



Measures to Prevent and Assist the Victims of Human Trafficking, Especially Women and Children

ODU United Nations Society

Introduction

Human trafficking is a form of illegal trade or smuggling specializing in the transport of migrants trying to reach countries where they are prohibited, usually by emigration law. At one level, the process is not much different other forms of illicit trade, especially illegal drugs, cigarettes, raw materials, precious metals or diamonds. Although the numbers are vague, human trafficking is estimated to directly involve 400,000 to 4 million people annually.

Human trafficking is considered the third most lucrative illegal activity on the planet – after the illegal sale of arms and drugs – and its clandestine nature makes it difficult to quantify with precision. In 2017, the UN-affiliated International Labour Organization (ILO) estimated that 40.3 million people worldwide were subjected to forced labor and modern slavery.¹ The US Department of State concluded in 2019 that the total was about 25 million.²

According to the UN Office on Drugs and Crime (UNODC), some 72 per cent of trafficked migrants are women and girls, and the percentage of child victims has more than doubled from 2004 to 2016. Driven by forces like climate change and armed conflict, the problem is expected to get worse.³ The nature of the dangers of human trafficking was clearly illustrated in October 2019 when 39 migrants were found dead in a truck bringing them from Belgium. The migrants, later identified from Vietnam, paid traffickers to bring them across the English Channel, with hideous results.⁴ Migrants are vulnerable to traffickers' mistreatment, abuse or mere incompetence, despite the money they pay. For example, Guatemalan migrants trying to reach the United States pay traffickers USD 5,000 to 16,000 each.⁵

Human trafficking also is part of the process for contemporary slavery. Examples include African and Asian workers trafficked to the Persian Gulf to work without pay or rights in construction and other industries, unpaid household servants, and

¹ 'UN readying training guidelines to help cabin crews identify, report human trafficking', *UN News Centre*, 4 January 2018,

<https://news.un.org/en/story/2018/01/640972-un-readying-training-guidelines-help-cabin-crews-identify-report-human>

² *Trafficking in Persons Report*, Washington, DC: US Department of States, June 2019,

<https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

³ 'Conflict, climate change among factors that increase 'desperation that enables human trafficking

to flourish', says UN chief', *UN News Centre*, 30 July 2019,

<https://news.un.org/en/story/2019/07/1043391>

⁴ Megan Specia and Sui-Lee Wee, 'Mystery of 39 Bodies in Truck Leads to More Arrests in U.K.' *New York Times*, 25 October 2019,

<https://www.nytimes.com/2019/10/25/world/europe/39-bodies-essex-lorry.html>

⁵ Emily Kaplan, 'Achieving the American Dream' With a Loan and a Smuggler', *New York Times*, 5 November 2019,

<https://www.nytimes.com/2019/11/05/world/america/s/guatemala-banrural-immigration-loans.html>



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girls and women forced into prostitution abroad. As the international community struggles to abolish slavery and the trafficking of humans in its entirety, history continues to repeat itself. It was not until 1981 that Mauritania, the last country to formally do so, officially abolished slavery. Even with every state formally denouncing slavery, the world is still faced with the kidnapping, manipulation, and enslavement of humans.

For the Member States of the UN and the Human Rights Council in particular, the issue is an important part of the Sustainable Development Goals (SDGs), the UN program for 2015-30 coordinating all global development assistance. Under SDG indicator 16.2.2, the Member States agreed to track the number of victims of human trafficking by sex, age and form of exploitation, as a basis for more aggressive action.⁶

Current Situation

According to *UN Protocol Against Trafficking in Persons* (the Palermo Protocol), human trafficking is "the recruitment, transport, transfer, harboring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."¹

Human trafficking is commonly associated with sexual exploitation and illicit migration, but it

includes other forms of exploitation, such as extortion, forced labor or services, slavery, servitude, and forced removal of organs.

Victims of human trafficking can be otherwise normal migrants, who pay traffickers to help them evade border controls. They also can be girls and women, misled or kidnapped by people posing as prospective teachers or employers. It is often difficult to detect possible victims and signs of trafficking. Even with the possibility of others noticing the signs, it is often difficult to help the victims. In light of the vast history of slavery and the many obstacles of this particular topic, the chair understands the difficulty of creating a comprehensive and effective resolution. However, the chair also recognizes devastating nature of these crimes, therefore hopes that delegates work together to help put an end to this worldwide atrocity.

Sometimes this means persuading Member States to overcome official hesitance. The *Global Report on Trafficking in Persons* by the United Nations Office on Drugs and Crime (UNODC), notes that many countries deny there is a problem with human trafficking within their borders. Others are hesitant to take action against it, sometimes because powerful economic, nationalist, ethnic or religious interests supersede the interests of the victims. Some countries like Afghanistan, Iraq, Libya, Somalia and Yemen lack the capabilities to act against it. The UNODC report testifies to the importance of the UN as a trusted source of independent and scientific data and research, but it also shows the weaknesses of the international community.⁷

⁶ 'Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels', *SDG Indicators*, New York: United Nations, n.d., <https://unstats.un.org/sdgs/metadata/?text=&goal=16>

⁷ *Global Report on Trafficking in Persons*, 4th edition. Vienna: United Nations Office on Drugs and Crime (UNODC), 2018, <https://www.unodc.org/unodc/data-and-analysis/glotip.html>



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The UNODC report also reveals a significant lack of systematic information on the problem from Member States. There is a complete absence of reports in two out of every five countries. This pattern exposes systematic corruption within many Member States. It testifies to their lack of capacity, lack of skilled social workers and law enforcement personnel, institutions and procedures.

Because trafficking often is an international, cross-border phenomenon, effective responses require transnational coordination. No country can act effectively by itself. But coordinated responses depend on state capacity. The UNODC report testifies to the need to helping laggard Member States, helping them build the institutional and personal capacities to act more effectively.

While data is limited, what is available to UNODC shows that a significant percent of human trafficking is related to sexual exploitation. The report's finding that got the most attention was the conclusion that 23 percent of internationally trafficking victims are girls, who make up as much as 79 percent in some cross-national situations.⁸ Sexual exploitation in trafficking is usually directing towards young women and girls. UNODC also concluded that many of the traffickers are fellow women, a fact that many people do not consider. The trafficking of women and girls appears to be most pronounced in the Middle East and some countries in Africa. Its most brutal forms are associated with extremist groups like ISIS and Boko Haram. Sexual exploitation of victims of human trafficking also is seen in Eastern Europe and many parts of Asia, and North America, where it is associated with other forms of organized crime.

An extreme example of the problems of human trafficking is Mauritania. Although slavery was officially abolished there in 1981, practicing slavery and human trafficking was not recognized as a crime until 2007. But prosecutions have been uncommon, often focused on regional enemies of the government, and more than vestiges remain. One report estimates that 10 to 20 percent of the population of Mauritania is still living in slavery, long after the government ended its legality. Owners have an economic interest in maintaining control, and the enslaved lack the economic means to re-establish lives as free people. Ethnic minorities and the poor still fall into debt and find themselves or their children enslaved.⁴

To add to the already alarming concept, extremist groups such as Boko Haram in Nigeria, Chad and Cameroon, have caused more stress within the international community. Despite the recent progress against Boko Haram and its parent, the Islamic State, its attacks scarred Nigeria for years to come. Boko Haram was initially an Islamic group seeking to eliminate Western influence in Nigeria and aggressively promote Islamic values. As Boko Haram became assertive in Northeastern Nigeria, it began to intimidate people into accepting some of its practices. Kidnapping, especially schoolgirls for marriage, became its signature attack. Abubakar Sheka, then-leader of Boko Haram, openly stated to the media that the group fully intended on selling the girls to be married to his soliders.⁵ While some of the girls have escaped over the years, the ones who remain captive probably have families now, children to care for, and cannot escape as easily. Many of the girls that were kidnapped have never been found.

⁸ Nell Lewis, 'UN human trafficking report: Record number of girls reported as victims,' CNN, 7 January

2019, <https://www.cnn.com/2019/01/07/world/un-2018-global-report-on-trafficking-in-persons/index.html>



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United Nations Involvement

The most fundamental international statement in this field is the *Universal Declaration of Human Rights* (UNoDR, or The Declaration). The Declaration sets basic standards that can be applied to the issue of human trafficking. Under the UNoDR, signatory States pledge their residents the right to security and liberty. Article 4 states ‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.’⁹ The UNoDR also affirms that everyone has the right to freely choose their work, and shall be guaranteed dignity in the workspace. Victims of human trafficking have all of these universally declared rights violated. Additional resolutions include:

The milestone document in this field is the *Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime* (the Palermo Protocol), passed by the UN General Assembly in the year 2000.¹⁰ The Protocol provides the internationally agreed definition of ‘trafficking in persons’:

"Trafficking in persons" shall mean the recruitment, transportation, transfer,

harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, 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.¹¹

At its Sixtieth Session (2004), the UN Commission on Human Rights adopted decision 2004/110, which decided to appoint, for a three-year period, a Special Rapporteur on trafficking in persons, focusing especially women and children, to focus on the human rights aspects of the victims of trafficking in persons. In July 2017, the mandate of the Special Rapporteur was extended again for three years by Human Rights Council resolution 35/5. It calls for the Special Rapporteur to:¹²

a) Take action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights (See how to submit

⁹ *Universal Declaration of Human Rights*, New York: United Nations, n.d., <https://www.un.org/en/universal-declaration-human-rights/>

¹⁰ *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 55/25 of 15 November 2000. New York: United Nations, Office of the High Commissioner for Human Rights, 2000,

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

¹¹ Also see ‘Human rights and trafficking in persons’, *The Office of the High Commissioner for Human Rights*, <https://www.ohchr.org/EN/Issues/Trafficking/TiP/Pages/Index.aspx>

¹² ‘Special Rapporteur on trafficking in persons, especially women and children’, *The Office of the High Commissioner for Human Rights*, n.d., <https://www.ohchr.org/en/issues/trafficking/pages/traffickingindex.aspx>



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- individual complaints; See previous communications from Special Rapporteurs);
- b) Undertake country visits in order to study the situation in situ and formulate recommendations to prevent and/or combat trafficking, and protect the human rights of victims of trafficking in specific countries and/or regions;
- c) Submit annual reports to the UN Human Rights Council and the General Assembly.

UN Security Council also has acted, making progress on the problem part of international law. Security Council resolution 2388 of 2017 commits all Member States to act.¹³

Proposals for Further UN Action

An invaluable and succinct review of the state of international progress on the issue and recent action is *S/2018/1042 — Report of the Secretary General on trafficking in persons in armed conflict pursuant to Security Council resolution 2388 (2017)*.¹⁴ The document shows that progress has been made, but the problem is getting worse. Among the possibilities for further action include:

Multinational study of the issue by government-appointed experts can be a substitute for action, a minimal and low-cost response for Member States unable to agree on much more. The Terms of Reference (ToR) for the study must be carefully drafted, to stress specific issues and proposed solutions. Some

Member States will insist that studies not make recommendations—fact finding only—for fear of being bound by their findings. Others will insist the ToRs are focused only the issues they wish to be investigated, not others, more politically sensitive. The UN member states can add their expectation that the recommendations will be implemented at its next meeting.

Encourage Adoption of Best Practices: is among the most immediately useful things the Human Rights Council can do is promote globalization of *best practices* to combat human trafficking. For example, the UN is encouraging all Member States to work with airlines and charter companies to train their staff to identify and react to suspected trafficking. ‘Cabin crewmembers are in a unique situation where they can observe passengers over a certain period of time, allowing them to use their observation skills to identify a potential victim of trafficking,’ says Youla Haddadin, Advisor on Trafficking in Persons with UN’s Office of the High Commissioner for Human Rights (OHCHR). Cabin crew develop strong observation skills and the guidelines can provide them with the reporting and response procedures if they are faced with a potential trafficking situation.

But coordination of best practices does not happen accidentally. Here the UN can play a vital role. Such measures are highly popular with Member States—they usually do not threaten any Member State’s national policies—and can be expanded to other areas.¹⁵

¹³ *Security Council Reiterates its Condemnation of Trafficking in Persons, Unanimously Adopting Resolution 2388 (2017)*, UN Security Council, 21 November 2017, <https://www.un.org/press/en/2017/sc13081.doc.htm>

¹⁴ *S/2018/1042 — Report of the Secretary General on trafficking in persons in armed conflict pursuant to Security Council resolution 2388 (2017)*. New York:

United Nations, 21 November 2018, <https://www.un.org/sc/ctc/news/document/s-2018-1042-report-secretary-general-trafficking-persons-armed-conflict-pursuant-security-council-resolution-2388-2017/>

¹⁵ ‘UN readying training guidelines to help cabin crews identify, report human trafficking’, *UN News Centre*, 4 January 2018,



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Discouraging or deterring illegal migration:

Prevention of trafficking might be addressed not by focusing on traffickers, but aggressive measures to deter illegal or undocumented migration, rigorous policies refusing to accept migrants, including people in desperate need. This approach contradicts the humanitarian requirements of the UN Charter and the 1948 Universal Declaration of Human Rights (UDoHR), international maritime law (which requires rescuing people lost at sea) and the domestic law of most UN Member States.

Returning trafficked migrants to their port or country of origin. This is complicated because many migrants arrive without identifying papers and no money for further travels home or reintegration in their former homelands. Relocating trafficked individuals, then requires extensive investment in social services.

Many are not wanted by their families. Others are destitute and traumatized. But supporting social services is expensive and not a top priority for many governments, including governments in wealthy countries where politicians are elected to 'get tough' on migrants and refugees. Many governments, especially those of Non-Aligned States, often need foreign financial support to act effectively. Others need anti-corruption reform to ensure the money goes where it is needed most.

Trafficked people often need financial assistance if they are to reintegrate into the communities they left. Sending migrants home requires extensive funding, which many UN members, including some of the largest resist providing.

Improved law enforcement cooperation to

apprehend suspected traffickers, above all closer intelligence sharing and police cooperation. Institutions exist that could promote such cooperation, such as INTERPOL, based in Lyon (France), which shares intelligence on crime between Member States. But these institutions are small, and funding would have to be found for their expansion. Cooperation often is impossible due to distrust and antagonistic relations between affected states, who are not willing to share sensitive intelligence fearing the recipients will misuse it, and do not trust each other's law enforcement agencies to respect human rights.

One barrier is many governments hesitate to share law enforcement information. Western and liberal governments fear data can be misused to harm the victims of trafficking. More authoritarian governments are hesitant to release data that reveals social problems.

Conflict resolution is essential to reduce the chaos behind much trafficking. Any measures that reduce armed violence in their home countries will help people to stay. Measures to reduce violent conflict include legalization of narcotics, which would reduce violent drug trafficking, as well as aggressive international peacekeeping in conflict regions like Afghanistan, Central America, Iraq, Libya, South Sudan and Syria, or Yemen. Conflict resolution is probably the most powerful tool to reduce illegal migration. It also is expensive and hard to agree on.

Economic development also is essential to reduce long-term problems behind migration and individuals who are trapped in human trafficking. This can involve more generous economic aid, as well as opening import markets

<https://news.un.org/en/story/2018/01/640972-un-readying-training-guidelines-help-cabin-crews-identify-report-human>



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allow easier sale of the products that distressed countries produce, although this often is resisted by economic interests who fear the competition. Economic development is probably the most powerful tool to reduce illegal migration. It also is expensive and hard to agree on.

Country and Bloc Positions

African states are sensitive to the problem, but crippled by lack of resources and strong governments able to assert control over their often-porous borders. The African Union has agreed on a series of regional initiatives to impede human trafficking, stressing the importance of law enforcement coordination.¹⁶ The lack of capacity leads many African Member States to welcome foreign assistance on this issue, which has come most generously from the European Union, and to a lesser degree from the United States.

Asian states are active on these issues. They tend to stress policies to facilitate intelligence sharing and cooperation on law enforcement, but also stress measures to reduce conflict and promote economic development as long term solution. Northeast Asian states, especially Japan and South Korea, are willing to invest substantial resources to suppress human trafficking. Southeast Asian states are supportive; many of them are heavily victimized by human trafficking, including Indonesia, Myanmar, Philippines and Viet Nam. But they also tend to be hesitant to support strong UN mandates that could limit their sovereign freedom of action.

China and Russia are seriously concerned about all forms of human trafficking, but maintain that the international community has no legal right to violate the sovereignty of its Member States. They insist that the UN act only when states request help, or in international (cross-border) cases, never interfering in the sovereign domestic affairs of UN Member States. China and Russia welcome opportunities for greater coordination, but insist on keeping control over their domestic law enforcement. China is especially cautious about releasing data that reveals social problems.

The European Union (EU) is the leader in international activity on human trafficking, as a common destination for victims and widespread public revulsion in the region. The EU as a whole expects all its Member State to openly respond to human trafficking.

European states are strongly against human trafficking, however, Eastern and South Eastern European countries like Albania, Romania, Serbia and Ukraine are on the Tier 2 Watch list for unresolved country of origin problems. Two non-EU states, Belarus and Ukraine, are also active within the international community on this issue, wishing to update pre-existing anti-trafficking guidelines. Belarus spearheaded the establishment of the *Group of Friends United against Human Trafficking in the United Nations*.

EU Member States accept the importance for thinking about Human Trafficking holistically. They recognize the importance of attacking domestic demand for trafficked individuals within their borders. They also are willing to

¹⁶ African Union, 2016. *Human Trafficking and Smuggling of Migrants within and from the Horn of Africa*. Addis Ababa: African Union, 3 June 2016, <https://au.int/en/pressreleases/20160603-0> ; and OIM, 2019. *African Union – Horn of Africa Initiative*

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help supplier countries do more to prevent trafficking and better integrate survivors when they return.

Latin American states are active on these issues. Central American countries are especially sensitive because their people are among the most prominent victims of human trafficking. They tend to stress policies to facilitate intelligence sharing and cooperation on law enforcement, but also welcome measures directed at the root causes of migration and exploitation, especially measures to reduce conflict and promote economic development as long term solutions.

The United States is most active on human trafficking from Mexico and Central America, especially regarding girls and women trafficked for sexual exploitation. The United States prefers intelligence and law enforcement

cooperation rather than conflict resolution or economic assistance.

President Trump has personally elevated the visibility of the issue, stressing international sex trafficking.¹⁷ The issue is a staple theme in his public rallies, as justification for building a wall along the Mexico-US border. Critics note that more than 90 percent of criminal prosecutions for sex trafficking in the US do not involve trans-border activity; they are entirely domestic.¹⁸ The issue also is personally emphasized by his Secretary of State, Mike Pompeo.¹⁹

Although the US is not a member of the Human Rights Council, it is especially concerned that this issue be acknowledged there. However, the US regards responsibility as a matter for each sovereign state alone, and it will not accept new financial obligations to help other Member States.

¹⁷ The White House, 2019. *President Donald J. Trump Has Made it a Priority to Combat the Heinous Crime of Human Trafficking*, Washington, DC: The White House, 29 October 2019, <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-made-priority-combat-heinous-crime-human-trafficking/>

¹⁸ Kessler, Glenn, 2019. 'President Trump's fantastical human-trafficking claims', *Washington*

Post, 7 February 2019, <https://www.washingtonpost.com/politics/2019/02/07/president-trumps-fantastical-human-trafficking-claims/>

¹⁹ *Trafficking in Persons Report*, Washington, DC: US Department of States, June 2019, <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>



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