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Health and Human Rights of Syrian Women and Children Refugees: Trafficking, Resettlement, and the United Nations Convention on the Refugees Revisited

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ABSTRACT

In 2016, there were approximately 22.5 million refugees displaced outside their home country because of armed conflict, over half of whom are minors. Syria reported the highest number, with over eleven million refugees displaced, both internally and externally, from zones of conflict in 2017. Over five million Syrian refugees, between the years 2011 and 2017, have fled to other countries including: Lebanon (1.1 million), Jordan (660,000), Egypt (122,000), Turkey (2.9 million) and Iraq (241,000). Exposure to war, displacement, and violence deprives women and children of the basic right to health, including the “right to control one’s health and body” and “protection of women from domestic violence” Furthermore, General Comment 14 describes a broader scope of health including protection from armed conflicts and violence for both women and children. Cumulative trauma from violence, displacement, and exploitation by trafficking in refugee populations, has also been directly related to chronic mental and physical health issues. Countries accepting the largest number of refugees from Syria have been accepted in non-signatory countries of the UN Convention on Refugees, with few exceptions. European Union Countries, United Kingdom, Canada, USA, and Australia have taken in less Syrian refugees combined than any of the five above listed resource-challenged countries. The Gulf Cooperative Council (GCC), which is not a signatory to the UN Convention of Refugees and is not required to take in refugees, has provided substantial monetary support to the Syrian Refugee Crisis. The United Arab Emirates (UAE) provided over \$530 million USD for Syrian Humanitarian Relief since the crisis began and is the largest contributor to aid in the region (Al-Khateeb, 2015). Over \$40 billion USD was donated by Gulf Cooperative Countries for all crisis in the region, including the Syrian conflict. However, refugee resettlement remains restricted in GCC countries to those with viable professions and resistance to acceptance of Syrian refugees by signatory Western Nation States has placed a large burden on a few resource-poor countries. Specifically, this paper addresses health and human rights violations related to violence and trafficking of women and children refugees across Syrian borders into Turkey, Jordan, Lebanon, Iraq and Egypt and propose comprehensive program interventions to address the health and human rights issues of women and children refugees.

Key Words: Trafficking, Resettlement, United Nations, Syrian Refugees, Vulnerable Populations, Human Rights.

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Background & Introduction

In 2016, there were approximately 22.5 million refugees displaced outside their home country because of armed conflict, over half of whom are minors (1, 2). Syria reported the highest number, with over eleven million refugees displaced, both internally and externally, from zones of conflict in 2016 (3). Over five million Syrian refugees, between the years 2011 and 2017, have fled to other countries including: Lebanon (1.1 million), Jordan (660,000), Egypt (122,000), Turkey (2.9 million) and Iraq (241,000) (4). Interestingly, countries accepting the largest number of refugees from Syria have been accepted in non-signatory countries of the UN Convention on Refugees, with few exceptions. European Union Countries, United Kingdom, Canada, USA, and Australia have taken in less Syrian refugees combined than any of the five above listed resource-challenged countries. The Gulf Cooperative Council (GCC), which is not a signatory to the UN Convention of Refugees and is not required to take in refugees, has provided substantial monetary support to the Syrian Refugee Crisis, with Saudi and Qatar providing over \$900 million USD for humanitarian relief. The United Arab Emirates (UAE) provided over \$530 million USD for Syrian Humanitarian Relief since the crisis began and is the largest contributor to aid in the region (5). Over \$40 billion USD was donated by Gulf Cooperative Countries for all crisis in the region, including the Syrian conflict (6). However, refugee resettlement remains restricted to those with viable professions and economic needs of the GCC countries.

According to the General Comment 14 of the United Nations Article 12.1 (7), exposure to war, displacement, and violence deprives women and children of the basic right to health, including the “right to control one’s health and body” and “protection of women from domestic violence”. Furthermore, General Comment 14, Article 12.1.20 (7), describes a broader scope of health including protection from armed conflicts and violence for both women and children. The UN Convention on Human Rights for the Child, Article 19, states, “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse... “(8). For women and children, the effects of war, displacement, exploitation, and armed aggression on later risk for other forms of coercive violence, including sex trafficking, are directly related to negative long term devastating health outcomes (9,10). Cumulative trauma from violence, displacement, and exploitation by sex trafficking, in refugee populations, has also been directly related to chronic mental and physical health issues (11). Reports from the Human Rights First Fact Sheet (12) state 4.9 million individuals are trafficked for sex, over 71% of those

victims are women and children, worldwide (13). War and displacement create opportunities for sex trafficking exploitation of refugee women and children and have significant effects on the neurologic system early in life, with genetic and epigenetic alteration in development during and after the fetal period (14). Specifically, this paper will address human rights violations related to violence and sex trafficking of women and children refugees across Syrian borders into Turkey, Jordan, Lebanon, Iraq and Egypt.

Women refugees experience higher levels of family violence, community violence, and exploitation, yet are less likely to report the violations because of threats of deportation, family and cultural stigma, and current political “Bias Based Bullying (BBB)” within host countries (15,16,17). The lack of social, cultural, political and legal support of women and children refugees perpetuates a cycle of violence against women and children. One of the major goals of the Convention on the Elimination of All forms of Discrimination, Article 16, focuses specifically on the rights of women in civil affairs, where women have been shown to be most vulnerable in forced child marriages. Child marriage is a direct violation of the UN Declaration of Human Rights Convention on the Rights of the Child, and Convention on Consent to Marriage, Minimum Age for Marriage and Marriage Registration. Alarming, data also shows an increased report (35-40%) of forced marriages of Syrian minor girl refugees indirectly related to fear of sex trafficking (18).

Women refugees continue to be trafficked across borders from Syria into countries such as Lebanon, Egypt, and Jordan and sold for sex slavery and transactional forced marriages (17, 19). Some countries, like Jordan, have implemented work visas to refugees, allowing vulnerable populations a means to support themselves and have been somewhat successful in decreasing the amount of trafficking exploitation (20).

Conceptual Framework

Critical consciousness, a theoretical basis for human rights violations against vulnerable populations will remain central to the interventions proposed. Critical consciousness focuses on equitable distribution of responsibility of Nation States to “respect, protect, and fulfill” basic human rights including equitable access, available, and acceptable resources, with particular care for marginalized populations. Protective legislation support for the most vulnerable populations of women and children refugees will be invoked from the Convention on the Elimination on All Forms of Discrimination a supplemental foundation to secure economic and safety measures for migratory populations from armed conflict areas to the host resettlement country.

The 1951 Convention Relating to the Status of Refugees and 1967 protocols along with two Arab conventions, “Declaration on the Protection of Refugees from Arab Countries” and “Displaced Persons in the Arab World”, established in 1992 and 1994, respectively, aim to protect refugees fleeing from violence due to armed conflict and political instability (21). However, countries hosting refugees do not necessarily support refugee well being once inside the country. For example, Egypt ratified the Refugee Convention in 1981, but gave reservations and restrictions on five areas: (1) personal status, (2) rationing, (3) allowance for primary education, (4) public relief and assistance, and (5) labor issues related to legislation and pension benefits (22). Furthermore, Egypt has in place labor laws providing visas, but implementation of the labor laws are made cumbersome for refugees and place more barriers than support. Lebanon’s Central Committee on Refugee Affairs, however, did not ratify the 1951 Convention on

Refugees, but does provide primary health insurance and access to schools and universities for all refugees entering Lebanon after registering with the UNHCR (23). The road to residency is difficult in Jordan, as well, where high numbers of Syrian refugees are living without residency permits, illegally residing within the country because of the strict requirements and limitations on residency and lack of basic rights including employment, public education and health care placed on them by the host country (24). Turkey, under its new “Law on Foreigners and International Protection (LFIP)” provided the greatest amount of support with work permits, housing, social services, translation services, IDs, travel documents, and basic primary and secondary education to refugees (17)

This proposal includes a four-fold plan for intervention: (1) Creation or ratification of current labor laws, public education, and health policy laws for refugees within the host countries of highest migration status (Lebanon, Jordan, Egypt, Iraq, and Turkey) and expansion of resettlement acceptance into resource-wealthy nations in EU, UK, USA, Canada and Australia; (2) United Nations surveillance system treaties allowing drone monitor placement along the borders to check for “hot spots” of refugee crossing along the Syrian border and guaranteed safe passage across the border for vulnerable populations and their family member; (3) United Nations presence in high passage zones, where Syrian Refugees may find safe and guaranteed alternatives to illegal forms of fleeing the country, which have historically placed women and children at risk for sex trafficking and violence; and (4) Social media applications for public witnesses to report suspected sex trafficking directly to United Nations Affiliates with links to local police and authorities, where compliance is assured, for more immediate action to stop sex trafficking.

Creation or Ratification of Current Labor Laws and Expansion of Refugee Resettlement within UN Refugee Convention Signatories

Central to United Nations Declaration of Human Rights and the General Assembly Resolution in 2005 is the “Responsibility to Protect” (RTP) vulnerable populations according to UNHCR. The RTP centralizes the duty of all Nation States to protect the rights of the most vulnerable populations against war crimes, genocide, crimes against humanity, and extreme violence exposure (25). Creation of laws to protect the rights of refugees related to facilitation of work visas, employment, education, and health care must be implemented in all host countries as a first step of protection. Residency status within a country, allow vulnerable populations to move fluidly across international boundaries legally and provides assistance to protect them until permanent placement is secured. Expansion of the current United Nations Refugee Convention Treaty, which requires Nation States to extend their protection of refugees falling within their jurisdiction, coupled with the 2005 UN General Assembly which calls on all States to employ measures to protect vulnerable populations should require adjacent States, such as EU and other Western Nations to expand their refugee resettlement program for Syrian Refugees to equitably distribute the cost-sharing in a form of complementary responsibility (25). Furthermore, employment laws, within resettlement countries, should focus on expanding the current workforce availability for adults, access to primary and secondary education for children and provision for interventions related to mental and physical health and well being. Financial support from current contributing regions must

be substantially increased to assist resource-poor countries currently responsible for taking on most of the burden of refugee resettlement. Varying indicators make improvement difficult to assess the effectiveness in prevention of violence and sex trafficking against women and children (26). This proposed comprehensive program recommends increased resettlement distribution within resource-wealthy Nation State signatories of the UN Convention on Refugees; changes in labor and employment laws within host countries; implementation of a “UN Point of Contact” and confidential registration for refugees and a surveillance system to support safe crossing, and social media driven public witness reporting systems. Services from the UN point of Contact will include registration of refugees at point of departure and point of arrival in host countries, help with legal application for asylum, and education on identifying sex traffickers within the region, access to legal services for vulnerable populations of refugees, social services, safety, and economic resources to reduce violence during migration.

Human Trafficking Surveillance Systems

The Trafficking and Violence Protection Act of 2000 aims to centralize the US foreign policy issue by reducing sex trafficking, domestically and internationally, and providing real incentives to victims to come forward and prosecute sex traffickers by increasing fines and criminal penalties for traffickers (27). This Act, if enforced within countries, is a punitive means of deterrence and does not address the more pressing preventive measures to stop trafficking at the source, often times at international borders or within countries of resettlement. Furthermore, data suggests government officials and police officers within foreign countries often fuel the sex trafficking problems of refugees (27). The proposed surveillance systems provide real time surveillance in the form of Unmanned, Unarmed, Aerial Vehicles (UUAVs), with placement at border crossings to monitor trafficking. Currently UUAV’s are utilized at international borders of armed conflict across the world to monitor activity (28). This would be an expansion of the current program to areas known for trafficking.

UN Point of Contact in “Hot Zones”

Registration within Syria with UN Points of Contact for Safe alternatives to illegal migration outside of Syria by provision of a UN Point of Contact for persons wanting to flee from the country will provide the complementary part of UUAV border surveillance systems to facilitate safe border crossing. This would deviate from the usual protocol required for application of official asylum seeking within the country that requires detailed information on financial assets, fingerprints, photos, and official application with waiting time for processing (29). This point of contact would be known in the “neutral zone” and identified as a confidential safe place for vulnerable populations within Syria to register their migration intention and dates of departure, with photos and fingerprints taken at the Point of Contact. This point of contact would also provide education about unsafe crossing practices, including information about human sex trafficking, violence, and other possible fates to deter families from taking such dangerous routes. Persons registering with the UN Safety Contact Point inside Syria would then be expected to “check in” once they arrive to assure safe arrival in their host country and provide a status update on issues related to arrival and subsequent information on employment, housing, and health. Financial assistance, through UN States who ratified the Convention on Refugees but continue to place restrictions on

acceptance of refugee resettlement within their country, would provide economic support for a related program to employ families with inadequate resources to leave through UN Safe routes.

Social Media Reporting of Public Witnesses to UN Designated Program

In collaboration with the United Nations Global Initiative to Fight Human Trafficking, UNODC, UNICEF, ILO, IOM, OHCHR (anti-slavery legal instruments), OSCE and other partner organizations could be immediately alerted, via social media applications, to suspected human trafficking within refugee host countries through a universal reporting site from public witnesses throughout the world (30,31). The information would be directly linked to Anti-Trafficking Affiliate Organizations and the precise location of the site reported for anti-trafficking support by local and regional police forces.

In conclusion, human trafficking, particularly sex trafficking in vulnerable populations of women and children refugees is a worldwide problem. Syrians fleeing armed conflict from 2011-2018 have reached over 11 million. Illegal migration across Nation States continues to be the only means of escape for many Syrian refugees, where vulnerable populations are left to travel the journey alone, creating more susceptible conditions for crimes of violence and sex trafficking. The United Nations Convention on Refugees was signed and ratified by 142 Nation States. However, resistance to acceptance of Syrian refugees by these Nation States has placed a large burden on a few resource-poor countries. Proposed interventions include: (1) Creation of labor laws conducive to employment in primary host countries for refugees and increased resettlement of refugees within resource-wealthy Nation States who are signatories to the UN Convention on Refugees, (2) Human Trafficking Surveillance System utilizing unmanned, unarmed, aerial vehicles (UAVs) to detect illegal trafficking “hot zones”, (3) Safe UN Points of Contact within Syrian to encourage confidential registration prior to leaving the country and a “check in” system once refugees arrive in their destination host country, and (4) Social media public witness reporting program designed to provide direct information on suspected sex trafficking in host countries to UN Affiliates and links to local and regional police for more immediate action and remedy for trafficking victims.

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