The reversal of matrimonial roles has become a traditional norm and so in instances of abuse internally, many go silent and refuse to report the incident resulting in it being overlooked.

⁶⁷

As levels of abuse persist, state legislations have begun to take action and implement regulations. Legislatures have taken holistic approaches during the implementation process as they hope to address all aspects of a woman's life, not simply seeing them as a victim but people

⁶³ <https://www.oas.org/en/iachr/indigenous/docs/pdf/Brochure-MujeresIndigenas-en.pdf>

⁶⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8321394/>

⁶⁵ <https://www.corteidh.or.cr/tablas/r28090.pdf>

⁶⁶ https://www.un.org/esa/socdev/unpfii/documents/BriefingNote6_GREY.pdf

⁶⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9484449/>

worthy of human rights.⁶⁸ The concept of intersectionality—which recognizes abuse against women and its connections to race, ethnicity, gender, health status, etc— which is typically overlooked when implementing laws, has gradually been integrated in regards to respecting indigenous peoples' right to self determination,

B. Rights over lands and territories

Indigenous people have deep connections to their lands, territories and waters which are aspects of their community's identity despite activity throughout the years. Going back generations the possession of their territories have kept their unique identities alive; however, the security of these territories have been threatened by new modern construction and ideals.⁶⁹ Social constructs: private ownership and development have increasingly become popular among society and trumped existing traditional values.

The growing fear of climate change has recently grown to a point where the preservation of biodiversity trumps those of new construction however. With indigenous peoples making eighty percent of the earth's biodiversity the need to protect their land is a trend continuing to increase. For example, in India their Forest Rights Act of 2006 states that indigenous people may only be relocated with the consent of its community and includes the protection of their lands and forest.⁷⁰

C. Relationships between the state and the tribes

⁶⁸ <https://iberoamericana.se/articles/10.16993/iberoamericana.433>

⁶⁹ <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/04/Indigenous-Peoples-Collective-Rights-to-Lands-Territories-Resources.pdf>

⁷⁰ [https://tribal.nic.in/FRA.aspx#:~:text=The%20Forest%20Rights%20Act%20\(FRA,and%20other%20socio%2Dcultural%20needs.](https://tribal.nic.in/FRA.aspx#:~:text=The%20Forest%20Rights%20Act%20(FRA,and%20other%20socio%2Dcultural%20needs.)

Self-determination for indigenous peoples is recognized underneath the international human rights law and the UN charter. It is seen as a core concept and a basic human right yet its interpretation has been inconsistent when being applied to indigenous peoples and their autonomy. While the United Nations states that self determination is recognized as a right which can be exercised by indigenous groups often many local governments will not recognize them as there are no clear regulations for certain conditions.⁷¹ In these situations recognition of self-governance is only partial and not legitimate. Lacking proper administration, political will and/or conflicting interests will hinder the recognition of these governments.⁷² With the adoption of this declaration state members are expected to encourage the participation of indigenous peoples within government and society, implement laws which acknowledge the rights of indigenous peoples, and ensure the continued interest in protection of indigenous peoples.⁷³

D. Rights of indigenous children

Children residing in indigenous communities are often raised in an impoverished environment stunting their growth and with the constant lack of education, housing and often sanitation violations of basic human rights are common.

The Committee on the Rights of the Child emphasizes the need for regulations recognizing the importance a child's right to exercise education is.⁷⁴ In indigenous communities schools are not able to provide children with a proper learning experience and in other schools an indigenous child's situation is not accounted for. With nineteen percent of the world's poor

⁷¹<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2022/04/backgroundpaper-virtual-regional-dialogues.pdf>

⁷² <https://www.tribalselfgov.org/wp-content/uploads/2021/05/ContentServer-6.pdf>

⁷³ <https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2.pdf>

⁷⁴ <https://www.ohchr.org/en/treaty-bodies/crc>

population being indigenous it is no surprise schools struggle to provide proper materials and curriculums for their children.⁷⁵ The UN has taken actions through counter-poverty initiatives however indigenous community's fear of losing their identity poses a challenge a majority of the time.

For children seeking an education outside of their community it can be difficult for administrations to understand their situations and accommodate them, making it just as difficult for a child to receive an equal learning experience as their peers. Traditional values do not align with the modern standard taught in schools today discouraging families from placing their children in other schools aswell. With a continuing lack of education for the young generation people will continue to overlook the rights indigenous people deserve and disrespect their given human rights.⁷⁶

IV. Case study: Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua

Awas Tingni is one of the existing Mayagna or Sumo indigenous tribes in the Atlantic Coast of Nicaragua. After their lands had been violated by state construction they took action and secured one of the first court cases to find a state guilty for violations of the collective rights of an indigenous group.

The conceres announced by the Awas Tingni were issued as foreign companies had entered their land and begun a large-scale logging operation. With full support from the Nicaragua government, the Dominican-owned company Maderas y Derivados de Nicaragua (MADENSA) were granted 43,000 hectares of land to use in December 1993; however, this land

⁷⁵ https://repositorio.cepal.org/bitstream/handle/11362/36005/1/challenges-14-ECLAC-UNICEF_en.pdf

⁷⁶ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

bled into more than half of the territories already claimed by the Awas Tingni people on the understanding of tradition. Due to pressures by the World Wildlife Fund (WWF) the operation was suspended until further agreement.⁷⁷

The Iowa project was established and funded by the WWF in which they negotiated with MADENSA on alternate solutions and in May of that following year an agreement was confirmed. This action prevented the work of MADENSA to continue; however, during negotiations side discussions were held between the Nicaraguan government and a second foreign logging company, Sol del Caribe, S.A. (SOLCARSA). A license was granted to this Korean owned company under the assumption the lands were state owned. Awas Tingni recognized the extent of these operations and filed for emergency relief under Nicaraguan Law and after their efforts failed a petition with The International-American Commission on Human Rights (IACHR) was drawn.⁷⁸

A second emergency relief was drawn up by request of the Awas Tingni Community with the assistance of the Iowa project and Indian Law Resource Center attorneys demanding the suspension of the SOLCARSA operation. The Nicaraguan Supreme Court accepted the case and deemed it unconstitutional in 1997 and after almost a year SOLCARSA was canceled.

Recognizing that in future situations the Nicaraguan government would not be reliable to protect the rights of their indigenous communities the Inter-American Commission on Human Rights issued a complaint against Nicaragua for violation of the right to property and a violation to the right to judicial protection. The Inter-American Court judged in favor of Awas Tingni's

⁷⁷https://wwf.panda.org/discover/our_focus/climate_and_energy_practice/ndcs_we_want/reviewed_ndcs/_nicaragua/

⁷⁸ <http://arizonajournal.org/wp-content/uploads/2015/11/introduction-final.pdf>

accounts tilting their lands and fining Nicaragua a \$30,000 which was applied to the Mayagna tribes and required they invest \$50,000 into services and efforts which recognize indigenous people rights.⁷⁹

V. Guided Questions:

1. Has your country experienced issues regarding indigenous communities?
2. In what ways can indigenous people be assisted without interfering with their identity?
3. How have indigenous people adapted to the modern world today?
4. How can indigenous tribes continue to be recognized across the globe as having self-determinism?
5. How have states in the past reacted to indigenous tribes in their countries?

⁷⁹ https://www.corteidh.or.cr/docs/casos/articulos/seriec_79_ing.pdf

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www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf. Accessed 23 June 2023.