

Nashik Youth MUN 2025

14-15 June 2025

UNHCR

1. Addressing forced religious conversions in refugee camps
ensuring religious freedom and human rights
2. Countering Refugee Trafficking: Strengthening international
cooperation and legal mechanisms to protect displaced population

Rhea Khanolkar – Chairperson
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Letter from the EB

At the outset on behalf of the Executive Board, I extend a warm welcome to all of you and congratulate you on being a part of the UNHCR being simulated at Nashik Youth MUN. The committee being simulated, would unlike most other simulations you must have heard of or been a part of; focus on international political intellect, logical intellect, analytical application of thoughts, and strategic application of thoughts in addressing the issues at hand.

Kindly note, we are not looking for existing (impractical) solutions or statements that would be a copy-paste of what the country you are representing has already stated; instead, we seek an out-of-the-box solution from you, while knowing and understanding the impending limitations of the country you represent.

This Introductory guide would be as abstract as possible, and would just give you a basic perspective on what you can expect from the committee and areas wherein your research should be focused at this given point in time. Given, the extremely political and volatile nature of the agendas of the committee, your presence of mind and analytical aptitude is something that we at the executive board would be looking to test.

Kindly do not limit your research to the areas highlighted herein but, ensure that you logically deduce and push your research to areas associated with and in addition to the issues mentioned.

The objective of this background guide is to provide you with a ‘background’ of the issue at hand and therefore it might seem to some as not being comprehensive enough.

We feel that ‘study guides’ are detrimental to the individual growth of the delegate since they overlook a very important part of this activity, which is Research. We are sure, however, that this background guide gives you a perfect launching pad to start with your research.

This guide shall deal with a skeletal overview of the agenda. The delay is intentional as we do not want to spoon-feed you with the research.

Just to let you know, the Content provided in the BG is a compilation of various research and literary works of various authors and thinkers in blend with the intellect of the executive board. It is to be noted that the content provided below in no way reflects the personal ideologies of the executive board and has been prepared to keep in mind a neutral point of view. Wishing you all very good luck.

Rhea Khanolkar – Chairperson
Chairperson

Aastha Talajia – Vice

1. Addressing forced religious conversions in refugee camps ensuring religious freedom and human rights

Introduction

Freedom of religion or belief and forced migration are inextricably linked. The persecution of religious minorities around the world plays a central role in asylum seeker and refugee flows. Religious persecution looms large in international refugee law’s definition of a refugee, representing one of the grounds on which asylum seekers may apply for refugee status. The fundamental human right to freedom of religion or belief is a human right owed to all asylum seekers and refugees, irrespective of their religious beliefs, nationality or immigration status. As the

preamble to the Universal Declaration of Human Rights (UDHR) states, this right is a consequence of their membership in “the human family.” Moreover, religious beliefs and practices sustain millions of asylum seekers and refugees at all stages in the forced migration process, from displacement to the migration journey, and in the process of settlement in host countries.

Religious freedom, then, matters greatly for asylum seekers and refugees. The purpose of this guide is to present a brief overview with a three-pronged argument. First, through an analysis of international human rights law and international refugee law, asylum seekers and refugees have a fundamental human right to religious freedom, which the vast majority of the international community has recognised as of particular value and importance for asylum seekers and refugees. Second, a decline in religious freedom around the world, characterised by increases in religious persecution and in restrictions on religious practice, has resulted in a global crisis of religious freedom, which is having a particularly harmful impact on asylum seekers and refugees. These empirical realities should compel further recognition of the necessity and importance of religious freedom, especially for asylum seekers and refugees. Third, asylum seekers and refugees exhibit relatively high levels of religiosity. Countless studies in the fields of sociology and anthropology have shown the myriads of ways in which religious identity, beliefs, and practices are of significant value and importance to these groups. Accordingly, a reformulation of the dominant version of the hierarchy of needs used to assist asylum seekers and refugees is called for. Such a reformulation should give religion and religious freedom their appropriate place at the heart of reception and assistance policies governing asylum seekers and refugees.

The human right to religious freedom

Religious freedom has been described variously as a “classical” human right, as “one of the pre-eminent fundamental rights, and, along with freedom of thought and conscience, “probably the most precious of all human rights”. Moreover, it has been said that religious freedom is “the oldest human right to be internationally recognized”. While the historical origins of religious freedom can certainly be traced back thousands of years to ancient Greece and are found in a myriad of different religious, philosophical, and cultural traditions, the modern right to freedom of religion or belief has its origins in the Allied campaign against fascism during World

War II. Lindkvist explains that the promotion of religious freedom was “an official rationale for engaging in total war against the Axis forces” and, in the aftermath of the war, religious freedom was central to the “post Second World War reconfiguring of the world order”.

The repeated affirmations in support of religious freedom during World War II culminated in the 1948 UDHR, of which Article 18 on religious freedom has been described as “one of the most influential statements of the religious rights of man-kind yet devised” (Lindkvist 2017: 4, cited in Evans 1997:192). In the subsequent decades, the religious freedom protections afforded by the UDHR have been reaffirmed, further clarified, and developed, most importantly in 1966 when the United Nations (UN) General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and in 1981 when it issued the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which importantly led to the creation of a UN Special Rapporteur on freedom of religion or belief in 1986.

Religious freedom, as protected by these international human rights documents, includes the right to “have or adopt a religion or belief” (Article 18 (1) ICCPR). This “entails the freedom to choose a religion or belief” and what has been termed the “negative corollary of the right to change”—that is, the right not to change or be forced to change religious beliefs. Moreover, this right protects not only traditional religions but also “theistic, nontheistic and atheistic beliefs”.

Freedom of religion or belief, however, is not limited to the right to hold religious beliefs, or what is described in the legal literature as the *forum Internum*, but also necessarily includes the right to practise those beliefs, otherwise known as the *forum extremum*. The right to practise comprises, among other things, the right to worship and assemble for religious practices; the right to display and wear religious symbols, including religious clothing; the right to observe religious holidays and festivals; the freedom to teach and disseminate religious materials (including missionary activity); and the right of parents to ensure the religious education of their children in accordance with their own religious beliefs. In contrast to the *forum Internum*, which is an absolute and unconditional right subject to no limitations whatsoever, the *forum extremum* can be subject to certain limitations prescribed in Article 18 (3) of the ICCPR. However, as Bielefeldt explains, “It cannot be emphasised enough that the

forum extremum aspects of freedom of religion or belief are not in any sense less important than the forum Internum, even though only the latter is protected unconditionally under international human rights law” (Bielefeldt 2016:93). Bielefeldt further explains, “In order to do justice to freedom of religion or belief these two dimensions should always be seen in conjunction. Although they differ in their degrees of legal protection, they are usually deeply interwoven in practice” (93). Finally, freedom from discrimination on religious grounds, among others, is also prohibited by international human rights law (ICCPR, Article 2 (1), Article 5 (1), Articles 26 and 27).

The right to religious freedom has thus been affirmed and reaffirmed as a fundamental human right countless times in numerous international and regional human rights documents, and it is also protected in the national constitutions and legislation of the vast majority of countries around the world (Finke and Martin 2012). Indeed, religious freedom is so commonly accepted as a fundamental human right that it is generally considered to constitute customary international law (Lindholm et al. 2004).

As religious freedom is a fundamental human right, it is obviously possessed by asylum seekers and refugees. The concept of human dignity, which lies at the heart of international human rights law, is the belief that “all members of the human family” (UDHR, preamble) possess a special value by the simple fact that they are human, regardless of their race, gender, religion, nationality or legal status. As Article 1 of the UDHR declares, “All human beings are born free and equal in dignity and rights.” Article 2 adds, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The concept of human dignity also serves as the foundation of all the major international human rights instruments that have appeared in the nearly 75 years since the promulgation of the UDHR.

Moreover, the United Nations Human Rights Committee, which monitors states’ compliance with the ICCPR, has repeatedly made clear that human rights are also asylum seeker and refugee rights. In General Comment No. 15 (1986), the Committee reaffirmed the principle that “the rights set forth in the Covenant apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality or statelessness.”

While the “inclusive” and “universal” characteristics of international human rights law mean that all human rights, including the right to religious freedom, are owed to asylum seekers and refugees, these groups’ right to religious freedom is also protected by international refugee law and specifically by the 1951 Convention and 1967 Protocol relating to the Status of Refugees. Scholars of international human rights and refugee law have engaged in extensive debate over the precise relationship between these two sources of law and particularly with regard to the efficacy of these regimes for protecting asylum seekers and refugees. It is not necessary here to rehearse this debate in detail; it should be sufficient to observe that both sources of law generally provide supplementary and complementary sources of protection for refugees and asylum seekers. With regard to religious freedom protections, international human rights law arguably provides a greater level of protection, but international refugee law also contains a highly significant and symbolic statement of religious freedom’s importance for asylum seekers and refugees.

The Refugee Convention represents the cornerstone of the international refugee protection regime, and religious freedom has an important and special place in it. Religion is a protected category for seeking asylum, in recognition of the role that religious persecution plays in creating asylum seeker and refugee flows. As Hathaway explains, freedom of religion was included “as a basic matter of principle ... since a lack of religious freedom was frequently a cause of refugee flights” (Hathaway 2005:571). Moreover, religious freedom appears first in the list of substantive rights granted to asylum seekers and refugees, and it is the only one regarding which states are required to take measures to protect asylum seekers and refugees beyond those in place for their own citizens (Hathaway 2005; Walter 2011). As such, at the time of the Convention’s formulation, a distinction was made between, on one hand, simple formal equality of treatment with the nationals of the host country and, on the other hand, substantive equality that compels states to consider “the specificity of the religious needs of refugees” and the fact that “they would in some instances need to make special efforts to enable refugees to practice their religion” (Hathaway 2005:573). However, in practice, states are not legally bound to provide religious freedom protection to asylum seekers and refugees beyond the national treatment standard, because the idea of substantive equality has instead taken the form of an “abstract recommendation” or “moral principle” (Hathaway 2005:573; Walter 2011:662). Nevertheless, the idea of substantive equality highlights the unique

vulnerabilities and particular challenges faced by asylum seekers and refugees in their access to and enjoyment of religious freedom in host countries, as well as the crucial importance of this freedom to many members of these groups.

The global crisis of religious freedom

Many have recently remarked that religious freedom is in a state of global crisis, and the evidence shows that the situation is generally not improving. In 2015, the non-partisan Pew Research Centre reported that approximately 75 percent of the world's population was living in countries with "high" or "very high" government restrictions on religion and social hostilities related to religion. More recently, Pew has found that while social hostilities related to religion, which includes violence and harassment against religious groups by private individuals and groups, have slightly declined in recent years, the total number of countries with "high" or "very high" levels of government restrictions has increased and is at the highest level in a decade (Pew Research Centre 2021).

Around the world, religious minorities are frequently targeted because of their religious identity, beliefs, and practices. In some countries, they are subject to state-sponsored brutality and violence. Grimm and Finke write that in the twenty-first century; violent religious persecution is "pervasive" and "pernicious" (Grimm and Finke 2013:18). Religious minorities also face arbitrary arrest and imprisonment, illegal seizures of their houses and land, and the destruction of their religious property and cultural heritage. In other cases, they lack access to effective legal protections on an equal footing with the wider population and their religious practices are restricted or completely suppressed.

The situation of the mostly Muslim Rohingya in Myanmar represents a particularly egregious example of the persecution of religious minorities. The government and military have engaged in the systematic discrimination and violent persecution of the country's minority Rohingya population. The situation has led the Rohingya to be called "the most persecuted minority in the world". Recently, the UN-mandated fact-finding mission has found enough evidence of "genocidal intent" against the Rohingya to warrant an investigation and prosecution of senior military officials in the

country (UN Human Rights Council 2018). At the start of 2022, the International Court of Justice began hearing allegations of a Rohingya genocide (“Myanmar Rohingya Genocide Case to Resume” 2022). The situation has forced thousands of Rohingya to flee Myanmar and seek sanctuary in neighbouring Bangladesh. The latest figures indicate that nearly one million Rohingya asylum seekers and refugees are in Bangladesh alone, with others seeking asylum in other countries in the region.

In the Middle East, the ability of Christians and other religious minorities to freely practice their religious beliefs is severely restricted or completely prohibited, and they are routinely discriminated against on account of their religious identity and beliefs. The horrific atrocities carried out by the terrorist group called Daesh against Muslims, Christians, Yazidis, and other religious minorities has been labelled a genocide (“Yazidi Genocide” 2021) and as constituting crimes against humanity and ethnic cleansing (“Iraq Crisis: Islamic State Accused of Ethnic Cleansing” 2014). The result of these varied forms of religious violations and persecution has been referred to as an “exodus” of religious minorities seeking asylum in other countries. The dramatic decline in the Christian share of the population of most countries in the region, as a result of forced migration, has resulted in Christians in the region being referred to as “a vanishing people” (Rasche 2020). According to Kolbe and Henne, “There is a discernible connection between the level of religious restrictions in a country and the number of individuals leaving the country as forced migrants” (Kolbe and Henne 2014:666). It should therefore not be surprising that countries with some of the worst religious freedom records in the world, including Syria, Iraq, Iran, and Pakistan, are also some of the primary countries of origin for the large numbers of asylum seekers and refugees who have arrived in Europe since 2015. Religious freedom is, of course, not the only cause of forced migration and often there is a complex interplay involving a range of different causes such as culture, nationality, and politics. However, religious persecution is frequently a root cause precipitating asylum seeker and refugee flows. Restrictions on religious freedom are by no means limited to the Middle East and Asia. Indeed, one can speak of a global crisis of religious freedom precisely because even in Europe, where human rights are generally better protected, religious freedom generally and the religious freedom of asylum seekers and refugees specifically are subject to significant restrictions. Indeed, in a study by Jonathan Fox, no country in Europe was found to fully protect freedom of religion (Fox 2021). More-over, the hundreds of thousands of asylum seekers and refugees who have

arrived in Europe, particularly since summer 2015, have contributed to the intensification of xenophobic rhetoric and rising levels of far-right extremism and populism across Europe that have often focused on the religion of asylum seekers and refugees. The overwhelming majority of asylum seekers and refugees reaching Europe since 2015 have come from Muslim-majority countries, and this fact has been repeatedly highlighted by European politicians to claim that Europe's supposedly Christian roots are under threat (Schmiedel and Smith 2018). Consequently, many governments in Europe have adopted increasingly restrictive asylum policies, and some have even declared their intention to prioritise Christian over Muslim asylum seekers simply on the basis of religion, despite the obvious illegality of any policy to this effect. Moreover, the right to asylum on the grounds of religious persecution has come under increasing focus as national asylum authorities have employed so-called religious tests or "Bible tests" in an attempt to ascertain the veracity of asylum applications from recent converts to Christianity.

Furthermore, reports have detailed harassment, intimidation and, in some cases, even violent attacks against religious minority asylum seekers and refugees, particularly people who have exercised their human right to convert from Islam to Christianity, at asylum centres in Germany and Sweden. An investigation found the managers of Red Cross-operated asylum centres in Denmark to have very limited knowledge and understanding of the right to religious freedom and highly inconsistent and contradictory approaches towards the regulation of religious practice at their centres. Moreover, in 2016, then UN Special Rapporteur on freedom of religion or belief, warned against "excessively cautious" approaches towards religion and "unduly restrictive" approaches to religious practice employed by Danish asylum centre managers. In 2019, Ahmed Shaheed, then Special Rapporteur on freedom of religion or belief, identified similar religion-related restrictions at asylum centres in the Netherlands.

These developments have caused asylum seekers and refugees in Europe to experience a "double penalty" (European Evangelical Alliance 2017): having fled religious persecution in their countries of origin, they are discriminated against at their new location on account of their religious identity and beliefs, and restrictions are placed on their ability to practise their religious beliefs in their host countries in Europe. In other words, they have been forced to accept the denial of the very

freedom the lack of which forced them to become asylum seekers and refugees in the first place. These developments stand in strong contrast to the largely non-restrictive and compassionate responses towards Ukrainian asylum seekers and refugees since the Russian invasion of Ukraine in February 2022, thereby reinforcing the religiously influenced variation in Europe's responses to asylum seekers and refugees.

The specific vulnerability of asylum seekers and refugees to violations of their right to religious freedom has also been acknowledged by the UN General Assembly (Resolution 65/211, para 8, 2010) and highlighted by successive UN Special Rapporteurs for freedom of religion or belief. Religious freedom, then, is clearly in a state of global crisis, and the consequences are particularly damaging for asylum seekers and refugees. This simple empirical reality alone should be enough to illustrate the particular importance of religious freedom in limiting the need for forced migration, and for asylum seekers and refugees to be able to enjoy freedom from further persecution, restrictions, and discrimination.

Religious freedom matters for asylum seekers and refugees because religion is highly likely to play an important and valuable role in their daily lives. Most of the asylum seekers and refugees coming to Europe since 2015 have arrived from countries in Africa and the Middle East, where levels of religiosity are much higher than in most of Europe. In particular, countries in these regions have much higher weekly worship attendance and daily prayer than most countries in Europe. Asylum seekers and refugees are therefore more likely to be religious than the populations of most European host countries.

Moreover, countless studies from the fields of anthropology and sociology have demonstrated the myriads of ways in which religious identity, beliefs, and practices represent a powerful and beneficial force in the daily lives of asylum seekers and refugees. For example, religious beliefs can be an important source of strength in dealing with trauma and stress. Religion is also often a source of emotional support and an important way to deal with loneliness and depression. Religion can serve as a fundamentally important and enduring part of an asylum seeker's identity through a time of great upheaval and change. Religious beliefs are a source of resilience and a method of coping while also providing asylum seekers with an alternative framework within which they can understand their suffering.

Despite the higher levels of religiosity found among asylum seekers and refugees and the demonstrable value and benefits of religious identity and beliefs for asylum seekers and refugees, the hierarchy of refugee needs, as generally constituted at pre-sent, fails to recognise and take into account the role that religion and religious freedom can play in the reception and care of asylum seekers. This neglect hinders their long-term integration in the host countries. Trigg, in remarks about society generally but which can certainly be applied to this hierarchy of refugee needs, writes that “any idea of freedom in the context of human society has to take a realistic view of what it is that drives all humans. Just as no policy can ignore the fact that people need food, drink, and shelter, it will be critically important to face up to the force of religion in human lives”. Although physical needs such as food, clothing, and physical protection are undoubtedly important, the religious and spiritual needs of asylum seekers and refugees cannot be ignored, especially when these concerns are of demonstrable importance to so many of them. As such, we need a reformulation of the refugee needs hierarchy and the secular worldview that dominates much of the humanitarian assistance delivered to asylum seekers and refugees. The present approach views religion and religious beliefs and needs as, at best, secondary concerns or, even worse, as of no concern at all, as largely irrelevant, and belonging entirely to the people’s private and individual lives. Secular approaches that relegate religion entirely to the private sphere will not make sense to asylum seekers and refugees for whom religion is an important part of everyday life. Consequently, the effectiveness of humanitarian assistance framed in a secular lens can be seriously limited.

2. Countering Refugee Trafficking: Strengthening international cooperation and legal mechanisms to protect displaced population

Introduction

On 24 February 2022, the Russian Federation escalated its conflict in the Donbas region to a full-scale invasion of Ukraine. The war brought many direct hardships for Ukrainians, including lives lost, livelihoods ruptured, families separated, education disrupted, and the deterioration of mental well-being. Beyond Ukraine itself, the invasion signalled a downturn in international relations, an economic and energy crisis across Europe, and a global food shortage (Esfandabadi, Ranjbari and Scagnelli, 2022; Hutter and Weber, 2023; Lin et al., 2023). However, despite the overwhelming global harm the war has wrought, one group that has seemingly benefited from the chaos of war is human traffickers.

This guide uses the definition of **trafficking in human beings- (THB)** adopted by Article 3 of the Trafficking in Persons Protocol by the UN Convention against Transnational Organised Crime (the Palermo Protocol). This definition constitutes three elements:

- The Act: the ‘recruitment, transportation, transfer, harbouring or receipt of persons;
- The Means: ‘threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person’s having control over another person’ and;
- for the Purpose of exploitation. Exploitation includes at a minimum ‘the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs’ (United Nations General Assembly, 2000).

All three elements, Act, Means, and Purpose, must be present for a situation to be considered THB, except when the victim¹ is under 18 years old, where it is not necessary for the ‘Means’ to be present. This definition has been selected following the amendment of Article 149 of Ukraine’s Criminal Code on 6 September 2018, which brought its definition of THB in line with the standard of the Palermo Protocol.

The association between conflict and an increase in THB is one that has been stressed by numerous international bodies over recent years. For instance, the EU Commission (2012) specifically listed ‘conflict and post-conflict situations’ as one of several key

causes of THB. Later, in 2016, UN Security Council Resolution 2331 officially recognised the phenomenon of THB in armed conflict (United Nations, 2016). In 2018, UN Secretary-General António Guterres warned again that THB ‘is a vile crime that feeds on inequalities, instability and conflict’ (UNODC, 2018a). However, despite this international recognition, anti-trafficking policies and documents at the regional level have mainly failed to focus on human trafficking in conflict and there is limited academic research which demonstrates how the two concepts interact at a conceptual level.

Routine Activity Theory

Given its three cornerstones of motivated perpetrator, suitable target, and absence of a capable guardian, **Routine Activity Theory** – (**RAT**) provides a basis from which to understand the shift in balance between potential victim, offender and environment that is affected by the presence of conflict (Muraszkiewicz et al., 2020a), and which may therefore increase the incidence of THB. This section argues that four conditions of conflict skew this balance: economic desperation, disruption in the rule of law, displacement, and discrimination. All four conditions will be contextualised with examples derived from the ongoing war in Ukraine.

• DESPERATION (ECONOMIC)

The first way in which conflict affects the balance between victim, offender and environment to favour the commission of THB is by deteriorating the availability of financial resources. In the short term, banks and ATMs close, places of work are destroyed, and regular economic activity ceases to exist. In the mid-to-long term, post-conflict economic downturn hampers opportunities to generate income. Indeed, a systematic review of economic literature suggested that mass violent conflicts negatively affect the GDP growth of a country between 1% and 3% for each year of the conflict, with neighbouring countries experiencing around a third of this effect (Bozzoli, Brück and Sottas, 2010).

This lack of economic opportunity can affect both the suitable target and motivated offender dimensions of RAT. Individuals may have to search for alternative livelihoods, having been forced out of their places of work, making them more vulnerable to offers of employment. Given that one of the most frequently employed

devices of THB perpetrators is the recruitment of victims through false job offers (Deb and Sanyal, 2018), the increased number of job seekers in conflict may therefore affect the incidence of THB. On the other hand, having been forced out of legal alternatives, economic desperation could drive individuals to the illicit commerce of THB, where they see their own survival in the exploitation of others (Kidd, 2020). The UNODC (2018b) has labelled economic desperation the most commonly identified vulnerability factor for THB, regardless of the presence of a conflict.

To situate this within the Ukrainian context: UN Women (2022), the IOM (2022a), and the UN's Humanitarian Agency (OCHA, 2022) have all warned of the increasingly dire economic situation that Ukrainians are facing. The country was already one of Europe's poorest, exacerbated by the COVID-19 pandemic (Kitamura, Abbas and Nathwani, 2022). The war further limited access to the job market and many Ukrainians were unable in the initial months of the war to access their social welfare funds (IOM, 2022a). Several cases of THB directly linked to poverty have already been identified in Ukraine since the beginning of the full-scale invasion (Tondo, 2022). For instance, prosecutors in Kyiv uncovered a sex trafficking ring in June 2022, having found that traffickers promised young women from Ukraine legitimate employment abroad via social messaging platform Telegram, only to exploit them in Turkey's illicit sex industry (Tondo, 2022). The war in Ukraine thus illustrates the manner in which conflict can create both greater numbers of suitable targets, as well as increasing numbers of motivated offenders through economic desperation.

• DISRUPTION (RULE OF LAW)

A second factor linking an increase of THB to the presence of conflict is a weakening rule of law (Cockayne and Walker, 2016; UNODC, 2022a). In peacetime, the law safeguards and protects civilians whilst deterring offenders from committing crimes in fear of likely punishment. However, in conflict, the rule of law is diminished through the incapacitation or breakdown of protective state institutions such as the criminal justice system (Muraszkiewicz, 2020b). This is true not only during conflict, but also

following its termination, given that reinstating or rebuilding these institutions can be lengthy, often hampered by post-conflict corruption (Kidd, 2020).

Two components of RAT are affected by a disruption in the rule of law. On the one hand, the likelihood of individuals being motivated to commit an offence rises. RAT assumes the rationality of offenders as they make choices about committing a crime: when offenders perceive they are able to commit a crime without punishment, crime is likely to occur (Cohen and Felson, 1979). With state institutions under attack, focussing on the conflict as opposed to domestic crimes or disempowered by corruption, the chances that an offender will be deterred for fear of apprehension is low. This lack of availability of state institutions also causes an increase in spaces without a capable guardian where THB can occur.

In Ukraine, following the outbreak of the 2014 conflict in the Donbas, the UN Security Council warned that a weak rule of law was a serious risk factor for THB in the country (UNSC, 2017). The full-scale invasion worsened matters, with Ukraine experiencing ‘a breakdown of law and order, major disruption to critical systems’, which, combined with other factors, meant an environment which ‘can create and amplify opportunities for exploitation’ (Cockbain and Sidebottom, 2022, p. 7). To illustrate the effect of this, the Ukrainian government on 4 March 2022 communicated to the UN that it would be unable to guarantee the implementation of its obligations under the Palermo Protocol due to Russian aggression and the imposition of martial law (United Nations, 2022). However, it must be noted that in comparison to other wars, some sources suggest that Ukrainian state institutions have remained comparatively intact, allowing counter-trafficking agencies to continue to function (IOM, 2023). Thus, while this paper draws on examples of trafficking that has taken advantage of a weakened rule of law in Ukraine following the full-scale invasion, this is not necessarily to say that this was felt equally across the country as a whole.

The Ukrainian case illustrates that a weak rule of law in neighbouring countries during conflict can also act as a fertile ground for THB. For instance, the mass migration of Ukrainian refugees into Poland at the start of the full-scale invasion meant there was little law and order in place, resulting in the disappearance of a number of children whose whereabouts remain unknown (Oviedo et al., 2022). Additionally, unstable border regions, such as Moldova’s Transnistria, have been

identified as particularly vulnerable to THB (US Department of State, 2022, p. 465). As such, the weakened rule of law both within and external to Ukraine, exacerbated by the conflict, can heighten the risk of THB.

• DISPLACEMENT (IDPs AND REFUGEES)

The displacement of a population represents a third manner in which conflict may increase the incidence of THB. Individuals caught in conflict zones often face a ‘choiceless choice’ in which every option is risky. Choosing to leave may have decreased the individuals’ acute risk of mortality, but likely resulted in a severance of the individual from social support, institutions and locations that may have previously represented a capable guardian from THB (Heys, 2023).

Furthermore, the individual may have left the chaos of war, but is often physically and psychologically weakened by their experiences (Jawaid, Gomolka and Timmer, 2022). Indeed, research has illustrated that trauma is a risk factor for THB in and of itself, regardless of the presence of conflict (Greenbaum, 2017). Decisions are undertaken in ‘survival mode’, where little scrutiny is given to the validity of offers of shelter, food, water, or employment (Kidd, 2020). To phrase this within RAT: the act of leaving a conflict shifts previously protected individuals to a position of vulnerability.

The more individuals find themselves in the same situation, the higher the risk of victimisation. When large numbers of individuals are displaced, they compete for living space or employment, leading to less scrutiny and thus greater vulnerability to offers of employment and housing (Kidd, 2020). Mass displacement also means individuals’ social ties are often severed, signifying a lower availability of capable guardians. Men are often killed in combat, leaving single mothers heading households, or children separated from their parents; while friends and neighbours are scattered. At times, individuals of the same nationality and linguistic background may be separated. This breakdown of social ties hugely restricts individuals’ abilities to make choices with full agency (Heys, 2023). Traffickers are cognisant of this and use

it to their advantage, visible in particular in their offers of shelter, protection, or employment, playing to these newly formed vulnerabilities (Fenton et al., 2021).

The vulnerability of internally displaced people (IDPs) and refugees is however not uniform across all geographical contexts. Certain locations are hotspots for THB for people on the move, due to their innate absence of guardians as well as their manifestation of other situational vulnerabilities (a weak rule of law; few economic opportunities; lack of basic necessities). These locations include most notably informal settlements close to the conflict, transit or collective holding points, refugee centres, and communities that host migrants (Cockayne and Walker, 2016).

Certain profiles of IDPs and refugees are more at risk, most notably unaccompanied and separated children. Without social networks in place to keep them safe, children are cut off from caregivers' support and may be manipulated with greater ease (ibid). The vulnerability of children may be compounded when coinciding with a lack of education. These children are likely to have fewer opportunities for legitimate future employment and may be less likely to scrutinise illegitimate offers of support (Heys, 2023).

• DISCRIMINATION (ETHNIC, RELIGIOUS AND POLITICAL)

The final factor binding conflict with an increase in THB relates to discrimination and marginalisation on the basis of ethnicity, religion, or political views. These factors are already considered risk factors for THB victimisation in peacetime, as such communities often suffer from a lack of financial mobility, education, and governmental protection (Box, 2011; Gekht, 2008; Obokata, 2006). Conflict amplifies this existing marginalisation and discrimination, both within the country of conflict, and for those who have fled (Heys, 2023). In conflict, discrimination can also serve as an additional factor motivating potential offenders. A report by the UNODC (2018b) highlighted that some armed groups specifically target discriminated populations for the purpose of THB. However, discrimination may also be a creator of spaces without

capable guardians. Discriminated groups may enjoy fewer community support networks and fewer protections from governments, exposing them even further to the risks of THB (İmamoğlu, 2023).

As regards to Ukraine, an example of a population that is particularly at risk as a result of the war is the Roma community. The majority of Roma residing in Ukraine do not have civil status documents (CARE, 2022), and therefore lack access to humanitarian assistance as well as to employment, health services and education abroad. Further, at the onset of the fullscale invasion, the Temporary Protection Directive granting Ukrainians the right to remain in the EU for up to a year did not apply to non-native Ukrainians, who initially were permitted to remain in Poland for a maximum of 15 days (Cockbain and Sidebottom, 2022). Evidence has emerged that Roma communities in general suffer from harsher treatment, marginalisation and discrimination at the borders and face difficulties trying to exit Ukraine (Hoff and de Volder, 2022). These groups are therefore likely to resort, out of desperation, to migrant smuggling routes, which can easily become situations of THB.