

American University Washington College of Law
2025 InterAmerican Human Rights Moot Court Competition
30th Anniversary
Hypothetical Case: Human Trafficking and Human Rights
A.A. and Nine other Women v. Republic of Aravania

I. The Republic of Aravania

1. The Republic of Aravania covers an area of 208,000 km² along the Pacific coast of South America. It is bordered to the south by the Democratic State of Lusaria along the Nimbus River and to the west by the Pacific coast. It comprises 12 departments plus its capital, Velora. Campo de Santana, on the border between Aravania and Lusaria, is a rural area bustling with travelers and informal trade due to its geographic location.
2. The Republic of Aravania is characterized by open plains and is vulnerable to flooding during periods of heavy rainfall, especially in coastal areas along ocean-bound rivers. Its economy is based mainly on the fishing and livestock sectors, although it also has a service industry.
3. Aravania has no public education or social security system. Between 2011 and 2014, 17% of its population lived in poverty. Women, especially those living in rural areas, face greater barriers to higher education, and they tend to be paid less than men in the labor market for the same work. Official data show that women in Campo de Santana have higher unpaid care burdens than men; and women heads of household face greater challenges in covering the costs of care, so they take on strenuous workloads to earn income. The lack of workplace inclusion policies for these women leads many to accept job offers abroad.
4. The Republic of Aravania has experienced extreme weather events over the last 50 years, including prolonged periods of drought lasting over 160 days, which has endangered crops, livestock, and water supplies. At the other extreme, it has also experienced catastrophic flooding, mainly in May and June, during which it rains up to 455% more than the average. These events have led to the displacement of thousands of people in the country and caused losses across all sectors of Aravania's economy.
5. For decades, Aravania was ruled by people who denied scientific evidence and the conclusions of international bodies on climate change, and the situation was exacerbated by deforestation, pollution, and natural habitat loss. This led to social unrest, causing the country's development to lag behind that of neighboring countries and giving rise to new leadership.
6. Carlos Molina, a young businessperson, assumed the presidency following the 2011 elections. Molina was the charismatic and popular chair of the National Innovation Party,

and had previously not been “involved in politics”

Labor Organization. Lastly, it recognized the contentious jurisdiction of the Inter-American Court of Human Rights in 1986.

III. The Democratic State of Lusaria

11. The Democratic State of Lusaria, a member of the Organization of American States and the United Nations, is on the Pacific coast of South America. Its territory covers an area of 2,300,000 km². It is bordered to the north by the Republic of Aravana along the Nimbus River, and to the south and west by the Pacific Ocean. Its climate makes the country prone to prolonged droughts and seasonal flooding of its rivers and plains. It has 20 provinces and its capital is Canindé.

12. From 1967 to 1980, the country experienced a period of rapid economic growth through intensive natural resource exploitation, after which the effects of climate change became clearer. In 1990, the Sustainability in Motion Party came to power with a proposal to adapt to climate change by building resilient infrastructure, developing sustainable agriculture and integrated water resource management, and promoting research at specialized institutions. It also adopted the Aquamarina Sustainable Development Plan based on the following pillars: (1) climate change mitigation; (2) climate change adaptation; (3) international cooperation; and (4) modernization and sustainable development. Pillars 2 and 4 of the plan made the case for building more resilient, sustainable, and livable cities.

coupled with exposure to the sun and the chemicals needed to grow the plants skin cancer. Although Lusarian universities have been researching the relationship between *Aerisflora* and these effects, they have not yet made any conclusive findings.

16. Attorney Elena Solis won the 2010 presidential election in Lusaria. Her foreign policy sought to strengthen ties with neighboring countries in order to export *Lusaria*. Thus, *Aerisflora* became the country's main export product. Under the new administration,

b. Staff Recruitment and Relocation: The Democratic State of Lusatia will select and hire workers to carry out the objective of this Agreement. These workers will be relocated to the Republic of Aravania for project implementation under the terms of this Agreement.

c. *Aerisflora* Planting, Cultivation and Transplanting: Once the plant has been cultivated, the workers hired by the Democratic State of Lusaria will transplant the *Aerisflora* to the areas designated by the Republic of Aravania, ensuring that it is in optimal condition and with prior notice to the State of Aravania of the date of entry into the State.

3.2 The Parties agree that the activities described in this Agreement will be performed in accordance with the terms of the Agreement.

(...)

Article 71. Disputeresolution

71.1 Any dispute arising from the implementation and interpretation of this Agreement will be settled by arbitration before the Special Arbitration Panel, composed of three arbitrators appointed by mutual agreement of the Parties

71.2 To interpret and resolve disputes arising under this Agreement, the Special Arbitration Panel will apply the sources of international law recognized and set forth in the Statute of the International Court of Justice

granted the benefits set forth in Article 50 of the operation agreement. Maldini visited the farms sporadically to inspect their productivity in order to meet Lusina's international commitments.

V. A.A. and her work on Finca El Dorado

31. A.A. was born in the Republic of Aravania on March 14, 1989. She lived her entire life in the rural town of Campo de Santana and was raised by her mother, M.A., who worked on a cattle ranch. A.A. completed high school, but did not have the opportunity to attend good schools. When A.A. turned 22, she met a man who promised to take her to Ve15 Tdgd.

In keeping with the labor laws in force in Lusaria, Isabel Torres presented her with an employment offer that included: (i) a policy focused on hiring more Aravian women because of their aptitude for painstaking, delicate, and patient work such as *Aerisflora* cultivation; (ii) the job description, which consisted of the planting and cultivation of *Aerisflora* and required a 40-hour work week, with one day of rest per week;

accommodate them and their dependents. The site was surrounded by 2.5 meter high metal mesh fence and, inside, a security system was installed with 24 video surveillance of the grounds and staff tasked with monitoring the entry and exit of all persons. 60 women were to work in the center of the grounds preparing the *Aerisflora* for the trip in a designated area set aside for this purpose. The workers' cafeteria and some bathrooms were in an area away from the construction site, while the residences were at the far end of the site.

40. The residences were houses made of sheet metal measuring 35 m², with no room divisions and a shared bathroom. Three "families" were to live in each one, consisting of the worker and his or her dependents. A.A., M.A., and F.A. stayed in A.A.'s house, as did two other workers and three children and teenagers. During this time, the farm would provide them with personal care supplies and food for three meals a day.

41. A.A. moved to live at the farm on September 21, 2013. She reported to work at 6 a.m. every day. In the morning, she would prepare the land to extract *Aerisflora*. She was exposed to the following: Ae-2(h)-t-1(et)-6(e)-10(r)-1(i)(c 0 Tw 11 milie)7te)JTJ 0 Q,(he-1(ona)4(l)-2(c)4hd t)-2(o i)-i did tw

44. As the weeks went by, the workload increased and workers aimed to meet the targets for transplanting the first batch of *Aerisflora* in Aravania, leading to discontent among some workers. A group of three women complained to Joaquín Díaz and Isabel Torres, telling them that, to meet the targets that had been set, they needed to hire more people to work with the *Aerisflora* or to take on cooking and cleaning duties. A.A. heard from her coworkers that when two of these women asked for their identity documents back, Isabel told them that they had been submitted to the labor authorities to obtain permits to be processed. The third woman was no longer seen at the residence, and her daughter, who was F.A.'s classmate at the day care center, stopped attending.

VI. A.A. and nine other women's trip to Aravania

45. On January 3, 2014, 10 women from the farm, including A.A., were told that they had been chosen to travel to Aravania for a week to transplant the *Aerisflora* and that Hugo Maldini would go along with them. All 10 women had children who benefited from access to day care and education in Lusar. They were also told that they had to work quickly to make sure the plant acclimated to the new environment since the plants could die after transplanting. The day before the trip, A.A. heard of a new incident, this time involving sexual violence perpetrated by a male guard against one of the women in the fields. This worried her even more as she would be leaving M.A. and F.A. alone while she worked on the transplanting. A.A. felt she could not continue under these conditions and told M.A. to leave El Dorado with F.A. while she was in Aravania.

46. On January 5, 2014, the 10 women arrived in Aravania in buses with tinted windows, accompanied by Hugo Maldini. They were taken to Primelia, in Velora, where they were to transplant the *Aerisflora*. The premises were coordinated exclusively by Lusarian staff, who monitored the entry and exit of all persons. Working conditions were similar to those at El Dorado. The 10 women shared a single 50m² residence with two bedrooms, a kitchen, and a shared bathroom for one week. Meals were provided by EcoUrban Solution.

47. The *Aerisflora* transplanting did not go as planned. Some of the plants died because the soil conditions were different. This upset Hugo Maldini, who told the women that they would have to stay an extra week in Aravania to meet the goal set under the cooperation agreement. At that point, A.A. approached Maldini, demanding to be paid what she was owed. She told him that the work was done and that she wanted to stay in Aravania at the end of the agreed week. Hugo Maldini looked at her with indifference, saying that he was not in charge of payments. He said that, in any case, he knew that EcoUrban Solution would not receive payment under the agreement until it had been fully implemented. The farm would most likely pay her upon her return, and it was therefore in her best interest that the *Aerisflora* be properly planted. He also reminded her that she "should thank him for the opportunities he gave her, saying that if she stayed in Aravania she would go back to being the "same desperate, single woman" who had once contacted him, that her foolishness

48. On January 14, 2014, A.A., exhausted and afraid of the consequences of her argument with Maldini, left Primelia and went to the Velora Police in Aravania to file a complaint about what was happening. A.A. explained in detail everything she had faced since her first contact with Hugo Maldini, including the working conditions and incidents of violence she knew about. When asked how many others were in the same circumstances, she said she was sure that there were at least 59 other women in Lusaria, but that only she and nine other women had been taken to Aravania. Although she did not know all their names and did not know their surnames, she stated she first met them on the trip from Aravania to Lusaria and that they had all worked together on the farms. She also reported that M.A. and F.A. were still in Lusaria, and that she feared something might happen to them.
49. That afternoon, the Velora Police checked Hugo Maldini's social media accounts, confirming the truthfulness of A.A.'s story, and then went to Primelia to investigate the situation. In Primelia, they found the structure described by A.A., pieces of *Asiflora*, and Hugo Maldini, who was arrested after a warrant was issued by the Second Criminal Court Judge of Velora. Although they failed to locate any of the nine women that A.A. mentioned, they saw the residence she had described, with unmade beds and ~~women~~ *women*, as if someone had left the place quickly. Hugo Maldini was brought before the Second Criminal Court Judge 24 hours later. He told the judge that he had immunity under the cooperation agreement.
50. On January 15, 2014, the Second Criminal Court Judge contacted the Ministry of Foreign Affairs of Aravania—which corroborated the reported information with the Ministry of Foreign Affairs of Lusaria on January 16, 2014—formally requesting that Hugo Maldini's immunity be waived in order for him to be investigated, prosecuted and, if appropriate, punished for the acts complained of by A.A. The Democratic State of Lusaria refused to waive Hugo Maldini's immunity, arguing that it is a fundamental principle of international law meant to protect diplomats and relations between States. States also noted that the State of Lusaria had complied with sending periodic reports to the State of Aravania under the bilateral agreement, which showed that the working conditions on the farms were in compliance with the agreement. It further asserted that since the events had occurred in Lusarian territory, any criminal responsibility would have to be determined by its authorities, as stated in the agreement.
51. On January 31, 2014, the Second Criminal Court Judge dismissed the case on the grounds that the defendant enjoyed immunity based on the cooperation agreement, in line with the position of the Ministry of Foreign Affairs of Aravania, and ordered the case closed without prejudice. A.A. approached the Trafficking Victims Support and Reintegration Clinic in Aravania, which appealed the decision of the Second Criminal Court of Velora on February 5, 2014, on behalf of the 10 women; the Velora Court of Appeals affirmed the decision on April 17, 2014.
52. This situation was reported in the Aravanian and Lusarian media, who interviewed Claudia Pinzón and Diego Martín, professors of international law at the Aravanian Institute of Advanced Studies. The professors said that the State has a comprehensive policy for the prevention and punishment of human trafficking and an international obligation to punish such acts. However, due to the immunity invoked on behalf of Hugo Maldini, the State had

not investigated whether this crime had in fact occurred and, in the absence of evidence, it was unclear whether it could also be a later matter A.A.'s lack of access to justice was widely reported and caused a media trial in both countries

53. On February 1, 2014, the Federal Prosecution Office of Lusaria opened an investigation against Hugo Maldini for the crimes of abuse of authority and human trafficking under the Criminal Code of Lusaria. Following regular investigation and criminal proceedings, on March 19, 2015, the Federal Court of Canindé, in Lusaria, sentenced Maldini to nine months in prison for the crime of abuse of authority and barred him from holding public office for five years.

In particular, it alleged that they had been victims of human trafficking and that the Republic of Aravania failed to prevent the activities carried out under the cooperation agreement. It asserted that the domestic remedies had been exhausted with the decision of April 17, 2014, in accordance with Article 46 of the American Convention, and that the filing deadline had therefore been met.

57. The petition was duly registered by the Executive Secretariat of the American Commission, and was then submitted for an initial review. Following the decision to initiate proceedings, on May 20, 2016, the State was given notice to submit its communication on the case. On December 15, 2016, the State filed a response alleging lack of competence *ratione personae*, on the grounds that, with the exception of A.A., the other alleged victims had not been identified. It also filed a preliminary exception alleging the violation of the principle of subsidiarity, noting that A.A. had received full reparation for the alleged harm. Finally, it contended that the Commission lacked competence.

Women v. Republic of Aravania for May 19 to 23, 2025, during its Special Session in Washington, DC.

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