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Smuggling Versus Trafficking: Do the U.N. Protocols Have It Right?

Abstract

The terms “human trafficking” and “human smuggling” are often thought of as interchangeable due to their similar connections with irregular migration and the clandestine movement of people. However, trafficking and smuggling maintain their own differences, especially pertaining to their organizational dynamics, their forms, and their voluntary and involuntary natures that revolve around trust and exploitation. Current understandings of these terms stem from the widely accepted United Nations Protocols that were resultant from the Convention against Transnational Organized Crime.

Keywords

Human rights, Human trafficking, Contemporary slavery, Forced labor, United Nations

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Smuggling versus Trafficking: Do the U.N. Protocols have it right?

By Carolyn Burke

The terms “human trafficking” and “human smuggling” are often thought of as interchangeable due to their similar connections with irregular migration and the clandestine movement of people. However, trafficking and smuggling maintain their own differences, especially pertaining to their organizational dynamics, their forms, and their voluntary and involuntary natures that revolve around trust and exploitation. Current understandings of these terms stem from the widely accepted United Nations Protocols that were resultant from the Convention against Transnational Organized Crime. These Protocols were the first real attempts to differentiate between human trafficking and human smuggling, and provide a significant foundation for a general definition of these terms. Yet, human smuggling and human trafficking differ beyond the basic distinctions made by the U.N. Protocols. Although the Protocols highlight fundamental differences, they fail to expand upon further distinctions between these two terms.

The United Nations Protocols, entitled the “Protocol against the Smuggling of Migrants by Land, Sea and Air” and the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” provide a basic foundation upon which smuggling and trafficking definitions begin. The first protocol defines smuggling as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.” This protocol establishes smuggling as the mutual financial agreement, between the smuggler and migrant, to illegally transport a person across an international border. In contrast, the second U.N. Protocol defines trafficking as:

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.

This second protocol establishes trafficking as the illegal transportation of an individual against their will through the use of coercion, bribery, force, or deception.

Through these definitions, smuggling can be understood as a transaction between migrant and smuggler that provides agency to the migrant in the process. In comparison, the definition of trafficking emphasizes exploitation, and thus the absence of choice. These definitions provide an excellent foundation for understanding the basic differences between smuggling and trafficking; however, they are inadequate because of their inherent simplicities that exclude further differentiation between the two terms. This further differentiation begins with an examination of the organizational dynamics in which smuggling and trafficking operate.

Transnational crime is usually associated with the notion of hierarchical organized crime structures that determine operations. However, smuggling strays away from this broader perception by operating on an individual level or within loosely structured smuggling networks. These small-scale operations are carried out by independent actors and maintain a circulatory element. Within

this element, smugglers assist migrants, migrants assist relatives, and relatives return to the smuggler to emigrate. The smuggler is encouraged to do his or her job well in order to retain business.

In comparison, trafficking uses highly organized crime structures. Instead of operating within a loose framework of one or two individuals carrying out operations on a small-scale level, trafficking operates within an intricate system of varying levels of power. Trafficking follows the more traditional hierarchical structure of transnational organized crime, with one individual or group issuing orders and various sub-levels carrying out the orders. The use of centralized structures facilitates the illegal transport of human beings through recruitment, deception, harboring, and trade, thereby exemplifying the involuntary nature of trafficking. Although trafficking is also a business, it thrives under rigid control and job separation.

In addition to their organizational breakdown, smuggling and trafficking further vary in their forms. Human smuggling, with its mutually voluntary participation from both the migrant and the smuggler, largely occurs within labor and asylum migration. Individuals involved are looking for either a better profit margin or a better life. A smuggler enters into a contract with a migrant to receive compensation for his or her services during the transitory portion of the crime. In comparison, a migrant enters into a contract with a smuggler to seek a better, economically stable life within a specific destination country. Whether it is for the purpose of better work, a better life, or political asylum, smuggled migrants willingly enter into a contract with a smuggler to escape from the difficulties that perpetuated their desire to leave their homes.

Particularly with asylum, the various benefits offered in Western countries for migrants who seek asylum can be highly desirable and may ultimately influence a migrant's decision to immigrate to a particular destination country. However, regardless of a successful smuggling operation, migrants are still vulnerable to deportation. The mutually voluntary nature of smuggling can lead to legal repercussions. Unlike the recent development of victim protections for trafficking victims, smuggling continues to be viewed as an illicit crime committed by both parties involved, subjecting both smuggler and migrant to a host of legal consequences.

In comparison, human trafficking predominantly occurs within the forms of forced sex and forced labor. Women and children are the most vulnerable to being trafficked for sex. They are transported illegally, unwillingly, and sometimes unknowingly within a specific country or across international borders. Labor trafficking is similarly conducted, but with a wider pool of victims. Additionally, labor trafficking is completely involuntary, unlike the voluntary and contractual nature of labor smuggling. Ultimately, both sex and labor trafficking victims are sold into trafficking by deception, coercion, exploitation, and force. Unlike with smuggling, where a migrant is willing to be smuggled throughout the process, trafficking presents a complete violation of an individual's agency and their basic human rights. In trafficking, there is a victim and a perpetrator, whereas in smuggling there are two illegal actors, the smuggler and the migrant.

A predominant factor in smuggling and trafficking distinctions is the voluntary or involuntary nature of the crimes. Smuggling definitions imply a voluntary nature where the smuggler and migrant enter into some kind of a contract to illegally transport migrants for a profit. Unlike trafficking, the smuggler develops a relationship with the migrant that ends upon completion of the transaction. There is a level of trust between the smuggler and the migrant that does not exist in trafficking. Without trust, the migrant will not enter into an agreement with the smuggler.

Trafficking, however, involves an initial establishment of trust that disappears almost immediately. Trafficking definitions imply a significant involuntary nature where the trafficker and the victim only enter an arrangement through coercion, force, or exploitation. There is no relationship and there is no trust within the trafficking process. Traffickers illegally transport human beings for a profit with no mutual contract ever established between the trafficker and the victim. Trafficking remains rooted within deception, bribery, and bondage. The U.N. Protocols do provide basic definitions of human smuggling and human trafficking; however, they fail to mention trust in their differentiations, a factor which is integral to how these crimes operate and continue to thrive. Although the crimes are similar in their illegal transport of humans, they differ greatly in their levels of trust. The voluntary and involuntary natures of these crimes are often dependent upon the existence or absence of trust.

Another main exclusion of the U.N. Protocols involves the potential for exploitation to occur within smuggling as well as trafficking. The trafficking protocol addresses the exploitative nature of trafficking within its text and is used as a differentiation between human smuggling and human trafficking. However, the Smuggling Protocol fails to address the potential for smuggling to use exploitation to increase profits, blackmail migrants, or even segue into involuntary trafficking. This broad generalization of human trafficking and human smuggling is only further reinforced by current literature's failure to recognize that smuggled migrants, although offered agency within the activity, are highly vulnerable to exploitation as well. Ultimately, there is a very thin line between these two crimes that can be easily crossed by a specific scenario, no matter how great the differences between the two crimes are.

Human smuggling and human trafficking are inherently linked as both contribute to illegal migration; however, they are fundamentally different. Human smuggling and human trafficking vary in their organizational dynamics, their forms, and their voluntary or involuntary natures. Although the U.N. Protocols touch briefly on these topics, they are largely ignored. Additionally, the Protocols exclude the important trust variable within their definitions and mistakenly associate exploitation with only human trafficking. Although they provide an excellent foundation for a differentiation between the human smuggling and human trafficking terms, they remain too broad to elicit proper understandings, and thus proper responses to these highly complex issues. It is universally understood that these issues must be addressed, but a thorough differentiation between the two is necessary to better understand the issues and how best to confront them. Knowing how human smuggling and human trafficking operate, who is involved, and for what purpose, is integral to determining the best course of action.

Annotations

Amir, Delila, and Karen Beeks. 2006. Trafficking and the Global Sex Industry. Lanham, MD: Lexington Books.

Annotation: This collection of essays addresses the trafficking of women and children into prostitution and the global sex trade. The essays includes an analysis of policies on and responses to illegal sex trafficking. The essays are separated into various subheadings, including: migration and trafficking; national security, organized crime, and civil conflict; laws, legislation, and international intervention; as well as national and local initiatives and

service models. This volume also provides a valuable and comprehensive introduction to sex trafficking and outlines steps currently being taken to address this issue.

Baird, Vanessa. 2007. "Trafficked." *New Internationalist* (404):4-7.

Annotation: Within this brief article, the author asserts that the increase in sex trafficking in women is largely the result of the globalization era. The first section of the article addresses the nature of consumer demands, citing women and children as sexual commodities within a consumer culture. The second section looks at various responses to sex trafficking, finding sex industry laws unable to combat trafficking effectively. The final section addresses the false impressions of sex trafficking as a form of illegal immigration by various governments.

Bales, Kevin, and Steven Lize. 2007. "Investigating Human Trafficking." *FBI Law Enforcement Bulletin* 76 (4):24-32.

Annotation: This report provides practical steps for federal, state, and local agencies to use in human trafficking investigations. The article outlines best practices for conducting federal investigations by citing proper first responses, the stabilization of victims, garnering victim cooperation, the proper process of evidence collection, and effective interview techniques. This is a great piece for understanding the criminology of human trafficking, as well as the process of bringing human traffickers to justice.

Bilger, Veronika, Martin Hofmann, and Michael Jandl. 2006. "Human Smuggling as a Transnational Service Industry: Evidence from Austria." *International Migration* 44 (4):59-93.

Annotation: The authors of this article seek to differentiate between smuggling and trafficking by using migrant interviews in Austria to establish smuggling as a service industry based on client supply and demand. The authors stress that Austria, as a transit country, continues to provide easy access into the Schengen countries from Central and Eastern Europe. Supported by quotes from interviews and quantitative analysis, this article examines the importance of smuggler-client relationships, the role of credit in smuggling, the various organizational structures of smuggling networks, and the larger concept of smuggling as a market structure.

Bishop, Claire. 2003. "The Trafficking Victims Protection Act of 2000: Three Years Later." *International Migration* 41 (5):219-231.

Annotation: This document evaluates the Trafficking Victims Protection Act of 2000. It begins with an introduction to trafficking, using the U.N. Protocols as its foundation. This introduction is followed by background information on the Act and an examination of its basic framework that includes immigration regulations, prosecution efforts, and an analysis of the Trafficking in Persons Report. The article concludes with policy recommendations for the Trafficking Victims Protection Act that the author suggests would better combat trafficking and protect victims.

Buckland, Benjamin S. 2008. "More Than Just Victims: The Truth about Human Trafficking." *Public Policy Research* 15 (1):42.

Annotation: Buckland provides a new approach to understanding human trafficking by addressing the social, economic, and political factors contributing to forced and illegal migration. The author suggests that trafficking extends far beyond the current over-emphasis on the victim. By focusing on the motivations behind forced and illegal migration, Buckland argues that a more complete understanding of who is trafficked and for what reasons will ultimately emerge, and thereby provide better insight into how to address the issue and its policy implications.

Burke, Thomas F., David Ko, Ruth Purtilo, Reza Saidi, Mary Simmerling, and Owen S. Surman. 2008. "The Market of Human Organs: A Window into a Poorly Understood Global Business." *Transplantation Proceedings* 40 (2):491.

Annotation: This piece studies the recent development of the illegal organ market within human trafficking. The authors look at how this market surfaced, who participates, and how international efforts to combat this industry remain unsuccessful. The article notes that although the sale of organs is illegal in most countries, the socio-economic factors that contribute to this industry's success continue to occur. Several of the article's contributors suggest new approaches to combating the sale of organs and seek to provide a better understanding of how this market operates within the context of human trafficking.

Chapkis, Wendy. 2003. "Trafficking, Migration, and the Law: Protecting Innocents, Punishing Immigrants." *Gender and Society* 17 (6):923-937.

Annotation: This article evaluates the intentions and effectiveness of the United States Trafficking Victims' Protection Act of 2000. Included are examinations of various aspects of trafficking, such as the question of consent and the issue of border protection. The author ultimately argues that the Protection Act, while beneficial to the individuals it seeks to protect, maintains an ulterior motive targeted at the migrants excluded from its protections. Chapkis asserts that this ulterior motive represents a larger political agenda on immigration.

Corrin, Chris. 2005. "Transitional Road for Traffic: Analysing Trafficking in Women From and Through Central and Eastern Europe." *Europe-Asia Studies* 57 (4):543-560.

Annotation: Within this article, Corrin explores the emergence of human trafficking throughout Central and Eastern Europe since the fall of the Soviet Union. Several aspects of trafficking in this region are identified, including: economic factors, trafficking routes to and through the region, links between trafficking and prostitution, the abuse of women during times of war, and the development of international legislation. This article provides an excellent Central and Eastern European case study on the subject.

Desyllas, Moshoula Capous. 2007. "A Critique of the Global Trafficking Discourse and U.S. Policy." *Journal of Sociology & Social Welfare* 34 (4):57.

Annotation: Desyllas argues how human trafficking should be viewed within a more constructive framework of labor rights, migration, and human rights. Desyllas emphasizes how Western understandings of trafficking and their policies suffer from underlying fears of female sexuality, migration, and race. These policies then reinforce third world stereotypes and fail to address issues in trafficking effectively. The article demonstrates how a change in the policy approaches of the United States, the international community, and non-governmental organizations would help to better represent the multi-layered and highly complex issue of forced migration.

"International Trafficking in Persons, Especially Women and Children." 2001. *The American Journal of International Law* 95 (2):407-410.

Annotation: This article is an excerpt from a larger body of work on the contemporary practices of the United States, specifically pertaining to human trafficking. It examines the efforts being made by the United States to combat trafficking, beginning with an explication of the United Nations Trafficking Protocol adopted by the United States in 2000. The author dissects the U.N. Protocol in addition to identifying both the United States' Congressional findings and current legal recourse on this issue.

Gallagher, Anne. 2001. "Human Rights and the New U.N. Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis." *Human Rights Quarterly* 23 (4):975-1009.

Annotation: This study recognizes the U.N. Smuggling and Trafficking Protocols as the first use of international law to combat transnational crimes. The author claims that these protocols stem from security and sovereignty issues, citing how both trafficking and smuggling disrupt legal migration and undermine the immigration policies of nations. Included are overviews of the Convention against Transnational Organized Crime, the established protocols, current responses to trafficking, trafficking and smuggling definitions, as well as current prevention and protection efforts.

Geddes, Andrew. 2005. "Chronicle of a Crisis Foretold: The Politics of Irregular Migration, Human Trafficking and People Smuggling in the UK." *British Journal of Politics & International Relations* 7 (3):324-339.

Annotation: Geddes's article identifies persistent themes within the human trafficking and human smuggling debate in the United Kingdom. Particularly, the article reflects on how debates on migration and its legal responses do not adequately address human smuggling and trafficking issues. Geddes asserts that both irregular migration and human smuggling and trafficking have an impact on identity perceptions of migrants, stating that although irregular migration, trafficking, and smuggling present new legal, social, and political

challenges, they continue to be categorized as illegal immigration within British immigration policies and debate.

Heckmann, Friedrich. 2004. "Illegal Migration: What Can We Know And What Can We Explain? The Case of Germany." *International Migration Review* 38 (3):1103.

Annotation: This article examines the social organization of the smuggling process by utilizing a methodological approach to study illegal migration. Heckmann identifies current trends of illegal migration within a German case study to successfully introduce a broader understanding of human smuggling and its various forms, actors, and conditions. This is a thought-provoking and highly instrumental article for identifying the various elements of smuggling beyond the traditional organizational understandings of human smuggling operations.

Herro, Alana. 2006. "Small Victories in the Battle against Human Trafficking." *World Watch* 19 (4):9-9.

Annotation: Herro's article briefly examines human trafficking by introducing various statistics that allude to the staggering number of individuals and countries impacted by this issue. Herro also elaborates on some positive national and international responses to human trafficking, particularly in Asia, that effectively confront the issue. The article concludes by briefly addressing the potential problems presented by human trafficking if it continues to thrive, including the spread of HIV/AIDS among victims. The article suggests that the addition of this health element establishes human trafficking as more than just a human rights violation, but a public health issue as well.

Hodge, David R. 2008. "Sexual Trafficking in the United States: A Domestic Problem with Transnational Dimensions." *Social Work* 53 (2):143-152.

Annotation: This case study on sexual trafficking in the United States provides a new approach to the subject by taking a social work perspective. The article highlights the transnational nature of the crime, trafficking patterns, recruitment, and rates, as well as the role of organized crime in trafficking's development. With regard to the United States, the author addresses online victimization, the Victims of Trafficking and Violence Protection Act, and several alternative approaches to dealing with trafficking, such as the Swedish Model on sexual violence.

"Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-trafficking Efforts Abroad." 2006. *Trends in Organized Crime* 10 (1):16-38.

Annotation: This report makes several recommendations to help improve the United States' efforts to combat trafficking by identifying major weaknesses that currently exist within these efforts. Several flaws are identified within the United States' overall trafficking strategy, national and international data collecting, and the annual US Trafficking in Persons Report.

This report is useful as it provides a brief background of US involvement in human trafficking, several pertinent statistics, and a thorough evaluation of anti-trafficking efforts.

Jahic, Galma, and James O. Finckenauer. 2005. "Representations and Misrepresentations of Human Trafficking." *Trends in Organized Crime* 8 (3):24-40.

Annotation: The authors of this article explore the vagueness of trafficking definitions and examine how different stakeholders, governments, and organizations have sought to define and address this issue. The article provides three sections on the topic, including a brief history of trafficking, a quantitative approach to understanding the issue, as well as an examination of the various definitions and frameworks tied to this term. This is an excellent article that provides a fresh perspective on the topic.

Jandl, Michael. 2007. "Irregular Migration, Human Smuggling, and the Eastern Enlargement of the European Union." *International Migration Review* 41 (2):291.

Annotation: Jandl asserts that since the EU's recent enlargement, smugglers have adapted to and taken advantage of the new European environment. The article supports this claim by examining data provided by the International Centre for Migration Policy Development on the 2004 enlargement of the European Union. The data suggest that smugglers are now utilizing official road borders and false travel documents to make illegal east-to-west crossings. Identified within the article are current human smuggling trends in Europe and the significant smuggling issues that have arisen that need to be addressed by the EU and its new member states.

Jordan, Ann D. 2002. "Human Rights or Wrongs? The Struggle for a Rights-Based Response to Trafficking in Human Beings." *Gender and Development* 10 (1):28-37.

Annotation: Ann Jordan's article examines the weaknesses of current efforts to combat trafficking. She establishes four major reasons for ineffective responses, including: denial of the trafficking problem, the objectification of victims, the conflation of the issue with undocumented migration, as well as the existence of inadequate definitions. Jordan then cites the failure of the 2000 U.N. Protocols to bring about an effective international framework to combat trafficking. Finally, she closes by identifying the opportunities and challenges now facing domestic legislation, arguing that by working together, the opportunity to end this human rights abuse will not be lost.

Kaizen, Julie, and Walter Nonneman. 2007. "Irregular Migration in Belgium and Organized Crime: An Overview." *International Migration* 45 (2):121-146.

Annotation: The authors of this article examine irregular migration in Belgium and place a particular emphasis on irregular migration's relationship to organized crime. Within the article, Belgium is identified as a prominent trafficking and smuggling transit country due to its geo-strategic location in Europe. Further examined are the accepted definitions of

trafficking and smuggling, the characteristics of migrants, the links between irregular migration and organized crime, and the methods used by trafficking and smuggling groups. The article closes with policy recommendations made by the authors.

Kelly, Robert J., Jess Maghan, and Joseph Serio. 2005. Illicit Trafficking: A Reference Handbook, *Contemporary World Issues*. Santa Barbara, CA.

Annotation: This book is a comprehensive introduction to illicit trafficking in all its forms. Included is a chapter that provides a thorough history of illicit trafficking with specific countries, regions, forms, trends, contributing factors, and responses highlighted. Also included are biographies, pertinent statistics, data and research, and information on agencies and organizations that are seeking to combat the issue. The book provides a very broad introduction to illicit trafficking but elements of human trafficking can be found in every chapter.

Kempadoo, Kamala,. 2005. Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights. Boulder, CO: Paradigm.

Annotation: This collection of essays argues against the traditional understanding of trafficking as a form of prostitution by highlighting that trafficking today occurs in several other forms which deserve international attention. The book approaches the effects of globalization on labor migration and subsequently human rights by citing rights violations within the following: freedom of movement, the existence of strict migration laws, the lack of decent laborer protections within employment, as well as the struggle for social and economic security. This book utilizes an Asian regional focus to identify broader concepts in trafficking that can be linked globally to all forms of trafficking.

Koslowski, Rey and David Kyle. 2001. Global Human Smuggling: Comparative Perspectives. Baltimore: Johns Hopkins University Press.

Annotation: This book provides an examination of various forms of human smuggling and particular areas highly impacted by this issue. The authors address smuggling for migrant labor, asylum passages, sexual labor, and transnational crime. A particular emphasis is placed on labor smuggling into the United States from both China and Mexico; however, the book does explore smuggling occurrences in former Soviet Union countries and Japan. The book cites globalization as a major contributing factor, and remains somewhat limited with its focus on labor smuggling.

Laczko, Frank. 2002. "New Directions for Migration Policy in Europe." *Philosophical Transactions: Biological Sciences* 357 (1420):599-608.

Annotation: This piece examines the debate currently surrounding migration policy in Europe. In addition to identifying other European migration trends, the author provides trafficking and smuggling sub-sections. Within these sub-sections, Laczko highlights the

U.N. Protocol definitions as well as the current trends within each crime. Ultimately, this article is useful for studying all aspects of European migration policy as it extends beyond the current trafficking and smuggling debate.

Laczko, Frank and David Thompson. 2000. Migrant Trafficking and Human Smuggling in Europe: A Review of the Evidence with Case Studies from Hungary, Poland and Ukraine. Geneva: International Organization for Migration.

Annotation: This book, divided into two parts, reflects on the global rise of migrant trafficking and human smuggling. The first part of the book looks at existing research within this topic while also providing information on trafficking definitions, forms, routes, frameworks, and victim characteristics. The second part of this book includes three individual case studies on Hungary, Poland, and Ukraine. Included are interviews conducted with migrants and members of national anti-trafficking agencies. These interviews are used to better understand case-specific occurrences of trafficking and smuggling within these countries.

Lee, Maggie. 2007. Human Trafficking. Portland: Willan.

Annotation: This collection of essays seeks to establish a broad understanding of the human trafficking issue within the context of transnational crime. The book addresses several topics within trafficking, including: historical approaches to trafficking, issues and problems within trafficking research, regional case studies, transnational rights within government policies, and human rights theories. These studies identify major trends within human trafficking at both a conceptual and concrete level and highlight trafficking's emerging role in globalization and transnational crime.

Lupini, Letizia. 2006. "Irregular Migration Flow: Dreams of a Better Life Often Travel on Illegal Networks." *U.N. Chronicle* 43 (4):27-34.

Annotation: This brief U.N. article on irregular migration pays particular attention to illegal organizational networks used by migrants to reach destination countries. Although several works have distinguished between trafficking and smuggling, this article identifies migrant smugglers as the equivalent to criminal traffickers, noting that smuggling can very easily transcend into an illegal trafficking and exploitative network. This article pays particular attention to migrants, offering insight on the migratory process and the details of United Nations' efforts to elevate current understandings of migration trends from the illegal framework in which they reside.

Martin, Philip, and Mark Miller. 2000. "Smuggling and Trafficking: A Conference Report." *International Migration Review* 34 (3):969-975.

Annotation: Full of quantitative research, this conference report argues that making distinctions between smuggling and trafficking is significantly more difficult to do than

language suggests. The report suggests that differences between smuggling and trafficking remain highly convoluted and are subject to change with each scenario. By briefly examining smuggling within the topics of Chinese merchant ships, the Western Hemisphere, Europe, and prostitution, the authors provide an excellent exploration of smuggling and trafficking terms.

McCreight, Matilde Ventrella. 2006. "Smuggling of Migrants, Trafficking in Human Beings and Irregular Migration on a Comparative Perspective." *European Law Journal* 12 (1):106.

Annotation: This article tries to distinguish between migrant smuggling, human trafficking, and irregular migration within the legal context of Italian, British, and European Union laws. The author notes that only migrant smuggling and human trafficking are transnational crimes, stating that irregular migration, stemming from poverty, is not a criminal act. McCreight closes by drawing several conclusions about immigration laws and policies that might better combat smuggling and trafficking issues and emphasize a decriminalization of migration. Ultimately, this article is useful for readers looking for legal interpretations of these terms.

McCurry, Justin. 2004. "Smuggling for Sex." *Lancet* 364 (9443):1393.

Annotation: This short work addresses sex trafficking in Japan and provides an in-depth look into the Japanese sex trade and steps being taken to combat it. The article highlights several valuable statistics, the trafficking process, typical victims, as well as the latent laws being developed by the Japanese Parliament to reassess the situation and address this crisis. Providing a wealth of information on the status of sex trafficking in Japan, this article is useful for either a specific case study or a brief study of human sex trafficking in general.

McSherry, Bernadette, and Susan Kneebone. 2008. "Trafficking in Women and Forced Migration: Moving Victims across the Border of Crime into the Domain of Human Rights." *International Journal of Human Rights* 12 (1):67.

Annotation: This journal article addresses how traditional definitions of human trafficking fit within the context of transnational crime but remain within the limited realm of prostitution. The article identifies the problems of trying to define trafficking by critiquing the widely accepted U.N. Protocol definition. To address policies that better and more broadly approach trafficking and its cessation, the article uses a case specific study of Australia's developing migration laws and policies. The article effectively argues that trafficking in women should be viewed and approached as both a traditional criminal justice issue and a form of forced migration within current international migration patterns.

Mountz, Alison. 2003. "Human Smuggling, the Transnational Imaginary, and Everyday Geographies of the Nation-State." *Antipode* 35 (3):622.

Annotation: This Canadian case study explores the nation's responses to human smuggling within the broader context of a nation-state's behavior regarding immigration policies and immigrant identities. The author uses information from a smuggling episode in Canada to make the larger claim that a state revolves around the people living within it. Both highly methodological and conceptual, this piece remains limited in its use for conducting thorough research on human smuggling; however, it does provide a different approach to understanding the concept of the nation-state.

Neske, Matthias. 2006. "Human Smuggling to and through Germany." *International Migration* 44 (4):121-163.

Annotation: The main focus of this article is an examination of human smuggling in Germany. By identifying common migratory experiences and using relevant court cases, the piece intends to provide a better understanding of organizational elements within human smuggling processes. The author breaks down the smuggling process into three different categories, including: individual smuggling with a high degree of self-responsibility, visa smuggling as a pure service, and pre-organized stage-to-stage smuggling. The article effectively differentiates smuggling from trafficking and is highly valuable for understanding processes and characteristics of human smuggling within Germany and within a broader context.

Neske, Matthias, and Jeroen Doomernik. 2006. "Comparing Notes: Perspectives on Human Smuggling in Austria, Germany, Italy, and the Netherlands." *International Migration* 44 (4):39-58.

Annotation: This article is an introduction to a larger body of work that examines human smuggling within Austria, Germany, Italy, and the Netherlands. Included are the research methods employed by the authors of the case studies, the specific findings within these four countries, as well as the varying organizational processes of smuggling identified by the authors. The article concludes with an assessment of the work's findings while asserting that human smuggling must be approached as a complex and multi-faceted dilemma that transcends both border and national policies.

O'Brien, Robert. 2007. "Human Trafficking and Smuggling: The Ugly Faces of Globalization." *Global Social Policy* 7 (1):5-22.

Annotation: Using contributions from several different authors, this article places a particular emphasis on the occurrence of human smuggling and trafficking for the purpose of forced labor. The piece begins with an introduction to contemporary slavery, followed by a series of contributions concerning slavery's relation to migration. The article then provides an examination of various organizational efforts and polices being used to combat the smuggling and trafficking of human beings for labor. Concluding with general recommendations for the global community to use in addressing this global crisis, this article effectively springboards further debate on this topic.

Pastore, Ferruccio, Paola Monzini, and Giuseppe Sciortino. 2006. "Schengen's Soft Underbelly? Irregular Migration and Human Smuggling across Land and Sea Borders to Italy." *International Migration* 44 (4):95-119.

Annotation: Through an examination of irregular migration in Italy, the authors of this article seek to contest the widely accepted view of human smuggling as an illicit activity conducted by highly centralized organized crime structures. Using court cases to support their claim, the authors argue that smugglers operate within little more than loosely organized networks, emphasizing the impact of borders, border-relations, and border control on smuggling networks. The text begins with a methodological review of human smuggling that is followed by two sections on the evolution of land and sea border smuggling dynamics in Italy. The authors conclude by suggesting the internationalization of smuggling policies.

Pickering, Sharon. 2007. "Transnational Crime and Refugee Protection." *Social Justice* 34 (2):47-61.

Annotation: By examining the nature of transnational crime today, Pickering asserts that refugee protection should no longer be viewed within the context of the Convention on Transnational Organized Crime but instead reintroduced as part of the Convention Relating to the Status of Refugees. Pickering asserts that transnational crime, and more specifically, the criminalized view of refugee migration, ultimately marginalizes human rights. This article includes a narrative of transnational crime in relation to issues of sovereignty, external threats, internal challenges, human rights, policing practices, previous periods of migration, and the current trend of associating migration with transnational crime.

Raymond, Janice G. 2002. "The New U.N. Trafficking Protocol" *Women's Studies International Forum* 25 (5):491.

Annotation: This article provides an analysis of the United Nations' Trafficking Protocol. Beginning with a brief background, the author examines the need for the protocol, the definition of trafficking, and the specific text within the issued statement. Also addressed are the various interpretations of the protocol, the relationship between trafficking and sexual exploitation, and current international responses to the crime. Ultimately, this piece is an excellent resource for dissecting the U.N. Trafficking Protocol and current efforts being taken to combat this issue.

Ruddock, Philip. 2001. "What the United Nations Should Do about People Smuggling." *U.N. Chronicle* 38 (2):34.

Annotation: This United Nations article expands upon U.N. efforts to combat people smuggling and provides several of its own suggestions. The author asserts that illicit people smuggling remains a threat to a country's sovereignty and thus its immigration policies. To combat smuggling, the author stresses greater cooperation among governments and international organizations and highlights the need for the U.N. to provide greater support

to states hosting large refugee populations. The strong tone of this article suggests that human smuggling should be identified as illegal migration instead of as a human rights issue.

Salt, John. 2000. "Trafficking and Human Smuggling: A European Perspective." *International Migration* 38 (5).

Annotation: Salt's article utilizes a methodological, theoretical, and empirical approach, including statistical data, to examine the existence of human trafficking and human smuggling within Europe. This approach provides discourse on the definitions and concepts of trafficking and smuggling and examines the various characteristics of trafficking victims and traffickers. Also discussed are the organizational structures of trafficking operations, the implications of trafficking on European migrant policies, and the relationships between trafficking and organized crime. This article is incredibly useful for a general introduction to trafficking.

Shelley, Louise, and Sally Stoecker. 2005. Human Traffic and Transnational Crime: Eurasian and American Perspectives. Lanham, MD: Rowman & Littlefield.

Annotation: This book addresses the emergence of human trafficking within transnational crime by specifically examining the trafficking of women from Russia and Eastern Europe. The editors argue that although a recent increase occurred in activism and legislation regarding this issue, very little is actually known about the dimensions of the trafficking problem at international and national levels. The book tries to present trends and elements of the crime while providing both recommendations for and evaluations of trafficking policies. However, the book narrowly focuses on sex trafficking in Russia and neglects to address the supranational nature of the issue.

"Smuggling and Trafficking." 2004. *America* 3.

Annotation: This short piece focuses on trafficking and smuggling by providing a key distinction between the two terms, asserting that the differences between smuggling and trafficking lie within the very nature of their processes, suggesting that smuggling is a contractual business, whereas trafficking is a crime rooted in deception and bondage. The article concludes by emphasizing the need to create economic and social opportunities in vulnerable regions and the need to strengthen current victim protection laws.

Thachuk, Kimberley L. 2007. Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life. Westport, CT: Praeger Security International.

Annotation: Very different from other literature on the global phenomenon of human trafficking, this book consists of a series of essays that emphasize the security risk factors stemming from the illegal and transnational trade of weapons, drugs, and human beings. The book largely argues that the current emergence of transnational crime has the ability to affect the security of societies at both the regional and international level. Chapters three and

fourteen in particular focus on the rise of human trafficking and smuggling. Both provide an examination of the various forms, roles, understandings, responses to, and motivations of human trafficking and smuggling within the United States and the international community as a whole.

“The United Nations on Levels and Trends of International Migration and Related Policies.” 2003. *Population and Development Review* 29 (2):335-340.

Annotation: This study provides an overview of international migration and in particular the various increasing trends in migration identified by the United Nations. Included in these trends is a portion on international human trafficking and smuggling. The article recognizes the various ways in which the United Nations is addressing issues in international migration, including such topics as special agencies for human rights, internally displaced persons, family reunification, undocumented migrants, trafficking, and the social and economic integration of migrants.

“Trafficking in Persons Report.” 2006. *Trends in Organized Crime* 10 (1):5-15.

Annotation: This is the sixth annual Trafficking in Persons Report submitted to the United States Congress by the Department of State. Addressed are the following: sexual slavery and sex labor, labor trafficking through recruitment, the methods of traffickers, the causes of trafficking, and victim protection. Particular notes of interest include a portion on bride selling in Iraq and an evaluation of the human and social costs of trafficking, such as with human rights, the growth of organized crime, social and societal breakdown, and public health. The report also assesses current actions being taken by foreign governments to combat trafficking and identifies the most effective strategies.

United States Congress. 2004. “Alien Smuggling/Human Trafficking: Sending a Meaningful Message of Deterrence”: Hearing Before the Subcommittee on Crime, Corrections, and Victims’ Rights of the Committee on the Judiciary, United States Senate, One Hundred Eighth Congress, First Session, July 25, 2003: Washington: U.S. G.P.O.

Annotation: This text is a transcript of the hearing before the Senate Judiciary Subcommittee and provides first-hand testimonies from Senators and experienced government officials. Included in the statements are data specific facts regarding alien smuggling and human trafficking as well as agency specific responses to this global issue. This transcript is useful in identifying the steps the United States is taking to combat the emerging problem of migrant smuggling and trafficking.

Van Impe, Kristof. 2000. “People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking.” *International Migration* 38 (5).

Annotation: Utilizing a cross-country study of trafficking in the Philippines and Belgium, the author of this article seeks a better approach to combat trafficking within the European

Union. Van Impe suggests that trafficking is a phenomenon of migration cycles that must be seen within the scope of illegal migration as well as economic and social dynamics to elicit proper response. He ultimately asserts that a multi-disciplinary approach is the only way to effectively address this highly complex issue, citing how singular approaches, whether through legal, social, or administrative means, remain too narrow to make an impact.

Van Liempt, Ilse, and Jeroen Doornik. 2006. "Migrant's Agency in the Smuggling Process: The Perspectives of Smuggled Migrants in the Netherlands." *International Migration* 44 (4):165-190.

Annotation: Specifically focusing on the Netherlands, the authors of this article study the agency of migrants in smuggling processes by interviewing recent migrants from Iraq, the Horn of Africa, and the former-Soviet Union. Topics addressed include: how migrants perceive their smugglers, how migrants make contact with smugglers, the level of control migrants have in choosing their final destination, as well as the appeal of the Netherlands to smugglers as both a destination and a transit country. The article concludes that stricter immigration policies in the Netherlands have done little to combat, if not increase, human smuggling incidences in the past decade.

Zhang, Sheldon. 2007. Smuggling and Trafficking in Human Beings: All Roads Lead to America. Westport, CT: Praeger.

Annotation: This book provides a thorough analysis of human trafficking in the United States by examining various factors contributing to its existence. The book highlights how and why human trafficking occurs by citing sexual labor, slavery, irregular population migration, the use of counterfeit documents, the use of illegal and legal channels, as well as the organizational element of transnational crime. In the closing chapters, Zhang addresses the implications of trafficking on the United States by examining the connections between trafficking and terrorism and the trafficking-specific issues the United States must further address.