Trafficking in Persons and Smuggling of Migrants

Topic Background
Internationally, there has been a surge of global migrant populations. This has led to a series of intensifying civil and regional conflicts throughout destabilized territories. The issues surrounding human trafficking and migrant smuggling have become increasingly prevalent. While the policies, trends, and debates surrounding trafficking and migrant smuggling have changed little in the past 18 years, the prevalence of globalization and an increase in the world’s migrant population (an estimated 257 million migrants reside in destination countries, according to data from 2017) necessitate a reevaluation and recommitment to action from the international community.

It is important to note that these two topics are by no means isolated from one another, and in fact go closely hand in hand. It has been noted by UN researchers that the routes inhabited by human traffickers bear a striking resemblance to standard global migration patterns. They highlight the link between these two issues; one will not be effectively secured without simultaneously addressing the other.

The international landscape changes in accordance with these new migration patterns, and as such so do the demographics and data surrounding human trafficking. Human trafficking is defined by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons as: “…recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion … to achieve the consent of a person … for the purpose of exploitation.”

definition, serves as the basis for international criminal law regarding human trafficking. It is considered to be the basis for any further legislation that may be pursued on the topic. The landscape of demographic data related to human trafficking has changed in a number of important ways over the past decade. The UN Office on Drugs and Crime reports that, according to data from 2016, the world has seen a significant increase in the rate of persons being trafficked domestically (i.e. not across international borders, 42% of persons trafficked between 2012 and 2014 did not cross an international border). This increase has mainly been for the purpose of forced labor. While the majority of trafficked persons are still women intended for sexual exploitation, the increased proportion of people being trafficked into forced labor seems to have coincided with an increase in the proportion of men being trafficked as well.4

The changing characteristics of human trafficking represent a number of challenges for the United Nations, one of the most prominent being that international human trafficking law has limited jurisdiction over the internal affairs of states, meaning that the UN may not be adequately equipped to address the rising proportion of individuals being trafficked domestically. Additionally, the changing demographics of human trafficking necessitate vigilant monitoring. More research is needed so that the international community may be better equipped to address coming challenges.

Global migrant smuggling represents another highly nuanced and complex issue facing the international community. Unlike human trafficking, the international community has a largely inadequate set of data regarding the issue. This lack of knowledge regarding migrant smuggling has made it extremely difficult to accurately assess who’s being smuggled, by whom, and even more difficult to formulate policy to combat the issue. Even more obscured are the methods by which smugglers operate, and the motives of both smugglers and those being smuggled.5

Increasing global migration has made smuggling an extremely profitable enterprise for those that would exploit it. This means it can be extremely high risk for migrants who may believe there to be no alternative to seeking entry into another country. Migrant smuggling is estimated to result in the death of thousands of individuals on a yearly basis due to unsafe routes or means of smuggling. Migrant smuggling routes are almost constantly changing in an attempt to evade law enforcement. This means it can be extremely difficult to identify where these routes become dangerous, or even where they are in the first place.

Past International Action
The United Nations has addressed human trafficking in a number of Sustainable Development Goals (SDGs), indicating that ending human trafficking as a global practice should be treated as a high priority. SDGs 5, 8, and 16, in particular, can be identified as the goals that categorize human trafficking as a major obstacle to development. Delegates may identify goal 5, target 2, which aims to identify trafficking for sexual exploitation to be one of the most malicious forms of violence against women that the world still experiences.6 Additionally, goal 8, target 7 specifies that the

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6 “Goal 5 .:. Sustainable Development Knowledge Platform.” Sustainable Development
United Nations should focus on ending all forms of forced labor and modern slavery. Given that the majority of people trapped in conditions of forced labor today are victims of trafficking, the practice should be considered as being very much within the parameters of this goal. Finally, delegates may consider goal 16, target 2, which calls for the elimination of trafficking of and violence against children.

It is significant to note that the challenges the UN faces regarding human trafficking and international migrant smuggling have a robust set of international legal documents and organizations in place to help the international community. The two most important international documents regarding the topics are both protocols to the UN Convention Against Transnational Organized Crime; a landmark document adopted by the general assembly in November of 2000. The two protocols that most relate to the topics at hand are the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and the “Protocol Against the Smuggling of Migrants by Land Sea and Air”. Adopted by the General Assembly in 2004 and 2005 respectively, these two documents form the bedrock of international law on the two issues they aim to address. Included in both protocols are a set of articles defining the jurisdiction by which the crimes laid out in them may be policed and punished, as well as standards that state parties should adhere to in order to effectively combat and curtail international trafficking and smuggling.

The protocols have been ratified by the overwhelming majority of UN member states, but they both suffer from a number of limitations that may represent areas for improvement. It should be noted that the jurisdiction of the Human Trafficking Protocol only extends to cross-border trafficking, and cannot be enforced in issues of domestic trafficking.

Given the increasing numbers of persons being trafficked domestically, it may be important to address strengthening the legal jurisdiction the international community has over domestic trafficking. In regards to the Protocol Against the Smuggling of Migrants, the enforcement of the legislation in the treaty has been severely hampered by a lack of accurate data on the issue of international migrant smuggling. Another relevant issue is how to better supply the international community with reliable and accurate data in regards to migrant smuggling so that states may more effectively plan their responses to the issues.

In addition to states, there are a number of NGOs and private organizations that operate around the world aiming to combat human trafficking and migrant smuggling. Many of these organizations specialize in certain regions, or only operate in a particular country. This makes them valuable partners in executing more targeted, regionally-based, solutions to the problem. For example, organizations like the Polaris Project operate entirely within the United States, and are valuable sources of data regarding the status of human trafficking in that country. This can be extremely useful in coordination with international efforts, especially considering the increase in persons being trafficked...
Domestically.\textsuperscript{10}

On the other hand, organizations like Anti-Slavery International operate across borders to combat trafficking into forced labor.\textsuperscript{11} Internationally-operating NGOs can represent a faster acting, more targeted solution to the issues. Delegates should conduct research into whether or not there are any UN-recognized NGOs operating within their own borders to combat human trafficking and migrant smuggling and consider their solutions accordingly. Delegates should consider, however, that NGOs and similar small-scale organizations may not always have access to the same resources and funding that large-scale entities like states and the United Nations do, and may not always be capable of undertaking large-scale projects without assistance. Delegates should consider this when evaluating which NGOs are best suited to assist in the implementation of solutions.

**Possible Solutions**

When considering potential solutions to the issue delegates should consider the regional nuances of the problem. Every country in the world is affected in some capacity by human trafficking and migrant smuggling, but almost all of them are affected in different ways. For example, certain regions are prominent destinations for traffickers and migrant smugglers, whereas others are primarily sources of trafficked persons. As such, delegates should first consider the ramifications of human trafficking and migrant smuggling in their own country in region before pursuing larger-scale international solutions.

Secondly, delegates should consider whether their own countries and neighboring states comply with internationally established anti-trafficking and smuggling guidelines. If regional neighbors are lacking in their ability to curtail trafficking and smuggling on their own, delegates may wish to pursue solutions that aim to strengthen the capacity for anti-trafficking efforts among allies. One way to do this may be through information and research sharing.

On the front of international migrant smuggling, delegates would do well to consider how the international community can gather more reliable and more prevalent data on the practices and demographics related to migrant smuggling. Delegates may wish to coordinate with locally-based or internationally operating NGOs in order to target research efforts on where smuggling routes exist and predict where they may relocate in the event of pressure from law enforcement. Delegates should also consider, once this information has been obtained, how to translate it into political action from both the United Nations and member states to better combat the issue.

Regardless of the angle through which delegates choose to approach the topic, all should consider how the topics affect one another, and how addressing one might also be adjusted to address both. This is an international issue that without coordinated effort will continue to harm millions of people globally. Delegates, in their solutions to the problem at large, should consider the resources available to them, in addition to their regional groups.

\textsuperscript{10} “Polaris.” Polaris. https://polarisproject.org/

\textsuperscript{11} “What We Do to End Slavery.” Anti-Slavery International. https://www.antislavery.org/what-we-do/
Further Research

- UNODC Migrant Smuggling and Human Trafficking Portal
- Convention Against Transnational Organized Crime list of Parties
- IOM Migrant Data Portal
- Text of the Convention Against Transnational Organized Crime

Worksheet Questions:

1. What are some of the major demographic changes that are occurring within human trafficking patterns since 2016?
2. What are most victims of human trafficking trafficked for?
3. Name a major limitation of international law regarding human trafficking.
4. What are some of the dangers that a migrant might encounter while attempting to seek passage into another country via a smuggler?
5. What are some of the reasons that it is difficult to collect reliable data on migrant smuggling?