





EDUCATION FOR JUSTICE UNIVERSITY MODULE SERIES

Trafficking in Persons / Smuggling of Migrants

TEACHING GUIDE



This Teaching Guide is a resource for lecturers.

Developed under the Education for Justice (E4J) initiative of the United Nations Office on Drugs and Crime (UNODC), a component of the Global Programme for the Implementation of the Doha Declaration, this Guide forms part of the E4J University Module Series on Trafficking in Persons / Smuggling of Migrants. The full range of E4J materials includes university modules on integrity and ethics, crime prevention and criminal justice, anti-corruption, organized crime, firearms, cybercrime, wildlife, forest and fisheries crime, counter-terrorism as well as trafficking in persons / smuggling of migrants.

All the modules in the E4J University Module Series provide suggestions for in-class exercises, student assessments, slides and other teaching tools that lecturers can adapt to their contexts, and integrate into existing university courses and programmes. Each Module provides an outline for a three-hour class, but can be used for shorter or longer sessions.

All E4J university modules engage with existing academic research and debates, and may contain information, opinions and statements from a variety of sources, including press reports and independent experts. Links to external resources were tested at the time of publication. However, as third-party websites may change, please contact us if you come across a broken link or are redirected to inappropriate content. Please also inform us if you notice that a publication is linked to an unofficial version or website.

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This publication has not been formally edited.

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Executive summary

Developed as a result of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation (Doha Declaration), which recognizes the fundamental role of universal education for children and youth as a key element of crime prevention, terrorism and corruption, as well as a driver for sustainable development, this University Module Series on Trafficking in Persons and Smuggling of Migrants aims to familiarize students, in particular those with a legal background, but also those from other professional areas and disciplines, with the complexity of smuggling of migrants and trafficking in persons. Focused on five core learning principles, this Teaching Guide provides pedagogical guidance for tertiary level lecturers and highlights in particular (1) the power of prior knowledge and experience, (2) the need for a varied and active engagement, (3) the challenge of transfer, (4) the social nature of learning, and (5) the promotion of self-awareness. It also provides some insights into the development of the Modules and how to use them in various contexts. This Teaching Guide also gives an overview of the 14 stand-alone and complementary Modules, which are organized as follows:

Module 1: Migrant Smuggling as a Specific Crime Type

This Module establishes the foundation for subsequent modules on the smuggling of migrants. It provides a definition of migrant smuggling and unpacks the elements of the basic offence of the smuggling of migrants and related offences under the Protocol against the Smuggling of Migrants (enabling illegal stay and document fraud offences) in order to better understand what constitutes and does not constitute migrant smuggling.

Module 2: Protection of the Rights of Smuggled Migrants

This Module provides an overview of the protection and assistance afforded to smuggled migrants under international law, including the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (Protocol against the Smuggling of Migrants), together with international human rights and refugee law instruments. It also addresses the need to identify protection needs and recognizes the role of civil society in the provision of assistance and protection to smuggled migrants.

Module 3: The Criminal Justice Response to Migrant Smuggling

This Module shows to what extent effective investigations and prosecutions against the smuggling of migrants must be multipronged, involving an array of different actors, including the police and prosecution offices, and that due process and international cooperation must be an integral part of the response.

Module 4: Prevention and Non-Criminal Justice Responses to Migrant Smuggling

This Module presents the challenges of prevention, including addressing root causes, and the complementarity of non-law enforcement actors and measures to address the smuggling of migrants in a comprehensive manner.

Module 5: Smuggling of Migrants in the Broader Context of Migration and its Drivers

This Module places smuggling of migrants in the broader context of migration and its drivers, providing students with a general picture of the challenges posed by mixed migration flows, the role of organized crime, and the relationship between humanitarianism, security, human rights and migrant smuggling.

Module 6: Defining the Concept of Trafficking in Persons

This Module establishes the foundation for subsequent modules on trafficking in persons. It provides a definition of trafficking and details of the international legal framework, grounded in UNTOC and the Protocol against Trafficking in Persons, but also in other relevant international instruments. It also describes typical profiles of victims and traffickers and covers trafficking flows, evolving trends and patterns.

Module 7: Prevention of Trafficking in Persons

This Module reviews the root causes of trafficking as well as States' duties to prevent this crime. It also identifies preventive strategies and explores how to monitor, evaluate and report on their effectiveness.

Module 8: A Human Rights-Based Approach to Trafficking in Persons

This Module defines what is a victim of trafficking and States' duties towards them under the Protocol against Trafficking in Persons. This Module further explores why victims of trafficking should not be criminalized and what rights and provisions of assistance they are entitled to.

Module 9: Criminal Justice Responses to Trafficking in Persons

This Module focuses on the criminal justice response to trafficking and its challenges, as well as how it can be part of a prevention strategy. The role of criminal justice actors, such as the police, prosecutors and judges is discussed. The rights of victims to access justice and protection are explored in light of the Protocol and the Universal Declaration of Human Rights.

Module 10: The Role of Civil Society in Countering Trafficking in Persons

This Module explores the important contribution of civil society to combating human trafficking and assist victims, as well as the benefits for States of working with civil society, in particular non-governmental organisations.

Module 11: Smuggling of Migrants and Trafficking in Persons: Differences and Commonalities

This Module examines the common characteristics of trafficking in persons and the smuggling of migrants, the fundamental differences between them and why it is important to be able to distinguish them, including ensuring the protection of the rights of the migrants and victims.

Module 12: Children as Smuggled Migrants and Victims of Trafficking

This Module focuses on children as a specific subset of smuggled migrants and victims of trafficking. The special vulnerabilities of children are explored, and smuggling and trafficking are examined in the context of child migration. The Module examines the protection of smuggled and trafficked children in international law and how they should be protected in practice at the national level.

Module 13: Gender Dimension in Smuggling of Migrants and Trafficking in Persons

This Module explores the gender dimension of migrant smuggling and human trafficking. The Module adopts an intersectional perpective and examines the extent to which current regimes of discrimination also manifest themselves in patterns of injustice in migrant smuggling and human trafficking.

Module 14: The Links between Cybercrime, Trafficking in Persons and Smuggling of Migrants

This Module focuses on how technology is used to commit crime in the context of human trafficking and migrant smuggling, with a particular focus on the use of the Internet to facilitate these crimes. The Module considers the links between trafficking, smuggling and cybercrime in the context of the development and adaptation of modern technologies and emerging trends in the way organized criminal groups use increasingly sophisticated technologies and cryptocurrencies.

Introduction

The Education for Justice (E4J) initiative was developed as a result of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation (Doha Declaration), which was adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015. The Doha Declaration recognizes the fundamental role of universal education for children and youth as key to the prevention of crime, terrorism and corruption, as well as to promote sustainable development. E4J is aimed at building a culture of lawfulness among children and youth through the provision of age-appropriate educational materials on topics related to criminal justice, crime prevention and the rule of law, and the integration of those materials into the curricula of all education levels. At the university level, E4J facilitates and promotes teaching on issues related to the mandate areas of the United Nations Office on Drugs and Crime (UNODC), including anti-corruption, organized crime, human trafficking and migrant smuggling, counter-terrorism, cybercrime, crime prevention and criminal justice, firearms trafficking, as well as on integrity and ethics.

As part of these efforts, UNODC developed a series of 14 Modules to assist academics who are currently teaching - or wish to develop syllabi for - both undergraduate and graduate students in the areas of smuggling of migrants and trafficking in persons. Specifically, the series is

composed of five Modules on smuggling of migrants, five Modules on trafficking in persons, and four joint Modules on both crime types. The series provides practical, yet theoretically grounded, insights into the aforementioned crime areas. Illustrative examples and exercises are provided in each module to aid the learning process. Given wide variations in teaching styles and cultural contexts, the modules were designed so that they can be adapted to the specific requirements of lecturers and their students. Taking ownership of content is a central aspect of good teaching and hence E4Jencourages lecturers to bring their own creative and innovative contributions into the classroom.

The Modules are freely available on the <u>E4J website</u>. UNODC offers them as open educational resources (OER) to assist lecturers in preparing and delivering university classes on smuggling of migrants and trafficking in persons. Users may visit the <u>E4J website</u> and download and copy the information, documents and materials for non-commercial use. For tracking purposes, UNODC would appreciate being informed about the way in which the material was used and how many students were involved (messages should be sent to the <u>E4J mailbox</u>). Users can also contact E4J or <u>register</u> on the E4J website to receive news and updates.

This Teaching Guide accompanies the University Module Series on Trafficking in Persons and Smuggling of Migrants that was developed by UNODC under its E4J initiative.

Pedagogical guidance: core learning principles

The Teaching Guide provides relevant background information and pedagogical guidance for lecturers who are using or are interested in using the Modules offered by E4J in the classroom. Here are five core learning principles:

- 1. The power of prior knowledge and experience: An effective way to help students learn something new is to test it against what they already know.
- 2. Varied and active engagement: For students to gain a deep understanding of new knowledge, skills or values, they must actively engage with it.
- 3. The challenge of transfer: Our best way to help students transfer knowledge, from inside to outside the classroom, is to connect this knowledge to situations they encounter in their daily lives.
- 4. The social nature of learning: Although we often consider learning to be a solitary affair, the construction of new ideas and knowledge is more effective when students combine solitary study with opportunities for discussion and collaboration with one another.

5. Becoming self-aware: The more self-aware students are about their learning, the more they can monitor and improve their learning in a subject. As much as possible, we should seek out opportunities to invite students to identify what they understand or do not understand, or where they are strong and where they need improvement.

Section 1 offers practical suggestions on how lecturers can foster such an environment, with a particular focus on what they can do within the context of the classroom. Thus, for example, the section suggests class activities through which the lecturer can engage the students in developing ethical ground rules for classroom behaviour. Such activities not only help to create a positive learning environment, but they also reinforce the values and messages of the Modules.

In Section 2, the Teaching Guide provides more information on the approach followed for the development of these Modules as well as key issues addressed therein. It also offers suggestions on how to make the best use of the Modules and to adapt them for non-legal disciplines.

Section 3 contains summaries of each of the 14 Modules. These summaries offer a first glimpse into the content and approaches of each module as well as an overview of the entire module series. For ease of access, each summary is hyperlinked to the corresponding Module.

Section one: Helping people learn. teaching methods and principles

In recent decades, there has been an explosion of new research on how human beings learn. These findings have taught us that human beings are, as anthropologist Susan Blum wrote, "born to learn" (Blum, 2016, p. 3). We begin learning in our infancy and continue to do so throughout our life span. However, if learning is natural, teaching is not. Indeed, helping another human being to learn is a very complex challenge, which has given rise to the rich field of educational theory.

Most university lecturers spend their own years of studying mastering their disciplinary knowledge, and do not have the opportunity to study this body of educational research. They usually draw on their experience as learners, as well as their early experiences as teachers, to develop effective teaching strategies. However, opportunities to reflect upon the educational process, even after gaining experience as a teacher, can still prove helpful in developing new ideas or improving one's existing practice.

The Modules in this series, and especially the teaching materials and activities that can be found in each of them, align with some core principles from the educational theory research that are worth noting before working through the Modules. This brief outline is offered for two reasons. First, these principles help provide a theoretical basis for the teaching methods recommended in the Modules. Second, even if they choose not to use the recommended teaching activities, lecturers can use the learning principles to create and structure learning activities that might be more appropriate in their particular context.

In the following, we offer a brief overview of five core learning principles that can be used to guide the creation of any type of learning environment, from a complete traditional university course to a single learning session within a larger context. After exploring the five core learning principles, we briefly discuss the use of case studies, a popular teaching method which is extensively used in the Modules.

The power of prior knowledge and experience

Whenever we are learning something new, we normally start by testing it against what we already know. Researchers refer to what we already know as our prior knowledge, and it turns out that this prior knowledge has a substantial impact on how we process and understand new learning. The educational theorist Jean Piaget argued that our prior knowledge takes the form of schema, which one might think about as mental models or conceptual maps of our understanding in a particular area. Bain (2004) provides an overview of the theory of schema especially at it relates to university teaching. We have schema in our minds that govern all our thinking and action. We have a mental model of how a car works, for example, and that model gives us the information we need to get into the driver's seat and make it run. Another schema tells us how the city is laid out and enables us to navigate our way around it. A third and related model informs our understanding of the traffic laws.

Piaget and other educational researchers have argued that learning consists of making changes to our existing models - but that such changes can be difficult to make, and in fact we often fight against making changes to our models. When we encounter new information or ideas, our first instinct is to cram them into our existing models, even when they do not quite fit. Imagine a traveller to a foreign city which used what looked to her like traffic lights to keep people informed about the weather. Unless someone told the traveller the purpose of the lights, she would continually seek to interpret them as somehow connected to traffic, even when realizing that this interpretation did not fit well with what she was observing.

As lecturers, we want students not simply to filter our course content through their existing models, but to change and expand those internal models. One of the most effective ways to accomplish this is by having students articulate and reflect upon their prior knowledge and mental models prior to learning something new. When students are invited to discuss their

understanding and experiences of a subject before they have gained initial exposure to it, this opens the student up to the prospect of change. Moreover, as a happy corollary, this process helps teachers recognize the specific misconceptions and problems the students have, and it enables these points to be addressed more effectively.

An example of this approach can be found in the Recommended Class Structure of Module 1:

- The lecturer asks students to provide their definition of migrant smuggling;
- Students provide feedback to the class; and
- The lecturer shares the international legal definition of migrant smuggling.

Note that in this case the Module recommends that the lecturer begins by asking students to provide their own definitions first, and then share and discuss those definitions as a class. Only after those definitions have been articulated does the lecturer share the internationally agreed definitions of migrant smuggling (and trafficking in persons) - and, in so doing, the lecturer can explicitly address some of the misconceptions or problems that were evident in the students' initial definitions.

Almost any learning experience is enhanced when students first have the opportunity to articulate and discuss their prior knowledge about a subject matter. This process can at times seem messy and inefficient, as the students' initial discussions or ideas are likely to be incomplete and unclear. However, taking even a short amount of time to learn about their understandings helps the lecturer better grasp the best way to shift and enhance the mental models that students have brought into the room. James Lang (2016) offers a more extensive discussion on the benefits of having students try to answer questions or solve problems before they are ready to do it.

Varied and active engagement

For learners to gain a deep understanding of new knowledge, skills, or values, they must actively engage with it. Active engagement can come through listening to a lecturer or viewing a video, but that should never be the only form of engagement that students have with the learning material. They should also have opportunities to engage with it in other ways, such as through writing, discussions, brainstorming activities, role plays and debates. In all the E4J Modules, there are recommendations for teaching and learning activities that require students to actively confront questions pertaining to trafficking in persons and smuggling of migrants. Whether lecturers choose to use these recommended activities or develop activities of their own, they should ensure that students are required not only to listen, read, or view (which are more passive forms of learning), but also to speak, write, and act.

Lecturers might have heard or read about the theory that students have different *learning styles* - such as visual learning, or auditory learning, and so forth - and that hence teachers should seek to identify the preferred learning style of every student and tailor instruction to it.

This theory has been used to support and promote a range of educational initiatives, some of them expensive and time-consuming to put into practice. Over the past two decades, researchers have tested this theory in different ways and found that it is not well-supported by the evidence (Brown, 2014). While it is true that some of us prefer to read or listen to lectures while others like to engage in discussions or write, no evidence supports the idea that we learn more effectively or deeply when we are working in our preferred learning style. Indeed, some researchers have discovered that students are often mistaken when they predict the type of activity that produces the greatest learning for them.

We are discovering more and more that learning is most effective when it requires some effort on the part of the student, which means that students might learn more effectively when they are required to engage in activities that they find challenging. The student who enjoys listening to lectures may actually not be challenged by such a mode of delivery, but when that student has to gather her thoughts and deliver them to her peers, say, in a role play activity, her experience is likely to be more challenging, motivating her to get out of her comfort zone and learn from the unexpected. The literature often refers to this phenomenon as "desirable difficulties" (Bjork 2013 and this blog).

All of this leads to an important conclusion about the kinds of engagement activities that should be designed for students: they should be varied. If the lecturer does nothing but lecture to students, those students who do not respond very well to lectures - because they have difficulty paying attention for long periods of time, for example - are at a disadvantage. Likewise, if the lecturer does nothing but have students engage in debates, those students who like to have the opportunity to read or listen quietly to an expert are at a disadvantage. As the lecturer is putting together plans to teach any of the Modules, he or she should consider how to offer varied methods for students to engage actively with the learning material.

All Modules contain recommendations for active engagement in different forms. Here are some examples of activities that can enhance the learning experience:

- Listening to a lecture accompanied by a slide presentation.
- Watching a short video
- Engaging in a whole-class discussion on key questions
- Working in small groups on a clearly defined task
- Writing their own Declaration of Human Rights
- Designing and presenting a performance piece which may include poetry, music or dance
- Getting students to perform or present on a given topic in class

• Playing an educational board game or mobile app.

This wide range of activities gives every student the opportunity to feel comfortable in some aspects of the work and challenged in others. The creative student might fidget through the lecture but come to life in the execution of a performance piece. The more intellectual students will perhaps relish the lecture and video presentation but may need to be helped by their peers to present their ideas to the class.

As lecturers plan teaching activities for the Modules, they should keep in mind the principle that they are seeking to create for their students a varied range of active forms of engagement with the learning material.

The challenge of transfer

The ultimate goal of all education is transfer of knowledge: the ability of the learners to take what they have learned in one context and apply it to a new context. Lecturers ideally want their students to take what they have learned in the Modules and apply this learning in real-world situations that they are familiar with or may even have encountered outside of the classroom.

Research on learning shows that transfer is very difficult to achieve. People tend to learn new skills and ideas within specific contexts and then associate those skills and ideas with the context in which they learned them. The best means of helping students transfer knowledge outside of the classroom contexts in which they first encounter it, is to help connect that knowledge to contexts that students encounter in their daily lives (Ambrose, 2010). As much as possible, lecturers should always work to provide real-world examples of the ideas and principles that they are teaching, and - even better - invite students to identify and explain their own examples of those ideas and principles.

Skilled teachers usually do this during their lectures or discussions. When they introduce a new idea, they provide examples of how it has appeared in the world, or they offer hypothetical scenarios. Lecturers should make sure that at least some of their examples connect to the contexts in which the students live: the histories of their own countries, the people with whom they are familiar, the everyday contexts in which they live. Of course, part of educating students means opening their eyes to historically and geographically distant countries and histories and people, but if the lecturer never helps them see the connection between lecture content and their own lives, students are unlikely to internalize what they learn.

Fortunately, lecturers do not have to do all the work of making these connections themselves. If students gain a thorough understanding of the content, they should be able to identify their

own examples of how the taught principles could apply in their own lives. Consider this very easy example of a teaching activity from Exercise 4 in Module 10:

Students are to research media campaigns aimed at countering trafficking. In class, they should present those that they deemed more striking and those considered less effective, explaining their reasons.

The social nature of learning

Although we often think about learning as a solitary affair, the construction of new ideas and knowledge operates most effectively when learners combine solitary study with opportunities for discussion and collaboration with one another. Each Module contains recommended teaching activities in which students are collaborating with one another in discussions or other group activities. Whether lecturers pursue these recommended activities or create activities of their own, the students benefit when they can share ideas, learn from one another, take issue with one another and engage in debate.

Two related theories help support the proposition that students benefit from opportunities for collaboration with one another. First, as an expert learner in a specific field, lecturers might have developed what researchers call "expert blind spots": in other words, they lose the ability to see the material as if they were novices. Researchers who study this problem have pointed out that experts, when they are explaining their subject matter to a new learner, often forget that knowledge is scaffolded, that is, that in order to understand C one must first understand A and B.

For example, if an expert swimmer was to teach someone how to swim, the expert might focus on helping someone to develop perfect form in the motion of the arms and legs. In the meantime, the student might be gasping for air, as the teacher failed to instruct them how to breathe properly throughout the strokes - something that the teacher does automatically and took for granted the learner would know. Ellen Langer (1997) offers an overview of the difficulties that arise from recognizing knowledge or skills that have become too familiar to us.

Students who are struggling together to learn something lack this expert blind spots. For this reason, they can often be more helpful to one another than the teacher can be. A second theory about learning, one developed a century ago by Russian educational thinker L.S. Vygotsky, helps explain why this is so. Vygotsky argued that we should identify two levels of ability in learners: their current state of ability, and the abilities that they might achieve with the help of experienced peers or guides. The following example may help clarify this idea: imagine ten mathematics problems of increasing difficulty. Working alone, a student might be able to solve, say, the first six problems. However, if that student was to collaborate, say, with two peers, the three of them may be able to solve all problems. The difference between what

students can accomplish on their own and what they can accomplish collaboratively is described by Vygotsky as a students' zone of proximal development. In other words, that zone represents the next stage of learning that the student can achieve when he or she works collaboratively with others (Vygotsky, 1978). The Modules provide plenty of collaborative opportunities, enabling students to help each other deepen their understanding of smuggling of migrants and trafficking in persons.

One practical point about asking students to work collaboratively should be considered. Ideally, students should work together to complete a concrete task of some kind. If the lecturer simply provides discussion questions for students, and invites them to discuss with one another, it is likely that the more motivated students will follow the directions, while the less motivated ones will get lost. This problem can be avoided if the requirement is that students work collaboratively to produce something: a document, a list, a map, a performance, etc. Clear deliverables are imperative, as exemplified by Exercise 8 in Module 6.

Students should be divided into small groups, with each one being given one of the sections of <u>UNODC's The Concept of 'Exploitation' in the Trafficking in Persons Protocol</u> dedicated to the different forms of exploitation under the Protocol (pp. 27-38). The groups should be given 10-15 minutes to address the readings, following which they will present to the class a short analysis of the assigned form of exploitation. The lecturer should endeavour to address other possible forms of exploitation not enshrined in the Protocol (e.g. forced marriage, begging, use of victims in criminal activities, conscription into armed forces, mandatory labour for prison inmates).

This exercise gives students the opportunity to help each other complete an initial learning activity, and then to present their work to the entire class. This basic structure works well for many types of collaborative activities and provides students with the opportunity to help each other learn.

Becoming self-aware

Finally, we know that one key for effective learning is what researchers call *metacognition*, which refers to our ability to understand our own knowledge levels and learning abilities. The more self-aware students are about their learning, the more they can monitor and improve their learning in any subject. So as much as possible, lecturers should seek out opportunities to invite students to identify what they understand or do not understand, or where they are strong and where they need improvement. Cognitive psychologist Stephen L. Chew has created a series of videos for students on the importance of metacognition to their learning. The videos summarize the key research in this area in ways that are accessible to both teachers and students, and can be found here.

Lecturers can insert prompts for brief conversations about issues pertaining to metacognition in their lectures. Post-exercise reflections offer an ideal occasion for reflection on student learning experiences. This can be done in the form of discussions or writing activities. The lecturer can also consider pausing during role plays or simulations and giving students the opportunity to articulate their current state of understanding; once they have done so, the lecturer can then return them to the activity. Activities like role plays, simulations, and debates will be much more effective learning experiences if the students take the time to reflect upon the experience and to articulate explicitly what they learned from them.

An example of a debate, following by critical reflection during the lecture, can be seen in Exercise 1 of Module 2:

Proposed questions for discussion:

- Do smuggled migrants deserve human rights in the country of transit or destination given they are undocumented/are in the State irregularly?
- Are/should irregular migrants be entitled to economic, social and cultural rights (e.g. shelter, food, water, education, work and welfare)?
- Are States obligated to ensure these rights or is it a matter of discretion?

It is recommended that students' answers be recorded (black board, flipchart, sticky notes or paper board) to provide a reference for use throughout the class and to encourage students to critically review their initial answers.

An example of a role play exercise, which may be followed by reflection and further learning, is featured in Exercise 5 of Module 9. In this exercise, the testimony from a victim of trafficking is given to the students, who are then asked:

As a prosecutor, and based upon Mary's testimony, how would you build a case of trafficking in persons and present it in court? Consider the elements of the crime, possible aggravating or attenuating circumstances, modes of liability, assistance and protection to victims. Where the information in the text is not sufficient, details may be added.

Each of these extracted exercises may be followed with questions using the following model: After Listening to your peer's proposed solution to a particular issue under consideration, but before discussing it with the class, take a moment to silently consider your responses to the following questions:

What is your immediate response to your peers' views?

What are the strengths of this response?

What questions do you still have for your colleagues?

If you were the target of this response, how do you think you would react?

What might improve this response?

These kinds of questions invite precisely the sort of reflection that produces better metacognition and helps provide the student with direction for future learning.

Something lecturers often do is requesting students do written exercises immediately after class. These are what are known as "Minute Papers". The lecturer pauses the class for a few minutes before the end and asks students to write down their responses to two questions: "What is the most important thing you learned today?" and "What questions remain in your mind?". When students complete a learning experience by reflecting upon these two questions, they are given the opportunity to clearly grasp the most fundamental issues learned in class and, by taking stock in this manner, students also learn to discover gaps in their learning. Additionally, lecturers may find it useful to read what students have written. Minute exercises may help lecturers identify their own teaching blind spots and also, perhaps, to ascertain when students may have misidentified key issues. Problems that may have occurred can be addressed in the next class period.

Research tells us that most of us have "fluency illusions" in our understanding of any given topic. In other words, we tend to assume we know more than we actually do. These illusions, which plague our students as well, can stop them from learning something new. The best remedy for fluency illusions is to encourage self-reflection and analysis of one's own knowledge. Most importantly, paying attention to the metacognition of students helps lecturers empower their students to become autonomous learners, i.e. able to learn on their own with minimal or no guidance.

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Section two: Understanding the E4J modules on trafficking in persons and smuggling of migrants

The Module Series Approach:

- The Modules rely significantly on the *United Nations Convention on Transnational Organised Crime* (UNTOC) and two of its supplementary Protocols: the *Protocol against the Smuggling of Migrants by Land, Sea and Air* (Protocol against Smuggling of Migrants) and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Protocol against Trafficking in Persons). Smuggling and trafficking are serious crimes and, as such, a criminal law approach is essential, although criminal law alone cannot solve the problem. A multipronged approach is therefore required with regard to the above-mentioned Protocols.
- The Modules are addressed to tertiary level lecturers. UNODC acknowledges that the level of exposure of academics to smuggling of migrants and trafficking in persons may vary significantly across the globe and that is why the Modules have been designed to cater for varying degrees of exposure to ways of thinking about smuggling and trafficking, in addition to cultural variability and the availability of relevant teaching resources. It is for these reasons that the Modules are designed so that individual lecturers who are best equipped to assess the situation on the ground can adjust them in accordance with their specific needs.
- The Module format also allows for flexibility. We understand that time availability and specific needs will vary substantially from place to place, so each module can be treated both as part of a greater whole or as standalone lecture material. Lecturers may be interested in one or a few of the Modules being offered and, if they choose to teach some or all the Modules, it is ultimately up to each lecturer to determine the order in which the Modules are presented, despite the fact that the suggested ordering has a *rationale* and the Modules tend to build on each other, to some extent.

• The Modules present several examples from a variety of sources (e.g. media, non-governmental organisations, international organizations, courts etc.), to help illustrate the complex array of issues that human trafficking and migrant smuggling throw up, the impact on victims of trafficking and smuggled migrants, and to stimulate critical discussions on the part of the students. It must be mentioned that UNODC does not necessarily agree with views expressed in the resources provided. Instead, and as mentioned already, the material is meant to stimulate critical reflection on smuggling of migrants and trafficking in persons.

Key issues discussed in the Module Series

- Given the considerable risks posed by smuggling of migrants and trafficking in persons, the safety of trafficked persons and smuggled migrants and the related need to ensure that perpetrators are held accountable, the Module Series focuses to a significant extent, but not exclusively, on legal matters pertaining to smuggling and trafficking. However, recognizing the complexity of issues involved in each phenomena, the Module Series also explores issues that go beyond the scope of the strictly legal. Indeed, a multipronged, multidisciplinary approach is required for understanding and addressing the many problems that relate to smuggling and trafficking, from security risks to shocking human suffering and the profit-driven cruelty that is significantly responsible for it. Some of the perspectives through which issues will be approached are historical, economic, social, political and gender related.
- One very useful pedagogical strategy for learning about smuggling of migrants and trafficking in persons, which can only be achieved imperfectly given that data is often unavailable from some regions, particularly with regard to smuggling, is to engage in comparative studies of each crime type. UNODC has done its best to address the uneven availability of reliable data by seeking expert advice where necessary. This has improved things somewhat, but not to the point of achieving a well-balanced global perspective. We encourage that, whenever possible, lecturers should attempt to address this largely unavoidable imbalance by bringing their own knowledge and expertise into the classroom.
- Even though the Modules are designed to work well independently of one another, they complement and build on each other. Repetition is minimized. Cross-referencing is used throughout the Module Series and should help guide lecture preparation.
- A variety of pedagogical techniques are used to keep lectures entertaining and informative. We move away from the standard lecture format where the lecturer speaks and students listen. All evidence points in the direction of the pedagogical advantages of more interactive forms of teaching, where students are invited not merely to be passive recipients of knowledge, but also co-creators invested as agents rather than merely as receptacles of the knowledge of others. To achieve this aim, a large variety of different

resources are used, from real life case studies to reports from international organizations, governments, non-governmentals, and other kinds of organizations. Consistent with our aims, we encourage classes to be interactive, dynamic and lively.

• The Modules were developed to be interactive, participative and engaging units. Each Module includes several case studies, jurisprudence, and real-life illustrative examples. For instance, all Modules commence with a proposed exercise (so-called 'ice-breaker' or 'attention-catcher') to engage students while also leading them to assess their knowledge and understanding of the relevant topic as well as critically assess given views, statements, or facts.

Suggestions on how to make the best use of the modules

- Lecturers are encouraged to adapt the Modules to their own lecturing styles and contextual requirements. It is important the lectures remain lively, dynamic and exciting to students.
- Examples and cases explored should as much as possible speak to students lived realities. We therefore encourage lecturers to find material and come up with exercises that are not presented in the Modules in order to motivate students, that is, to engage as full persons rather than mere passive recipients of alien conceptions.
- The Modules should also be adapted to better speak to students from a variety of disciplinary backgrounds. For example, issues relating to due process and admissibility of evidence are particularly relevant for law students, but not necessarily to students from other disciplines. In degrees such as political sciences or international relations, for instance, dedicating additional time to issues relating to international cooperation may be more suitable than focusing on nitty-gritty details pertaining to the law.
- How much detail to go into will depend on a variety of factors and it is important that the
 lecture is adapted to fit the needs of specific students bodies. For instance, Module 1 on
 smuggling of migrants deals with jurisdiction on the high seas and, although in general
 terms this topic should be relevant to students coming from a variety of disciplinary
 backgrounds, legal details expressed in legal jargon may not.
- Dogma is the enemy of learning. The point of learning is not to tell people what to think, but to encourage them to think on their own. One of the clearest signs that successful learning has taken place is that students acquire the skills to teach themselves, that is, to navigate a given conceptual domain with confidence and a desire to take on new challenges. To be competent in a discipline is to be able to have an eloquent conversation either through the indirect medium of the written word or in actual conversation with

similarly experienced interlocutors as independent thinkers committed to furthering their own understandings. In order to promote the sorts of intellectual virtues required for independent thinking, the student must be intrinsically motivated. Those who are intrinsically motivated are, minimally, invested in learning, that is, committed to learning for its own sake. Teachers must inform their lecturing styles so that independent learning can take place. Classes should be exciting and should motivate students to take things to the next level. One good strategy for motivating students to become invested in learning is through the use of real case studies, many of which can be found in the SHERLOC Case Law Database. As a general rule of thumb, cases should speak to students lived realities, so it is important that lecturers make use of context specific cases. However, to not lose sight of global realities it is also important that students are exposed to cases that are globally relevant. A delicate balance between the local and the global should be achieved and the precise nature of this balance will vary from context to context, meaning that lectures must exercise judgment in adapting the Module content to the specific needs and sensitivities of their students.

Adapting the modules to non-legal disciplines

In addition to a strictly legalistic approach, there are other ways of approaching trafficking in persons and smuggling of migrants. Indeed, given the complexity of the issues involved, a multidisciplinary approach is required. There is only so much that the law can do to solve the problems of trafficking and smuggling alone. To properly understand these issues we need to move beyond the purely legal and delve into a whole array of issues to understand the complex tapestry of interrelated issues involved in trafficking in persons and smuggling of migrants. When adapting the Modules to teach students who are not studying law, it is advisable that less emphasis is placed on legal details and more emphasis is placed on other dimensions of the phenomena. The issues can be addressed, for example, from the perspectives of psychology, political science and international relations, anthropology, gender studies, critical geography, social work and sociology.

Below are some concrete suggestions from experts from a variety of backgrounds who have been asked to provide advice on how best to adapt the Modules to fit the needs of specific student bodies:

• Social work perspective: Understanding human trafficking and migrant smuggling happens in specific contexts. One key (shared) characteristic of social disciplines is to consider the interactions between individual and collective aspects. The 'person-inenvironment' perspective - or the ecological system approach - has been central in guiding the framework of social work practice. It means to consider the context of the person, and the multiple factors that may help to understand their situations, experiences, needs and orientation for intervention (from micro, meso to macro

levels/individual, physical, familial, spiritual, social, political, societal factors, among others).

- The intersectional perspective: Intersectionality enables analysing the interrelation between several factors (gender, age, social class, race, nationality or ethnicity). Because of its interest in or vocation for supporting the most vulnerable populations, social work can legitimize voices that are generally ignored or excluded. It integrates an anti-oppression, human rights-centred approach. It seeks to defend and advocate for the rights of the most vulnerable. It also focuses on assessing the needs, resilience and social network support of vulnerable populations. In this manner, social work-based disciplines address trafficking in persons and smuggling of migrants first and foremost as a human rights and social justice issue, covering areas such as psychological assistance, health care, education, and legal assistance.
- The critical geography perspective: From a critical geographical viewpoint, trafficking in persons and smuggling of migrants should be understood as historical, socio-economic and cultural processes in constant change, which derive from systemic inequality. National policies, including border policies, are likely to impact on the dynamics of each crime type. Accordingly, it is important to understand trafficking and smuggling not exclusively as crimes but also as social products resulting from unequal power relations and opportunities, which have diverse implications at the local, national, regional and global levels. To this effect, adopting a historical and political perspective will be of essence.

In what follows, some guidelines are provided to help lecturers adapt the Modules to students from non-legal disciplines. Lecturers could encourage students to:

- Explore through their own disciplinary lenses potential interventions that would effectively address smuggling and trafficking, and to examine the challenges posed by the existing local and international legal and political frameworks;
- Explore the root causes of smuggling and trafficking, both at the local and international levels, paying attention, among other things, to cultural specificities that may help smuggling and trafficking take root more readily in some areas rather than in others;
- Analyse firsthand accounts of trafficked persons and smuggled migrants, focusing in particular on the specific socio-political conditions that make it possible for them to be trafficked or smuggled;
- Study the economic implications of sovereignty, transnational markets, globalization, trade liberalization and border militarization on smuggling and trafficking;
- Analyse declared and un-declared reasons why States could be motivated to participate in international anti-smuggling and anti-trafficking initiatives as expressed, for instance, in the language of instruments and on how these are implemented. It would also be

fruitful to study whether these instruments cohere with other State policies and, if they do not, to speculate why this could be so.

Section three: Structure of the modules and module summaries

The Module Series includes the following Modules.

Smuggling of Migrants	Trafficking in Persons	JOINT Modules
Migrant Smuggling as a Specific Crime Type	6. Defining the Concept of Trafficking in Persons	11. Smuggling of Migrants and Trafficking in Persons - Differences and Commonalities
2. The Human Rights of Smuggled Migrants	7. Prevention of Trafficking in Persons	12. Children as Smuggled Migrants and Victims of Trafficking
3. The Criminal Justice Response to Migrant Smuggling	8. A Human Rights-Based Approach to Trafficking in Persons	13. Gender Dimension in Smuggling of Migrants and Trafficking in Persons
4. Prevention and Non-Criminal Response to Migrant Smuggling	9. Criminal Justice Responses to Trafficking in Persons	14. The Links Between Cybercrime, Trafficking in Persons and Smuggling of Migrants
5. Smuggling of Migrants in the Broader Context of Migration and its Drivers	10. The Role of Civil Society in Countering Trafficking in Persons	

Each Module includes:

- Learning objectives;
- Substantive analysis of selected topics;
- Exercises and activities, including at least one case study;
- Subject-matter illustrations; and
- Proposed class structure.

The Modules were designed as three-hour stand-alone lectures that also work as part of a series of complementary lectures. In some circumstances, more than three hours may be required for teaching one Module and it is suggested that lecturers exercise their discretion

with regard to this matter. Some students may need more time than others to make their learning experience a valuable one, and other students may be relatively familiar with issues relating to trafficking in persons and smuggling of migrants, warranting, perhaps, that issues dealt with in a given Module should be explored in more depth than would otherwise be the case.

With each Module, lecturers will find a:

- PowerPoint presentation, which can be adapted to better suit the requirements of specific student groups or contexts;
- List of proposed core and advanced readings and other supporting tools, such as audio-visual materials;
- Suggested assessment resources, such as exam questions, case studies, and exercises.
 In addition to the exercises suggested in the Modules, lecturers are encouraged to develop additional activities (such as moot courts, visits to relevant sites or institutions, film sessions) and projects (such as developing and or participating in awareness-raising campaigns).

Module 1: Migrant Smuggling as a Specific Crime Type

Module topics include:

- The criminalization of smuggling of migrants
 - The United Nations Convention against Transnational Organized Crime and its
 Supplementing Protocol against the Smuggling of Migrants
 - Constituent elements of offences under the Protocol: (i) smuggling of migrants,
 (ii) enabling illegal stay and (iii) related fraudulent documents offences
 - o The financial or material benefit element
 - Aggravating circumstances
 - o Criminal liability
- Non-criminalization of smuggled migrants
 - Scope of protection
 - o Humanitarian exemption
- Jursidiction
- Migrant smuggling v. irregular migration
- Migrant smuggling vis-à-vis other crime types

This Module starts by briefly explaining the recent status of smuggling of migrants as a crime addressed under international law. Following this, the role of UNTOC and the Protocol against Smuggling of Migrants in the prevention and fight against migrant smuggling is outlined. The objective and subjective constituent elements of smuggling offences, as well as aggravating circumstances, are also highlighted. The lecturer should underline the importance, rationale

and implications of the 'financial or other material benefit' element in the definition of smuggling of migrants. National laws should be critically assessed in light of UNTOC and the Protocol. The above-mentioned issues are conceived of as the core of this Module. It is therefore suggested that, in adapting the Module to local realities, the lecturer does not dispense with these core issues. It is also suggested that lecturers adopt a comparative approach, by highlighting the extent to which laws vary from jurisdiction to jurisdiction. Students should be able to critically engage with such differences. For example, students could ask themselves whether one legal framework is better than another, and in what respect. The humanitarian exemption should also be analysed both under the Protocol and national legislation. The lecturer could (if warranted, given the disciplinary focus of their students) critically discuss the jurisdictional (especially with regard to migrant smuggling by sea) and liability requirements (of physical and legal persons) as enshrined in both the international and national legal frameworks. Special attention should be drawn to the responsibility of public officials or persons committing the crime taking advantage of their respective position of authority. It is recommended that these matters be addressed on the basis of case law or, more generally, by making use of real-life examples. It is also recommended that national legislation and jurisprudence is assessed in light of article 5 of the Protocol, which requires that migrants should not face prosecution on account of having been smuggled. Critical discussion on the merits of the different approaches should be encouraged. By the end of this Module, students are also expected to be able to clearly understand the distinction between migrant smuggling and irregular migration.

Module 2: Protection of the Rights of Smuggled Migrants

Module topics include:

- Assistance and protection in the Protocol against the Smuggling of Migrants
- International Human Rights and Refugee Law
- Vulnerable groups
- Positive and negative obligations of the State
- Identification of smuggled migrants and first responses
- Participation of smuggled migrants in legal proceedings
- The roles of non-governmental organizations (NGOs)
- Smuggled migrants and other categories of migrants
- Short-, mid- and long-term measures

Module 2 provides an overview of the protection and assistance afforded to smuggled migrants under international law, including the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants, together with international human rights and refugee law instruments. It emphasizes the fact that, despite not being nationals or citizens of the country they are present in, smuggled migrants

benefit from numerous rights which States are obligated to ensure and protect. The Module further clarifies the "positive" and "negative" nature of States' human rights obligations, the importance of identification and first response measures in protecting smuggled migrants, assistance in relation to participation in legal proceedings, and the role of non-governmentals. It concludes by observing that measures to improve protection of smuggled migrants may be carried out in the short, mid, and long term.

A comparative approach, drawing attention to challenges and lessons learned from more than one jurisdiction, is suggested. The role of non-governmental social actors could also be scrutinized, highlighting the advantages and challenges of public-private partnerships aimed at enhancing support to smuggled migrants.

Module 3: The Criminal Justice Response to Migrant Smuggling

Module topics include:

- The scope of the criminal justice response
- Investigative and prosecutorial multidisciplinary approaches
 - o Relevant actors in countering smuggling of migrants and their respective roles
 - o Testimonial evidence
 - Financial investigations
 - The media
 - Non-governmental organizations
 - Outside the box' methodologies
- Intra and inter-agency coordination
- Admissibility of evidence and due process
- Sentencing
- International cooperation
- Exchange of information
- Training

The main purpose of Module 4 is to show the extent to which an effective criminal justice approach to smuggling of migrants is necessarily multipronged, involving an array of different actors, including the police, prosecution offices, labour inspectorates, health and sanitation inspectorates, non-governmentals and civil society in general. Partnerships with Internet service providers and financial service providers might be critical in gathering evidence and strengthening criminal cases. As far as the collection of evidence is concerned, it is important to highlight that smuggled migrants - who are likely to possess important information - might be unwilling to cooperate with authorities due, for instance, to fear of retaliation or feelings of gratitude towards smugglers. Getting smuggled migrants to cooperate often requires

incentives, such as special visas, and the offer of protection against harm from smuggling rackets.

Students should be alerted to the fact that, in view of the complex dynamics of migrant smuggling, some challenges may arise with respect to the admissibility of evidence and due process. For example, the testimony of migrants questioned as witnesses without legal counsel may be deemed inadmissible in some courts of law and smuggled migrants may in some courts be liable to criminal prosecution for violations such as illegal immigration and being in possession of fraudulent documents. The lecturer should further consider the sentencing process, paying attention to both attenuating and aggravating circumstances, and how they are weighed up in the process leading to sentencing.

By its very nature, migrant smuggling is an international endeavour. International police and judicial cooperation are often critical factors for dismantling smuggling networks. Lecturers could address different ways in which police and judicial cooperation occurs across national borders. The establishment of effective channels of communication to facilitate the smooth exchange of information is crucial for combating migrant smuggling. The type of information being exchanged may vary considerably. It may be about potential suspects or the modus operandi of organized criminal groups, their preferred routes etc. Some of the exchanged information may contain personal data and lecturers could draw students' attention to the pressing need to consider the legal violations that could potentially occur if issues of privacy are not treated with delicacy. When discussing the importance of training in addressing migrant smuggling the importance of understanding national realities and specific challenges must be underlined.

Module 4: Prevention and Non-Criminal Justice Responses to Migrant Smuggling

Module topics include:

- Non-criminal law relevant to migrant smuggling
- The administrative approach
- Complementary activities and the roles of non-criminal law actors
- Macro-perspective in addressing smuggling of migrants
- International aid and cooperation: the need for effective planning, monitoring, and accountability

A holistic approach to smuggling of migrants includes preventing and prosecuting the crime, protecting the rights of smuggled migrants and fostering international cooperation to dismantle organized criminal groups. This Module complements Module 3 by presenting non-criminal justice responses to the smuggling of migrants. It emphasizes that a robust and

effective approach to combating migrant smuggling must go beyond law enforcement. It explains that areas of law besides criminal law, such as human rights, labour, migration and refugee law, are relevant. The so-called administrative approach to organized crime is also considered. This approach aims to prevent organized crime from infiltrating the public sector, the economy or key parts of public administration, thus debilitating the "machinery" of organized criminal groups. As discussed in other Modules (1, 3 and 5), the presence of corruption, political instability and the lack of rule of law creates fertile ground for organized criminal activities, including smuggling of migrants. Transparency in the administration of public resources and related monitoring and accountability mechanisms are critical to ensuring strong institutions, which are less likely to be infiltrated by organized criminal groups. These considerations also apply to the technical support and financial aid of the international community, where effective accountability systems should be a shared responsibility of the receiving State as much as the donor country(ies). It should be noted that several actors considered in the context of Module 3 are also examined in this Module, but from a different perspective – the purpose is to assess the contribution of those actors in the non-criminal response to smuggling of migrants.

Module 5: Smuggling of Migrants in the Broader Context of Migration and its Drivers

Module topics include:

- Migration and migrant smuggling
- Mixed migration flows
- The social politics of migrant smuggling
- Vulnerability
- Profile of smugglers
- Addressing demand: the role of organized criminal groups
- Humanitarianism, security and migrant smuggling

Module 5 sets out the broader context of smuggling of migrants and directs students to progressively and critically understand, assess and explain common issues associated with the phenomenon. The lecturer should commence by talking about what is often referred to as the current migration crisis, the realities of smuggling of migrants and migration trends. The Module includes a discussion of the root causes of smuggling of migrants and irregular migration more broadly, including gender, membership of a social, religious or political group, ethnicity and race, as well as situations of existing or past political or social conflict and economic crisis (see also Module 13). These factors should be analysed in the context of the lack of legal avenues for migration. The discussion of causes should ideally focus on cases or realities particularly relevant to the country where the Module is taught (bearing in mind

whether it is a country of origin, transit and/or destination). The vulnerabilities of migrants to the dangers of the smuggling process should also be discussed.

The Module elaborates on, and differentiates between, several relevant concepts (including, for example, irregular migration, refugees and asylum seekers). The economic (profitable) nature of smuggling of migrants should be emphasized. The role played by organized criminal groups in satisfying - often at the cost of individuals' lives, safety and physical integrity - the demand for migrant smuggling should also be stressed. Finally, the debate concerning humanitarianism and migrant smuggling is addressed to highlight the complexities inherent in combating migrant smuggling, and preventing irregular migration more broadly. This Module builds on some of the material covered in Modules 1 to 4.

Module 6: Defining the Concept of Trafficking in Persons

Module topics include:

- The crime of trafficking in persons
- International legal framework: The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
 - o The Protocol's definition of trafficking in persons
 - o The issue of consent
 - o The purpose of exploitation
 - o The abuse of vulnerability
- Indicators of trafficking in persons
- The distinction between trafficking in persons and other crimes
- Common misconceptions regarding trafficking in persons

The Module begins by providing a brief definition of trafficking in persons and its three constituent elements, followed by descriptions of typical profiles of victims and traffickers. It covers trafficking flows, evolving trends and patterns and provides an overview of the primary categories of counter-trafficking strategies (Prevention, Protection, Prosecution and Participation). These are addressed in more depth in Modules 7 to 10.

The Module then details the international legal framework, grounded on UNTOC and the Protocol against Trafficking in Persons. It contains a brief summary of historical international legal instruments, which deal with similar crimes, regional instruments, and domestic implementation. The Module next examines the definition of trafficking in persons in the Protocol, followed by a discussion of some of the complexities in the definition, including the issue of consent, the purpose of exploitation (which covers particular examples of the exploitation of victims) and the 'abuse of a position of vulnerability'.

The Module concludes with a discussion on the indicators of trafficking, the distinction between trafficking and other forms of exploitation, and common misconceptions, with the objective of further clarifying what is and what is not trafficking in persons.

Module 7: Prevention of Trafficking in Persons

Module topics include:

- Prevention duties imposed on States by the Protocol against Trafficking in Persons
- Root causes
 - Vulnerability factors
 - Factors fueling demand for goods and services produced or provided by trafficked labour
 - o Factors allowing crime and organized crime to flourish
- Effective prevention strategies
 - o Short comings of many supply side prevention strategies and initiatives
 - o Demand side strategies
 - o Role of the media
 - Safe migration strategies
 - o Crime prevention strategies
- Monitoring, evaluating and reporting on the effectiveness of prevention strategies

This Module highlights that the fight against trafficking in persons relies on robust prevention strategies and cannot merely be reactive, as expressed in the Protocol against Trafficking in Persons. The Module contains a detailed discussion on the root causes of trafficking, including how these causes also impede attempts to combat the crime.

In addressing effective prevention strategies, the Module first analyses the shortcomings of many "supply side" strategies. Next, it identifies the most promising prevention measures, which are weighted in favour of "demand side" strategies. Specifically, the Module highlights the importance of addressing the demand for trafficked persons by reducing the opportunity for offenders to exploit victims and the potential profits to be made; increasing the risks and punishments of offenders with the objective of increasing the effectiveness of deterrence, and creating an intolerance to the crime within society, thereby reducing consumer demand for goods and services produced from trafficked labour. The effects of safer migration channels and crime prevention are also noted.

The Module then moves to a discussion of the importance of monitoring, evaluating and reporting within both the private and public sectors to measure the performance of various anti-trafficking initiatives.

Module 8: A Human Rights-Based Approach to Trafficking in Persons

Module topics include:

- Trafficked persons as victims
- Protection under the Protocol against Trafficking in Persons
- The broader international human rights framework
- State responsibility
- Identification of victims
- The principle of non-criminalization of victims

Module 8 provides an overview of a human rights-based approach to trafficking in persons. It first addresses the fact that trafficked persons are "victims" of crime under international law. Following this, it sets out protection and assistance provisions in the Protocol against Trafficking in Persons and highlights the obligations of States parties towards victims of trafficking under the Protocol. Next, the Module explains some of the key human rights that victims are entitled to, which derive from the broader international legal framework. Many of these rights attach to victims based on their humanity, as well as other discrete status, including where victims are children, persons with disabilities or refugees. The Module then discusses State responsibility for trafficking in persons and highlights the importance of identification of victims, before concluding with a brief explanation of the non-criminalization principle.

Module 9: Criminal Justice Responses to Trafficking in Persons

Module topics include:

- Criminal justice-related duties imposed on States by the Protocol against Trafficking in Persons
- Prosecution as a prevention strategy
- Factors behind the low levels of prosecutions and convictions in trafficking in persons cases
- Challenges to an effective criminal justice response
- Rights of victims to access justice and protection
- Roles of criminal justice actors (police, prosecutors, judges)

This Module examines the criminal justice response to trafficking in persons. It begins by setting out relevant duties imposed by the <u>Protocol to Prevent, Suppress and Punish Trafficking in Persons</u>, <u>especially Women and Children</u>. It then outlines the role of the criminal justice system, in particular its ability to prevent trafficking in persons from occurring. Key actors in the criminal justice process are then described, including police, prosecutors, defence lawyers

and judges, followed by a section examining sentencing of offenders. Next, the Module examines the current low levels of prosecutions and convictions of traffickers and sets out a number of challenges to an effective criminal justice response. The centrality of the rights of victims and witnesses is also emphasized, together with the necessary link between criminal justice and human rights approaches to combating trafficking in persons. The Module concludes by looking at some potential ways forward to improve the criminal justice response to trafficking in persons.

Module 10: The Role of Civil Society in Countering Trafficking in Persons

Module topics include:

- The duty of the State to cooperate with civil society
- Civil society actors
 - o Non-governmental organisationss
 - o The media
 - Academic and research institions
 - o Religious institutions
- The contribution to be made by business and corporate liability
- The contribution to be made by members of the public

Module 10 begins by setting out the duties imposed on States to cooperate with civil society. It follows with examples of counter-trafficking activities by non-governmental organisations, academia, religious institutions and the private sector. It also touches on the role to be played by the media. The Module underlines the importance of ensuring that civil society actors are well trained and equipped to make a competent contribution to suppressing trafficking in persons and providing support to victims. Importantly, it observes that the contributions of civil society do not diminish the primary responsibility of States. It concludes by advocating the contribution to be made by the public generally.

Module 11: Smuggling of Migrants and Trafficking in Persons: Differences and Commonalities

Module topics include:

- Comparing smuggling of migrants and trafficking in persons
- Differences and commonalities
- Vulnerability and the continuum between smuggling and trafficking
- When theory meets practice: smuggling of migrants or trafficking in persons?
 - Labour exploitation

- o Forced marriage
- o Others

This Module discusses the smuggling of migrants together with trafficking in persons, with the aim of highlighting the differences and commonalities between these two crime types. Module 11 is practice-oriented and emphasizes the fact that, in reality, cases of migrant smuggling and trafficking in persons often overlap. Smuggling and trafficking conduct commonly exists on a continuum; instances of smuggling may evolve into situations of trafficking, while victims of trafficking may also be smuggled. Attention is drawn to the difficulties in distinguishing between these crimes in practice, together with the important consequences that follow from correct, or incorrect, identification.

Module 12: Children as Smuggled Migrants and Victims of Trafficking

Module topics include:

- Levels and patterns of smuggling and trafficking of children
- Causes of smuggling and trafficking of children and their special vulnerabilities
- Protection of children under international law
- Elements of a best practice domestic response to protect smuggled and trafficked children
- Children accused of committing smuggling and trafficking offences

This Module focuses on children as a specific subset of smuggled migrants and victims of trafficking. Available information indicates that children account for a growing proportion of smuggled migrants and trafficked persons around the world. Children are especially vulnerable to the risks of trafficking, as well as the dangers and abuses migrants are often exposed to during the smuggling process.

The Module first examines levels and patterns of smuggling and trafficking of children. It does so in the context of child migration more generally; all smuggled children and a significant proportion of trafficked children fall within the broader issue of children on the move. The fact that children are also trafficked without crossing borders is also noted. The Module then explores the international legal framework relevant to the protection of smuggled and trafficked children, including the Protocols against Smuggling of Migrants and Trafficking in Persons, the Convention on the Rights of the Child and other international instruments.

Elements of a best practice approach to smuggled and trafficked children at the national level is then examined. Facets of such an approach are explored, including identification and age assessment; best interest assessments and determinations; guardianship; child protection

systems; children in criminal proceedings; and durable solutions. The Module concludes by briefly considering situations where children act as the perpetrators of smuggling and trafficking conduct and thus fall within the criminalization provisions of the Protocols.

Module 13: Gender Dimension in Smuggling of Migrants and Trafficking in Persons

Module topics include:

- The concept of gender in relation to trafficking in persons and smuggling of migrants;
- The concept of intersectionality in the context of trafficking in persons and smuggling of migrants;
- Gender aspects of trafficking in persons and smuggling of migrants, with regard to victims of trafficking, migrants using smugglers, and offenders;
- Gender dimensions of the criminal justice response to trafficking in persons and smuggling of migrants.

This Module will help lecturers to understand and critically engage with the concept of gender in relation to trafficking in persons and smuggling of migrants, gain knowledge on the gender dimensions of the criminal justice response to trafficking in persons and smuggling of migrants as well as understand and be able to integrate an intersectional gender approach to the study of trafficking in persons and smuggling of migrants. The crimes of trafficking in persons and smuggling of migrants are strongly connected with broader socio-economic and political issues that need to be considered (e.g. migration, global inequalities, unequal access to decent work opportunities, restrictive migration policies). Considering gender is crucial, not only to guarantee that women and girls' realities are accounted for and included but also for a better understanding of how gendered inequalities and discrimination are related to trafficking in persons and smuggling of migrants

Module 14: The Links Between Cybercrime, Trafficking in Persons and Smuggling of Migrants

Module topics include:

- Links between cybercrime, trafficking in persons and smuggling of migrants
- Technology facilitating trafficking in persons
- Technology facilitating smuggling of migrants
- Using technology to prevent and combat trafficking in persons and smuggling of migrants
- Privacy and data concerns
- Emerging trends

This Module addresses the use of increasingly sophisticated technologies by transnational organized criminal groups to evade detection, particularly through the darknet. This Module provides a general introduction to cybercrime and an appreciation of the links between technology and trafficking in persons and smuggling of migrants crimes within legal and human rights frameworks. It examines both the way technology can facilitate trafficking in persons and smuggling of migrants, and how it can also be used to prevent and combat these crimes. This Module does not require a detailed understanding of technology, but approaches the issues in the context of the prevention and prosecution of smuggling and trafficking, protecting the rights of migrants and victims and cooperating to this end.

Table of exercises

The E4J University Module Series on Smuggling of Migrants and Trafficking in Persons includes over 75 interactive exercises. The table below lists all these exercises and briefly describes each of them.

Module	Exercise title	Brief description
1.1	Case n. 7472/15 R.N. G.I.P. – Glauco II	The lecturer presents a case of migrant smuggling following the so-called Central Mediterranean route (from several African countries towards Libya and then Europe) which details the modus operandi of the smuggling networks. The lecturer then facilitates the discussion around the identification of the migrant smuggling offence and related offences, the organized crime element in the offence, and whether they can identify the chronology of the migrant smuggling process.
1.2	№ Parquet 16293000004	The lecturer presents a case of migrant smuggling where the defendant was accused of enabling the illegal transit and stay of three migrants for humanitarian reasons. The lecturer then facilitates the discussion around the humanitarian exemption and asks whether the presented case amounts to a migrant smuggling-

		related offence, if the migrants are criminally liable and if the same legal arguments made by the Court would apply in the students' country/ies.
2.1	What are the human rights of smuggled migrants?	The lecturer launches a discussion on the human rights of smuggled migrants asking the students the following question: 1) Do smuggled migrants deserve human rights in the country of transit or destination given they are undocumented/are in the State irregularly? 2) Are/should irregular migrants be entitled to economic, social and cultural rights (e.g. shelter, food, water, education, work and welfare)? 3) Are States obligated to ensure these rights or is it a matter of discretion?
2.2	What are States' obligations with regard to the human rights of smuggled migrants?	The lecturer plays two short videos on the living conditions in refugee camps in Greece. After the screening, the lecturer may ask the following question: 1) Do you consider the State to be in breach of positive and/or negative obligations? Please explain. 2) Do you think that human rights have been infringed upon? If so, how could such an infringement be avoided?
2.3	Assistance to and protection of migrants cooperating with justice	The lecturer should ask the students to read the following <i>The Intercept</i> article entitled <i>They Helped Prosecutors After Escaping Death in a Smuggler's Truck. Now They Are Being Deported</i> . Afterwards, the lecturer should lead a debate on whether smuggled migrants are entitled (legally and/or ethically) to protection and assistance when cooperating with the justice system.
2.4	Hirsi Jamaa and Others v. Italy [GC], Application No. 27765/09	The lecturer encourages students to analyse a judgment of the European Court of Human Rights entitled <i>Hirsi Jamaa and Others v Italy [GC], Application No. 27765/09,</i> which condemns Italy for non-compliance with international refugee law and the principle of non-refoulement. The lecturer may open

		the discussion with the following questions: 1) In your view, what obligations were binding upon Italy considering the facts of the case? Justify your answer based on international and national law. 2) What obligations, if any, were breached according to the Court? Explain your answer.
3.1	Judgement Or1770	The lecturer asks the students to analyse a case in which the defendants were prosecuted as members of an organized criminal group that facilitated the illegal entry of Tunisians by arranging fake marriages.
3.2	The role of non-governmental organisations	The lecturer should start a debate on the role of non-governmental organisations in assisting authorities in investigating and prosecuting smuggling of migrants.
4.1	Libya migrants – Emergency evacuation operation	The lecturer should ask the students to read three articles on the living conditions and treatment of migrants in Libya. The lecturer could then start the debate with the proposed questions in the Module.
4.2	Smugglers or heroes?	After the screening of a movie and the reading of an article on the work of a Mexican women's organization, Las Patronas, which supports Central American migrants stranded in Mexico, the lecturer should launch a debate on the State's obligations towards smuggled migrants.
4.3	Political initiatives	It is suggested that students be divided in small groups, with each critically analysing one of the political processes and initiatives mentioned in the section of Module 4 called Political Initiatives.
5.1	Irregular migration counter- measures and their impact on combating smuggling of migrants, while respecting the rights of migrants	Students should read the different materials of the Module. The purpose of the exercise is to facilitate, through real-life examples presenting, students' awareness and knowledge of the complex dynamics of migrant smuggling, as well as the different interests and priorities of intervening actors

		that converge into the counter-migrant smuggling discourse.
5.2	Charges brought against volunteers in Greece	Based on the excerpt extracted from the Module, students should debate the criminalization of humanitarian actors and ways to improve the cooperation and coordination between humanitarian actors and national authorities.
6.1	What is trafficking?	The lecturer should ask what students think is trafficking in persons. These questions are intended as an "ice-breaker" and "attention-catcher". Students will likely respond intuitively. Throughout this and subsequent Modules of the E4J University Module Series on Trafficking in Persons, students should have the opportunity to reassess their initial responses.
6.2	Profile of traffickers	The lecturer should ask what students think is the typical profile of a trafficker. These questions are intended as an "ice-breaker" and "attention-catcher". Students will likely respond intuitively. Throughout this and subsequent Modules of the E4J University Module Series on Trafficking in Persons, students should have the opportunity to reassess their initial responses.
6.3	Student country profile	In small groups or in the context of an open debate, students should discuss the trafficking profile of their country (or other countries of relevance, e.g. neighbouring States). The exercise should focus inter alia on (i) whether their country is one of origin, transit, and or destination; (ii) linkages between the identified countries of origin, transit and destination; (iii) specific root causes and indirect driving factors of trafficking in the country and or region; (iv) effects of trafficking in countries of origin and destination, focusing on the respective national realities; (v) whether their country

		is making reasonable attempts to comply with its obligations under the Protocol.
6.4	Link between corruption and trafficking in persons	The lecturer should ask what students think are the links between corruption and trafficking in persons. These questions are intended as an "ice-breaker" and "attention-catcher". Students will likely respond intuitively. Throughout this and subsequent Modules of the E4J University Module Series on Trafficking in Persons, students should have the opportunity to reassess their initial responses.
6.5	Organized crime	Students should review the case summary for Operation Gulf and debate the organized crime element.
6.6	Consent	Students, after reading the excerpt, should debate the concept of consent.
6.7	Trafficking in persons and terrorism	Students, after reading the excerpt, should debate whether incitement of youth to commit terrorist acts is a form of trafficking and whether trafficking laws should address this.
6.8	Exploitation	Students should be divided into small groups, with each one being given one of the Sections of UNODC's The Concept of 'Exploitation' in the Trafficking in Persons Protocol dedicated to the different forms of exploitation under the Protocol (pp. 27-38). The groups should be given 10-15 minutes to address the readings, following which they will present to the class a short analysis of the assigned form of exploitation. The lecturer should endeavour to address other possible forms of exploitation not enshrined in the Protocol (e.g. forced marriage, begging, use of victims in criminal activities, conscription into armed forces, mandatory labour for prison inmates).
6.9	Trafficking for labour exploitation	Students should review the summary of the Greece case study 2: The 'Manolada' case

		(EL-002) and search for more details on this and similar cases in their own country.
6.10	Trafficking and slavery	After reading the case law, students should consider whether trafficking in persons equates with modern slavery and if the court in question does consider trafficking as modern slavery.
7.1	Prevention	The lecturer should ask the students what they understand by 'prevention', States' obligations towards prevention of trafficking and their opinion on the film screened.
7.2	The link between globalization and trafficking	Students should read through the quotations from Devin Brewer in Box 2 of the Module and discuss how globalization might be contributing to trafficking in their country, or how their country's consumer buying habits might fuel trafficking in other parts of the world.
7.3	The Kafala system impact on trafficking	Students are to review the summary of the Kuwaiti Kafala system in Box 5 of the Module and discuss to what extent and manner the <i>Kafala</i> may be a driver of trafficking.
7.4	Political oppression and armed conflict fuels trafficking	Students should discuss how armed conflict and political oppression are fuelling trafficking in various parts of the world, for example, the trafficking of Rohingya in Myanmar and refugees from the Syrian conflict.
7.5	Marriage by Catalogue	After reading the excerpt, students should discuss whether the preventive measures detailed are adequate and effective in guarding against the risks of mail-order bride or marriage by catalogues.
7.6	Consumer demand fuels trafficking	Students are to identify the last consumer product they purchased for personal use, such as clothes or electronics, and where it was manufactured. Students should then research the trafficking profile of the country from which it was sourced and

		discuss in class the corresponding findings, endeavouring to assess the likelihood that such items were produced through exploitation of trafficking victims.
7.7	Protective labour practices	Students should research the labour protection or employment laws in their country to determine what laws exist to protect the rights of vulnerable worker groups such as refugees and migrant worker groups. Students should discuss whether these laws ensure adequate identification, protection and assistance to such group.
7.8	Cleaning up supply chains	Students should draft a code of conduct for the sporting goods industry that imposes an obligation on companies importing and selling sporting goods to observe internationally recognized labour rights in their supply chain, especially prohibiting and preventing child labour, forced labour and labour trafficking.
7.9	Preventive Measures in the United Nations Global Plan of Action to Combat Trafficking in Persons	Role play – Students should consider having been selected as a member of the national coordinating committee to combat human trafficking. Students should draft a list of their top ten priorities to include in a national plan to prevent trafficking based on the United Nations Global Plan of Action to Combat Trafficking in Persons presented in the Module.
7.10	Is the media assisting or frustrating anti-trafficking efforts?	Students should identify examples of media articles, advertisements and documentaries directed at raising awareness of human trafficking and encouraging more responsible buying decisions by consumers. Students should then debate whether they find these measures effective and how such materials could be improved.
7.11	Reporting on measures taken to prevent trafficking of women in accordance with the United Nations Committee on the	Role play – Students should simulate having been selected as a member of the reporting committee at the Ministry of Foreign Affairs of their country to prepare the progress

	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	report required by CEDAW according to article 18 thereof, which imposes the following obligations: "States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect: () (b) Thereafter at least every four years and further whenever the Committee so requests." Students should then prepare the preventive measures section of the progress report for their country in response to article 6 and based upon the above guidelines. List the measures as brief bullet points.
8.1	Introductory exercise	Students are required to debate a real-life situation on the care of victims by authorities. These questions are intended as an "ice-breaker" and "attention-catcher". Students will likely respond intuitively. Throughout this and subsequent Modules of the E4J University Module Series on Trafficking in Persons, students should have the opportunity to re-assess their initial responses.
8.2	Vulnerable victims	Students are to identify and discuss other examples of possible 'vulnerable' victims and their viewpoints of what should be included in a national legal framework to respond to their needs and protect their rights. Students should carry out research to determine whether any such international or domestic framework currently exists in their country. In order to carry out this exercise, lecturers might wish to consider bringing additional material to the class (for example, excerpts from relevant laws,

		media releases, institutional and or reports
		of non-governmental organisations).
8.3	Protection of victims	Students are to discuss the extent to which the rights enshrined in articles 6 to 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, are effectively implemented (rather than being merely 'law on paper') in
8.4	Return of victims	their respective countries. Students are to discuss treatment of victims during their return to their respective countries from the perspectives of both law and practice. Furthermore, students should consider the extent to which the principle of non-refoulment could be invoked in a case to allow victims to apply for refugee status.
8.5	Mandatory and Optional Provisions of the Protocol	Students debate the distinction between mandatory and optional provisions and how they affect the implementation of the Protocol.
8.6	A Trafficking Complain to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW)	Role play – Students should consider having been asked to represent the victim on her appeal to this international body and question the requirements for granting the status of a victim of trafficking as well as the challenges they may encounter.
8.7	What Constitutes Compensation?	Students should read the excerpt and debate compensation.
8.8	Punitive Damages	Students should read the excerpt and debate the recovery of punitive damages.
8.9	Rehabilitation and Reintegration	Students should read the story of a victim of trafficking as covered by CNN and presented in the Module, and then explain how the rehabilitation of a victim of human trafficking could be facilitated and promoted.
9.1	Shortcomings of the criminal justice response	After watching the short film <u>Human</u> <u>trafficking in Europe – domestic servitude</u> with the students, the lecturer should engage in a discussion on the criminal

		justice response to trafficking in persons and its gaps.
9.2	Jurisdiction and extraterritoriality	After reading the two excerpts from the US and Egyptian legislation, the lecturer should ask students to identify the strengths and weaknesses of each State's approaches to extraterritoriality and how to improve them.
9.3	Western responsibility for goods produced by forced labour	After reading the excerpt, the lecturer should initiate a debate on States' responsibilities with regard to the import of goods or services that are likely to have been produced by trafficked workers.
9.4	Difficulty in prosecuting cases of trafficking in persons	After reading the excerpt, the lecturer should ask students about the difficulty of prosecuting human trafficking cases.
9.5	The role of public authorities in investigating cases of trafficking in persons	After reading the excerpt, the lecturer should ask students how they would build a case of trafficking in persons and present it in court if they were prosecutors.
10.1	Introductory exercise	The lecturer should commence this Module with an open discussion on the role of civil society organizations (CSOs) in the fight against trafficking in persons.
10.2	Collaboration between the Government and nongovernmental organisations	Students should develop a hypothetical partnership between the Government and a non-governmental organisation to provide shelter to large groups of victims of trafficking. This solution would seek to address situations in which law enforcement carry out raids to locations where several trafficked persons are found. Students should be asked to prepare a list of subjects and questions that should be addressed in negotiating a partnership agreement between a Government agency and the non-governmental organisation. The outcome of the exercise should then be compared with Box 2 in the Module.
10.3	A code of conduct for non- governmental organizations	Based upon the principles presented in the excerpt, students should design a code of conduct for non-governmental

	working in the field of trafficking	organizations working in one sector
	in persons	(prevention, protection or prosecution) of the field of combating trafficking in persons.
10.4	The Media and trafficking in persons	Students should research media campaigns aimed at countering trafficking. In class, they should present those that they deemed more striking and those considered less effective, explaining their reasons.
10.5	Airlines engaged in combating trafficking in persons	Role play — Students have been chosen as advisors for the airlines industry on ways and means of engaging airlines in the fight against human trafficking. What recommendations would they make to engage the airline industry in the fight against human trafficking and what measures do they consider important in training airline staff to address trafficking in persons?
10.6	The role of corporations in combating child sexual exploitation in travel and tourism	After reading the news article presented in the Module, students should identify corporations in their country that are engaged in the fight against child sex trafficking and sex tourism. Students should discuss any good practices that they may share with the class.
10.7	The hotel industry	After reading the excerpt, students should design an action plan for the hotel industry detailing the measures they could adopt to combat human trafficking.
10.8	A survivor story	This exercise looks at the story of a survivor of trafficking, Nadia Murad, who won the Nobel Peace Prize in 2018. After reading the article, students should reflect on Nadia Murad's story and describe how survivors of trafficking, as members of civil society, can contribute to anti-trafficking efforts.
11.1	Nigerian network in Brussels	The lecturer should ask the students to analyse a case that was deemed both a smuggling of migrants and trafficking in persons case. It is suggested that the class be divided into small groups, with each

		being given 5-10 minutes to analyse the case and identify potential issues and challenges that make distinguishing between smuggling and trafficking difficult. Students should also consider whether, in their country, this case would amount to trafficking or smuggling.
11.2	Smuggling or trafficking? Politicians don't seem to know	Based on the article from the Guardian presented in the Module, students should discuss whether the situation reported is better classified as smuggling of migrants, trafficking in persons, or both.
12.1	Role play	Lecturer should ask their students to consider the following situation: a child is apprehended at a State's border after arriving by sea on a smuggling vessel. As a trained child specialist, you are tasked with identifying the vulnerabilities and needs of the child. Which characteristics and status would you be mindful of? How would these affect the child's protection needs? Where possible, link these protection needs to rights-based actions in accordance with international law.
12.2	Discussion	Students should consider the issues detailed in the Module of the best interests of the child principle and how they should be dealt with in light of this principle.
13.1	Gender Stereotypes in the Media	Based on a quick Internet search, students should select a media article that addresses a case of trafficking in persons and one case of smuggling of migrants in their country or in a country of their choice. Examples might include trafficking in persons for different forms of trafficking (e.g. forced labour, sexual exploitation) and/or diverse types of smuggling of migrants. Students should then discuss the questions detailed in the Module.
13.2	Awareness-Raising Campaigns	Students should find an anti-trafficking campaign or awareness-raising activity (a

		talk, conference, poster, prevention activity in schools or among migrants, etc.) that is being carried out in their country or region and discuss it based on the questions detailed in the Module.
13.3	Root causes of trafficking in persons and gender inequality	Based on the reading of the factors that increase the risk of trafficking for women, as presented in Box 11 of the Module, students should complement the list by including a gender approach, i.e. by including men, agesensitive approaches and persons who identify as lesbian, gay, bisexual, transgender. To do so, students should choose a specific region (it can be their own country) and discuss what are the key gender aspects to be considered when trying to understand the root causes of trafficking.
13.4	Gender-sensitive approach to trafficking in persons	Students should read the two excerpts in the Module that both raise issues regarding what is or what should be a gender-sensitive approach to trafficking. Students should discuss these issues based on the questions raised in the Module.
13.5	Sham marriage and smuggling of migrants	Students should read and discuss Case GBRx015 on the SHERLOC Smuggling of Migrants Case Law Database on sham marriage and smuggling of migrants, based on the questions detailed in the Module.
13.6	Indigenous people and smuggling of migrants	Students should read and discuss Case USAx039 (United States v Ortega) in the SHERLOC Smuggling of Migrants Case Law Database on indigenous people and smuggling of migrants, based on the questions detailed in the Module.
13.7	Women and smuggling of migrants	After watching the film that tells a fictional story about two women who become involved in migrant smuggling at the United States-Canada border, students should discuss it based on the questions detailed in the Module.

13.8	Smuggling of migrants and organized crime, the role of women	Students should read and discuss Case DOM008 (Resolición n. 4445 of Corte de Apelaciones de Iquique) in the SHERLOC Smuggling of Migrants Case Law Database on the role of women in smuggling of migrants and organized crime, based on the questions detailed in the Module.
13.9	A woman's leading role in smuggling of migrants	Sister Ping was perhaps the most notorious smuggling operator in United States contemporary history, allegedly smuggling thousands of Chinese migrants during the years she was active. Read here the press release concerning her sentencing and answer the questions raised in the Module.
13.10	Role play: the power walk	To further help students understand the idea of privilege, and make them aware of their own privilege, while understanding some of the conditions that make people vulnerable trafficking in persons and smuggling of migrants, lecturers can ask the students to do the "privilege walk" shown in this short four-minute video clip. To avoid causing discomfort and embarrassment to the students, it is recommended to use the role-play method and assign fake identities to the students (e.g. male lawyer, woman police officer).
14.1	Module participation through discussion	Students are encouraged to browse through the <u>UNODC SHERLOC Case Law Database</u> and find cases that document linkages with cybercrime or the use of technology with trafficking in persons and smuggling of migrants. Students should discuss those cases based on the questions raised in the Module.
14.2	Debates	Debate 1 Students should debate whether cybercrime law should be a decision for individual jurisdictions against the background of existing human rights

		instruments or a topic for a new global		
		convention.		
		Debate 2		
		Students should debate whether data and		
		privacy issues should be ignored to enable		
		the collection of biometric data from victims		
		of trafficking or smuggled migrants who		
		cross borders.		
14.3	Problem solving questions	Students are asked to work on three case		
		studies.		

Annex 1: Films, documentaries and short clips repository for the E4J Modules on Smuggling of Migrants

Film Title	Short Description	Author	Duration	Link
It's a Crime: Migrant Smuggling (Module 1)	The video presents in brief the crime of smuggling of migrants, including trends and main routes. Moreover, it provides real-life testimonies of smuggled migrants who describe the dangers of undertaking such journeys.	United Nations	5:22 min	https://www.y outube.com/w atch?v=zEMLT 9PaRS0
Profiting from misery – how smugglers bring people to Europe (Module 1)	The video provides an insight into the modus operandi of smugglers as well as the main smuggling routes they operate on.	European Border and Coast Guard Agency (Frontex)	app. 3 minutes	https://www.y outube.com/w atch?v=W7OsR z4Ubeg
Chaos on Chios as refugee camp unable to shelter everyone (module 2)	The short video presents the dire living conditions in the perimeter of an overcrowded refugee camp in Greece.	Euronews	1:35 min	https://www.y outube.com/w atch?v=LPJs- wPCne4
TENSIONS HIGH AS MIGRANT CAMP	The footage reports on violent incidents occurring in a refugee camp in Greece.	Euronews	App. 1 minute	https://www.y outube.com/w atch?v=kRWM YPaDMno

ATTACKED (module 2)				
Migrant Smugglers: Italy Launches Investigation into Criminal Gangs (module 3)	The short video provides an insight into Italy's investigation into criminal groups and networks involved in smuggling migrants from North Africa to Europe.	CGTN Africa	2:35 min	https://www.y outube.com/w atch?v=A79jKh P6wek
Prosecutor Salvatore Vella, on migrant smugglers by Investigate- Europe (module 3)	Salvatore Vella, the Agrigento anti-mafia prosecutor, talks in this video about the profiles and modus operandi of smugglers as well as the small impact of maritime military operations in the Mediterranean in the fight against organized groups involved in this crime.	Investigate Europe	6:00 min	https://www.youtube.com/watch?v=CDwC5 yVEHAY&feature=youtu.behttps%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DCDwC5yVEHAY&feature=youtu.be
Surprising Europe — Taking the Leap (module 3)	This episode, part of a documentary series, presents an account on the life of African migrants in Europe.	Al Jazeera	24:49 min	https://www.y outube.com/w atch?v=QvSOR
Women Work to Feed Central American Migrants (module 4)	The video documents the work of a group of women, Las Patronas, who help feed migrants travelling on freight trains across Mexico toward the US border.	MSNBC	4:36 min	https://www.y outube.com/w atch?v=YgTzja AGDG0

Cruzar o Morir, el drama humano de los inmigrantes (module 4)	The video presents the dramatic reality of undocumented migrants travelling from Central and South America to the US border to escape from poverty, lack of opportunities and violence.	Especial NTN24	41:11 min	https://www.y outube.com/w atch?v=mDadK VyT3Uo
I Am Not Here (module 5)	Through the true story of three women, this film documents the challenges of living as an undocumented migrant, domestic worker.	OHCHR	32:11 min	https://www.y outube.com/w atch?v=v1GY6I tQVaM
My desperate journey with a human smuggler (module 5)	The video elaborates on the economic motivations of those involved in migrant smuggling, and the related massive and complex underpinning industry that has developed.	TEDx Talks	10:40 min	https://www.y outube.com/w atch?v=Cr1usG USuL4
Mixed Migration: Policy Challenges (module 5)	The video provides an overview on the variety of forms and types of movement that characterise the phenomenon of mixed migration as well as the related policy challenges in this regard.	Mixed Migration Observatory	9:38 min	http://www.mi xedmigrationh ub.org/membe r- agencies/what- mixed- migration-is/
On board AN ARMED SMUGGLERs' boat with Iraqi	The video provides a short account of the trip of smuggled migrants from Turkey to Greece.	France 24	7:04 min	https://www.y outube.com/w atch?v=xuXBx6

and Syrian refugees (module 5)				NXr5s&feature =youtu.be
Why Migrant Smuggling Pays (module 5)	The talk elaborates on the economic motivations of those involved in migrant smuggling, and the related massive and complex underpinning industry that has developed.	TEDx Talks	14:49 min	https://www.y outube.com/w atch?v=F5maJg YcSIO
Zimbabwean Women Smuggled And Sold As Wives In South Africa (module 11)	The video reports on the smuggling of migrants across the border from Zimbabwe to South Africa. In particular, it shows how the migrants, who are crossing in search for better job opportunities, are often kept as hostages by the smugglers until they pay for their service. Women migrants are sold as wife or forced into prostitution.	Sky News	4:38 min	https://www.y outube.com/w atch?v=HVLo1I g-7YE
Other videos Borderless: Undercover with the People Smugglers - People & Power	(NOT FEATURED IN THE The documentary explores how migrants smuggling networks operate, with particular focus on migrants smuggled from Turkey to Europe.	E E4J MODULE Al Jazeera	25:00 min	https://www.y outube.com/w atch?v=p1MC OZEYp0Q

People Smuggling in Sicily: Europeor Die	The video follows a police operation in Sicily to arrest suspected smugglers at a boat landing. The reporter meets a former member of a people trafficking network operating between Libya, Egypt, and Italy. The video further explores the land smuggling business of taking people from Sicily to Northern Europe, as well as the work of small group of activists helping newly-arrived migrants and refugees avoid being exploited.	VICE News	15:30	https://www.y outube.com/w atch?v=Jd4fgjv aUhY
Frozen River	This movie talks about the involvement of two women in the irregular crossings between Canada and the US, one of which is Mohawk. The movie reflects the women's experiences in smuggling and their criminalization.	Courtney Hunt	1h 30 min	Not available
Human Trafficking and migrant smuggling are multi-million dollar criminal enterprises	The short video provides an insight into joint strategies to fight human trafficking and smuggling of migrants in different countries.	Capitol News	3:20 min	https://www.y outube.com/w atch?v=rNFfsQ m2npw

Argentina: Cross-Border Trafficking - Latin America Investigates	Argentinian journalist Diego Granda, along with filmmaker Alejandro Bernal, investigate cross- border trafficking between Bolivia and Argentina, a common smuggling route.	Al Jazeera	25:00 min	https://www.y outube.com/w atch?v=Lshc1t g1P-8
Europe's Migration Tragedy: Life and death in the Mediterranean	In this film, journalist Mark Stone presents the tragedy of migrants dying in the Mediterranean Sea in an attempt to reach Europe, as well as the extraordinary rescue of hundreds of migrants off Libya's coast.	Sky News	22:48 min	https://www.y outube.com/w atch?v=u8cg5h hHJIA
UNODC: 2.5 million migrants smuggled globally in 2016	The video presents the findings of the UNODC 2018 Global Study on Smuggling of Migrants, including the estimates on the number of smuggled migrants, including unaccompanied minors.	Press TV	2:11 min	https://www.y outube.com/w atch?v=IMSRVI EbWZY
El Coyote	In this documentary, Maco, a migrant smuggler who smuggles migrants from Mexico to the US, accompanies three Guatemalan migrants in a dangerous journey to reach the US.	Mauricio Mendoza	1h 19:32 min	https://www.y outube.com/w atch?v=hTy8H puJOhM
One day crossing	The video portrays the dangers faced by Mexican migrants travelling on "The Death	Mounir Katchera	46:15 min	https://www.y outube.com/w atch?v=J96Ns2 Xi770

	Train" to the US, through real-life stories.			
How this man smuggles migrants into Europe	This investigation was filmed by an undercover reporter making a deal with a smuggling middleman in Turkey. A key component in these journeys are the people smugglers who promise safe passage and a new life in Europe.	BBC News	2:05 min	https://www.y outube.com/w atch?v=kWFk9 wzmPcQ
Human Smuggling, a lucrative trade	Through the words of a smuggler and two migrants, this documentary illustrates the lucrative business of smuggling migrants across the United States border.	USA Today	app. 4 minutes	https://www.y outube.com/w atch?v=tlFSVNi HSXg

Annex 2: Films, documentaries and short clips repository for the E4J Modules on Trafficking in Persons

This Annex offers a non-exhaustive selection of video material to use in connection with the E4J Modules.

Film Title	Short Description	Author	Duration	Link
Fill Title	Short Description	Author	Duration	LITIK
Survivors of Human Trafficking (MODULE 6)	Through the dramatic stories of survivors of human trafficking, this short video emphasizes the need for a victimcentred approach to prevent and combat this crime.	UN Human Rights	5:33 min	https://www.yout ube.com/watch?v =W5u2IUF8JUw
Inside Story – What is Behind the Rising Numbers of Child Soldiers? (module 6)	The video provides an overview of the persisting issue of child soldiers, including what should be done to stop this practice.	Al Jazeera	25:00 min	https://www.yout ube.com/watch?v =7Kse8JBvbRQ
Human Trafficking Awareness and Prevention Curriculum (module 7)	In the short video, the kNOw MORE prevention and awareness curriculum for middle school and high school students in San Diego is presented by experts of the Center for Justice & Reconciliation as a tool	know More	3:53 min	https://www.yout ube.com/watch?v =7j5DGSHVYdc

	to fight human trafficking.			
human trafficking survivor: i was raped 43,200 times (module 8)	The video features the testimony of a Mexican human trafficking survivor who was sexually exploited at the age of twelve and who became, after her rescue four years later, a strong anti-human trafficking activist.	CNN Freedom Project	4:09 minutes	https://edition.cn n.com/2015/11/1 O/americas/freed om-project- mexico- trafficking- survivor/index.ht ml
Human trafficking in europe – domestic servitude (MOdule 9)	In this short video, Agnes, a young woman from the Ivory Coast trafficked to work in a household in France, shares her testimony.	European Commission	3:41 minutes	https://www.yout ube.com/watch?v =ZVJx-fy74v4
Not My Life (module 14)	In an attempt to educate viewers, this film depicts the appalling practices of human trafficking across the globe, including the exploitation of children for forced labour, sex tourism, sexual exploitation and child soldiering.	Robert Bilheimer	1h 24 min	https://www.not mylife.org/
How can banks be used to stop human trafficking? (module 14)	The video illustrates how law enforcement agencies in Germany have partnered with banks to identify the financial flows deriving from human trafficking	The Economist	29:20 min	https://www.yout ube.com/watch?v =r9PaRFtlLmc

	in order to disrupt this criminal activity.			
The Role of Technology in Human Trafficking (module 14)	The video introduces several Microsoft research projects shedding light on the increasingly prominent role of technology in human trafficking. The different speakers in the video address different issues in this sense, including using data traces to help tackle human trafficking by identifying perpetrators or victims, empowering law enforcement, and disrupting organized crime.	Microsoft Research	1h 29 min	https://www.yout ube.com/watch?v =6rOquv9qj0U
Technology and Labor Trafficking in a Network Society (module 14)	The short video presents a research project by the USC Annenberg Center on Communication Leadership & Policy to investigate the role of technology in human trafficking for forced labour, with a case study on the Philippines.	USC Annenberg	3:40 min	https://www.yout ube.com/watch?v =cLvLuASOtR4

Other videos	(NOT FEATURED IN TH	HE E4J MODULES	·)	
The wHistleblower	A drama based on the experiences of Kathryn Bolkovac, a Nebraska cop who served as a peacekeeper in postwar Bosnia and outed the United Nations for covering up a sex trafficking scandal.	Larysa Kondracki	1h 52 min	https://www.imd b.com/title/tt089 6872/
Forced Labour - Awareness Raising Video (Trafficking in Persons)	The short clip raises awareness on the dangers of forced labour recruitment through the Internet.	IOM Egypt	1:50 min	https://www.yout ube.com/watch?v =1TF ZgHX8gw
"Trafficking in Persons and Forced Labor" Documentary	The documentary reports several testimonies of Kosovar and Albanian victims of human trafficking in the United States and explains the work of the American Cross-Institutional Task Force against Trafficking in Persons in the fight against this crime.	US Embassy Pristina	41:12 min	https://www.yout ube.com/watch?v =65TajAm4AYM
Can you spot the signs of a modern slave? Human Trafficking	The short video briefly outlines how to identify victims of human trafficking and what are the helpline numbers to refer to.	The Salvation Army	1:20 min	https://www.yout ube.com/watch?v =IS6nn88b4mo
Number of Nigerian women	The short video presents the testimonies of Nigerian	The Guardian	9:22 min	https://www.theg uardian.com/glob al-

trafficked to Italy for sex almost doubled in 2016	victims of human trafficking in Italy and the work of a Nigerian woman, Princess, in identifying them as they arrive in Italy and trying to free them from slavery.			development/201 7/jan/12/nigerian -women- trafficked-to-italy- for-sex-doubled- 2016
Human trafficking in Europe - forced labour	The video shows the testimony of Marc, a young man from the United Kingdom who falls victim of human trafficking for forced labour in the construction sector.	European Commission	6:27 min	https://www.yout ube.com/watch?v =JmB8wbpTel8
Thailand: Forced Labor, Trafficking Persist in Fishing Fleets	The documentary describes the persistency of the crime of human trafficking for forced labour in the fishing industry in Thailand through the testimonies of victims as well as the analysis of patterns by experts.	Human Rights Watch	15:02 min	https://www.hrw. org/report/2018/ 01/23/hidden- chains/rights- abuses-and- forced-labor- thailands-fishing- industry
Zimbabwean Women Smuggled And Sold As Wives In South Africa	The documentary video provides an account on Zimbabwean women forced into prostitution or sold off into forced marriages by smugglers to pay for their crossing out of the country.	Sky News	4:38 min	https://www.yout ube.com/watch?v =HVLo1Ig-7YE
Hero Flight Attendant Saves Girl From	The video describes the story of a flight attendant detecting	Good Morning Britain	5:58 min	https://www.yout ube.com/watch?v =wFcK3cn4lpQ

Human Trafficking I Am Jane Doe	and rescuing a victim of human trafficking. This 2017 documentary presents real cases of American girls involved in child sex trade through ads in a newspaper's online classified section.	Mary Mazzio	1h 38 min	Trailer: https://www.yout ube.com/watch?v =Bq-PdMr7pTY (Available on Netflix)
A Handful of dreams	Through the stories of two children rescued in a police operation, the documentary sheds light on human trafficking for forced begging in Bangalore, India.	Uanditv	22:18 min	https://www.yout ube.com/watch?v =oG0oBy gp-I
How to spot human trafficking	In this talk, Ms. Kanani Titchen M.D. reveals her experiences as a physician whose interactions with trafficked patients opened her eyes to a parallel world previously unseen.	TEDx Talks	12:10 min	https://www.yout ube.com/watch?v =hrxhptvEOTs
Lured by a job, trapped in forced labour	This short animated film presents the story of a man, who, in search of a job to support his family, accepts an offer from a recruiter and signs a contract for what looks like a good job with decent wages. Once at the destination, the	International Labour Organization	1:17 min	https://www.yout ube.com/watch?v =sOHq0MIN3PY

Faces of	reality is very different: the video suggests that the man is forced to perform hard labour in bad working conditions. This video provides an	Office for	7:10 min	https://www.yout
Human Trafficking: An Introduction to Labor Trafficking	overview of labour trafficking. It features survivors and professionals - including law enforcement, judges, social service, legal and health care providers - who share information on victim indicators, ways victims are often identified, how professionals may come into contact with victims of labour trafficking, and industries where labour trafficking is more common.	Victims of Crime		ube.com/watch?v =7isrcnDRc5Q
Modern day slavery - Supply Chains	This video presents in brief the phenomenon of human trafficking for forced labour in the supply chains, indicating what are the most common indicators as well as which are the most affected sectors.	Thomson Reuters Foundation	2:33 min	https://www.yout ube.com/watch?v =YRu6CaXTAxA
Human Trafficking: Lives bought & sold	This documentary introduces the issue of trafficking in persons, focusing on three	BBC News	18:39 min	https://www.yout ube.com/watch?v =JpsxAjuye7I

	countries (Nigeria, United Kingdom and United States), talking to people who have been trafficked and also to the traffickers themselves.			
40 Vietnamese women trafficked to China return home	The short video clip reports the rescue of 40 Vietnamese women trafficked to China by way of a joint police investigation initiated by the Chinese authorities, which resulted in the arrest of 30 suspects.	CGTN	2:16 min	https://www.yout ube.com/watch?v =yB5Kw-SZV50
Human Trafficking: It Happens Here	The short animated video is an awareness-raising tool to provide information on human trafficking in the United States as well as on the National Human Trafficking Resource Centre hotline.	Polaris	2:27 min	https://www.yout ube.com/watch?v =iqJ-zuVay08
I Survived Sex Trafficking	Trafficking survivor Tika tells her story of being forced into trafficking at the age of twelve and becoming a "warrior" to help other women after she escaped at 18.	BuzzFeed	3:39 min	https://www.yout ube.com/watch?v =017w QU9DY4
Invisible slaves: An MTV EXIT Special hosted by Calle 13	This documentary follows four young victims of modern day slavery who are sharing	MTV Exit	23:12	https://www.yout ube.com/watch?v =fccUP6ew4BE

	their stories so others can escape and recover from the suffering that was inflicted upon them: Marcela and Laura, exploited as sexual workers; Maria, who at only five years old was coerced into domestic servitude; and José who was pushed into a life of drug trafficking.			
About 350 Victims of Human Trafficking Rescued in Caribbean, Latin America	The short video provides details of a major INTERPOL-coordinated operation, during which about 350 victims of human trafficking were rescued in 13 countries in the Caribbean and Latin America.	TeleSUR	1:20 min	https://www.yout ube.com/watch?v =rSsOMw8OakM
The children trapped in Bangladesh's brothel village	The video shows the reality of Daulatdia, a village in Bangladesh, where over 1,600 women and girls have been forced into sexual exploitation.	The Guardian	11:52 min	https://www.yout ube.com/watch?v =JYPyl1agpiw
The Trap: the deadly sex-trafficking cycle in American prisons	The Trap investigates how prisons and jails across the United States have become recruiting grounds for human traffickers, who are targeting incarcerated women	The Guardian	32:03 min	https://www.yout ube.com/watch?v =mnGjQKdJrPU

	and trafficking them out of correctional facilities and into pimp-controlled prostitution.			
How human traffickers trap women into domestic servitude	The video sheds light on the trafficking of women into domestic servitude in the Persian Gulf and the Middle East under false pretences. Special correspondent Fred de Sam Lazaro reports on ways some advocates are working to protect workers, as well as women in low-income countries who may be vulnerable to human traffickers.	PBS NewsHour	8:25 min	https://www.yout ube.com/watch?v =pOLtyg-UyqE
Domestic Servitude - Awareness Raising Video (Trafficking in Persons)	This short awareness-raising video shows the fictional story of Akela, a migrant from an African country, who falls victim of trafficking for domestic servitude in Egypt.	IOM Egypt	2:08 min	https://www.yout ube.com/watch?v =1 LlwuYevVE
"I wanted to die": The 'hell' of kafala jobs in the Middle East	This short documentary presents the issue of Kenyan women who are recruited in the Middle East through the "kafala" system. It further shows the efforts of Kenyan Senator Emma Mbura	BBC News Africa	5:20 min	https://www.yout ube.com/watch?v =6CPCZAU47YQ

	in campaigning for their rights.			
The victims of trafficking and 'debt bondage'	Emma Vardy gains rare access to meet Vietnamese victims of trafficking at a safe house in the South of England. The young men are victims of 'debt bondage', forced to work as slaves in cannabis factories to pay off family loans to gangs back home.	Emma Vardy	8:34 min	https://www.yout ube.com/watch?v =gg1gjEiaNbA
New York Times, Trafficking of Rohingya Women & Girls into Forced Marriages	This short documentary sheds light on the phenomenon of trafficking of Rohingya women and girls asylum seekers into forced marriage.	New York Times	6:21 min	https://www.yout ube.com/watch?v =InCTDjmFt2c
Brides for sale: Vietnamese women trafficked to China	The video tells the stories of Vietnamese women and young girls trafficked to China for forced marriage.	AFP News Agency	2:19 min	https://www.yout ube.com/watch?v =z-os1em48BQ



Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-3389, www.unodc.org

