

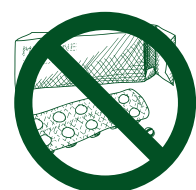


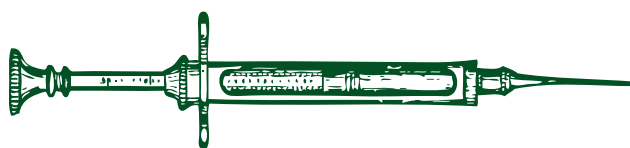
UNITED NATIONS OFFICE ON DRUGS AND CRIME

A background guide

Discussing the issues of Human
Trafficking and Migrant
Smuggling in correlation with
Organized Crime

UNODC || DPSH'2022





UNITED NATIONS OFFICE ON DRUGS AND CRIME

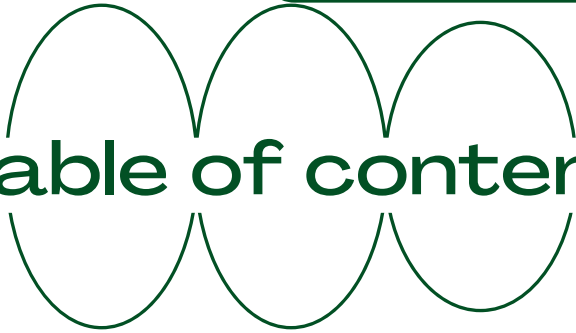
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Letter from the Executive Board

Dear Delegates!

We are very pleased to welcome you to the simulation of the UNODC at DPSH MUN 2022. It will be an honour to serve as your Executive Board for the duration of the conference. This Background Guide is designed to give you an insight into the case at hand. Please refer to it carefully. Remember, a thorough understanding of the problem is the first step to solving it.

However, bear in mind that this Background Guide is in no way exhaustive and is only meant to provide you with enough background information to establish a platform for beginning the research. Delegates are highly recommended to do a good amount of research beyond what is covered in the Guide. The guide cannot be used as proof during the committee proceedings under any circumstances.

Finally, we would like to wish you luck in your preparation. In case you have any questions, procedural or otherwise, please feel free to direct them to any member of the Executive Board and we will get back to you as soon as possible. Please do not hesitate to contact us with any queries or concerns. We expect all delegates to be well versed with the various nuances of the agenda, and geared up for an intense debate, deliberations and great fun.

Looking forward to meeting you at the conference!

Regards,
Eswar Chava
Chairperson
UNODC

Mayukha N
ViceChairperson
UNODC





Points to Remember

A few aspects that delegates should keep in mind while preparing:

- **Procedure:** The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. The committee will follow the UNA-USA Rules of Procedure. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of the agenda will be the main priority. So, delegates are advised not to restrict their statements due to hesitation regarding procedure.
- **Foreign Policy:** Following the foreign policy of one's country is the most important aspect of a Model UN Conference. This is what essentially differentiates a Model UN from other debating formats. To violate one's foreign policy without adequate reason is one of the worst mistakes a delegate can make.





- **Role of the Executive Board:** The Executive Board is appointed to facilitate debate. The committee shall decide the direction and flow of the debate. The delegates are the ones who constitute the committee and hence must be uninhibited while presenting their opinions/stances on any issue. However, the Executive Board may put forward questions and/or ask for clarifications at all points of time to further debate and test participants.
- **Nature of Source/Evidence:** This Background Guide is meant solely for research purposes and must not be cited as evidence to substantiate statements made during the conference. Evidence or proof for substantiating statements made during the formal debate is acceptable from the following sources:
 1. **United Nations:** Documents and findings by the United Nations or any related UN body is held as a credible proof to support a claim or argument.





2. Government Reports: These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country

3. News Sources:

i. **Reuters:** Any Reuters article that clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council.

ii. **State-operated News Agencies:** These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, may be denied by any other country in the council. Some examples are – RIA Novosti (Russian Federation), Xinhua News Agency (People’s Republic of China), etc.





Please Note: Reports from NGOs working with UNESCO, UNICEF and other UN bodies will be accepted. Under no circumstances will sources like Wikipedia, or newspapers like the Guardian, Times of India, etc. be accepted. However, notwithstanding the criteria for acceptance of sources and evidence, delegates are still free to quote/cite from any source as they deem fit as a part of their statements.

Mandate and organization of the UNODC

United Nations Office on Drugs and Crime is mandated to aid Member States in their efforts against crime, illicit drugs and terrorism. Member States, in the Millennium Declaration reaffirmed their will to intensify efforts to combat transnational crime in all dimensions, to further the efforts to implement the commitment to counter the world drug problem and to take concerted action against international terrorism.





The three pillars of the UNODC work programme are:

- Field-based technical cooperation projects enhance the capacity of Member States to counteract illicit drugs, crime and terrorism
- Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence base for policy and operational decisions
- Normative work to assist States in the ratification and implementation of the relevant international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies

The UNODC also assists Member States in the following capacities:

- Organized crime and trafficking
- Corruption
- Crime prevention and criminal justice reform
- Drug abuse prevention and health
- Terrorism prevention





Agenda - Discussing the issues of Human Trafficking and Migrant Smuggling in correlation with Organized Crime

Overview

As transnational organized crime (TOC) continues to grow and proliferate, catalyzed by globalization and technological improvement, the international community must adapt its response accordingly. The United Nations Office on Drugs and Crime (UNODC) strives to bolster all Member States' capacities to address crime, both domestic and international, and facilitate discussions regarding the strengthening of international laws and policies. Currently, international legal enforcement exists in three distinct forms: The International Criminal Court (ICC), the International Court of Justice (ICJ), and the International Criminal Police Organization (INTERPOL). The ICC primarily works with individuals accused of committing crimes affecting the international community, such as crimes against humanity.





Secondly, the ICJ, the official judicial organ of the United Nations, serves as a civil court, primarily settling legal disputes between states and providing advisory opinions on transnational matters. Lastly, there is the process of international extradition, under which suspected criminals are returned to the country in which they have committed the supposed offence to face justice there. This process is often complicated for executives, requiring substantial collaboration and bilateral consensus. Extradition is facilitated by INTERPOL, a cohesive interactional platform through which global police agencies can share information and collaborate. Of course—as with any multinational effort—there remains the issue of willing cooperation; not all states are as ready and willing to utilize these institutions for altruistic good. Indeed, corrupt or autocratic governments are inclined to exploit them to imprison non-conformists while others may neglect their existence altogether. Within each of these international institutions devoted to the elimination of multinational crime, many systemic flaws have yet to be addressed.





Issues of widespread corruption, a lack of accountability, and underwhelming past results continue to breed mistrust in the global judicial apparatus. In the past century, crime has metamorphosed in nature; it has become increasingly sophisticated, posing a widespread threat to civilians, governments, and economies. The recent increase in organized crime can be attributed largely to globalization, tourism-related exploitation, and growing inequality. More profitable than Google, Nike, and Starbucks combined, UNODC estimates that transnational crime nets more than USD 870 billion every year. In comparison, the gross budget of the ICC is a mere USD 179 million. The global fight against crime is strenuous, but without international initiative, the world risks unravelling into chaos.

Introduction

The UNODC defines human trafficking as “the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.” Human trafficking is a crime present in almost all countries, whether it is a country of origin, transit or final destination; and in all social classes whether as a buyer, a seller, a smuggler, or a victim.





- It is believed to be the third-largest criminal activity in the world
- However, it is a crime not visible in everyday life, but rather one that works behind facades of Internet portals, fake businesses and wealthy hands

Sex trafficking is only one aspect of human trafficking. According to a report by the UNODC in 2013, sex trafficking accounts for 79% while human trafficking for forced labour only makes up 18%. A commercial sex act includes prostitution, pornography and sexual performance done in exchange for any item of value such as money, drugs, shelter, food, or clothes. According to Sharedhope International, the common age that children enter sex trafficking lies between 14 and 16 years old. This age makes them especially vulnerable because they are too young to understand what is happening to them or to be taken seriously when seeking help. The victims are often lured into the business under pretences such as safety, shelter, love, and money. In the age of smartphones, children are more vulnerable to getting in contact with sex traffickers and harder to protect from becoming potential victims of traffickers' networks.





Although, in the age of technology, traffickers and sellers can operate more freely; it has also given law enforcement new ways to track and find offenders.⁵⁴ The biggest obstacle the international community faces nowadays is ensuring that law enforcement and the judiciary can investigate and prosecute with the correct measures. There are great differences in countries' readiness and willingness of national law enforcement, the public's interest and help, as well as the capacity of the judicial and legislative branches to act.

Human trafficking, especially of sex trafficking, does not discriminate between developing and developed countries. It is up to the international community and organs, such as the UNODC to ensure that these barbaric businesses are dismantled and the right people are held responsible.

Alternate purposes for trafficking

According to a World Trade Organization (WTO) statement, on the prevention of organized

sex tourism 1995, sex tourism is defined as "trips organized from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination."





In the age of globalisation and increasing wealth more and more people can travel abroad for vacations. Tourism is a big and important part of many countries' economies as it drives economic growth, job creation and development. However, a growing tourism sector can also open pathways to businesses that set out to exploit women, men and children for commercial sex. The tourism sector combines governmental work, the private sector, and tourists. With combined effort, sex tourism could easily be reduced or stopped. Airlines and hotels have publicly spoken up against sex tourism by printing leaflets for hotels and planes as well as by funding campaigns against sex tourism. Marriott International, for instance, has taken a comprehensive approach to such human rights abuses through policy commitments and staff training. Marriott runs community outreach programmes that help vulnerable young people, including rehabilitated victims of human trafficking, providing them with new life opportunities and training at their hotels.

According to Special Rapporteur Najat Maalla M'jid (2013), there are five main reasons why we are seeing an increase in sex tourism.





The first reason she gives is that we are living in an ever-increasingly connected world. Social media and Internet pages have opened new pathways for offenders to distribute their content and find new victims and buyers alike. As a second reason, she gives the expanding tourism industry, which makes sex tourism a worldwide phenomenon. Thirdly, she states there is increased sex tourism because children are becoming more vulnerable due to ongoing conflicts, financial crises, social disparities, and norms. This aspect was also highlighted in the 2016 UNODC Global Report on Trafficking in Persons, which states that the current migrant crisis poses a new trafficking route for displaced people. She also indicates that “the demand for sex with children is persistent and growing in all regions and States underpinned by an environment of social tolerance, complicity and impunity”. Lastly, she gives the lacking a global legal framework as a reason for increasing child sex tourism.

People travelling for sex tourism used to be privileged people who were able to travel long distances and then pay for commercial sex. But cheap flights and an ever-growing industry and infrastructure behind it have opened it up even more.





Sex tourism is a huge grey or black-market force in countries, such as Thailand and Cambodia where prostitution is strictly forbidden by law. Yet in cities such as Bangkok and Phnom Penh, it is not hard to find red-light districts, which, unlike the ones in the Netherlands that are monitored by local governments and municipalities, can operate because local law enforcement and politicians turn a blind eye. As long as people can “buy”, there will be women and men forced to sell their bodies. It is, therefore, once again up to local communities and governments to work together to stop this. The UNODC and NGOs help by providing information for local people and governments, but it is still up to the Member States to want to end sex tourism and actively go against it

Money Laundering

Money laundering is a huge aspect of human trafficking and sex trafficking and the three are closely intertwined. If the international community could tackle money laundering, human and sex traffickers would have a harder time funnelling money from seller to buyer and victim, which could pose as a vital tool against human and sex trafficking.





Human trafficking is the criminal trade of men, women and children for the purposes of commercial sex, forced labor or other forms of exploitation. There are currently over 40.3 million global victims of human trafficking, and according to the recent FATF report, Financial Flows from Human Trafficking, the aggregated criminal proceeds of human trafficking reached \$150 billion in 2018. The potential to generate such sizeable financial returns makes money laundering and human trafficking often go hand in hand.

The proximity between human trafficking and money laundering means that financial institutions play an important role in its detection and prevention. Effective AML programs can help firms identify traffickers and alert the authorities, but it is vital that those firms understand the challenges they face and how to deal with them.

The Relationship Between Money Laundering and Human Trafficking

Perpetrators of human trafficking use money laundering to transform their financial proceeds into legitimate funds. However, because the financial flows from human trafficking are so diverse, detecting attempts to launder proceeds can be challenging.





Regulatory authorities issue guidance on a range of financial red flags to help firms better position their AML compliance programs to detect human trafficking.

These red-flag indicators include:

- Large deposits of money into accounts are then immediately withdrawn in towns close to international borders.
- Patterns of card transactions in even amounts of money between 10 pm and 6 am.
- Multiple victims share bank account information, e.g., phone number or address.
- Sudden deviations from expected customer account activity.
- Use of anonymous financial instruments to pay bills.
- Structured deposits across multiple physical banking locations.

Role and actions of UNODC

The role of the UNODC and the international community, therefore, needs to be to raise awareness; ensure that the international narrative on human trafficking does not get lost between conflicts and disputes; and further cooperation between countries, governments, NGOs, communities and individuals.





Regulatory authorities issue guidance on an As laid out in the Global Plan of Action to Combat Trafficking in Persons from 2010, the UNODC “should particularly helpful in providing technical assistance to implement the Convention and the Trafficking Protocol, by making use of existing capacity building tools, lessons learned and expertise.”

Human trafficking is one of the fastest-growing criminal activities in the world, a phenomenon that has been said to be driven by the same forces that drive the globalisation of markets. The breadth of the problem is immense and the statistics that outline the prevalence of trafficking in the world today give significant cause for concern. The scope of this global problem is exponentially increasing, and this has been recognised to be in part due to the worldwide increase in poverty that has been caused by the global financial crisis.

Approximately 12.3 million adults and children are in forced labour, bonded labour and commercial sexual servitude at any given time and around 80 per cent of transnational victims of human trafficking are women and girls. The estimated annual profit from trafficking for sexual exploitation alone is US\$27.8 billion worldwide. The prevalence of trafficking in the Asia-Pacific region has been estimated at the ratio of 3 for every 1,000 inhabitants (with the global ratio being 1.8 for every 1,000 inhabitants)





Human Trafficking and Migrant Smuggling

Human trafficking and migrant smuggling are global and widespread crimes that use men, women and children for profit. The organized networks or individuals behind these lucrative crimes take advantage of people who are vulnerable, desperate or simply seeking a better life. UNODC strives for the eradication of these crimes through the dismantling of the criminal enterprises that trade in people and the conviction of the main perpetrators.

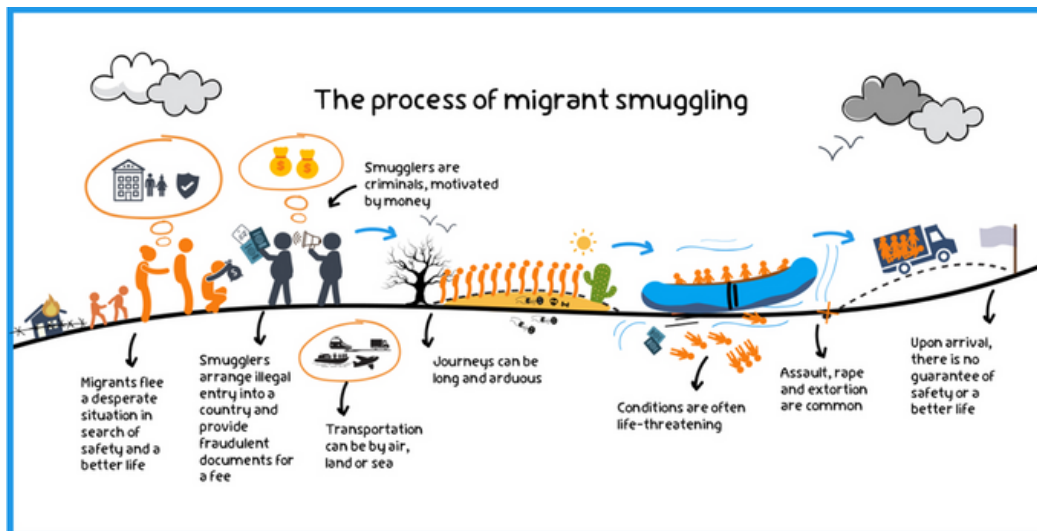
Ultimately, our work safeguards people from the abuse, neglect, exploitation or even death that is associated with these crimes. The challenges to eradicating human trafficking are significant, but are known and can be addressed. They include:

- Lack of knowledge
- Lack of a national legal framework
- Lack of policy and capacity to respond
- Limited protection of and assistance to victims
- Limited international cooperation

Migrant Smuggling

Migrant Smuggling is the facilitation, for financial or another material gain, of irregular entry into a country where the migrant is not a national or resident.





The Protocol was adopted by the United Nations in November 2000 as part of the United Nations Convention against Transnational Organized Crime. It is the first global international instrument to contain an agreed definition of the smuggling of migrants. It addresses the growing problem of organized criminal groups who smuggle migrants primarily for money. The Protocol aims at reducing the smuggling of migrants, protecting the rights of smuggled migrants, and preventing the abuse associated with this crime. Countries that ratify this treaty must ensure that migrant smuggling is criminalized by the Protocol's legal requirements

The smuggling of migrants: a deadly business

The information currently available is too scattered and too incomplete to be able to show accurately the numbers of people smuggled each year and the routes and methods used by those who smuggle them. However, the evidence available reveals the following trends and patterns:



- Criminals are increasingly providing smuggling services to irregular migrants to help them evade national border controls, migration regulations and visa requirements. Most irregular migrants resort to using the services of profit-seeking smugglers. As border controls have improved, migrants have been deterred from attempting to cross borders illegally on their own and have been diverted into the hands of smugglers.
- Since the smuggling of migrants is a highly profitable business with a low risk of detection, crime is becoming increasingly attractive to criminals. Smugglers of migrants are becoming more and more organized, establishing professional networks that transcend borders and regions.
- Smugglers of migrants use many different methods. While some offer highly sophisticated and expensive services that rely on document forgery or visas obtained on fraudulent grounds, others use low-cost methods that often pose a high risk to the migrants and that have led to a dramatic increase in loss of life in recent years.
- Smugglers of migrants constantly change routes and methods in response to changed circumstances, often at the expense of the safety of the smuggled migrants.
- Thousands of people have lost their lives as a result of the indifference or even deliberate cruelty of smugglers of migrants.





Criminalization of the offence of trafficking in persons

The lack of specific and/or adequate legislation on trafficking in persons at the national level is one of the major obstacles in the fight against trafficking. There is an urgent need to harmonize legal definitions, procedures and cooperation at the national and regional levels in accordance with international standards. The development of an appropriate legal framework that is consistent with the relevant international instruments and standards will also play an important role in the prevention of trafficking and related exploitation. The UN Trafficking Protocol requires the criminalization of trafficking in persons. The UN Convention against Transnational Organized Crime, Article 5 of the Trafficking Protocol, also requires the criminalization of the full range of conducts related to trafficking in persons as defined in Article 3 of the Protocol. In other words, it is not sufficient to criminalize some underlying offences of human trafficking, but human trafficking in its entirety needs to be criminalized. Additionally, the UN Trafficking Protocol requires the criminalization of the attempt to commit trafficking, participation as an accomplice, and organizing or directing others to commit trafficking.





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- Better coordinated and more effective subregional response policies, anchored on the
- enhancement of existing early-warning mechanisms
- Coherent networks to identify and assist victims
- Preventing impunity for traffickers
- More effective monitoring and reporting mechanisms
- Enhanced, more sustainable disarmament
- Demobilization and rehabilitation, and reintegration programmes with specialized
- programmes for girls

Impact of COVID-19 on Human Trafficking

• Online prey

Meanwhile, traffickers took advantage of the global crisis, capitalizing on peoples' loss of income and the increased amount of time both adults and children were spending online. "The pandemic has increased vulnerabilities to trafficking in persons while making trafficking even harder to detect and leaving victims struggling to obtain help and access to justice," said UNODC Executive Director, Ghada Waly. "This study is an important new resource for policy-makers and criminal justice practitioners, as it examines successful strategies to investigate and prosecute human trafficking in times of crisis. It also provides recommendations on supporting frontline responders and victims and building resilience to future crises."





The report shows that measures to curb the spread of the virus increased the risk of trafficking for people in vulnerable situations, exposed victims to further exploitation and limited access to essential services for survivors of this crime.

Job loss

“The pandemic has led to major job losses in many sectors and this creates opportunities for criminal networks to take advantage of desperate people,” he adds. The study found that children are being increasingly targeted by traffickers who are using social media and other online platforms to recruit new victims and profiting from the increased demand for child sexual exploitation materials. “Experts who contributed to our study reported their concerns about an increase in child trafficking. Children are being trafficked for sexual exploitation, forced marriage, forced begging and forced criminality,” says Mr Chatzis.

No escape

Due to lockdowns and limitations on anti-trafficking services, victims had even less chance of escaping from their traffickers.

With borders closed, many rescued trafficking victims have been forced to remain for months in shelters in the countries where they had been exploited instead of returning home. Essential services that provide the support and protection victims rely on were reduced or even halted.





“When rescued victims are recovering from their ordeal, they often need regular assistance as part of the rehabilitation and reintegration process. This could be healthcare, counselling, legal aid or access to education and employment opportunities,” says UNODC’s Ilias Chatzis. Although many parts of the world came to a standstill, the COVID pandemic did not slow down human trafficking.

Crime thrives

“Crime thrives in times of crisis, and traffickers adapted quickly to the ‘new normal’. They responded to the closure of bars, clubs and massage parlours, where exploitation can occur, by simply moving their illegal business to private properties or online,” he adds. In some countries, police officers from specialized anti-trafficking units were reassigned from their regular duties to control national efforts to curb the spread of COVID, providing the traffickers with an opportunity to operate with less risk of being detected.

Addressing trafficking beyond the criminal justice response

The UN Protocol supplements the United Nations Convention against Transnational Organized Crime (UNTOC), the main international legal instrument in the fight against transnational organized crime.





The purposes of the UN Protocol transcend the facilitation of efficient international cooperation in investigating and prosecuting trafficking in person cases, establishing a specific focus on prevention, and paying particular attention to preventing the exploitation of women and children.

Furthermore, an additional purpose of the UN Protocol is to protect and assist victims of trafficking, with full respect for their human rights. In this respect, the UN Protocol calls on State Parties to consider implementing measures for the physical, psychological and social recovery of victims, through the provision of appropriate housing, counselling and information, medical and material assistance, as well as employment and opportunities for education and training. Equally important, the UN Protocol invites State Parties to consider measures that permit migrant victims of trafficking in persons to remain in the country of detection, either temporarily or permanently. Moreover, Article 9, paragraph 4 of the UN Protocol calls on State Parties to address the structural factors that increase vulnerabilities to traffickings, such as poverty, underdevelopment and a lack of equal opportunity – including economic, gender, sexual orientation and/or ethnic inequalities. This call has become particularly relevant now, as the international community prepares for the imminent global recession triggered by the COVID-19 pandemic.





Trafficking in the Asia-Pacific Region

To understand the nature of human trafficking in the Asia-Pacific region, briefly traversing the findings of the report of the United Nations Office on Drugs and Crime on trafficking in persons and also the US Department of State Report. UNODC defines the regions in East Asia and the Pacific and South and South-West Asia.

East Asia and the Pacific

UNODC reported that most perpetrators of trafficking crimes in this region were nationals of The country where the case was reported. The proportion of minors trafficked relative to the total number of trafficking victims had risen in countries of the region and it was further found that victims in this region were predominantly trafficked for sexual Exploitation. Victims of trafficking for forced labour were identified among those who returned to Indonesia, Mongolia, the Mekong sub-region (Cambodia, Laos and Thailand) and, episodically, the Pacific sub-region. Forced labour in the form of domestic servitude and, to a lesser extent, forced begging, was detected among victims trafficked to Thailand from other countries and in victims assisted by the International Office of Migration in Indonesia.





During the reporting period, many East Asian countries were countries of origin for trafficking in persons within and outside the region. East Asia and the Pacific were mainly subject to intra-regional trafficking related to destination countries for victims.

South and South West Asia The UNODC was unable to collect any information on the profile of trafficking offenders in the South and South West Asia region. Among the countries that were able to provide information as to trafficking statistics, sexual exploitation was frequently reported as the main purpose of trafficking. However, it was noted by UNODC that trafficking for forced labour appeared to be equally prominent in the region. Moreover, a few Indian states reported victims of trafficking in persons for the purposes of organ removal and forced marriage. The UNODC outlined that domestic trafficking appeared to be a problem within the South and South West Asia region, but intra-regional and trans-regional trafficking was also identified as an issue.

Enforcement of International Law: Obstacles

Anti-trafficking laws are problematic to enforce because victims of trafficking are hesitant to identify traffickers for fear of repercussion.





Furthermore, trafficking is a crime that transcends borders, therefore jurisdictions. Applying international law to a person who resides in another state is a costly and complex endeavour. Additionally, human trafficking violates several laws and is not a one-time event. Building a case against traffickers can take a great deal of time, resources, and energy. In countries where resources are limited, these complexities can hinder the enforcement of anti-trafficking laws. Another dilemma in enforcing anti-trafficking laws is the lack of training of the local enforcement officers within the state. Even if the state has implemented anti-trafficking laws, it is not likely that the border patrol officers, federal agents, and local police officers are well-versed in international or domestic laws in regard to human trafficking. Victims of trafficking are often treated as criminals or illegal immigrants, and either arrested or deported. Additionally, since trafficking victims are usually not in their country of origin, there is often a language barrier between enforcement officers and the victims, making information-gathering problematic. The vast resources needed to ensure that the officers can properly enforce anti-trafficking laws are limited or unavailable in most states. However, one of the goals of the UN.GIFT is to help build awareness of the issue and provide technical assistance. The assistance would include: draft legislation, manuals for various law enforcement agencies and victims, and fact-sheets for raising awareness





Past International Action

"Criminal groups have wasted no time in embracing today's globalized economy and the sophisticated technology that goes with it. But our efforts to combat them have remained up to now very fragmented and our weapons almost obsolete." Former Secretary-General Kofi A. Annan. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was adopted by General Assembly Resolution 55/25 in November 2000. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition of trafficking in persons. As of February 2018, 173 countries have signed the protocol. The intention behind this definition is to facilitate convergence in national approaches to the establishment of domestic criminal offences, which would support efficient international cooperation in investigating and prosecuting trafficking in person cases. An additional objective of the Protocol is to protect and assist the victims of trafficking persons with full respect for their human rights.

Article 3 (a) can be divided into two sections. The first section concerns the definition of trafficking which: "shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, using the 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation."





The second part defines the act of exploitation and 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”. The protocol also clearly states that the victims need to be protected by ensuring their safety when returning to their home-state and during a trial, where: “Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of.” The Global Report on Trafficking in Persons is an important attempt by the UN and the UNODC to better understand the volume of human trafficking. The report, in 2014, put forward five essential aspects. Based on data gathered from 155 countries, it offers the first global assessment of the scope of human trafficking and what is being done to fight it. The first aspect is increased awareness and a wake-up call, which as a second aspect has led to people asking how big the crime is and what they can do as individuals and collectively. Thirdly, it states that within the crime of human trafficking, there is a bias towards sex trafficking. As a fourth aspect, it is stated that women are more involved in human trafficking, however, not only as victims but also as traffickers who often used to be victims themselves.





This aspect might seem obvious as women are predominantly involved in sex work, but it yet has to be noted by the international community that the number of women operating as traffickers themselves are higher than anticipated. Lastly, the report stresses the importance of raising awareness, especially on a global scale due to the problem's interconnectedness and transnational nature. The 2016 UNODC Global Report on Trafficking in Persons shows that sadly the average number of convictions remains low. According to the report, there is a tight “correlation between the lengths of time the trafficking law has been on the statute books and the conviction rate”. However, it also tries to look at the more positive side of things such as the fact that the international community is starting to notice how important the issue is and reacting to it by including it in the 2030 Sustainable Development Agenda.

Blue Heart Campaign

The Blue Heart Programme was established in 2009 by the UNODC and supports countries in implementing protocols, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children 2003. It acts as the guardian of the protocols and monitors their implementation. The blue heart is supposed to symbolize the sadness of those who are trafficked while reminding us of the cold-heartedness of those who buy and sell fellow human beings. All proceeds to the Blue Heart Campaign go to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.





The Trust Fund was created as an integral component of a global effort to address trafficking in persons.⁸⁵ In August 2010, the Member States of the United Nations General Assembly established the Trust Fund to provide the opportunity for people from all walks of life including governments, the private sector, international organizations, NGOs and individuals to work together to help victims of human trafficking practically and tangibly. The United Nations Office on Drugs and Crime was tasked with the management of the Trust Fund.

Technological Developments

The Internet has opened new pathways to human trafficking and especially for the commercial sexual exploitation of children. Sex trafficking and human trafficking have moved from street corners to smartphones. It is estimated that almost 150,000 new escort ads are posted online almost every day.⁸⁷ These ads are often hidden behind harmless facades, such as ads looking for roommates or a local garage sale. Webpages, such as Craigslist and eBay, have been under scrutiny for being used by traffickers who set up seemingly harmless ads. The many dimensions that traffickers can operate online make it hard to track, find and prosecute individuals who are often part of a bigger scheme and network.





Law enforcement do not have the tools, capacity and jurisdiction to follow up on potential leads. Furthermore, the Internet raises the question of the boundaries of national sovereignty. One has to ask under what and whose law the criminal has to be prosecuted; should the buyer or seller be prosecuted under the law of his or her nationality or under the law of the country he or she registered the webpage in? The obstacle for prosecutors when searching on the Internet is that resources are limited and that it is very time-consuming. Prosecutors skim through hundreds of Internet ads on webpages, such as craigslist, eBay and Backpage, searching for keywords and trying to identify a potential victim from pictures. According to the study, prosecutors are lucky to find one potential lead from 100 cases. Nevertheless, the Internet and modern-day technology has been a vital tool in tracking down buyers and sellers. From online transactions, banks have been able to monitor the path of the money, often-large amounts of money, which are moved just as quickly as they appeared. This poses a major obstacle for law enforcement, however, more cooperation and refined IT tracking mechanisms could soon speed up the prosecution of buyers and sellers. It is vital for the governmental, non-governmental and private sectors to work closely together.





Furthermore, according to the UN Convention against Transnational Organized Crime Article 7.1 (a), each State Party “shall institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer identification, record-keeping and the reporting of suspicious transactions”.

Conclusion

Although human trafficking is a complex issue, international legal instruments have been implemented to aid trafficking victims and to combat this worldwide epidemic. Even states that are not a party to the United Nations Convention against Transnational Organized Crime and its two related protocols are obligated to protect the rights of trafficked persons under provisions in the Universal Declaration of Human Rights, which comprises customary international law. The issues of compliance and enforcement of anti-trafficking laws are problematic, but not impossible to overcome. Initiatives through the UN.GIFT will provide supplemental funds to states to combat the issue of trafficking, but states cannot rely solely on UN programs as the solution to human trafficking.





Regional efforts are promising, because trafficking is a transnational crime, and coordinated efforts are essential to targeting the sources of trafficking and convicting traffickers. States must honestly recognize their role in combating this worldwide epidemic because trafficking continues to negatively impact millions of people every year. Trafficking, like pollution, is everyone's problem. The world collectively objected to slavery, and it will require a collective effort once again to abolish the practice of human trafficking.

Questions a Resolution Must Answer

1. How can the member nations come together to curb human trafficking?
2. Does the illicit drug trade in the world affect trafficking and migrant smuggling in any way?
3. How is transnational organized crime playing a key role in the increase of human trafficking?
4. How is migrant smuggling different from human trafficking and what are the various provisions in dealing with each of these issues?
5. What are some of the regional or international actions taken by your respective countries to address these issues?
6. How can the issue of money laundering help in countering the problems like human trafficking and migrant smuggling even better?





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