

International Legal Framework and Human Trafficking

Trafficking is a crime that transcends both borders and jurisdictions. International legal frameworks on human trafficking require harmonization with regional and national legislation, followed by rigorous enforcement at the local level, in order to be effective.

Legal instruments

The Palermo Protocol

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol is the primary international legal framework guiding global anti-trafficking laws and responses. It was adopted in 2000 as a supplement to the UN Convention against Transnational Organized Crime (UNTOC) and entered into force in 2003.

It is the first legally binding international instrument with an internationally agreed definition of human trafficking. *Signatories = 117, - Parties 180*

Additional Key International Legal Instruments

Beyond the Palermo Protocol, several other international human rights instruments reinforce the fight against human trafficking:

Universal Declaration of Human Rights (UDHR)

While the UDHR does not explicitly mention human trafficking, several of its provisions—most notably Article 4 on the prohibition of slavery and servitude—form the human rights foundation for modern anti-trafficking law. Articles 3, 5, 9, 13, 23, and 25 also protect rights that are commonly violated in trafficking situations.

International Labour Organization (ILO) Conventions:

- No. 29 (Forced Labour),
- No. 105 (Abolition of Forced Labour),
- No. 182 (Worst Forms of Child Labour). Conventions provide legal frameworks against forced labor and child labor, which are key forms of human trafficking.

Convention on the Rights of the Child (CRC) and its Optional Protocols

Provides enhanced protections for children, specifically addressing the sale of children, child prostitution, and child pornography, emphasizing the "best interest of the child."

Convention on the Elimination of All Forms of Discrimination against Women

Article 6 mandates states to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women.

International Covenant on Civil and Political Rights

Does not explicitly mention human trafficking, but Article 8's prohibitions on slavery, the slave trade, and forced labour address core elements of trafficking.

Regional and Local Legislation

- The **Council of Europe Convention on Action against Trafficking in Human Beings (2005)** - it goes further than the Palermo protocol. It requires protection whether or not victims cooperate with law enforcement, longer-term support, a 30-day reflection period, strong monitoring through the GRETA mechanism. Many experts see it as the strongest anti-trafficking treaty in the world.
- The **Directive 2011/36/EU** on Preventing and Combating Trafficking in Human Beings and Protecting its Victims and amendments. It defines trafficking and sets standards for prevention, protection, and prosecution.
- The **United States Victims of Trafficking and Violence Protection Act (TVPA, 2000)** amended by subsequent reauthorizations.
- The **"African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa"**, known as the **Kampala Convention (2009)**.
- The **Inter-American Convention on International Traffic in Minors (1994)**, focused specifically on preventing and addressing child trafficking in the Americas.

"Soft Laws"

Not all international instruments on human trafficking are legally binding. Non-binding sources such as declarations, guidelines, codes of conduct, and human rights treaty-body resolutions also help guide the understanding of trafficking. Key examples include:

- The Recommended Principles and Guidelines on Human Rights and Human Trafficking,
- The OSCE Action Plan to Combat Trafficking in Human Beings,
- The EU Plan on Best Practices, Standards and Procedures for Combatting and Preventing Trafficking in Human Beings.

Challenges in International Law

- Uneven implementation of the Palermo Protocol across countries.
- Complexity of trafficking cases, which involve multiple overlapping crimes and ongoing exploitation.
- Difficult and costly cross-border enforcement due to differing legal systems.
- Limited training of local authorities in international standards and victim-centred approaches.
- Focus on prosecution over victim protection, leading to gaps in support.
- Outdated aspects of the Palermo Protocol in addressing technology-facilitated trafficking.
- Additional issues such as corruption, weak data collection, and challenges in identifying victims.

Broader International Human Rights Instruments

- The Protocol against the Smuggling of Migrants by Land, Sea and Air
- International Covenant on Economic, Social and Cultural Rights (ICESCR) – labour rights
- Convention on the Rights of Persons with Disabilities (CRPD) – protection of vulnerable persons
- Refugee Convention (1951) – on refoulement and protection from exploitation



Even states that are not a party to the United Nations Convention against Transnational Organized Crime and its two related protocols are obligated to protect the rights of trafficked people under provisions in the Universal Declaration of Human Rights, which comprises customary international law.

