

What is 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 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, and Parties 180).

Key provisions

The Trafficking Protocol requires states to criminalize trafficking, protect victims, and prevent the crime of trafficking. States that ratify it should reflect these obligations in their national laws.

Preamble

The UN Protocol defines human trafficking and obliges States to act by preventing trafficking, prosecuting traffickers, and protecting victims.

Art. 3.a - Definition

"Trafficking in persons" shall mean the **recruitment, transportation, transfer, harbouring or receipt of persons**, by means of the **threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits** to achieve the consent of a person having control over another person, **for the purpose of exploitation**.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

Art. 3.b - Irrelevance of Victim Consent

A trafficking victim's consent to exploitation does not matter if any of the methods listed in paragraph (a) were used.

In other words, a victim's consent doesn't matter if they were tricked, forced, or pressured into the situation.

Art. 3.c - Definition change for children trafficked

The recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation shall be trafficking in person.

The Palermo Protocol - Key Parameters

The International Definition of Human Trafficking

The Protocol defines trafficking through three elements:

1. **Act** - Recruitment, transportation, transfer, harboring, or receipt of persons,
2. **Means** - Threat, force, coercion, abduction, fraud, deception, abuse of power or vulnerability,
3. **Purpose - Exploitation** (including sexual exploitation, forced labor, slavery, servitude, organ removal).

The 3Ps Framework

The Palermo Protocol established the globally recognized 3Ps approach:

- ◆ **Prevention** - Address root causes, raise awareness, reduce vulnerability.
- ◆ **Protection** - Identify victims, provide assistance, avoid criminalization.
- ◆ **Prosecution** - Criminalize trafficking and hold perpetrators accountable.

(Many countries later added a 4th "P" – **Partnerships**, and a 5th - **Policy**)

Implications for Anti-Trafficking Initiatives

The Protocol directly shapes how anti-trafficking work is designed and evaluated:

- Aligns national laws with international standards.
- Guides victim-centered and rights-based approaches.
- Requires cross-border cooperation.
- Influences donor funding, programming, and monitoring.
- Serves as the foundation for national action plans.

Why it matters

Before the Protocol:

- There was no internationally agreed definition of human trafficking and no universal instrument addressed the entirety of human trafficking issues
- National laws were fragmented and inconsistent
- Victims were often criminalized instead of protected

After the Protocol:

- Governments are required to criminalize trafficking
- Victims' rights and protection became central to anti-trafficking efforts

Key Obligations for States

Countries that ratify the Protocol commit to:

- Criminalizing all forms of trafficking.
- Protecting victims regardless of immigration status.
- Training law enforcement and judicial actors
- Cooperating internationally on investigations.
- Addressing demand linked to exploitation.

Even where states have not ratified the UNTOC or the Palermo Protocol, they are still bound by international human rights obligations—including customary international law norms reflected in the Universal Declaration of Human Rights—such as the prohibition of slavery, forced labour, and inhuman treatment.

Criticism

The Palermo Protocol, while being very influential, has attracted several key criticisms from scholars, NGOs, and practitioners:

- **Over-criminalization focus** - prioritizes law enforcement and prosecution over prevention and meaningful support for trafficked persons.
- **Weak victim protection obligations:** - Victim assistance measures are framed as optional.
- **Ambiguity around "exploitation"** - The lack of a clear definition of exploitation results in inconsistent interpretation and application across states.
- **Limited accountability for states** - The Protocol lacks strong monitoring and enforcement mechanisms to hold states accountable for non-compliance.
- **Neglect of root causes** - structural drivers of trafficking such as poverty, inequality, and labor demand are insufficiently addressed.



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