

Forum: Security Council

Issue: Measures to curtail all forms of human trafficking and migrant smuggling

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Introduction

Migrant smuggling and human trafficking have become humanitarian issues that hold severe consequences for those affected across the world. The majority of victims face terrible consequences, including prostitution, forced labour, and other forms of exploitation. The International Labour Organization (ILO) has reported that globally there are 20.9 million victims of human trafficking in 137 countries. According to the UNODC's Global Report on Trafficking in Persons, sexual exploitation was the most identified form of human trafficking at 79%, followed by forced labor at 18%.

The crime of smuggling also has far-reaching implications that affect the global socio-economic situation. Migrant smuggling has affected all countries that have become destination and origin points. Criminal smugglers are willing to go to great lengths to conduct illegal activities, as they can charge an enormous price for the migrants to pay for arriving. Smugglers take advantage of the migrants who are willing to sacrifice their safety for the sake of opportunities for a better life, as they may not have access to legal channels of migration. Smuggled migrants are frequently abused or exposed to dangerous and even life-threatening conditions. As the crimes committed are under secrecy, it is difficult to estimate the exact figures. However, it is known that the main smuggling routes - from East, North, and West Africa to Europe and from South America to North America - generate approximately more than six billion per year. In fact, the global figure is likely to be significantly higher.

Unfortunately, technologies have enabled this lucrative business to flourish through illegal channels such as the Dark Web, which has helped push this horrible crime deeper into secrecy. Web advertisements are also used to entice potential trafficking victims and solicit those victims for sex trafficking. Due to the fact that sites are not indexed, it is difficult for law enforcement to track down illegal activities within the Dark Web.

Increased global migration has further added to the challenge; while migrant smuggling and human trafficking are considered to be different from each other, both have become extremely profitable. The United Nations has estimated human trafficking profit is \$150 billion a year. 90% of refugees in 2015 used

criminal networks to move. The profits generated by migrant smuggling fuel corruption and strengthen organized crime. It can be difficult to detect whether the persons involved are smuggled migrants or victims of trafficking and thus practitioners need to be aware of both crimes and able to distinguish properly between them.

Given the seriousness of the threats that these crimes represent to individuals and to communities, the international community has responded, seeking to prevent and combat human trafficking and migrant smuggling through plans such as the European Agenda on Migration in May 2015. However, with the rise of nationalism, several countries have also adopted xenophobic policies and practices such as Islamophobia, refusing to accept refugees due to their religion. Despite these setbacks, Member nations must collaborate to work toward practical solutions in providing more opportunities to migrants and care for victims of human trafficking.

Definition of Key Terms

Migrants

Migrants are people that are born in a country and have lived there for an extended or short period of time and have settled in the country. There are several types of migrants such as, illegal migrants who are without documentation. Others who face forced migration are known as refugees. Also return migrants are people who enter back in their own countries after long period of time out of it. As well as asylum seekers who seek asylum in a state as a refugee for legal and persecution protection.

Refugees

Refugees are civilians and people who are endangered in their own countries due to reasons such as a disaster, war that cause them to leave their country, for another.

Human Trafficking

The UN defines Human trafficking as the transportation of people for means such as sexual slavery, forced labour, abduction and improper means. The issue is a largely hidden crime that is primarily focused on by law enforcement, policymakers, and human rights advocates, to which the United Nations and fellow state protection agencies have cracked down on organized crime in regards to human trafficking.

Smuggling

A related but different crime to human trafficking, human smuggling involves the consent of the individuals being smuggled, to which they pay large sums of money in order to be smuggled across international borders without legal requirements such as documents, violating one or more countries' laws.

International Law

International law is different from state based laws, the international law is a set of rules nations and states are set to follow. Customary international law requires all states to abide by the rules while on the other hand international law is followed mainly by consent of the government or state.

TVPA (Trafficking Victims Protection Act)

The Trafficking Victims Protection Act (TVPA) of 2000 is the first comprehensive US federal law to address trafficking in persons. The law seeks to combat trafficking by promoting a policy of “3 Ps”: prosecution, protection, and prevention.

Trafficking Tier

U.S. Department of State (DOS) released Trafficking in Persons (TIP) report annually. The report ranks countries based on efforts to meet the Trafficking Victims Protection Act's (TVPA) minimum standards. Based on data gathered worldwide, the countries are grouped into four tiers. Tier 1 countries fully meet the TVPA's minimum standards for the elimination of trafficking. Tier 2 countries do not fully meet the TVPA's minimum standards but are making significant efforts to comply with the standards. The countries on the Tier 2 Watch List are expected to make additional commitments to meet the standards and reduce human trafficking activity. Tier 3 countries include those that not only fail to meet the TVPA's minimum standards, but also lack any initiative to do so.

Background Information

Human trafficking, also known as trafficking in persons (TIP), is a modern-day form of slavery. According to the UNODC (United Nations Office on Drugs and Crime), human trafficking consists of three core elements. The “action” of trafficking encompasses the process of recruitment, transportation, or transfer of persons. The “means” of trafficking includes use of force, deception, or abuse of power to coerce

victims into exploitation. The “purpose” of trafficking is always exploitation, such as but not limited to prostitution, forced labour or services, and removal of organs.

There are three main differences between human trafficking and migrant smuggling. First, migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficking victims, on the other hand, have either never consented or if they initially consented, that consent has been rendered meaningless by the coercive, deceptive, or abusive action of the traffickers. Second, migrant smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim. Third, smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or moved within a state's borders. Individuals can be considered as trafficking victims regardless of whether they were born as slaves, forced to an exploitative situation, or consented to work for a trafficker as a result of trafficking.

Child Tracking

According to the UNODC, almost a third of all human trafficking victims are comprised of children. Furthermore, the Global Report on Trafficking in Persons states that 71% of victims are comprised of women and girls. Child trafficking victims, ranging from 1 to 18 years old, are exploited for labour, sex, or organ trafficking. Most sex trafficking victims up to 25 years old often start as young as 14. Children are especially vulnerable to kidnappers and professional brokers; sometimes they are even sold by their own families in for monetary gains. According to UNODC, the percentage of child victims increased from 20% to 27% in three years. UNICEF also indicates that 2 million children are subjected to prostitution in the global commercial sex trade.

Recruitment of child soldiers is another form of human trafficking, particularly used by armed forces to have more combatants and labour workers. Government armed forces or rebel groups are often responsible for these forms of exploitation. Children are subject to the same types of physical and psychological consequences that are associated with child sex trafficking.

Human Tracking Tier

The world human trafficking map of 2016 estimates there were 20.9 million victims worldwide. Countries in the Asia-Pacific seem to not have taken sufficient action in preventing human trafficking, as there were 11.7 million victims. Africa has 3.7 million victims of human trafficking in 2016, indicating that the region is not prepared to combat human trafficking. While developed countries particularly in the European Union have the “lowest” number of victims of human trafficking, they can still improve their strategies for tackling the issue. Countries should collaborate on forming joint policies, since trafficking and migrant smuggling often involves crossing borders.

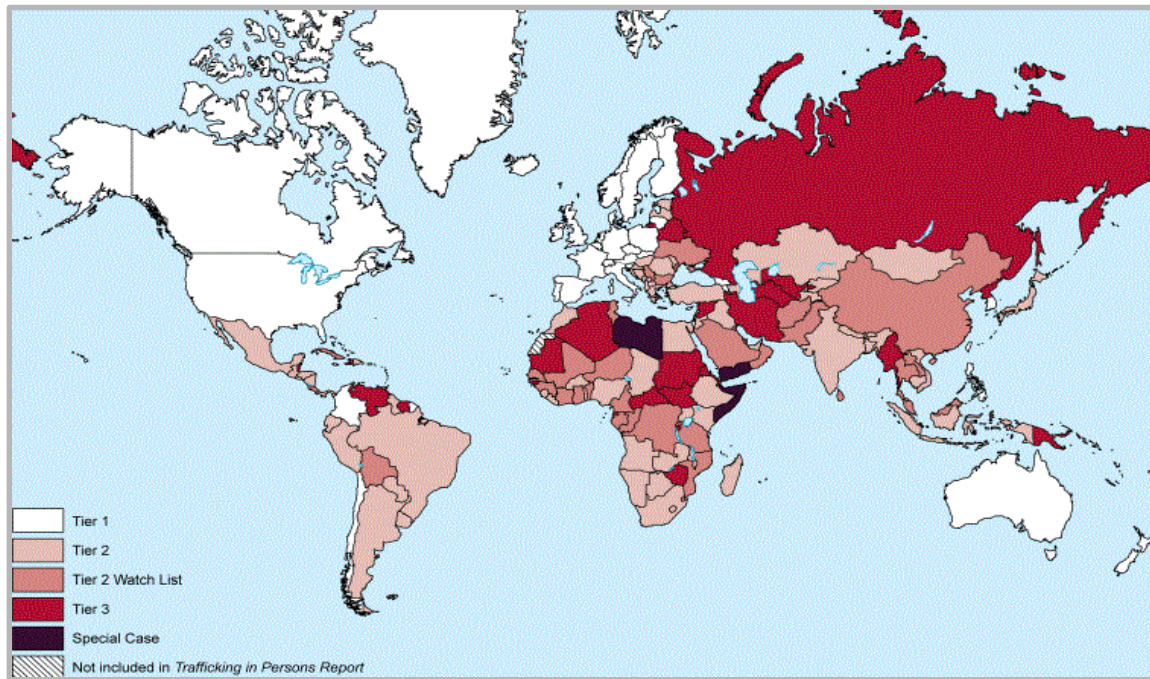


Figure 1. Tire Ranking by Country 2016: Trafficking in Persons Report
Source: U.S. Department of State (DOS)

Migrant Smuggling

It is illegal to enter a country without having the required documentation. More people seek to migrate in search of a better life for their families through employment opportunities or fleeing from poverty and persecution. Smuggling services are created for the sole purpose of meeting this increasing demand; therefore, profit-seeking criminals take advantage of this situation. According to the UNODC, it is estimated that the smuggling of migrants alone generates almost seven billion dollars a year for criminals operating in East, North, and West Africa, Europe, and the Americas. As borders become more difficult to bypass borders without being caught by law enforcement, migrant smugglers depend on unique routes and methods, such as the following:

- Alternative routes via the Black Sea from Turkey to Romania
- Use of sailing yachts to smuggle migrants from Turkey to Italy
- EU as a transit region migrants to reach the United States and Canada
- Travel routes through the western Mediterranean route to Spain
- Growth of marking of smuggling via social media networks to provide information about prices, departure points, and logistics for travel

The migrant smuggling business is a growing economy. These smuggling rings earn millions of dollars annually. Just like drug cartels, rival rings fight over routes and territories. These conflicts between rival rings have even led to lives lost on the job. The smuggling of migrants is much more than just people

being transported over borders unlawfully. It is an organised business made up of a complex criminal network. This all means solutions to this problem have to be complex and multidimensional as well.

Cyber Trafficking and Smuggling

The dark web is used for anonymous communication used to disguise people's IP addresses and conceal their identities. They use software to access virtual tunnels instead of direct connections. The dark web has helped to push this horrible crime deeper into secrecy. Studies have shown that more than 57% of all Deep Web content involves illegal activity, such as human trafficking.

The Defense Advanced Research Projects Agency (DARPA) has been working the Memex program since 2014 to help identify human trafficking on the Internet. The Memex program has aimed to identify content on the Dark Web and building the capacity to search the Internet. It has been successful and effective in assisting law enforcement to conduct investigations.

In February of 2017, the UNODC and the Organization for Security and Cooperation in Europe (OSCE) held training sessions for law enforcement and anti-money laundering agencies on how to investigate money laundering crimes with bitcoins, combat banking fraud, and target illicit financial transactions. In July of 2017, the UNODC also conducted its first Cryptocurrency Investigation Training (CIT) for Southeast Asia in Bangkok, Thailand. Law enforcement in the region has conducted successful operations that resulted in the shutdown of AlphaBay and Hansa, two of the largest illegal marketplaces from the dark web.

Xenophobic policies

Xenophobia is the fear of strangers or foreigners. The recent US Administration has taken action under the leadership of Donald Trump to build a wall blocking Mexicans, and barring Syrians from entering the United States due to their religious beliefs. One barrier that must be overcome is for the public to truly realize the horrors that immigrants face, instead of trusting exaggerated campaigns and falsifications designed to mislead. Civil and human rights advocates have emerged to fight for those seeking for opportunities in new lands and oppose xenophobia.

The United Nations (UN) "TOGETHER" campaign was launched in Mexico City in collaboration with the UNODC to further strengthen the country's efforts to combat migrant smuggling by sharing information among potential migrants on the risks of recruiting smugglers. This campaign aims to counter misinformation and xenophobia in order to promote the safety of migrants and refugees and support diversity and acceptance.

Major Countries and Organizations Involved

United Nations Office on Drugs and Crime

Operating globally, the UNODC is an active member in reducing and curtailing forms of drug smuggling and transnational organized crime, which migrant smuggling and human trafficking are a part of due to them being illegal under international law. Apart from educational activities, the UNODC has engaged actively in the consultation of local law enforcement, concurrently aiding in drafting of national anti-trafficking and anti-migrant smuggling legislation in individual member states. Operating since 1997, the UNODC has long had the issue at hand on its agenda. On top of educational activities, legal consultation and training aid, the organization participates actively in bolstering national cooperation on issues of human trafficking and migrant smuggling, whilst at the same time focusing upon coordination with institutions such as INTERPOL to better direct country specific operations against forms of human trafficking and migrant smuggling.

On top of this, the UNODC has taken charge of organizing so called Expert Group Meeting, an initiative with the aim of bringing together experts in law enforcement from around the world, discussing and evaluating methods of preventing migrant smuggling. Since its inception in 2008, three major EGM's have taken place in regions most affected by migrant smuggling specifically. In co-operation with INTERPOL and EUROPOL, the expert group meetings have deliberated upon strengthening international cooperation between law enforcement agencies, as well as improving the training of police officers in their region. Through their findings, the expert group meetings have worked upon implementing region specific solutions to areas such as North Africa and West Africa in an attempt to devise specific solutions to the problem, increasing the effectiveness of measures taken. However, these measures relate only to the African context of the issue.

The United Nations Higher Commission for Refugees

In parallel to the activities of the UNODC, closely co-operating with its organs in ensuring the humane treatment of refugees who have gained their refugee status due to the acts of human trafficking and migrant smuggling, the UNHCR is actively involved in caring for the victims of the two transnational crimes, developing methodology to increase their wellbeing, as well as to ensure that human rights abuses during the act are raised awareness of. The UNHCR also collaborates with the UNODC to investigate the causes of the activity, co-operating with UN member states to minimize the restriction of the victims' human rights after trafficking or smuggling has taken place.

The International Police Organization and The European Police Office

Both INTERPOL and EUROPOL stand firm in labelling human trafficking and migrant smuggling as crimes against international law. Due to the complexity of the issue, as well as its global outreach, both organizations have conducted a series of projects to not only crackdown on human trafficking hotspots and organizations, but also to collaborate with the UNODC in devising and implementing possible solutions to the issue at hand. Furthermore, the organizations have organized conferences and events to bring experts on the issue together, aiding in the establishment of the Expert Group Meetings. Nevertheless, EUROPOL has been focusing upon this in a mostly European context, with its prime focus being the Mediterranean, whilst INTERPOL adopts a global approach, collaborating with local authorities in countries such as Thailand and Mexico in order to curtail forms of human trafficking and migrant smuggling locally.

United Mexican States and the United States of America

The practice of 'Coyotaje', a term denoting the practice of smuggling migrants from Mexico into the United States is a major feature of migrant smuggling. Often times, those smuggled across the border by paid guides are mostly citizens of Central American states where violence and poverty are still at large. The guides who smuggle people in the United States often have little regard for ensuring a secure passage, though given the business nature of the industry, there is sometimes good treatment present. In spite of this being an issue prevalent in Mexico, the country has taken limited steps prior to 2011 to prevent the practice, apart from co-operating with the United States to draft legislation allowing those who were subjected to this form of migrant smuggling to be protected under US law. In 2011, Mexico altered its constitution to impose higher penalties upon those suspected and found guilty of human trafficking, as well as to use anonymity to protect victims who reported the crime. Both countries patrol major smuggling routes and have strengthened border patrols to prevent migrant smuggling. At the same time, The United States has introduced legislation to protect migrants who have already reached the United States in the past, though under the new administration, some of these protocols are being revoked.

Syrian Arab Republic

As a state troubled by continuous unrest since the spring of 2011, the Syrian Arab Republic is a transition state, an origin state, as well as a destination state of human traffickers and migrant smugglers. Many of the migrants heading to Europe from Syria and Iraq have been subject to some form of migrant smuggling in an attempt to escape the ongoing civil war, as well as the former hegemony of the Islamic State. The state has been the destination of traffickers bringing refugees from areas of Iraq, many of them children, to be used in acts such as sexual exploitation and labour. Given Syria's current lack of a strong,

centralized government, as well as a lack of enforced legislation countering the issue by local authorities, such acts are rarely punished on Syrian soil.

Thailand

Thailand is one of the major destination countries of human trafficking, with men, women, and children often smuggled into the country to become a source of cheap labour. As is the pattern with many countries with poor human trafficking records, Thailand sees almost no countering of the activity due to corrupt police and government officials, with many office holders directly involved in the business, thus hampering any attempts to eradicate the activity in the country. At the same time, according to World Atlas, there is a considerable amount of people trafficked out of the country, particularly into some Pacific Island Nations such as Marshall Islands, where victims of human trafficking are used as cheap labour on fishing boats, though reports of sexual exploitation are also widespread. In spite of Thailand's unfavourable record regarding this issue, the UNODC hosted a Cryptocurrency Investigation Training, the first of its kind, in Bangkok in July 2017. Attended by participants from institutions such as the Bank of Thailand, Royal Thai Police and the Electronic Transaction Development Agency, the training intended to strengthen the capacity of law enforcement, judges and analysts in understanding the concept of cryptocurrencies and their use on the Dark Web, with Bitcoin in particular being the focus of the workshops. As part of this workshop, participants learned to geolocate sources of suspicious transactions, infer when criminal activity takes place and how can cryptocurrency services be influenced by regulations. In order to make the knowledge from this training more available to Thai audiences specifically, the UNODC has translated the workshop into Thai to help tackle human trafficking and smuggling through the means of dark web in a country where the quantity of such problems is amongst the highest in the world.

Libya

Due to Libya's troubled past, it remains to be one of the most prominent transition states for both migrant smugglers and human traffickers. It has become particularly infamous during the European refugee crisis, when due to a weak government and law enforcement, the country has been used by smugglers to gather and send refugees and immigrants from sub-Saharan Africa, as well as countries such as Eritrea, across the Mediterranean Sea to EU border States. Due to the unstable government, almost no action is taken against the practice in Libya.

European Commission

Having been hit hard by the effects of mass migrant smuggling towards and across the Mediterranean Sea, just as Syria and Iraq have been, the European Union has experienced the social and political shortcomings

arising from uncontrolled human and migrant trafficking. Partly in response to this fact, the European Commission, the legislative and governmental body of the European Union, published an action plan in May 2015, focusing upon disrupting the business model of migrant smugglers through international cooperation between EU member states, as well as some UN member states, particularly in North Africa and the Middle East. The action plan also stressed for a stronger link between judiciary elements, such as courts, and law enforcement in the countries of the EU.

Timeline of Events

Date	Description of event
1956	India had created and enforced the act of Immoral Traffic (Prevention) in which it refused the permission of brothels, human trafficking, slavery.
1995	The United Nations had held its 4th Conference that addressed specifically on human trafficking on women and had understood the importance of the issue at hand and designated the issue as a act of violence.
1997	Creation of UNODC in combat against human trafficking, smuggling and to enforce and protect human rights.
2002	Polaris Project launched, a non-governmental organization founded by Brown University students combatting human trafficking and slavery in our current day and age.
2004	The UNODC and 145 other member states created the protocol of the act against smuggling and human trafficking.
2008	Expert Group Meetings have been taken place in which stated before that three Expert Group Meetings have been held on regards to migrant smuggling and human trafficking and have worked with international protection services agencies.
2011	The United States had taken action and raised awareness on human trafficking when Barack Obama the 44th President of the United States had declared January to be Human Trafficking awareness month.

Relevant UN Treaties and Events

- Global Plan of Action to Combat Trafficking in Persons, 28 September 2017 **(A/71/L.65)**
- Condemn all acts of trafficking undertaken by the Islamic State of Levant, 20 December 2016 **(S/RES/2331) (2016)**

- Mandate of the special rapporteur on trafficking in persons, especially women and children, 22 June 2017 (**A/HRC/35/L.8**)
- Protection of the human rights of the migrants: the global impact for safe, orderly and regular migration, 22 June 2017 (**A/HRC/35/L.28**)
- Trafficking in persons, especially women and children; regional and subregional cooperation in promoting a human rights based approach to combating trafficking in persons, 11 June 2010 (**A/HRC/14/L.4**)

Previous Attempts to solve the Issue

As the only significant UN body directly responsible for curtailing all forms of human trafficking and migrant smuggling, the UNODC has adopted a number of steps in an attempt to lessen the global outreach of the issue. In regards to human trafficking specifically, the UNODC has been assisting individual states in the drafting of anti-trafficking legislation and the implementation of passed laws. At the same time, the organization has also been active in providing additional support to member states, both in terms of manpower and expertise, in order to ensure the increase in likelihood of curtailing the issue. The provision of means to encourage international cooperation in limiting the issue has also been a key aspect of UNODC support. Through these actions, the UNODC strives to not only prevent human trafficking, but also to protect victims of the practice and prosecute offenders of anti-trafficking conventions. On top of these efforts, significant attempts at awareness raising, promotion of adopted protocols, and strengthening of international cooperation has been a part of the UNODC agenda. In spite of these efforts, the problem still remains at large. Whilst the UNODC efforts have contributed greatly to the improvement of national agendas against the issue, only a small number of protocol offenders are ever convicted. Furthermore, particularly in LEDC's, few victims of human trafficking ever stand up to the practice due to a lack of awareness or a fear of repercussions. This is exacerbated by continuously ineffective law enforcement in many states, who in spite of UNODC support fail to prosecute the act and take preventative action. Therefore, there exists a basis for an effective framework to counter the issue, though it is yet to be effectively implemented.

Similar attempts have been undertaken by the UNODC to curtail all forms of migrant smuggling, a logical step given the close interconnectedness of the two aspects of the issue. The organization has developed a Model Law against the Smuggling of Migrants and the Protocol against Smuggling of Migrants by Air, Land and Sea, both intended to prevent the practice, take care of victims and bolster transnational cooperation on the matter. Additionally, a number of projects have been pioneered by the organization, attempting to prevent the problem in its roots by investigating and taking action against migrant smuggling criminal organizations. In this, the UNODC has been supported by organizations such as the European

Union, taking measures that have become especially relevant during the ongoing migration crisis. Yet again however, the efforts have been largely unsuccessful apart from raising awareness and improving international cooperation on the matter. It is due to aforementioned factors of ineffective legal systems and police activity in some member states that migrant smuggling is still at large. Corrupt officials and persons directly responsible for the activity are rarely prosecuted. This is in spite of many countries adopting better, updated strategies and protocols against migrant smuggling and activities associated with it. Therefore, a more effective implementation of existing charters, as well as a continued support of the UNODC in awareness raising activity and bolstering of international cooperation needs to be implemented.

Possible Solutions

As strict policies increase demand for illegal smuggling services for migrants, providing alternative legal ways for migration would be reduce the demand. In addition, adopting effective legislation is essential to deter smugglers and traffickers, to enable their prosecution, to protect victims and to facilitate cooperation between countries. Legislation should meet the definition of trafficking in the Trafficking Protocol. Model legislation is available from the Pacific Islands Forum Secretariat, as part of their transnational organised crime model, as well as from UNODC and IOM.

Legislation needs to be followed up with appropriate policy approaches and procedures to ensure that the legislation is actually used to combat trafficking and smuggling, and leads to prosecutions. Immigration officers are well-placed to detect trafficking and smuggling, but it may be the police who lead investigations. It also requires cooperation with agencies in other countries, and with nongovernmental organisations to ensure victims receive the support they need. Also, countries along major migration and trafficking routes should ensure the reliable documentation of all migrants. Increasing interregional cooperation between law enforcement agencies would work toward this goal. The UNODC has also suggested for these agencies to cooperate in launching financial investigations and freezing all assets associated with migrant smuggling. Making migrants smuggling less profitable will certainly deter organized criminal groups from involving in these crimes. Efforts to create more opportunities and regular channels for legal migration, enforcing stricter legislation against human traffickers, and granting temporary residence permits should contribute toward the goal of reducing trafficking and migrant smuggling.

Officers of immigration agencies must be trained to understand smugglers and be knowledgeable on what steps they should take to identify any evidences of human trafficking crimes. Public awareness can also enhancements in law enforcement efforts, as educating people will certainly lead to more coverage and greater chances of discovering sources of human trafficking. Furthermore, migrants will be discouraged as

they become aware of the immense risks of smuggling efforts. As information in the local region is limited, potentially linked immigration crimes such as document fraud should be systematically recorded; keeping track of these instances will allow law enforcement to trace back any incidents involving human trafficking. These changes can lead to more effective use of resources.

In human trafficking cases, ensuring proper protection and care for the victims are necessary. For example, criminal prosecution and provision of shelter are necessary for the victims to recuperate. In order to ameliorate the situation of migrants, countries can create more job opportunities and improve the livelihoods of migrant workers, promoting employment.

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