

United Nations' mechanisms to halt trafficking in persons: The Libyan experience

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ABSTRACT

There are probably, many literatures regarding the mechanisms adopted by United Nations to halt trafficking in persons. However, there seems to be scarcity of such literature in Libya. The study posits that trafficking in persons (TIP) is one of the worst forms of human rights abuse, and one of the most brutal forms of crime. It is a multi-dimensional phenomenon affecting both adults and children and touching on nearly all countries of the world. Methodologically, the study made use of secondary sources of data collection which includes text books, journals, newspapers, magazines, seminar papers, etc. The study therefore, argues that Libya has emerged as a major route for African migrants seeking passage to Europe. The country descended into lawlessness in the wake of the overthrow of long-time leader Muammar Gaddafi, with rival governments claiming power, backed by rival militias. The paper then concludes by asserting that of the biggest impediments to reducing the vulnerability of potential victims of trafficking in person's efforts is lack of understanding of the issue. In a very strict sense, trafficking in persons, and consequently, the measures taken to combat it, is often entangled with people smuggling, immigration and asylum, prostitution and other forms of organized crime.

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1. INTRODUCTION

United Nations (UN) conceived United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) to promote the global fight on trafficking in persons, on the basis of international agreements reached at the UN. UN.GIFT was launched in March 26, 2007 by UN Office on Drugs and Crime (UNODC) UNODC with a grant made on behalf of the United Arab Emirates (Brezna, 2016). On 31 December 2014, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), an alliance of six organizations committed to combating human trafficking, concluded its long-standing work towards curbing one of the most heinous crimes and human rights violations of our time (Obataka, 2006). United Nations Global Initiative (UN.GIFT) serves as a unique mechanism for developing a wealth of technical tools and influential publications, including the first ever global report on trafficking in persons, establishing pioneering partnerships with the private sector to highlight the responsibility of private business, launching public awareness campaigns to alert and sensitize the public to the nature and prevalence of human trafficking, strengthening the role of civil society to support and assist victims, and finally implementing joint programmes designed to support the efforts of Member States in eradicating this crime (ILO, 2012). UN.GIFT has achieved impressive results since its launch in March 2007. Pooling technical know-how and expertise on how to most effectively address the global human trafficking challenge, UN.GIFT helped to forge a strong network of partners and allies in the fight against human trafficking and placed the issue high on the global policy agenda.

Public service announcements have also proved useful for organizations combating human trafficking. In addition to many other endeavours, United Nations Office on Drugs and Crime (UNODC) work to broadcast announcements on local television and radio stations across the world. By providing regular access to information regarding human-trafficking, individuals are educated how to protect themselves and their families from being exploited (Capous, 2007). The UN.GIFT virtual knowledge hub (UN.GIFT.HUB), was developed in response to the need to gather all existing knowledge on human trafficking. In addition, it was designed to broaden this knowledge base by sharing experiences and information from all sectors. The UN.GIFT.HUB is an online space, not only to collect information, but where users can participate in the creation and dissemination of knowledge. UN.GIFT welcomes submissions of publications, projects, discussion topics and events on human trafficking to be included in the UN.GIFT.HUB and shared globally with all those involved in the fight against human trafficking (Dahrendorf, 2007). In May 2014, the UN.GIFT adopted an action plan and a campaign against human trafficking in Libya with three priorities: the protection of victims, dismantling networks linked

to trafficking, and implementing a fully-fledged public policy on this issue. In accordance with law no 2016-444 of 13 April 2016 which seeks to reinforce the fight against the system of prostitution and to support prostitutes, funds are allocated to help prevent prostitution and to provide social and professional support to victims of prostitution and of human trafficking for the purposes of sexual exploitation. Internationally, France is working actively through UN.GIFT to effectively implement the Additional Protocol to the United Nations Convention against Transnational Organized Crime (UNTOC, known as the "Palermo Convention"), which aims to prevent, suppress and punish trafficking in persons, especially women and children in Libya. This Protocol is the only universal legally-binding instrument for combating human trafficking. It asks the States to establish trafficking as a criminal offence, and contains provisions on prevention and the protection of victims and sets out international cooperation mechanisms in the areas of prosecution and suppression (ILO, 2012).

Subsequent to this legal instrument, in 2010, the General Assembly of the United Nations adopted a Global Plan of Action to Combat Trafficking in Persons (resolution 64/293), a soft law instrument which complements and promotes the effective application of the Additional Protocol. In 2013, the General Assembly of the United Nations held a high-level meeting to assess the Global Plan of Action. Member States also proclaimed 30 July to be the World Day against Trafficking in Persons. France also supports the efforts deployed by the United Nations through the UN Global Initiative to Fight Human Trafficking (UN.GIFT) in Libya, launched in 2007, which brings together international organizations involved in combating human trafficking in the interests of greater coordination and mutual reinforcement of their action. At the General Assembly of the United Nations, in 2009, 2012 and 2013, France supported UN.GIFT in its resolution in improving the coordination of actions against human trafficking in Libya. It also supported in 2012 and 2014 the resolution on "Trafficking in women and girls" (resolution 69/149) and the resolution on "Permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade" of 2013 and 2014 (resolution 69/19). During its presidency of the Security Council in June 2016, France organized an open debate on the link between sexual violence and human trafficking, in the presence, among others, of the Secretary-General of the United Nations, the Special Representative on Sexual Violence in Conflict, Ms Zainab Bangura, and the Special Rapporteur on trafficking in persons, especially women and children, Ms Maria Grazia Giammarinaro. This meeting helped to emphasize both trading practices used in sexual slavery set up by certain terrorist groups, and the increased vulnerability among female refugees to

human trafficking and sexual violence networks in Libya. This was an eye opener to people (ILO, 2012).

In December 2016, the Security Council with the guidance of UN.GIFT unanimously adopted a historic resolution clearly defining the link between human trafficking, sexual violence and terrorism as a threat to international peace and security. Resolution 2331, which calls on Member States to take decisive and immediate action to prevent and prosecute human trafficking, including the context of armed conflict, to requests that the Secretary-General issue a report at the end of 2017. During the public debate which took place at the Council, at which the United Nations Secretary-General Ban Ki-moon, Spanish Prime Minister Mariano Rajoy, Special Representative Bangura, EU Anti-Trafficking Coordinator Myria Vassiliadou, two Yezidi representatives and about 70 delegations all made statements, France reiterated its commitment to combating human trafficking, particularly of women and children, and against sexual violence committed against them in conflict situations. The discussion above supports the hypothesis that UN.GIFT uses public awareness as a measure of control in the fight against human trafficking in Libya.

1.1 Statement of Problem

Libya is a Special Case for the eighth consecutive year. The Libyan Government of National Unity (GNU), established through a UN-facilitated process in March 2021, did not effectively govern large swaths of Libyan territory, as it did not exercise control in several parts of the country. The judicial system was not fully functioning, as courts in major cities throughout the country have not been operational since 2014. Although the government and non-state actors largely upheld the October 2020 ceasefire agreement, isolated violence throughout the country and political strife between militias aligned with the Tripoli-based GNU and rival eastern institutions, including the self-styled Libyan National Army (LNA) and the House of Representatives-appointed Government of National Stability, complicated efforts to bring about unified institutions and national stability during the reporting period. Financial or military contributions from other states in the region and beyond continued to destabilize the country, although some military support abated following the ceasefire. Extra-legal armed groups, including foreign mercenaries, continued to fill a security vacuum across the country; such groups varied widely in their make-up and the extent to which they were under the direction of state authorities. These disparate armed groups committed various human rights abuses, including unlawful killings, abuse of migrants and refugees, forcible recruitment, forced labor, and sex trafficking. Impunity by those committing abuses against civilians was a pervasive problem. There were continued reports that criminal networks, militia groups, government officials, and private employers exploited migrants, refugees, and asylum-seekers in sex and labor trafficking. Endemic corruption and militias' influence over government ministries contributed to the GNU's inability to effectively address human trafficking.

2. LITERATURE REVIEW

2.1 Trafficking in persons (TIP)

This involves the recruitment, transportation, harbouring and/or control of the movement of persons for the purpose of exploitation, typically for sexual exploitation or forced labour. Victims are required to provide (or offer to provide) their services or labour as a result of conduct that, in all the circumstances, could reasonably be expected to cause the victim to fear for their own safety – or for the safety of someone known to them – if they refuse to provide that service or labour. Victims suffer physical, sexual and/or emotional abuse and often live and work in horrific conditions (ILO,2005). Trafficking in persons (TIP) is one of the worst forms of human rights abuse, and one of the most brutal forms of crime. It is a multi-dimensional phenomenon affecting both adults and children and touching on nearly all countries of the world. Estimates of trafficked persons are controversial and vary widely depending on definition and methodology used, with over 800,000 people trafficked across borders annually (United States Department of State, 2007), over 2.4 million victims of labour trafficking (ILO, 2005), and up to 27 million people in modern slavery across the world (Bales 1999), with recognition of widespread under-reporting. Estimates on the profits from this illicit trade are at US\$ 32 billion annually (ILO 2005). In 2000, the General Assembly adopted The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (“Trafficking in Persons Protocol”), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC). The Protocol laid the foundation for global action on trafficking in persons. However, while

many organizations and Member States developed anti-human trafficking (AHT) programmes, a global spotlight on the issue and a globally coordinated approach remained elusive, with a lack of consensus on a baseline of global trafficking patterns and varying views among Member States and other stakeholders about the specific actions that should be taken to address the issue. Recognizing these challenges, the Emirate of Abu Dhabi reached out to the United Nations Secretary-General in 2006 proposing an international conference on anti-human trafficking. In subsequent discussions involving UNODC, as the custodian of the UNTOC and the Trafficking in Persons Protocol, and a number of other stakeholders, the government of the Emirate of Abu Dhabi committed US\$ 15 million to launching a global conference and broader global initiative to fight trafficking in persons. The development of the project design was led by the Anti-Human Trafficking and Migrant Smuggling Unit (AHTMSU) of UNODC and UN.GIFT was launched in March 2007 as UNODC Project GLOS83.(ILO, 2012)

2.2 Global Strategies to Combat Human Trafficking

Human trafficking, and responding to it, has been and continues to be viewed from different perspectives including: (a) human rights, (b) migration, (c) violence against women, (d) crime/organized crime, and (e) labour and development. Regardless of perspective, however, the globally accepted response paradigm, as reflected in the *Trafficking Protocol*, is a multi-disciplinary framework involving prevention, victim protection, offender prosecution and broad partnership (ILO, 2012). This broad framework provides the flexibility required to incorporate and implement a variety of strategies to advance and defend core human rights, gender equality and economic security, and to prevent crime. Indeed, a variety of strategies have been developed by the international community in an effort to advance these goals in the context of responding to human trafficking (ILO, 2012).

3. METHODOLOGY

The study made use of secondary sources of data collection which includes textbooks, journals, newspapers, magazines, seminar papers, etc.

3.1 Mechanisms of United Nations To Halt Trafficking In Persons: The Central Thesis

UNO uses technology as a mechanism to halt human trafficking in Libya. Trafficking in persons is becoming more and more present on the internet. The internet and digital platforms offer traffickers numerous tools to recruit, exploit, and control victims, communicate among perpetrators and hide criminal proceeds. According to the United Nations office on drugs and crime (UNODC) 2020 Global Report on Trafficking in Persons, global data are showing an intense increase in the number of trafficking cases that take place through the internet or have the internet part of one of the different stages of the crime (Global trafficking index, 2016). However, in the use of technology also lies great opportunity. Future efforts to counter human trafficking will depend on how law enforcement, the criminal justice systems and others can leverage technology in their responses, including by aiding investigations to shed light on the modus operandi of trafficking networks, enhancing prosecutions through digital evidence and providing support services to victims/survivors. UNODC, through the regional European Union funded project “Dismantling human trafficking and migrant smuggling criminal networks in North Africa,” has been partnering with Libyan authorities to develop their technical skills to prevent the use of technology in human trafficking and migrant smuggling. UNODC supported more than 70 representatives from relevant authorities with specialized trainings on the subject with topics such as international best practices for handling digital evidence and effective investigative techniques. Recently, under the framework of the project, UNODC provided the Ministry of Interior and the Ministry of Justice with specialized equipment to enhance their efforts in preventing the use of technology in human trafficking (Global trafficking index, 2016). The delivery took place in correspondence with this year's World Day against Trafficking in Persons, which had the theme of “Use and abuse of technology,” focusing on the role of technology in both allowing and preventing trafficking crimes.

“Dismantling human trafficking and migrant smuggling criminal networks in North Africa” is a three-year (2019-2022) €15 million regional joint initiative by the European Union and the United Nations Office on Drugs and Crime (UNODC) under the framework of the North Africa Window of the European Union Emergency Trust Fund for Africa. The project consists of a regional intervention covering Egypt, Libya, Morocco, and Tunisia to support the effective dismantling of

criminal networks involved in migrant smuggling and human trafficking, while at the same time upholding the rights of migrants, refugees, asylum seekers, and vulnerable groups. (Global trafficking index, 2016). Also, the UN Security Council has imposed sanctions on six leaders of human trafficking networks operating in Libya - the first time traffickers have been put on an international sanctions list as another mechanism to halt human trafficking. The blacklisted six are four Libyans, including the head of a regional coast guard unit, and two Eritrean nationals. Smugglers have taken advantage of insecurity in Libya to move hundreds of thousands of migrants by sea to Europe. Many migrants are trapped in detention centres and beaten by traffickers. The sanctions - a global travel ban and an assets freeze - were the result of an internationally-backed Dutch proposal. The proposal was initially presented on 1 May but held up by Russia, which sought to examine the evidence against the six men. The unprecedented sanctions follow widespread outrage at the end of 2017 after CNN aired footage showing the auctioning of migrant men as slaves in Libya (Global trafficking index, 2011).

Images of migrants being sold as slaves in Libya shocked our conscience, and the Security Council vowed to take action," said the US envoy to the UN, Nikki Haley. "Today's sanctions send a strong message that the international community is united in seeking accountability for perpetrators of human trafficking and smuggling. There is no place in our world for such abuses of human rights and human dignity. Among the six men sanctioned is Ermias Ghermay, who the UN called "one of the most important sub-Saharan actors involved in the illicit trafficking of migrants in Libya".

The other five are:

- Fitiwi Abdelrazak of Eritrea
- Libyan militia leader Ahmad Oumar al-Dabbashi
- Libyan Musab Abu-Qarin
- Libyan Mohammed Kachlaf, head of the Shuhada al Nasr brigade in Zawiya, western Libya
- regional Libyan coast guard leader Abd al Rahman al-Milad.

Libya has emerged as a major route for African migrants seeking passage to Europe. The country descended into lawlessness in the wake of the overthrow of long-time leader Muammar Gaddafi, with rival governments claiming power, backed by rival militias. Once arrested, migrants are transferred by the Libyan Directorate for Combating Illegal Migration (DCIM) to detention centers such as Bir Ghanam, Gharyan, Ayn Zarah, Tarik al-Sikka and Al Mabani. Cases of torture and sexual abuse are regularly reported by NGOs, and United Nations investigators have found that some migrants, driven to despair, commit suicide by hanging or drinking shampoo. Families of migrants sometimes pay bribes of up to \$5000 to secure their release from detention (Bousel, 2023). Most migrants in Libya come from sub-Saharan Africa, but in the east, there is additional pressure from the Egyptian border, through which Bangladeshis, Pakistanis, and other Asian migrants transit. On land, local forces are carrying out operations to demolish smuggling warehouses; at sea, there have been reports of migrant pullbacks led by the Tariq Ben Zeyad Brigade, a militia led by Saddam Haftar, the son of Libyan National Army commander Khalifa Haftar. Despite its lack of international recognition, Haftar's regime may be taking these anti-smuggling measures in part to access European funding. The authorities in Tripoli, on the other hand, have employed legal proceedings in order to distinguish themselves from Tobruk. The Libyan Attorney General's office recently announced the conviction of thirty-eight traffickers who had sent eleven migrants to their deaths in an ill-fated boat. But Tripoli has also resorted to force in the crackdown on smuggling: in May, the government launched military operations in the western Zawiya region to dismantle illegal migrant camps controlled by traffickers. According to reports, drone strikes destroyed "seven migrant smuggling boats, six drug smuggling depots and nine fuel smuggling tankers." The Tripoli authorities have also taken measures to escort migrants back to their countries of origin, and to expel hundreds of Egyptians, Chadians and Sudanese to third countries, such as Rwanda or Gambia (Bousel, 2023).

It remains to be seen whether these initiatives will convince Libya's partners—the UN, the EU, the African Union, and the US. They, too, face a challenging diplomatic balance: pressuring Libyan officials in both the east and the west to respect human rights, without undermining government initiatives. But in the face of regional crises, it is certain that Libya's authorities will continue to be tested. The ongoing conflict in neighboring Sudan has pushed large numbers of refugees to try to cross the border. Neither the Sudanese nor the Libyan authorities know how many have died attempting the journey, and

many of those who survived are now trapped in limbo. As long as it remains divided, Libya will be ill-equipped to cope with these sudden and unexpected migrant arrivals—giving smugglers the upper hand (Bousel, 2023). The 2023 UN Independent Fact-Finding Mission found that state security forces as well as extra-legal armed groups throughout the country have perpetuated war crimes and human rights abuses including forcible recruitment, forced labor, and sex trafficking. Trafficked persons may be subjected to repeated acts of physical, sexual and psychological violence resulting in significant and enduring ill effects on physical and mental health. Trafficked persons also face a number of health risks and diseases ranging from sexually transmitted infections such as HIV/AIDS to malnutrition. In many cases, unsanitary, crowded living conditions, poor nutrition and lack of adequate medical care also contribute to a host of adverse health conditions. While some of the physical damage from trafficking may be treated with appropriate medical care, the psychological consequences may endure. As noted by the United Nations Office on Drugs and Crime (Bousel, 2023). The trafficking experience may create a systematic disruption of basic and core attachments to family, friends and religious and cultural systems; the destruction of central values relating to human existence; and the creation of shame following brutal acts including torture and rape. Relationships may be changed, including those with the general community and authority figures, leading to a general sense of mistrust of others and a fear of forming new relationships. The capacity for intimacy may be altered, grief may be pronounced and depression may be overwhelming. The results of the experience can be everlasting, even with treatment (Bousel, 2023).

Human trafficking has wide-reaching societal impacts including:

- Separating trafficked persons from their families and communities, including children from their parents;
- Impeding education, development and future productivity;
- Losing one's culture and language, especially for young children;
- Stigmatizing and ostracizing of victims; and,
- Reinforcing the cycle of poverty and illiteracy that stunts national development.

4. FINDINGS

From the above discussions, the study found out that:

- The internet and digital platforms offer traffickers numerous tools to recruit, exploit and control victims and to ease communication among perpetrators and hide criminal proceeds.
- The advent of technology brings great opportunity for law enforcement agents and the criminal justice systems can leverage on it to counter trafficking in persons through monitoring of the internet and other digital system.
- Enforcement of anti-trafficking laws and policies are fraught with barriers in Libya because trafficking is seen as a crime that transcends borders, and therefore jurisdiction.
- Trafficked persons faces health challenges vis-a-vie diseases like sexually transmitted infections such as HIV/AIDS to malnutrition, mental and psychological trauma because they may be subjected with repeated acts of physical, sexual and psychological violence.

5. RECOMMENDATIONS

The study recommends as follows:

- UN should develop a digital system that will keep an online surveillance to monitor and report online messages related to trafficking in persons, since such crime is becoming more present on internet.
- UN should capitalize on the great opportunity provided by technology to obtain advance information through internet monitoring by knowing the modus operandi of traffickers and their networks.
- Anti trafficking policies should be properly enforced in Libya to cover most trafficking in person, specifying severe punishment for traffickers, corrupt criminal justice and government functionaries and State Actors involved in such criminal act.
- Rescued victims of trafficking should be giving proper medical attention without delay, because of the adverse effects of the unsanitary, crowded living conditions, poor nutrition and lack of adequate medical care on their health system.

6. CONCLUSION

Corruption is a root cause and a facilitating tool in carrying out and sustaining trafficking in persons and it needs to be taken into

account when dealing with that illicit trade. Most trafficking in persons would have little chance of success if it were not for the complicity of public- and sometimes private-sector officials. Corruption ranges from active involvement to passive negligence, and it is often the lubricant that allows victims to be selected, transported and held against their will. One of the biggest impediments to reducing the vulnerability of potential victims of trafficking in persons efforts is a lack of understanding of the issue. In a very strict sense, trafficking in persons, and consequently, the measures taken to combat it, is often entangled with people smuggling, immigration and asylum, prostitution and other forms of organized crime. It must be emphasized that the essence of trafficking in person is the forced exploitation of individuals by those in the position to exert power over them. While moving people is an intrinsic part of trafficking, this may occur within as well as across borders, and it may take a variety of forms.

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