



Addressing the inhumane treatment of employees in Gulf countries in the so-called Kafala system

Background:

The Kafala system, which is used in Lebanon, Jordan and the Arab Gulf countries except for Iraq and newly Qatar, gives the employers of migrant workers almost full control over them. When the migrant workers start working under the Kafala system they are suddenly dependent on their employers for their visa and legal status in the country. The workers are also not protected by the host country's labour law since the system usually falls under the jurisdiction of interior ministries and not the labour ministries. This causes the worker to be vulnerable to exploitation whilst they are denied labour rights. In most cases workers are always overworked, underpaid, working in extreme conditions, abused and some even driven to suicide. However, if the worker decides to leave the workplace without receiving permission from their employer (even if they are escaping exploitation) it is considered an offence that leads to the termination of the worker's legal status or can even lead to deportation or imprisonment. The Kafala system is, in many cases, compared to modern-day slavery.

Countries and employers profit from this since they can get someone to do the job while being paid less than Saudi workers without the Kafala system, with the bonus of knowing the workers cannot quit their jobs. However, when people work under the Kafala system it is not fully because they agreed to these conditions. For example, when their country is under war and they immigrate to another country in the Gulf they find themselves working under the Kafala system simply because they have no other choice. They can also not be fully aware of what the Kafala system truly is. It is a cruel reality that people are forced to work in such conditions to support themselves and their families.

As earlier mentioned the Gulf Cooperation Council (GCC) is very important in the Kafala system. It is an economic and political alliance of six Middle Eastern countries: Qatar, Saudi Arabia, the United Arab Emirates, Oman, Bahrain and Kuwait. It has existed since 1981 and the purpose of it is to foster unity among its members also through their similar political and cultural identities that are rooted in Muslim and Arab cultures.

Key Terms:

Visa- a legal document allowing its owner to enter a foreign country legally.

Visa sponsorship- When applying for a visa it has to be approved by someone so the country knows why you want to enter their country. Visa sponsorship is when an individual or an organisation decides to sponsor or support one's national visa application. In the Kafala system usually the employer sponsors the visa and that is why they have such control over it.

Modern-day slavery- This term is not defined by law but what is meant by it is certain acts such as human trafficking, debt bondage, and forced marriage and one that is important to us right now is forced labour, which is the whole kafala system.

International Labour Organisation (ILO)- The UN's ILO is devoted to protecting international human and labour rights. It develops policies and encourages countries to reform their systems such as the Kafala system. So far many changes have happened thanks to this organisation and has given migrant workers more rights in Saudi Arabia, Qatar, Kuwait and others.

Timeline:

- 1950s- the Kafala system was starting to be used since the Gulf countries were newly oil-rich. The system worked well and was not used as it is now. It was more so about the employers helping the workers, who were mostly Arab, have a job in a new country and protecting them.
- The 1970s- After the Oil Boom the preference of workers turned to non-Arab workers (mostly South Asians) because of cheaper labour and the fear of Arab expats spreading pan-Arab nationalistic ideas. The demographics of the system changed immensely.
- 2012- Bahrain, Saudi Arabia and Kuwait set legal protection for domestic workers' rights such as the right to weekly rest and the right to paid leave.

- 2017- UAE and Qatar have set the same rights as Bahrain and others in 2012.
- 2020- The Covid-19 pandemic. The sectors that were impacted the most were also the sectors with the most migrant workers. Employers have either lessened the hours of work leaving them with even less money or sent them home with no paid leave. Many workers did not have enough money to travel to their home country and even if they did, some countries forbade international flights. This left an extreme amount of workers homeless and relying on charity to survive.
- 2020- Qatars set a new legislation, which allowed workers to switch jobs before their contracts expired and set a minimum wage that the UN's International Labour Organization (ILO) encouraged Qatar to do. Saudi Arabia and Kuwait followed the same measures but they only applied after they worked for one year with their current employer.
- 2021- All countries, except for Saudi Arabia, allow their workers to leave the country without explicit permission from the employer.
- 2021- The Dubai Expo 2021 relied heavily on the kafala system for its workers when building the infrastructure, accommodations and pavilions.
- 2022- The FIFA World Cup has caused hundreds of migrant workers to suffer and even though the organisers have been warned about the exploitation happening in Qatar daily they have not protected their workers enough. This led to some workers still not receiving their money for the work they did, false terms and conditions to the job, abuse, excessive working (also during extreme heat), and the journey to Qatar costing more money than they made during their stay.
- 2022- In the U.S.A's Trafficking in Persons Report they have acknowledged the Kafala System and have criticized it, showing how it violates human rights through forced labour and other earlier mentioned issues.

Current situation:

As of 2024, the Kafala system has undergone some changes mainly due to the UN's ILO. However, there are still an estimated 25 million migrant workers in the Gulf countries. The most being approximately 10 million in Saudi Arabia. The Kafala system is now used in Lebanon, Jordan and the Arab Gulf countries except for Iraq and Qatar since Qatar abolished the system in 2019.

The workers migrate from various countries that differ based on the countries they migrate to. However, many workers are from India, Pakistan, Bangladesh, Nepal, Philippines, and also from African countries such as Kenya and Ghana. People who undergo the Kafala system may have heard about the treatment of the workers but still decide to migrate to those countries to get higher-paid jobs to support their families or get that family out of problems such as debt. Some countries have certain laws to protect their women from the treatment of the Kafala system. Nepal, for example, used to not allow women to travel to the Gulf for jobs since the workers were committing suicide as a result of the treatment in 1988 and have now lifted that law but set a new one. They make sure the workers will be receiving accommodation, minimum wage, insurance and security before sending them off.

Although the system hires domestic workers it is also the Gulf country's infrastructure and big projects that have the migrant's blood on their hands. A great example could be the earlier mentioned FIFA World Cup 2022 that happened in a 'Kafala system free' country but still treated the workers the same way, abusing them, over-working them, not giving them their salary and others. These issues have yet to be formally addressed and fixed. Some workers are still not paid whilst having to pay off loans they took to travel to Qatar for the job. The organisers have been informed of the past treatment of the migrant workers, however still have not prevented it from happening.

Even though the message of the Saudi Vision 2030 is 'a vibrant society, a thriving economy and an ambitious nation' the workers behind it say the opposite. Saudi Arabia is very known for the work of migrant workers and most significant buildings and projects in this country are the work

of migrant workers. The Saudi Vision 2030 is very much trying to look like something amazing that shows the greatness of the society but fails to mention the inhumane treatment of the workers behind all of it. Although the UN has been involved with Saudi Arabia and even managed to make some reforms it is still not enough and the country does not seem to plan on stopping this treatment anytime soon.

Key players:

GCC:

The Gulf Cooperation Council as a whole group is extremely involved in the Kafala system. It started cooperating with the system in the 1950s for a different purpose than it has now. The system was used to help both sides: the employers and employees. The employees travelled to a new country in the Gulf whilst being protected by their employer and having a place to live and having a job and on the other side the employer had someone to do the needed job. This all changed after the Oil Boom in the 1970s when suddenly the preference of the workers changed to non-Arabs and there were needed more workers. The treatment of the workers changed as it all began as a race for control and a clear sign of who was working for who.

Now the Gulf countries are still implementing the kafala system and are treating their migrant workers in an inhumane way every day. It is very profitable for the countries as this is cost-effective labour and they can have more people in the manual job workforce and that is quite frankly why they do it. There have been some changes and reforms but nothing too extreme to make the working conditions bearable. The UN and other organisations are working every day to someday have a kafala-system-free world.

Saudi Arabia:

As the country with one of the largest amount of migrant workers, the Kafala system is very wildly spread in Saudi Arabia. In terms of the way they act in the UN, Saudi Arabia is not completely closed off to reforms and changes in the system as visible progress has been made. However, that does not make any of the horrible things happening to migrant workers in Saudi Arabia any better. Between the years 2008 and 2022, 13,700 Bangladeshis died in this country

because of the inhumane treatment towards them. The changes they make under the pressure of the UN's ILO are too little to help the migrant workers in a significant way.

Saudi Arabia has been urged to make changes in protecting the human rights of migrant workers by ILO and Amnesty International many times and while this country has accepted a few recommendations the changes they make are often inconsistent and not very noticeable. This country is not fully against changes in front of the UN, however action speaks louder than words and the treatment of the workers is far from acceptable.

United Arab Emirates:

90% of this country's workers are migrants and they are mostly under the Kafala system. This means they are prone to exploitation and abuse in their everyday work life. UAE is well aware of this fact as it has been informed numerous times by the UN. The country has not been closed off to signing minor changes in the Kafala system or regarding the human rights of migrant workers, but what is way more important is what happens outside of the UN meetings. The changes have been poorly enforced and inconsistent. Migrant workers are still doing most of the work behind UAE's most famous infrastructure and projects while being treated horribly, not being able to escape this abuse. Minor changes have been made and papers have been signed, however, the state of the workers is still horrible.

United Nations:

The UN's Human Rights Council has been actively working on improving migrant worker's rights and changing the Kafala system for years now. They have been urging the Gulf countries to make changes and mainly to give more rights to the migrant workers in their countries by making different resolutions. Their efforts are not for nothing as the countries have made changes that help their workers, for example setting the minimum wage in Qatar and other countries or allowing the workers to leave their employer in several countries with the help of ILO. However, the HRC have still a lot of work to do and work every day to make sure the migrant workers in the Gulf working under the Kafala system have their rights and are treated better than they are now.

NGO's:

Several Non-governmental Organizations have been informing people of the inhumane treatment that is happening in the Gulf under the Kafala system. An example is Amnesty International and Human Rights Watch which both publish many articles to put attention to this matter. Amnesty International even recommends different changes to the countries themselves and tries to make some real changes in the world to help these people stuck in the Gulf.

USA:

The Kafala system is a big issue regarding human rights, labour exploitation and others. USA is publicly against these violations

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Addressing the widespread abusive treatment of prisoners of war and renewing efforts to ensure their humane treatment and well-being

I. Introduction

1. **Brief Overview of the Topic-** Prisoners of war (POWs) are people who have been arrested or detained during an armed conflict by either side. In most cases, they are soldiers of the belligerent parties, however, they can be civilian as well. Detaining people during wars and armed conflict is not illegal itself, but there are measures in place on how these people must be treated and what is to be provided to them. Violations of these rules have been reported even in the most recent conflicts such as the Israel – Palestine conflict or the War in Ukraine. The goal of this committee is to ensure these rules are abided and prisoners of war are kept in humane conditions.
2. **Relevance to Human Rights Council:** The rights of the POWs are considered one of the most fundamental human rights and have been agreed upon in numerous documents such as the Geneva Conventions. As a fundamental pillar of international humanitarian law, the relevance to the HRC is evident. This committee shall ensure basic human rights for everyone, including the prisoners of war. During recent conflicts, the number of reported violations of these measures is rising and therefore the HRC has to urgently find a solution.

II. Historical Background

1. **Past Conflicts and POW Treatment:** The problem of the rights of prisoners of war is not new. There were always efforts to make their conditions better. However, in the past century, mostly violations of their rights occurred. During the WW2, all parties were guilty of mistreatment of war prisoners. For example, Nazi Germany and Imperial Japan were known to leave their prisoners to be tortured or starved to death. Many were also subjected to forced labour. The same however was happening on the other side. The Soviet Union is known for mass executions and torture of German soldiers they have captured. Violations however were happening even after the worst war in history. In the Vietnam War, both Vietnam and the US subjected their prisoners to torture. The same was happening in the Korean War or the Iraq War where the US notoriously executed and tortured masses of Iraqi civilians. Basically, the violations have been happening throughout the 20th century despite the last parts of Geneva Conventions being signed in 1949. In history, there were other documents and international treaties signed other than Geneva

III. Legal Framework Conventions:

1. **Geneva Conventions:** These conventions (often “The Rules of War”) in general and the Third Geneva Convention of 1949 in particular are the main internationally recognised documents regarding the rights of the POWs. Written shortly after the WW2, countries realised that setting boundaries for armed conflicts was a good idea to prevent another massive war. This document grants the POWs significant rights and protections. The convention requests humane treatment for prisoners including not being subjected to humiliation, violence and insults. Basic living conditions, food, water and medical care are required as well. Furthermore, the prisoners have the rights to communicate with their families and receive aid packages from the Red Cross or any other similar organisation.

The prisoners can be forced to work but in humane conditions and must be paid for their work. They cannot in any case be required to do work which is unhealthy and dangerous. Excluding war crimes, the prisoners cannot be prosecuted for acts they did in the line of duty. If they are prosecuted for war crimes, the government that arrested them must provide them with a lawyer and a fair trial.

Nowadays, the situation is a bit more complicated. Even though most countries (recognised UN members and observers) many conflicts today include non-governmental bodies such as rebels. The enforceability of the convention is therefore limited.

2. **International Human Rights Law:** Apart from the Geneva Conventions, there are many international laws and other instruments in place to protect the prisoners. One of them is the well-known **Universal Declaration of Human Rights**. This document does not focus solely on POWs and is not binding but provides a good foundation for other legal documents. It prohibits executions, torture and inhumane treatment of all people. In 1966, **the International Covenant on Civil and Political Rights** was signed. Unlike the UDHR, this document is a treaty and therefore legally binding. It is largely based on UDHR with focus on civilians. It prohibits arbitrary detention and grants all people the basic human rights. The last relevant document (in this study guide, there are many more) is the **Convention Against Torture** of 1984. It is also a treaty and solely focuses on prohibiting torture even as a form of punishment. **Enforcement Mechanisms:** We have the rules, but that is not all. We also need someone to ensure that everyone follows them. The probably most important internationally recognised bodies relevant to this topic is the **International Criminal Court (ICC)**. This court prosecutes government and army officials for war crimes and historically has tried
- 3.

people like Saddam Hussein or Omar Al-Bashir. On the other hand, there are many limitations to its effectiveness such as simply the fact that if you want to put someone in front of the court, you first have to catch them. Other challenges include rebel groups or state sovereignty. Many countries do not wish to release their government or military officials to the court. (Hague invasion act wink wink).

IV. Current Situation

1. Regions and Conflicts with POW Abuses: Currently, there are many ongoing conflicts

where abuse of POWs rights has been reported and therefore could be significant for the HRC. The war between Ukraine and Russia has seen many abuses from both sides. Reports say that both Ukraine and Russia subject their prisoners amongst others to torture, denial of medical care and food and summary executions. As it is happening on both sides, diplomatic relations which could lead to the exchange of prisoners are still extremely cold.

The Israel-Palestine conflict also includes abuses from both sides. Negotiations in this case are more difficult as Hamás is not a state and does not have stable leadership. Israel has reportedly also committed many atrocities on their prisoners including torture and rape.

Lastly, the War in Afghanistan has seen many abuses. While the Taliban has been torturing and executing people on the streets, the US sent many prisoners to camps with inhumane treatment or to prisons such as the notorious Guantanamo Bay.

2. Types of Abuses: Torture and physical abuse stays as the most common violation of international law on POWs. Prisoners are subjected to waterboarding, electroshocking and beating. Some reports say that prisoners are subjected to even more brutal torture methods

such as scalping. Many are also targeted with psychological torture. For example, in the Ukraine-Russia conflict, prisoners have allegedly been tortured into fake confessions or for military intel.

Often, soldiers are denied medical care. This leads to worsening injuries and diseases which can subsequently result in death. Reports of neglecting medical care can be found in the Syrian civil war.

Psychological torture is a chapter on its own. Prisoners are subjected to threats of execution, isolation and mock executions. Some are forced to make public confessions or have their families being threatened. This kind of torture is usually chosen to “break” the soldiers into providing intel or confessions.

3. **Challenges in Enforcement:** Enforcement of international law is often challenging due to numerous factors. One of them is the fact, that a lot of modern conflict involve non-state actors who almost never respect international law and therefore subject their prisoners to brutal treatment. Another factor can be barriers to international aid and monitoring where intergovernmental organisations and NGOs have difficult access to the battlefield. Lastly, even states do not want to subject themselves to external monitoring which makes it even more challenging.

V. Key Stakeholders

1. **States and Governments:** Governments play the most significant role as they are both enforcers and violators of international law. Even in states which ratified aforementioned international treaties, breaches often occur. Ultimately, everything is up to the governments

- as there is not any “world police” to monitor the governments if they do not consent to it. The closest body to this is the UNSC but some countries do not even respect decisions made by this body. **International Organizations:** Notable
2. international organizations involved in ensuring humane treatment are the Red Cross, The ICC and the UN. Red Cross oversees monitoring and aid delivery. They regularly visit camps and other facilities to monitor the conditions, in which the prisoners are kept. Similar things are done by the UN and its bodies (such as the HRC) even though they focus more on the monitoring and legal aspects of the help. They also advocate for ratification of further treaties by government as the HRC does not hold any real power. The ICC prosecutes war criminals and therefore helps to bring justice as mentioned above. The only challenge is that monitoring and sending aid is really the best these organisations can do as states have their sovereignty and these bodies (except the ICC) do not make legally binding
 3. decisions. **Non-Governmental Organizations (NGOs):** NGOs do not have any power, however, their influence in combating rights abuses can be significant. They monitor, collect data and raise awareness. By doing this, they can move masses and pressure governments into certain decisions. The most significant NGOs for us would be the Human Rights Watch and Amnesty International.

VI. Efforts and Proposals for Reform

1. **Strengthening International Law:** The legal frameworks in place are somewhat effective but mostly outdated. The Third Geneva Convention was written in 1949. Therefore, updating frameworks and setting them in the context of the current era might be a good

idea. The Geneva Conventions were built on the classical state-to-state conflicts, but with the rise of non-state parties involved in conflicts, it slowly became ineffective.

Another problem is the lack of enforceability. Expanding the power of the ICC for example might be a good idea as deterrence is mostly effective.

2. **Enhancing Monitoring and Reporting:** Monitoring and Reporting are great ways to prevent the POWs rights abuses. However, there are many issues with that, and the system needs reforms. Firstly, the mandate of organisations such as the Red Cross or humanitarian bodies of the UN could be useful. Many combating countries do not let observers into their detention camps and other facilities where prisoners are held. Forcing countries to subject themselves to international and transparent monitoring by both IGOs and NGOs could be a partial solution to the problem.
3. **Capacity Building and Training for States:** Complying with international law and providing prisoners with all the things they are entitled to is expensive which could be an incentive for states to abuse these rights. Financial aid from IGOs such as the UN or the EU could make it easier for states to comply with the norms.

Training of military officials is a good way of ensuring human rights upholding. Officers shall be presented comprehensively with the law and consequences in case of a violation. Furthermore, civilian monitoring could be a good idea as in most cases, the military monitors itself which is proven to not be very effective.

4. **Encouraging prisoner exchanges:** Probably the best thing that can happen to a prisoner of war is, if they are repatriated (return to their own country). Sadly, the almost only possible way to achieve this is to be a part of a prisoner exchange where both parties release

some prisoners to receive their own citizens captured by the other party. International third-party unbiased mediation is a brilliant way to achieve this. UN bodies have previously mediated some exchanges which proved to be successful.

VII. Country Positions *(This section only provides basic positions of key players in the debate. Delegates are encouraged to do their own research on their opponents and allies)*

1. Key Players in the Debate: The United States have been involved in a lot of armed conflicts since the WW2 and have been accused of abusing prisoner's rights numerous times. On the other hand, they often advocate for strengthening international law and measures.

The Russian Federation has been involved in Ukraine war, Syrian civil war and numerous other conflicts. Like the US, abuse of human rights has been reported. When it comes to strengthening measures however, Russia seems to be rather quiet and often backs their allies in the Security Council.

Syria holds a similar position to their ally: Russia. They reject external criticism of their treatment of prisoners and monitoring.

2. Supporters of Stronger Enforcement: The strongest supporters of stronger measures and enforcement are traditionally the states of the EU which have mostly not been involved in any war since 1945. Germany, Sweden but also Switzerland advocate for updating the measures to fit the 21st century.

3. **Countries Resistant to International Oversight:** China has been accused of mistreatment of prisoners numerous times but does not like international oversight and monitoring. Despite that, some leaks suggest abuse of human rights for example in the Uyghur concentration camps. It is therefore likely that China is going to advocate for not strengthening measures and enforcement.

Israel in its ongoing conflict with Palestine has often been accused of bad treatment of prisoners including torture and rape. Despite Israel strongly affirming that they are only defending and at the same time upholding international humanitarian law, some leaked information suggest otherwise.

VIII. Questions a Resolution Should Address

1. How can the international community ensure stricter compliance with the Geneva Conventions by both state and non-state actors?

- What mechanisms can be implemented to hold violators accountable?
- Should there be stronger penalties or incentives for compliance?
- How can access to conflict zones be improved for these organizations?

2. How can countries be encouraged to allow greater transparency and external oversight of their POW treatment practices?

- What measures should be taken to ensure that national security concerns are balanced with international humanitarian obligations?

3. How can prisoner exchanges be better facilitated to ensure the humane treatment and eventual release of POWs?

- Should third-party mediators be more involved in facilitating exchanges between conflicting parties?

4. What enforcement mechanisms should be put in place to ensure non-state actors, comply with POW protections?

- How can international law be adapted to address conflicts involving non-state actors who may not recognize international treaties?

5. How can states and international bodies address the challenges posed by modern warfare, such as cyber warfare and drone strikes, where traditional concepts may not apply?

- Should new categories of combatants or detainees be recognized under international law?

6. How can healthcare and mental health services for POWs be improved in conflict zones?

- Should there be standardized international protocols for medical care of POWs?

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